

**BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

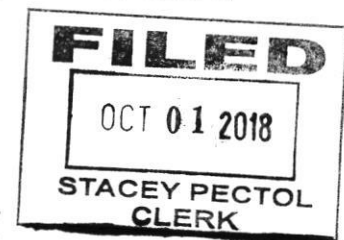
IN RE: JESSE L. MCCOMBS
 Arkansas Bar ID #2008224
 CPC Docket No. 2018-015

CONSENT FINDINGS AND ORDER

The formal charges of misconduct against Jesse McCombs upon which this Findings and Order is based arose from a grievance from information obtained by the Office of Professional Conduct. Mr. McCombs is an attorney practicing primarily in Bella Vista, Arkansas. Following Mr. McCombs' receipt of the formal complaint, Mr. McCombs, through his attorney Stuart Miller, entered in to discussion with the Executive Director which resulted in an agreement by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011).

McCombs' work as an associate with the firm of Tom Morris & Associates began in 2008. On April 21, 2017, an Order of Interim Suspension was filed placing Morris on Interim Suspension, and at all times relevant to this complaint remained in place. Section 22 of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law places restrictions on "former" attorneys, which includes suspended attorneys. On April 21, 2017, McCombs was informed of Morris' Interim Suspension.

In May 2017, McCombs filed a Complaint in Benton County CV-2017-782 and an answer to a Counterclaim and Third-Party Complaint in Benton County CV-2017-383. In both cases, McCombs' signature stated he was with Tom Morris & Associates. Also in May 2017, on Tom Morris & Associates letterhead with both Morris and McCombs listed, McCombs wrote to



the judge in Benton County PR-2016-669, requesting the court excuse any appearance for a hearing set on June 1, 2017.

In June 2017, McCombs filed a Motion for Substitution of Counsel in Benton County cases PR-2016-667, PR-2017-3, CV-2017-383 seeking to substitute for Morris. The pleading listed 418 Town Center East in Bella Vista as both McCombs' address and Morris' address for certificate of service. In September 2017, Morris sent a letter on behalf of a client on letterhead of Tom Morris & Associates with both Morris and McCombs listed at the address of 418 Town Center East in Bella Vista.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

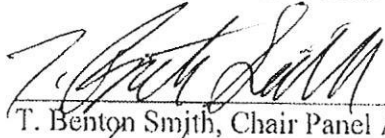
1. McCombs' conduct violated Arkansas Rule 3.4(c) when McCombs continued to use Tom Morris & Associates letterhead following the suspension of Tom Morris from the practice of law and in violation of Section 22; McCombs signed court pleadings indicating he was still an employee of Tom Morris & Associates even though Morris' Interim Suspension was in place at that time; McCombs and Morris continued to occupy the same office space, 418 Town Center East in Bella Vista; and McCombs violated Section 22 of the Procedures Regulating Attorneys at Law by aiding suspended attorney Tom Morris in the practice of law while the suspension was in effect. Arkansas Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

2. McCombs violated Arkansas Rule 8.3(a) when McCombs failed to report that Morris violated the Rules by continuing to practice law following Morris being placed on Interim

Suspension and failed to report that Morris violated the Rules by continuing to occupy a space which was used for the practice of law, specifically 418 Town Center East in Bella Vista where McCombs' law office is also located. Arkansas Rule 8.3(a) requires that a lawyer having knowledge that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Jesse McCombs, Arkansas Bar ID# 2008224 be, and hereby is, **CAUTIONED** for his conduct in this matter, and ordered to pay \$50.00 costs. The costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL A



T. Benton Smith, Chair Panel A

9/21/18
Date