



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

**IN RE: DANIEL DEMOTTE FORD
ARKANSAS BAR NO. 2014162
Docket No. CPC-2020-026**

FINDINGS AND ORDER

These Findings and resulting Order arise from a self-report by Daniel Demotte Ford and from a letter from United States District Court Judge Timothy L. Brooks, of Mr. Ford's conduct in the representation of Ronnie Latiolais in a civil case in the U.S. District Court of Arkansas, Western District, Fayetteville Division, Case No. 5:19-cv-5006, which has resulted in sanctions by Judge Brooks and this Committee's Reprimand. Mr. Ford is an Arkansas licensed attorney practicing primarily in Little Rock, AR.

1. The Sanford Law Firm, through former attorney Chris Burks, filed a civil suit on behalf of Latiolais against his employer SPO Networks, Inc. ("SPO") and two named individuals. Burks withdrew as counsel and Ford and Sanford then took over as named attorneys for Latiolais.

2. SPO was served on January 14, 2019, however, the two named individuals were never served. (Exhibit "4")

3. SPO failed to respond and on June 4, 2019, the U.S. District Court Clerk issued a Notice of Default Procedures to Sanford. Ford prepared and filed a Motion for Clerk's Entry of Default on June 18, 2019. Sanford prepared and filed a Declaration of Attorney Josh Sanford to support the motion.

4. On June 19, 2019, the U.S. District Court Clerk entered a Default in favor of Latiolais against SPO. As no service was obtained, the two individually named Defendants were dismissed from the case.

5. On September 16, 2019, Ford filed a Motion for Judgment as to SPO Networks, Inc. Ford also filed the Declaration of Ronnie Latiolais pleading entitlement to total damages of \$55,850.00.

6. The Motion was set for hearing for November 13, 2019, before Judge Brooks. Ford was ordered to mail a copy of the order setting the hearing to SPO at their last known address via certified U.S. Mail with return receipt requested within seven (7) days of the filing of the Order.

7. Ford did not comply with this Order. At the hearing, Judge Brooks found that without proof of notice of the hearing, there was no proper notice. Judge Brooks ordered Ford to mail the Order re-setting the matter for January 15, 2020, to three separate mailing addresses for SPO.

8. Ford represented to Judge Brooks that he recalled mailing the Order to the three different addresses by certified mail with return receipt on November 14th or 15th at the Post Office on Huron Street in Little Rock and said that no green cards were ever received.

9. In early January, Ford realized the scheduled court date of January 15 conflicted with an oral argument that was scheduled to take place at the 8th Circuit in a lawsuit in which Ford was not the attorney presenting the argument, or even an attorney of record. Ford claimed he was instrumental in preparing his partner, Josh Sanford, for the oral argument and thought it prudent that he be there. Ford moved for a continuance of the January 15 hearing without disclosing to Judge Brooks that he was not an attorney of record in the 8th Circuit Appeal.

10. Ford drafted an Amended Declaration of Damages for his client to sign and an Amended Motion for Default and Motion for Continuance. His client's claimed damages were reduced significantly to less than \$2,000.00 from \$55,850.00. Ford filed both pleadings on January 9, 2020.

11. On January 14, 2020, Judge Brooks communicated with Ford requesting evidence that he mailed a copy of the Order for notice of the January 15 hearing to the three addresses as he was ordered. Ford confirmed to the Court that he complied but had not received return service card(s).

12. Judge Brooks entered an Order directing Ford to file, by close of business January 14, a status report memorializing information that was sent to the Court in an email and to detail Ford's compliance with the Court's Order directing service of the Notice of Hearing for the January 15 hearing date. Ford was ordered to attach proof of service of mailing to the three addresses to which the court directed the notice be mailed.

13. Ford filed his Status Report on January 14, 2020 confirming that he mailed a copy of the Order to the three addresses listed in the order by certified U.S. Mail with return receipt requested at the Post Office located on Huron Street in Little Rock. Ford stated he had not received the green cards back indicating the mailings had been received. Ford also represented that he was unable to locate the initial certified mailing receipt that he received from the Post Office that would have the tracking numbers of the mailings and that he was attempting to locate them. He would supplement the report if he located them. He never located the receipts.

14. Ford filed an Amended Status Report on January 14, 2020. In his amended report, Ford again confirmed he mailed the Order and notice by the Post Office on Huron Street in Little Rock. His amended report only amended the CM/ECF account number because he accidentally logged in under Sanford's account instead of his own.

15. Later that day, Judge Brooks entered an Order denying Ford's Motion for Continuance, finding that no good cause for a continuance had been stated. Judge Brooks expressed his concerns as to the veracity of Ford's representations to the Court and commanded

Ford to appear at the January 15 hearing to address those concerns. The Amended Motion for Default was deferred.

16. Ford and co-counsel Josh Sanford discussed the issue at the Clinton National Airport on January 14. During this in person meeting, Sanford became 99.9% convinced that Ford had not complied with Judge Brooks' Order after Sanford confirmed with office staff that no receipts for mailing the notices were in their office's possession and found no evidence of credit card or checking account receipts for the expense of the mailing.

17. Ford stated that after being notified of the denial of the continuance, he diligently searched for proof he mailed the Order and Notice but found none.

18. Ford appeared at the January 15 hearing and Judge Brooks questioned him about the mailing of the notices. At the hearing, Judge Brooks reviewed his concerns Ford was not truthful in his grounds for the continuance, because Ford implied his appearance before the 8th Circuit was necessary.

19. Judge Brooks then addressed the issue of Ford's failure to provide proof that he complied with the November 13 Order to mail the Order and Notice for the January 15 hearing to three separate addresses for SPO.

20. Judge Brooks asked Ford whether he really mailed the Order to SPO to the addresses as ordered by the Court. Ford answered in the affirmative and advised Judge Brooks that he went the morning following the November 13 hearing to the Post Office in Little Rock and mailed them to the three addresses as ordered by the Court.

21. Judge Brooks, reminding Ford of his duty to be honest and imploring him to be forthright, asked a second time for Ford to confirm that he complied with the Court's November

13 Order. Ford again answered in the affirmative. Ford confirmed that he personally made the trip to the Post Office on Huron Street in Little Rock and mailed the Order.

22. When asked how much the mailings cost, Ford responded "I think about \$20 total". Judge Brooks then asked Ford how he paid for the mailings. Ford responded that it was not with a firm check and that it was possible he paid in cash as a search of his personal debit card and credit card accounts did not find proof of the purchase.

23. Judge Brooks questioned Ford as to the events on the day that Ford claimed he mailed the Order. Ford advised the court that "to the best of his recollection" he mailed the Order on the morning following the hearing in three separate envelopes that he addressed and took to the Post Office personally. When questioned about whether video tape from that morning would show him at the postal counter, Ford responded he would think so unless he was "misremembering", but that he believed he went that day.

24. Ford admitted to the Court that it was his "inattention to detail and poor efforts at practicing law" in the case that resulted in SPO not receiving notice of the January 15 hearing.

25. At the conclusion of the hearing, Judge Brooks continued the matter for lack of proof of service and directed Ford to provide a status update on service of the Amended Motion for Default Judgment and attach copies of either the green cards or the front and back of the envelopes. Judge Brooks also directed Ford to make personal contact with Asa Hutchinson, III, who was listed as the registered agent in Arkansas for SPO.

26. If unable to reach Hutchinson by phone, Ford was to hire a process server to track him down. Ford was also required to file a status report every Friday on the steps he took to contact Hutchinson. He was to report not only the steps to locate him, but also the substance of any

conversations. The hearing on the Default Motion would not be scheduled until Ford properly served notice on SPO.

27. On January 17, 2020, Judge Brooks entered an Order to Show Cause, which required Ford to appear for hearing on February 7, 2020. The Order required Ford to show cause why "he should not be sanctioned for wasting the court's valuable time due to his dilatory conduct, or at maximum, for representing to the court that he complied with its November 13 order." The order also required Sanford to be present for the hearing.

28. Ford filed his first status report after the January 15 hearing on January 24, 2020. In that report, Ford apprised the court of his efforts to locate and contact Asa Hutchinson, III. Ford advised the court that he received a green card indicating Hutchinson had received the Amended Motion for Default (not for the November 13 order) but had received no green cards or returned mail as of the filing of the status report. Ford also advised of his telephone communication with Hutchinson, and he was advised that Hutchinson never received the Notice of Hearing for the January 15 hearing date even though he had received the Complaint and the Amended Motion for Default at the same address.

29. Ford filed his next Status Report on January 31, 2020. Ford reiterated the information regarding his contact with Hutchinson that was filed in the status update on January 24, and what actions he was taking to locate individuals linked to SPO for service and notice purposes.

30. On February 3, 2020, approximately four days before the show cause hearing, Ford filed an Amended Status Report. Ford advised the Court that based on his investigation and the lack of evidence that he mailed the November 13 order as directed by the court, he could no longer continue to state that he mailed the order as previously believed. Ford acknowledged that it was

incorrect of him to inform the court either in writing or in person that something had been done that he could not verify had been done.

31. On the day of the Show Cause hearing, Ford filed another Status Report, his third weekly report, advising the court of his attempts to deliver notice to SPO.

32. Ford and Sanford both appeared at the show cause hearing. Sanford testified that within 10 minutes or so of speaking with his staff and checking the firms credit card on the day before the January 15 hearing, he was 99.9% sure that Ford had not mailed the November 13 order as directed by the court. Sanford also testified that it was unlikely Ford made the mailings because there were no green cards, and no receipts in the paper file for the case at the office, and no mail came back. Sanford also testified that based on conversations he had with Ford and the fact he saw Ford holding three envelopes, he believed at the time that Ford had mailed them.

33. Ford testified during the hearing that although he made statements to the court on more than one occasion affirming that he had mailed the November order to SPO as directed by the court, he had since come to believe that the statements were incorrect, especially since he was unable to find evidence that he had done so.

34. Ford stated that he had not intentionally tried to mislead the court and that it was simply a faulty memory. When asked by Judge Brooks if the statements were false, Ford responded "yes".

35. Judge Brooks gave his analysis of Ford's violations of Federal Rules of Civil Procedure 11 and Arkansas Rules of Professional Conduct 3.3 and 5.1.

36. Following the hearing, Judge Brooks entered an Order Dismissing Case and Imposing Sanctions. In the order, Judge Brooks found the following:

a. Ford wasted the court's time and resources by not complying with Orders issued on November 13, 2019, by making filings on January 14, 2020, representing that he had completed the three mailings ordered on November 13, and by appearing at the default hearing on January 15, 2020, and falsely claiming he had complied with the November 13 order.

b. Ford made false representations to the court without a good-faith belief as to their veracity.

c. Ford violated Federal Rule of Civil Procedure 11(b) when he submitted written documentation that contained representations that did not have evidentiary support.

d. Ford violated Arkansas Rule of Professional Conduct 3.3(a). The court also found that Sanford violated Arkansas Rule of Professional Conduct 3.3(b).

37. Judge Brooks imposed a non-monetary sanction dismissing Ford's client's case with prejudice. A monetary sanction was imposed of \$1,045.00 to be paid to the client within thirty (30) days of entry of order, and \$1,045.00 to be paid to the U.S. District Court within thirty (30) days of entry of the order.

38. Judge Brooks directed that the Sanford Firm would no longer be extended the courtesy of appearing telephonically at hearings before the judge for a period of two (2) years.

39. As an additional sanction, Ford is no longer allowed to appear as attorney of record before Judge Brooks unless co-counsel also enters an appearance of record. Ford also cannot appear at a hearing before Judge Brooks unless accompanied by co-counsel. This remains in effect for a period of two (2) years, but after a period of time, Ford can petition for relief.

40. Ford filed a Notice of Compliance with Court Order on February 14, 2020, confirming he paid the \$1,045.00 to his client by cashier's check dated February 10, 2020.

41. Ford made payment of \$1,045.00 to the U.S. District Court on February 10, 2020, by cashier's check dated February 10, 2020.

Upon consideration of the Court Order, 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. Ford's conduct violated Rule 1.1 when he filed written documentation representing that he had mailed the November 13, 2019 Order to the three addresses for SPO as directed by Judge Brooks without attaching documentation as evidentiary support, resulting in a dismissal of his client, Latiolais' case and then gave testimony in court misrepresenting that he had mailed the November 13, 2019 Order to the three addresses for SPO as directed by Judge Brooks without submitting documentation as evidentiary support, resulting in the dismissal of the case of his client, Latiolais. Arkansas Rule 1.1 states a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. Ford's conduct violated Rule 3.3(a)(1) when he filed written documentation representing that he had mailed the November 13, 2019, Order to the three addresses for SPO as directed by Judge Brooks without attaching documentation as evidentiary support. Ford submitted the documentation without verifying he had in fact mailed the Order as directed. Ford represented that he had mailed the November 13, 2019, Order to the three addresses for SPO as directed by Judge Brooks without submitting documentation as evidentiary support. When questioned extensively by the Court on the issue, Ford continued to assert he had followed the court's directive, knowing he lacked any proof of compliance. Despite not having proof of compliance, Ford continued to assert he mailed the November 13 Order to SPO as directed up until his status

report filed on February 3, 2020, approximately four days before the Show Cause hearing. Arkansas Rule 3.3(a)(1) states a lawyer shall not knowingly make a false statement of fact or law to a tribunal; or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

3. Ford's conduct violated 8.4(c) when he filed written documentation representing that he had mailed the November 13, 2019, Order to the three addresses for SPO as directed by Judge Brooks without attaching documentation as evidentiary support. Ford submitted the documentation without verifying he had in fact mailed the Order as directed. Ford represented that he had mailed the November 13, 2019, Order to the three addresses for SPO as directed by Judge Brooks without submitting documentation as evidentiary support. When questioned extensively by the Court on the issue, Ford continued to assert he had followed the court's directive, knowing he lacked any proof of compliance. Despite not having proof of compliance, Ford continued to assert he mailed the November 13 Order to SPO as directed up until his status report filed on February 3, 2020, approximately four days before the Show Cause hearing. Arkansas Rule 8.4(c) states it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

4. Ford's conduct violated 8.4(d) when he filed written documentation representing that he had mailed the November 13, 2019, Order to the three addresses for SPO as directed by Judge Brooks without attaching documentation as evidentiary support. Ford submitted the documentation without verifying he had in fact mailed the Order as directed. Ford represented that he had mailed the November 13, 2019, Order to the three addresses for SPO as directed by Judge Brooks without submitting documentation as evidentiary support. When questioned extensively by the Court on the issue, Ford continued to assert he had followed the court's directive, knowing

he lacked any proof of compliance. Despite not having proof of compliance, Ford continued to assert he mailed the November 13 Order to SPO as directed up until his status report filed on February 3, 2020, approximately four days before the Show Cause hearing. Ford's continued assertion that he had complied with the Court's November 3, 2019 Order resulted in the Court continuing the case a second time at short notice to direct Ford again to mail notice of the Motion for Default and Notice of Hearing to SPO. The case of Ford's client, Mr. Latiolais, was dismissed with prejudice because of Ford's misrepresentations, and his continued assertion that he had complied with the Court's November 3, 2019 Order resulted in wasting the court's time when it had to schedule a show cause hearing, which resulted in Ford ultimately admitting that he had not complied with the court's order. Arkansas Rule 8.4(d) states it is professional misconduct for a lawyer to 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 B, that **DANIEL DEMOTTE FORD**, Arkansas Bar No. 2014162, be, and hereby is, **Reprimanded** for his conduct in this matter. In assessing this sanction, Mr. Ford's lack of any prior disciplinary record was a factor. Mr. Ford shall also pay costs in the amount of FIFTY DOLLARS (\$50.00) in accordance with Section 18.A of the Procedures. The costs assessed herein totaling FIFTY DOLLARS (\$50.00) 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 B



David P. Glover, Chair, Panel B

Date: 6/26/21
