

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: DANA A. REECE
ARKANSAS BAR No. 87142
CPC DOCKET No. 2018-010

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information filed by the Honorable Mackie M. Pierce, Circuit Court Judge for the Sixth Judicial District of Arkansas, involving the conduct of Dana A. Reece in the matter of *Brandon Kittler v. Jordan Kittler*, Pulaski County Circuit Court Case No. 60DR-16-2927.

Dana A. Reece is an attorney licensed to practice law in the State of Arkansas in 1987 and assigned Arkansas Bar Number 87142. Ms. Reece represented Jordan Kittler. Deborah Pipkins represented Brandon Kittler. Judge Pierce was the presiding judge.

On May 15, 2017, Ms. Reece sent an email to Ms. Pipkins informing her that a hearing needed to be set in the divorce case. Ms. Pipkins emailed Ms. Reece on May 16 and requested a telephone conference with the trial court assistant, Rose Sykes. On May 31, 2017, a telephone conference was held with Ms. Reece, Ms. Pipkins, and Ms. Sykes. Ms. Reece and Ms. Pipkins agreed to a hearing in the matter for July 10, 2017.

On July 10, 2017, Judge Pierce called the *Kittler* case for hearing. Brandon Kittler and his attorney, Ms. Pipkins, were present. Jordan Kittler was present. Ms. Reece was not present. Judge Pierce inquired of Ms. Kittler whether she had spoken to Ms. Reece. Ms. Kittler stated that she last spoke to Ms. Reece when she was informed of the court date. Ms. Kittler stated that she had called and texted Ms. Reece since but had not spoken to her since. Judge Pierce explained to Ms. Kittler that she was at a disadvantage in the proceedings and gave her the option of continuing the

matter or proceeding with the hearing. Ms. Kittler chose to go forward with the hearing. The hearing was held and the issue of marital debt was addressed.

The following day, July 11, 2017, Ms. Reece entered the offices of Judge Pierce. She spoke to Kristina Morgan, Judge Pierce's law clerk, and Ms. Sykes. Ms. Reece wished to apologize to Judge Pierce for her mistake in calendaring the hearing. Judge Pierce was in court at the time of Ms. Reece's visit. Ms. Reece jokingly stated that her client did better without her and told Ms. Morgan to tell Judge Pierce that she was good with her client. Ms. Morgan stated that she would relay the message to Judge Pierce.

On July 18, 2017, Judge Pierce sent a letter to the Office of Professional Conduct reporting Ms. Reece's conduct. In her response to the Formal Complaint, Ms. Reece stated that she was not present for the July 10 hearing as she inadvertently overlooked it on her calendar and was out of town in another matter. Upon return to her office, she found Ms. Pipkins' email and realized she missed the hearing. Ms. Reece admitted that she went to Judge Pierce's office on July 11 with the intent to apologize to Judge Pierce and explain what had happened. Ms. Reece denied joking that her client did better without her, although she may have said something to the effect that her client came out ok in the hearing even though she was not there.

Upon consideration of the Formal Complaint and the attached exhibits, the Response to the Complaint filed by Ms. Reece, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. Dana A. Reece's conduct violated Rule 1.1 when she did not appear in Pulaski County Circuit Court on behalf of her client, Jordan Kittler, at the time and date set for a final hearing in a divorce proceeding, leaving her client without representation. Rule 1.1 states that a lawyer shall

provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. Dana A. Reece's conduct violated Rule 1.3 when she did not appear on behalf of her client, Jordan Kittler, in Pulaski County Circuit Court at the time and date set for a final hearing in a divorce proceeding. Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

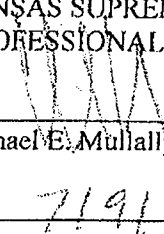
3. Dana A. Reece's conduct violated Rule 1.4(a)(4) when her client, Jordan Kittler, was unable to contact Reece immediately prior to the July 10, 2018, final hearing, demonstrating a lack of ability to comply with requests for information. Rule 1.4(a)(4) states that a lawyer shall promptly comply with reasonably requests for information.

4. Dana A. Reece's conduct violated Rule 8.4(d) when she failed to attend a hearing scheduled for July 10, 2017, on behalf of her client, Jordan Kittler, leaving her client without legal representation. Rule 8.4(d) states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that DANA A. REECE, Arkansas Bar No. 87142, be, and hereby is, **SUSPENDED** for a period of **SIX MONTHS** and assessed costs of **FIFTY DOLLARS (\$50.00)**. Ms. Reece's prior disciplinary record was considered by the Panel as a factor in determining the appropriate sanction. All fines, restitution, or costs, assessed herein shall be payable by cashier's check or money order payable to "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct, 2100 Riverfront Drive, Suite 200, Little Rock, Arkansas 72202, within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT – PANEL B

By: 
Michael E. Mullally, Chair

Date: 7/19/18