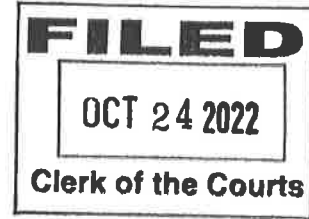


**BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**

IN RE: Jimmie Lee Wilson, Respondent
Arkansas Bar No. 73128
Docket No. CPC-2022-013



FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Lewis Jarrett on April 9, 2020. The information related to the representation of Jarrett by Respondent from December, 2016 through January, 2020.

On June 22, 2022, Respondent was served with a formal complaint, supported by affidavit from Jarrett. 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 Respondent's right to a public hearing.

1. On or about December 7, 2016, Jarrett retained Jimmie Lee Wilson to represent him in St. Francis County Circuit Court, Case No. 62CR-17-437.

2. When Jarrett initially retained Wilson, Wilson advised that the case was straightforward and would be handled relatively quickly.

3. Wilson advised that his fee would be \$2,000.00, although he later demanded Jarrett pay more. Wilson further advised that if Jarrett did not send more money, he would cease representation.

4. Between December 7, 2016 and January 22, 2020, Jarrett paid Wilson approximately \$4,000.00.

5. The first \$500.00 payment was made directly to Wilson, but Wilson insisted future payments be sent through Walmart's MoneyGram services. Further, Wilson required that the

payments be submitted via Walmart's MoneyGram services to his employees, Jamar Lane and Adria Wilson, rather than directly to himself.

6. On May 5, 2017, Wilson filed an Entry of Appearance and approximately five (5) other boilerplate discovery motions.

7. On or about December 10, 2019, Wilson appeared with Jarrett in court to have the case continued and never spoke with him again.

8. Wilson obtained a continuance of the case to March 9, 2020, and advised the Court he would file a Motion to Dismiss, which he never did.

9. Wilson failed or refused to provide any updates about Jarrett's case, despite many requests.

10. Every appointment Jarrett made to see Mr. Wilson resulted in him not showing up to his office to meet Jarrett.

11. In March, 2020, Jarrett had to pay \$2,500.00 to retain attorney Jeff Wankum for representation in his case.

12. On May 22, 2020, Wankum filed an Entry of Appearance and Motion for Discovery.

13. Wilson failed or refused to communicate with Jarrett's new counsel to provide copies of Jarrett's file.

14. Wankum was able to get the charges reduced to one (1) misdemeanor and got Jarrett's case resolved by November, 2020.

15. Wilson failed or refused to communicate with Jarrett, other than to demand more money. Further, Wilson did nothing with Jarrett's case for almost three (3) years, and failed or refused to return unearned fees.

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

A. Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

The conduct of Jimmie Lee Wilson, as set forth in the formal complaint, violated **Rule 1.3 Diligence**, in that Wilson filed boilerplate pleadings and then let the case sit inactive for almost three (3) years.

B. Rule 1.4(a)(3) requires that a lawyer shall keep the client reasonably informed about the status of the matter. Rule 1.4(a)(4) requires that a lawyer shall promptly comply with reasonable requests for information.

The conduct of Jimmie Lee Wilson, as set forth in the formal complaint, violated **Rule 1.4 Communication**, in that Wilson routinely ignored contact from Mr. Jarrett and did not show up for appointments scheduled with Mr. Jarrett.

C. Rule 1.5(a) requires that a lawyer's fee shall be reasonable. A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following: (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly; (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer; (3) the fee customarily charged in the locality for similar legal services; (4) the amount involved and the results obtained; (5) the time limitations imposed by the client or by the circumstances; (6) the nature and length of the professional relationship with the client; (7) the experience, reputation,

and ability of the lawyer or lawyers performing the services; and (8) whether the fee is fixed or contingent.

The conduct of Jimmie Lee Wilson, as set forth in the formal complaint, violated **Rule 1.5(a)(4) Unreasonable Fees**, in that Wilson initially quoted a \$2,000.00 fee, and then demanded additional money from Mr. Jarrett. Further, Wilson insisted that the representation would cease if the additional money was not provided. Wilson increased the fee without the consent of his client and then failed to provide the representation required to resolve Mr. Jarrett's case.

D. Arkansas Rule 1.16(d) requires that, 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. The lawyer may retain papers relating to the client to the extent permitted by other law.

The conduct of Jimmie Lee Wilson, as set forth in the formal complaint, violated **Rule 1.16(d) Return File / Refund Fees**, in that Wilson failed or refused to cooperate with Mr. Jarrett's new counsel in surrendering copies of Mr. Jarrett's file. Further, Wilson failed or refused to refund unearned fees.

E. Rule 1.15(a)(4) requires that a lawyer shall maintain on a current basis books and records in accordance with generally accepted accounting practice and comply with any record keeping rules established by law, rule, or court order.

The conduct of Jimmie Lee Wilson, as set forth in the formal complaint, violated **Rule 1.15(a)(4) Accounting Practices**, in that Wilson demanded his attorney fees be paid through Walmart's MoneyGram services. Further, Wilson required that the payments be submitted via

Walmart's MoneyGram services to his employees, Jamar Lane and Adria Wilson, rather than directly to himself. This conduct is not in accordance with generally accepted accounting practice regarding client funds. In addition, this conduct lends itself to federal income tax evasion and other criminal conduct.

F. Rule 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

The conduct of Jimmie Lee Wilson, as set forth in the formal complaint, violated **Rule 8.4(d)**, when Wilson's failed representation forced Mr. Jarrett to retain new counsel to take over representation and resolve Jarrett's case.

Respondent Jimmie Lee Wilson was Cautioned and Reprimanded by the Committee in 2008, 2012, and 2013, in Case Numbers CPC-2007-101, CPC-2011-048, and CPC-2012-022, respectively, on three (3) separate complaints for conduct of a similar nature as that alleged here.

Jimmie Lee Wilson has exhibited a lengthy pattern of misconduct, which includes a gross lack of diligence, competence, and communication with his clients.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **JIMMIE LEE WILSON**, Arkansas Bar Number 73128, be, and hereby is, **SUSPENDED FOR SIXTY (60) MONTHS** for his conduct in this matter. Wilson is assessed a **FINE** of One Thousand Dollars and No Cents (**\$1,000.00**) in accordance with Section 18.B of the Procedures, assessed **COSTS** of One Hundred Dollars and No Cents (**\$100.00**) in accordance with Section 18.A of the Procedures, and is ordered to pay **RESTITUTION** to Lewis Jarrett in the amount of Four Thousand Dollars and No Cents (**\$4,000.00**) in accordance with Section 18.C of the Procedures.

In addition, Section 9.C(1) of the Procedures provides 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 Wilson's failure to respond to the formal complaint.

The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

The fine, restitution, and costs assessed herein, totaling Five Thousand One Hundred Dollars and No Cents (**\$5,100.00**), 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

9/2/22

Date