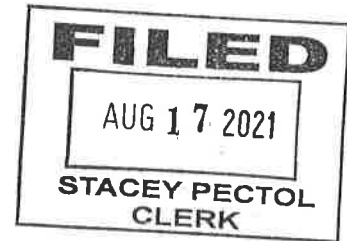


**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

**IN RE: ROBERT MILES BERRY, JR
 ARKANSAS BAR ID #96224
 CPC Docket No. 2021-009**



FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order arose as a result of a grievance filed by Shara Richards. Mr. Berry is an Arkansas licensed attorney practicing primarily in Little Rock, AR.

1. Richards, for a divorce action, contacted an Arkansas company called Law to Go, which according to its website, uses licensed attorneys to draft legal documents for customers for a flat fee and does referrals to attorneys. Law to Go referred her to Berry.

2. Richards paid Berry a total fee of \$1,600.00 in three separate payments, with the first payment being made on February 8, 2018, and the final payment made on April 12, 2018.

3. Richards signed a Legal Services Agreement-Retainer with Berry on February 8, 2018.

4. Richards had sporadic contact with Berry in the beginning of his representation, and as the case progressed, Richards had no contact with Berry.

5. On May 25, 2018, Richards' ex-husband filed for divorce and Richards was served with Divorce Complaint and Summons.

6. On July 9, 2018, Berry filed an Answer and Counterclaim.

7. After filing the Answer and Counterclaim, Berry took no other action in the case. Richards and Berry exchanged sporadic text messages about the status of her divorce case and Richards' need for child support, among other topics.

8. On February 12, 2019, Richards sent Berry an email informing him of her displeasure with his representation and requesting Berry contact her by telephone or email.

9. On February 13, 2019, almost a year after she hired Berry, Richards sent Berry an email and a text message terminating his services.

10. Richards hired another attorney. The final Divorce Decree was entered on August 21, 2019.

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

1. That Berry's conduct violated Rule 1.1 when he failed to take any other action after the filing of the Answer and Counterclaim on behalf of Richards in her divorce case despite her making requests for him to do so. 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. That Berry's conduct violated Rule 1.3 when (a) he failed to take action on behalf of Richards within a reasonable time despite her asking him to do so for almost a year after hiring him. Arkansas Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

3. That Berry's conduct violated Rule 1.4(a)(3) when he failed to communicate with Richards regarding the status of her legal matter. Arkansas Rule 1.4(a)(3) states that a lawyer shall keep the client reasonably informed about the status of the matter.

4. That Berry's conduct violated Rule 1.4(a)(4) when he failed to communicate with Richards and provide her with status updates on case despite her continuous requests for updates. Arkansas Rule 1.4(a)(4) states a lawyer shall promptly comply with reasonable requests for information.

5. That Berry's conduct violated Rule 1.16(d) when he failed to refund any portion of the \$1,600.00 fee Richards paid him for his representation of her after having no contact with Richards and Richards terminating Berry for taking no further action in her case. Arkansas Rule 1.16(d) states upon termination of representation, 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.

6. That Berry's conduct violated Rule 8.4(c) when he took a fee of \$1,600.00 from Richards, stopped communicating with her, and failed to take any further action on her behalf in the divorce matter. Arkansas Rule 8.4(c) states 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 **ROBERT M. BERRY**, Arkansas Bar ID #96224, be, and hereby is, **Cautioned** for his conduct in this matter. Berry shall pay restitution in the amount of ONE THOUSAND SIX HUNDRED DOLLARS (\$1,600.00) in accordance with Section 18.C of the Procedures. Berry shall also pay a fine in the amount of ONE THOUSAND DOLLARS (\$1,000.00) in accordance with Section 18.B of the Procedures and 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 **REPRIMAND** for Berry's failure to respond to the formal complaint and assesses a fine of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00). The fines, restitution, and cost assessed herein totaling FOUR THOUSAND ONE HUNDRED FIFTY DOLLARS (\$4,150.00) 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

Mark L. Martin

Mark L. Martin, Chair, Panel A

Date: 7.21.21