



BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: PAUL F. DUMAS
ARKANSAS BAR ID #96123
CPC Docket No. 2020-016

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from Paul F. Dumas' representation of Jamie Coffman in his divorce. Mr. Dumas is an Arkansas licensed attorney practicing primarily in Morrilton, AR.

1. In June 2016, Coffman hired Dumas to represent him in a divorce matter. There was no written fee agreement.
2. Coffman paid Dumas a total fee of \$7,715.00 for the representation by two separate checks. One check for \$2,715.00 was paid on June 16, 2016. A second check for \$5,000.00 was paid on September 16, 2016.
3. Dumas filed the divorce complaint on June 22, 2016. Dumas performed other services after filing of the complaint, such as drafting responses to discovery, appearing at a temporary hearing, and reviewing the temporary order.
4. Coffman's last communication with Dumas was November 23, 2016, when he forwarded Coffman the temporary order.
5. At the time of Dumas' representation of Coffman, Dumas had a substance abuse problem. On November 26, 2016, Dumas entered a rehabilitation program in the State of Louisiana. He remained in the program for ninety-seven (97) days.
6. Dumas failed to notify Coffman that he was entering rehab and would therefore not be able to handle his case. Coffman learned of Dumas' rehab stay after becoming aware that a contempt action had been filed against him sometime in December 2016.

7. After Dumas' release from rehab, Coffman contacted Dumas several times requesting an itemized bill and a refund of unearned fees.

8. Dumas acknowledged he owed Coffman a refund. Dumas offered to return the entire fee paid by Coffman. However, later Dumas and Coffman disagreed as to how much of a refund was owed. Dumas then offered to refund Coffman \$5,000.00 and offered to make monthly payments until paid in full.

9. Dumas failed to provide Coffman an itemized bill. Coffman was not in agreement with Dumas paying monthly and when Dumas did make payments, he only made payments when Coffman would call him about the refund owed.

10. When Dumas failed to refund Coffman the fee after two years, Coffman filed a small claims case against Dumas in the District Court of Conway County, case no. CV-19-182, on May 23, 2019.

11. Dumas was served on June 7, 2019 and filed an Answer on July 8, 2019.

12. A hearing was held with both Coffman and Dumas appearing. Dumas admitted to the court he owed the refund and the court entered a Judgment in Coffman's favor against Dumas for \$5,000.00. The Judgment was entered on September 12, 2019.

13. Dumas was ordered to prepare and file with the clerk a schedule of his assets within forty-five (45) days of entry of the order. Dumas failed to do so.

Upon consideration of the formal complaint and attached exhibit materials and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Dumas' conduct violated Rule 1.4(a)(3) when he failed to advise his client Mr. Coffman, that he was going into rehab which would affect his representation of his client in

the divorce case. Arkansas Rule 1.4(a)(3) states a lawyer shall keep the client reasonably informed about the status of the matter.

2. That Mr. Dumas' conduct violated Rule 1.16(a)(2) when he(a) failed to withdraw from the representation of his client Mr. Coffman, when his drug addiction became acute and he needed to enter rehab to deal with the drug addiction and (b) failed to withdraw from the representation of his client Mr. Coffman, prior to entry into drug rehab for 97 days. Arkansas Rule 1.16(a)(2) states that ... lawyer shall not represent a client, or where representation has commenced, shall withdraw from the representation of a client if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client.

3. That Mr. Dumas' conduct violated 1.16(d) when he (a) failed to return the unearned portion of the \$7,715.00 fee when he abandoned is client Mr. Coffman's case and entered drug rehab and (b) failed to notify his client Mr. Coffman that he was entering drug rehab for 97 days, effectively terminating his representation of Mr. Coffman, to allow Mr. Coffinan to find other counsel before he entered rehab. Mr. Coffman did not find out that Dumas entered rehab until December 2016. Arkansas Rule 1.16(d) states upon termination, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.

4. . That Mr. Dumas' conduct violated 3.4(c) when he failed to prepare and file with the clerk a schedule of his assets within forty-five (45) days of entry of the September 12, 2019 Judgment entered as ordered by the district court judge. Arkansas Rule 3.4(c) states 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.

5. That Mr. Dumas' conduct violated Rule 8.4(c) when he failed to return the unearned portion of the \$7,715.00 fee when he abandoned his client Mr. Coffman's case and entered drug rehab. Arkansas Rule 8.4(c) states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

6. That Mr. Dumas' conduct violated Rule 8.4(d) when he failed to prepare and file with the clerk a schedule of his assets within forty-five (45) days of entry of the September 12, 2019 Judgment entered as ordered by the district court judge. Arkansas Rule 8.4(d) states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

7. That Mr. Dumas was served with the Formal Complaint and Summons in this matter on September 10, 2020. He failed to file a response and pursuant to §9.C(1) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, all allegations are deemed admitted, and Mr. Dumas has waived any right to a panel hearing in this matter.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **PAUL F. DUMAS**, Arkansas Bar ID #96123, be, and hereby is, **Reprimanded** for his conduct in this matter. In assessing this sanction, Mr. Dumas' prior disciplinary record was a factor. Paul F. Dumas shall pay restitution in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) which is concurrent with the judgment, in accordance with Section 18.C of the Procedures. Mr. Dumas shall also pay costs in the amount of FIFTY DOLLARS (\$50.00) in accordance with Section 18.A of the Procedures. In addition, §9.C (1) of the Procedures provide that the failure to provide a written response to a formal complaint may result in the separate imposition of a sanction less than a

suspension of license. The Panel imposes a separate sanction of **Warning** for Mr. Dumas' failure to respond to the formal complaint. The restitution and costs assessed herein totaling FIVE THOUSAND FIFTY (\$5050.00) DOLLARS 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



Steve R Crane, Chair, Panel B

Date: 12-23-20