



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

IN RE: **MONICA LEE MASON**, Respondent
 Arkansas Bar No. 98104
 Docket No. CPC-2020-007

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Jeffrey Crawford on January 22, 2020. The information related to the representation of Crawford and his spouse by Respondent Monica Mason in 2019.

On July 27, 2020, confirmed by her email, Respondent was served with a formal complaint, supported by the affidavit of Jeffrey Crawford. Respondent failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes and waives Respondent's right to a public hearing. The facts are found as follows:

1. On February 12, 2019, Jeff Crawford ("Crawford") and his wife Lori Crawford met with Monica Mason ("Mason") and employed Mason to prepare trust documents for them as part of an estate plan. They paid Mason the full requested fee of \$2,250.00 by check that day. No written contract or engagement letter was provided by Mason. Contacts between Crawford and Mason from February 12, 2019, through January 21, 2020, and copies of text communications between Crawford and Mason between March 28, 2019 and December 13, 2019, were attached as exhibits to the Complaint.

2. Crawford's Grievance against Mason was received at the Office of Professional Conduct (OPC) and filed on January 22, 2020. On January 23, 2020, OPC sent Mason an email requesting an informal response from her to the Crawford grievance by February 15, 2020. A

follow-up email was sent to Mason by OPC on January 27, 2020. OPC left telephone message call-backs for Mason on her cell 501-920-xxxx on January 27, 2020, and February 20, 2020. OPC sent Mason another email on April 14, 2020, about the Crawford file. OPC and Mason spoke about the Crawford file on April 22, 2020, and OPC so advised Crawford by email, copying Mason.

3. On May 5, 2020, OPC again emailed Mason about the Crawford file, after Crawford notified OPC by telephone that he had not had contact with Mason as of that date. On May 12, 2020, Mason emailed OPC that she had prepared a mail package for the Crawfords, and would scan and send copies to OPC late this afternoon. Since then, OPC has no knowledge of receiving any copies of anything from Mason. On May 16, 2020, Crawford informed OPC by telephone that he had received no mail, no documents, and had no contact with Mason, and OPC then so notified Mason by email.

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

A. The conduct of Monica Mason violated Rule 1.1, in that by failing to produce any legal work product for her clients from February 12, 2019, when she was engaged and fully paid in advance, and continuing in that status seventeen (17) months later on May 16, 2020, Mason has demonstrated that she lacks at least the thoroughness and preparation reasonably necessary for competent representation of the Crawfords. Arkansas Rule 1.1 requires 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.

B. The conduct of Monica Mason violated Rule 1.3, in that by failing to produce any

legal work product for her clients from February 12, 2019, when she was engaged and fully paid in advance, and continuing in that status seventeen (17) months later on May 16, 2020, Mason has demonstrated that she failed to act with reasonable diligence and promptness in representing her clients, the Crawfords. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. The conduct of Monica Mason violated Rule 1.4(b), in that if Ms. Mason had advised the Crawfords on February 12, 2019, when they employed her, or within a reasonable time thereafter, that circumstances and situations not involving the Crawfords might cause Mason to not provide the desired trust document(s) to them even by May 16, 2020, the clients would have had an opportunity to consider employing other counsel to represent the clients in the legal matter and probably would have already received the services and product the client sought from Mason. 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.

D. The conduct of Monica Mason violated Rule 8.1(a), in that Mason was requested on numerous occasions by OPC to either do the legal work for the Crawfords that they had paid her to do, or respond to OPC about the matter, yet Mason has not responded substantively by May 16, 2020, to OPC, other than to send an email to OPC on May 12, 2020, that she would be mailing something to the Crawfords. (Ex. 9) Arkansas Rule 8.1(a) provides that ..., or a lawyer ... in connection with a disciplinary matter, shall not: ... knowingly fail to respond to a lawful demand for information from an ... disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

E. The conduct of Monica Mason violated Rule 8.4(c), in that Mason accepted legal

employment and a fully-paid \$2,250 fee for it from the Crawfords on February 12, 2019, yet as of May 16, 2020, seventeen months, Mason has produced no evidence of work effort or product to her clients, while retaining their fee funds, conduct that involves at least misrepresentation, if not deceit, by Mason. Arkansas Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **MONICA LEE MASON**, Arkansas Bar Number 98104, be, and hereby is, **REPRIMANDED** for her conduct in this matter, **FINED \$2,250.00, ORDERED TO PAY \$2,250.00 RESTITUTION** for the benefit of Jeffrey Crawford, and assessed case costs of \$50.00. For her failure to file a Response to the Complaint, Ms. Mason is sanctioned with a separate **REPRIMAND** and **FINED \$500.00**. In assessing sanctions, the attorney's prior disciplinary record was a factor.

The fines, restitution, and costs assessed and ordered herein, totaling \$5,050.00, 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

By: Mark L. Martin
Mark L. Martin, Vice-Chair, Panel A

Date: 11.24.20

Prepared by Stark Ligon, OPC Director, ABN 75077