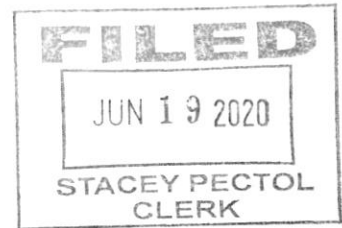


**BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**



IN RE: **JACQUELINE CHRONKHITE DODD**, Respondent
Arkansas Bar No. 2011180
Docket No. CPC-2020-006

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Jacqueline Chronkhite (then Dodd) of Fort Smith, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by Karen Johnson.

1. Karen ("Karen") and Stanley Johnson ("Stanley") are spouses and lived together at all times relevant hereto. They have lived at the same home address and have had the same telephone numbers and email address since before 2015.

2. On June 9, 2015, Karen had the first of several procedures on her right eye in Fort Smith that turned out poorly and are the subject of the medical malpractice lawsuit filed by attorney Jacqueline Chronkhite Dodd ("Dodd") on June 6, 2017.

3. Dodd worked at the Sexton & Sanders law firm in Fort Smith, which advertises it does personal injury work, including medical malpractice cases.

4. Karen and Stanley met with Dodd at the Sexton & Sanders law office on October 22, 2015. Stanley knew of Dodd through Karen's musician brother Gary, for whom Sexton & Sanders and Dodd had done legal work.

5. Dodd left Sexton & Sanders in December 2016, and went out on her own in a solo practice in January 2017 as Chronkhite Legal Consultants/Dodd Law Firm.

6. Sexton & Sanders declined to keep Karen's medical malpractice case, and Dodd took the file when she left the firm.

7. Karen had contact with Dodd, and by May 2017 Dodd had reviewed Karen's medical records and was evaluating her medical malpractice case. On May 10, 2017, Karen signed a fee agreement with Chronkhite/Dodd for the medical malpractice matter.

8. On June 6, 2017, Dodd filed Karen's medical malpractice in Sebastian County circuit court, as No. 66FCV-17-567, against the hospital (Sparks Health System) where her surgery took place and Dr. Moulton who performed the surgery. The case docket does not show any summonses were ever issued for any of the defendants. Dodd sent Karen a copy of the first page of the filed Complaint by text on June 6.

9. By letter of June 9, 2017, Dodd claims she informed Karen that the Complaint was filed at the last possible date to preserve Karen's claim against the statute of limitations; that Dodd was unable to secure the required Plaintiff's medical expert witness; Dodd cannot/will not fund the expensive case herself; Dodd plans to withdraw; if Karen wants Dodd to pursue service of summons on the defendants Karen needs to advance Dodd \$500 for such costs promptly; and Dodd only had 120 days to complete service, so time was of the essence. Karen and Stanley claim that they did not receive this letter in the mail or otherwise.

10. On September 4, 2017, Dodd wrote Karen and reminded her of the need to serve the defendants and Dodd's need for payment to her \$500 to do so, or Dodd would withdraw. Karen and Stanley claim they did not receive this letter in the mail or otherwise.

11. On October 5, 2017, Dodd filed a motion to enlarge time for service and then an amended motion on October 17, setting out specific details of why summonses had not been obtained and why service had not been obtained. Karen's case was assigned to Judge Tabor, who set the motion for extension for a hearing on October 18, 2017.

12. Dodd claims she wrote Karen on October 11, 2017, explained Dodd had not received the requested and required \$500 cost retainer, Dodd cannot now withdraw, if her motion

is granted Dodd will immediately withdraw, and if the motion is denied Karen's case will be dismissed and Karen will have to get new counsel to pursue any appeal. Karen and Stanley claim they did not receive this letter in the mail or otherwise.

13. Dodd filed an Amended Motion for Enlargement of Time for Service on October 17, 2017, in which it appears she changed her reason for needing more time, now stating that through a clerical oversight Dodd was unable to obtain summonses prior to filing the motion for enlargement of time.

14. The hearing transcript of October 18, 2017, which Stanley obtained in early 2019, shows Dodd arguably misleading the judge as to why summonses were not issued to Dodd for service, and the judge's statement that the statute of limitation (SOL) has run, and the case will be dismissed.

15. Later Dodd informed OPC that she had to protect client confidences and decided she therefore could not tell the judge that the client had failed to provide the requested cost advance so Dodd could attempt service. Dodd told the judge it was Dodd's own oversight that caused the failure to have any summons ever issued. On October 24, 2017, Judge Tabor filed orders denying the extension motion and dismissing the case with prejudice on SOL grounds.

16. On October 27, 2017, Dodd claims she mailed Karen copies of the two orders by mail, informed Karen that Dodd could not pursue any appeal, and that Dodd was dissolving her solo firm. Karen and Stanley claim they did not receive the October 27 letter in the mail or otherwise.

17. In November 15, 2017, a final decree of divorce was issued to Dodd in what she describes confidentially to OPC as her contentious, abusive marriage of a bit over three years duration to Mr. Dodd.

18. In January 2019, Stanley obtained copies of medical malpractice case file documents from the courthouse and ordered the transcript of the motion hearing on October 18, 2017.

19. On March 5-6, 2019, the Johnsons were in email contact with a Little Rock trial lawyer, who reviewed Karen's file and concluded Dodd was clearly negligent in her handling of Karen's case. Dodd had informed this attorney she had no legal malpractice coverage and the attorney closed his file and would not represent Karen.

20. On March 6, 2019, Karen filed her grievance against Dodd at OPC.

21. OPC sent Dodd's informal response to the Johnsons and they replied, claiming they did not receive any of the letters and documents Dodd claims she sent Karen between June 9 and October 27, 2017.

22. On May 31, 2019, AR JLAP, pursuant to an authorization from Chronkhite/Dodd, disclosed to OPC that Chronkhite entered the JLAP program and signed a three-year Health Monitoring Contract on December 10, 2018.

23. OPC sent Dodd the Johnsons' informal reply and Dodd replied by two letters of May 31, 2019. Dodd told OPC none of her letters to Karen were returned undelivered.

24. The Johnsons claim they if they had known in 2017 that Dodd had to have \$500 to have summonses served on the defendants in Karen's case, they would have timely gotten her the funds.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2012). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, Respondent

having no prior record of disciplinary sanctions, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. The conduct of Dodd violated Rule 1.3 in that Dodd failed to have any summons issued in case No. 16FCV-17-567 for service on any defendants. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. The conduct of Dodd violated Rule 1.4(a)(1) in that Dodd failed to effectively notify her client Karen Johnson that summons had not been issued nor service attempted on any defendant in the client's lawsuit, No. 16FCV-17-567, within sufficient time for the client to take appropriate action to avoid the dismissal with prejudice of her case. Arkansas Rule 1.4(a)(1) requires that a lawyer shall promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules.

C. The conduct of Dodd violated Rule 1.4(a)(2) in that Dodd failed to effectively consult with her client Karen Johnson about the means by which her objective, to keep her lawsuit alive, could be accomplished by having summons issued and timely served on at least one defendant. Arkansas Rule 1.4(a)(2) requires that a lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished.

D. The conduct of Dodd violated Rule 1.4(a)(3) in that Dodd failed to inform her client Karen Johnson that no summonses had been issued in Karen's civil case; Dodd failed to effectively communicate to her client Karen Johnson that Dodd had filed two motions for extension of time to serve defendants; and Dodd failed to inform her client Karen Johnson that the motions for extension of time to serve that Dodd filed were untimely and would be ineffective under the circumstances, where the applicable statute of limitations had already expired. Arkansas Rule

1.4(a)(3) requires that a lawyer shall keep the client reasonably informed about the status of the matter.

E. The conduct of Dodd violated Rule 1.4(b) in that Dodd failed to explain to her client Karen Johnson the circumstances and situations that could cause a failure to have summons issued and served on any defendants to give the client an opportunity to consider Dodd's employment or employing other counsel to represent the client in the medical malpractice lawsuit and possibly avoid the dismissal with prejudice. Arkansas Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

WHEREFORE, in accordance with the consent to discipline presented by Ms. Chronkhite and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent Jacqueline Chronkhite, Arkansas Bar No.2011180, be, and hereby is, **CAUTIONED** for her conduct in this matter, and ordered to pay case costs of \$50.00. 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 B

By:


Stephen R. Crane, Chairperson

6-19-20
Date