

BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: JAMES ANDREW MARSHALL
Arkansas Bar ID #2014023
CPC Docket No. 2019-040

FINDINGS AND ORDER

The formal charges of misconduct against James Andrew Marshall upon which this Findings and Order is based arose from a grievance filed by Dudley Mahon. Marshall is an attorney practicing primarily in Conway, Arkansas.

On April 25, 2019, the Supreme Court of Arkansas issued a Per Curiam listing all Arkansas attorneys who were suspended as a result of failing to pay 2019 annual attorney-license fee. As stated in the Per Curiam, the listed attorneys were “automatically suspended on April 16, 2019, by operation of Rule VII(C) and shall not practice law in the State of Arkansas until reinstated or except during a stay of the suspension...” Per the April 25, 2019 Per Curiam, Marshall was suspended from the practice of law on April 16, 2019, for failing to pay his attorney-license fee. Per a second Per Curiam issued on June 20, 2019, Marshall remained suspended as he had still not taken steps to bring his license fees current.

In or about July 2019, Anitha Carter (“Carter”) contacted Marshall to represent her in a matter relating to her late husband’s estate and a related dispute. On July 6, 2019, Carter met with Marshall at her home in Jacksonville and paid Marshall \$1,500 by check. Carter provided Marshall with all of her original paperwork regarding the estate and the dispute. On August 19, 2019, Carter met with Marshall in his office in Conway, and Carter’s friend Mahon was also present for this meeting at Carter’s invitation. At the August 19 meeting, Carter paid Marshall \$500 and also signed a representation agreement. Also in the August 19 meeting, Marshall went

over a letter that he would be sending to Carter's previous attorney, Michael Knollmeyer, and Carter signed off on this letter. On August 26, 2019, Marshall came to Carter's parking lot in Jacksonville to pick up her \$500 payment. Carter exchanged some text messages with Marshall, but she has not had communication with him since October 28, 2019.

On November 26, 2019, Marshall confirmed to OPC that he spoke with the Clerk's Office and that there were no records of his annual dues being paid in 2019.

Marshall filed a Motion to File a Belated Response which Panel A granted for good cause shown. The Motion is accepted as a timely Response.

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. James Andrew Marshall violated Arkansas Rule 3.4(c), when after being automatically suspended from the practice of law for failure to pay his 2019 license fee, Marshall continued to engage in the practice of law while suspended. 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. James Andrew Marshall violated Arkansas Rule 8.4(d), when by continuing to practice law after being automatically suspended on April 16, 2019, James Andrew Marshall engaged in conduct that is prejudicial to the administration of justice. Arkansas Rule 8.4(d) requires that a lawyer shall not 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 A, that James Andrew Marshall, Arkansas Bar ID# 2014023 be, **CAUTIONED** for his conduct in this matter, ordered to pay

Restitution in the amount of \$2,500.00 to Anitha Carter, and assessed Costs in the amount of \$500.00. The restitution and costs assessed, totaling \$3,000.00, 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. In assessing a sanction, the attorney's prior disciplinary record was not a factor.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL A



T. Benton Smith, Jr., Chair, Panel A

Date: _____