



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

IN RE: **JEFFREY M. GRAHAM**, Respondent
Arkansas Bar No. 81075
Docket No. CPC 2020-008

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Jeffrey M. Graham of Little Rock, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by his client Joann Dixon.

1. Joann Dixon (Dixon) suffered injuries in an incident at her rented apartment on January 7, 2014. After attempting to deal with the matter herself with her own insurance company, on May 13, 2015, she engaged Jeffrey Graham (Graham) to represent her in the matter. Graham then and now is a solo legal practitioner and the sole owner of Jeffrey M. Graham, P.A.

2. In the course of his representation of Dixon, Graham advanced Dixon personal or law firm funds totaling \$11,971.00 to pay her dental and medical bills. Payment of Dixon's dental bills ended in early January 2017.

3. On January 9, 2017, Graham filed suit for Dixon against her apartment complex for her injuries suffered on January 7, 2014. The case avoided dismissal on defendant's motion for judgment on the pleadings, and on March 14, 2018, was set for a two-day jury trial on January 23-24, 2019. Depositions of Dixon and several of her medical providers were taken. Defendant RichSmith Management then filed two motions for summary judgment, to which Graham filed a response.

4. With trial approaching and rulings on defendant's motions for summary judgment not made at the time, on October 18, 2018, Graham and defense counsel Scott Strauss were parties to an email in which Strauss commented on Graham's communications that Graham's client might be "difficult," a \$5,000 offer to settle was on the table, the offer may be withdrawn if defendant has to file replies to Graham's responses to the motions for summary judgment.

5. Graham and Dixon met on October 22, 2018, discussed her case, and she wrote a letter confirming her rejection of the \$5,000 offer and for the non-suiting of her lawsuit by Graham. Graham promptly obtained an Order granting the non-suit motion, without prejudice, on October 24, 2018.

6. To assist Dixon, Graham referred Dixon and her case file to attorney James Swindoll for review, by letter of November 28, 2018, in which Graham confirms he has advanced Dixon \$11,971.00 to pay her medical and dental bills. Swindoll declined to represent Dixon, she was unable to find another attorney to take her matter, and the one year statute of limitation to refile ran on or about October 25, 2019, without Dixon's case being refiled or her claim settled.

7. On February 5, 2020, Graham wrote Dixon and Strauss separately, asking if there had been any settlement in Dixon's claim.

8. Dixon filed her grievance at OPC, and OPC notified Graham of the filing. He responded to OPC by letter of February 19, 2020, in which he recounts the history of his involvement with Dixon as her lawyer, and confirming his law firm spent \$11,971.00 for Dixon's dental and other medical care.

9. Graham did not recover the \$11,971.00 he advanced his client Dixon, and claims the amount is a taxable gift to Dixon on which Graham or his law firm will have to pay income taxes.

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, the approval of Panel A of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. The conduct of Jeffrey Graham violated Rule 1.8(e) in that Graham or his law firm Jeffrey M. Graham, P.A. paid dental and other medical bills totaling \$11,971.00 for services rendered to his client Joann Dixon in 2016-2017, and these payments were prohibited financial assistance to his client paid in connection with contemplated or pending litigation for this client. Arkansas Rule 1.8(e) requires that a lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that: (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Graham and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent JEFFREY M. GRAHAM, Arkansas Bar No. 81075, be, and hereby is, **CAUTIONED** for his conduct in this matter, and ordered to pay \$50.00 case 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

By Mark L. Martin
Mark L. Martin, Chairperson

Date 1-19-21