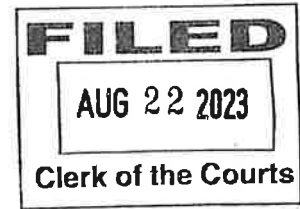


BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL D

IN RE: MAURICE L. TAGGART
ARKANSAS BAR ID #2021042
CPC Docket No. 2023-010



FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from a grievance filed by Cynthia Allison. Maurice L. Taggart, of Pine Bluff, Arkansas is an attorney licensed to practice law in the State of Arkansas and assigned Bar Number 2021042.

1. Allison was sued in a civil suit for failure to pay rent pursuant to a commercial lease agreement and on August 6, 2021, a Default Judgment was entered against Allison when she failed to respond to the complaint. She was also ordered to prepare and submit a schedule of property, verified by affidavit. Allison failed to complete and submit the verified schedule.

2. Allison hired Taggart on October 18, 2021, to get the default judgment set aside. Allison and Taggart also discussed his representation of Allison in re-litigating the issue and countersuing if they were successful in getting the default set aside and that it would be an additional fee.

3. Allison paid a fee of \$3,500.00 to Taggart for his representation to get the Default Judgment set aside.

4. On November 8, 2021, Taggart filed a Rule 55(c) Motion to Set Aside Default Judgment. The court set a hearing on the motion to set aside for March 10, 2022.

5. The day before the scheduled hearing, Taggart filed a Motion for Continuance alleging he had a conflict with the court date because he was a part-time public defender in juvenile court.

6. Allison did not appear at the hearing because Taggart advised her, she did not have to appear as he had filed a request for a continuance. On March 10, the day of the hearing, Taggart

texted Allison, “They wouldn’t agree to 10K. I’m gonna have to reschedule our hearing for today as I told you. I have to be in court all day in Pine Bluff. I’ll be in touch and let you know the new date. Taggart also did not show for the hearing.

7. As neither Taggart nor Allison appeared for the hearing, the court denied Taggart’s continuance request and the request to set aside the default judgment.

8. In denying the continuance request in an Order filed in open court on March 10, 2022, the court noted that the continuance was denied because Taggart filed the petition too late and that notice [of the hearing] was sent to Taggart in January.

9. On March 15, 2022, Allison paid Taggart an additional \$4,700.00. Allison was told this additional sum was for Taggart’s representation in relitigating the claim and for a countersuit. Allison was unaware that the court had denied the request to set aside the default judgment.

10. On March 30, 2022, Taggart filed a Notice of Appeal of the denial of the request to set aside the default judgment entered against Allison. Taggart failed to take any other action beyond filing the notice.

11. On May 17, 2022, opposing counsel filed a Motion for Contempt Citation alleging Taggart and Allison failed to prepare the schedule of property. Attached as an exhibit to the motion was a copy of an email opposing counsel sent to Taggart requesting the schedule of property be completed and filed by May 6, 2022.

12. An Order to Show Cause setting a hearing date of September 8, 2022, was issued and served upon Allison on August 18, 2022. On that same day, Allison emailed the Show Cause Order to Taggart and advised him to let her know if he needed anything else. Taggart replied, “Let’s talk later today or tomorrow. I’m in court all day.”

13. After emailing the show cause order to Taggart, Allison attempted unsuccessfully, by phone call and text to get a meeting scheduled with Taggart to discuss the upcoming hearing.

14. Two days prior, and on the day of the contempt hearing, Allison texted and emailed, Taggart regarding the hearing and what would happen. Taggart and Allison discussed Taggart showing up for court. Taggart advised Allison that he would not be in court as he had a prior commitment in Pine Bluff and that Allison never told him she wanted him to represent her in the contempt hearing, despite Allison having previously paid Taggart a total of \$8,200.00 for his services in the case.

15. After being informed by Taggart that he would not be attending court with Allison, she requested that Taggart seek a continuance. Taggart advised Allison that she needed to go to court, which Allison already stated she would be there. Allison also advised Taggart in the texts that he was supposed to fill out the documents (schedule of property) and she will get with him after court. Taggart advised Allison, “just tell judge you will fill out forms within a week and that there’s likely miscommunication between you and your lawyer.”

16. Taggart alleged in his email to Allison that he advised her to complete the form when she first hired him, to which Allison replied, “we never spoke about anything pertaining to this case but the motion!!”. There were no further emails from Taggart after this.

17. Allison appeared at the hearing without Taggart and advised the judge that her attorney had filed an appeal to circuit court but was advised by the court that no appeals had been filed in her case.

18. On advice of the judge who explained to Allison that she could avoid the contempt; she completed the schedule of property at the hearing which was then given to opposing counsel. Allison was found not in contempt and the matter dismissed.

19. Allison had no further contact from Taggart after the September 8, 2022, texts and emails. With no contact from Taggart, Allison was forced to hire and pay new counsel.

20. Taggart has not returned any of the \$8,200.00 Allison paid him for his representation.

21. On October 3, 2022, the Office of Professional Conduct (OPC), through Deputy Director Charlene Fleetwood (“Fleetwood”), in the ordinary course of its everyday business, sent an email request to Taggart for information as part of its investigation into the grievance filed by Allison, with a request that Taggart acknowledge the email. Taggart acknowledged the request on October 6, 2022.

22. On October 12, 2022, Taggart emailed apologizing for not providing his written response by the required due date of October 11, 2022, and requested he be allowed to submit his written response to the investigation that day. Taggart’s request was approved. No written response was received from Taggart that day.

23. On October 21, 2022, OPC, through Fleetwood, sent Taggart a follow up email advising him that he had failed to submit his written response to the investigation despite being granted an additional day as requested to do so. Taggart responded that he had mailed his response vis USPS mail. Taggart was advised Fleetwood would wait to see if it arrived that day. No written response arrived and there was no further communication from Taggart until October 31, 2022.

24. On October 31, 2022, Taggart emailed requesting confirmation that his response had been received. Taggart was advised it had not been received and that he could send it by email. No emailed response was received.

25. On December 5, 2022, Taggart emailed to confirm his response had been received. Fleetwood mistakenly replied, “yes” but quickly corrected the response to advise that his

response had not been received but that his acknowledgment of the email requesting a response had been received.

26. On March 29, 2023, a final email request was sent to Taggart to provide a response to the investigative request for information sent to him.

27. Taggart failed to provide a response to the request for information despite his acknowledgment of the request and the several emails between himself and Fleetwood regarding the request for information and his response. All emails were delivered to [REDACTED], the email address of record on file with the Arkansas Supreme Court Clerk.

28. Taggart was served with the Formal Complaint in this matter on May 23, 2023, and failed to file a response.

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

1. That Taggart's conduct violated Rule 1.1 when he filed a Motion to Set Aside Judgment but took no action after filing it, even failing to show for court. Taggart also filed a Notice of Appeal but took no action to perfect the appeal on behalf of his client. 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 Taggart's conduct violated Rule 1.3 when he failed to take diligent action on the matter for which his client hired him. Taggart filed a Motion to Set Aside Judgment but

took no action after filing it, even failing to appear for court. Arkansas Rule 1.3 states a lawyer shall act with reasonable diligence and promptness in representing a client.

3. That Taggart's conduct violated Rule 1.4(a)(3) when he failed to advise his client that the Motion to Set Aside Default Judgment had been denied by the court and failed to maintain contact with his client after her contempt hearing. Taggart has had no communication with his client since September 8, 2022. Arkansas Rule 1.4(a)(3) states a lawyer shall keep the client reasonably informed about the status of the matter.

4. That Taggart's conduct violated Rule 1.4(a)(4) when he failed to respond to his client's several attempts to contact him to discuss the status of her case and hearings. Allison has had no contact with Taggart since September 8, 2022. Arkansas Rule 1.4(a)(4) states a lawyer shall promptly comply with reasonable requests for information.

5. That Taggart's conduct violated Rule 1.5(a) when he accepted a total of \$8,200.00 in attorney fees from Allison and did no work for her other than filing a Motion to Set Aside Default Judgment, which he failed to appear in court to defend and then filing a Notice of Appeal and took no action to perfect the appeal. Allison's case was not a complicated matter as it was a civil suit regarding unpaid rent. Taggart's fee was unreasonable given the extremely minimum and/or lack of services performed by him and the common nature of the civil suit. Given that the suit was a common suit for collection of rents, there were no novel questions of law nor did Taggart have to forgo representation of other clients. In fact, by his own admission in the case, Taggart was still representing clients in juvenile court. He charged Allison \$3,500.00 to file to have the default judgment set aside, then failed to appear to defend his filing. He filed a Notice of Appeal and failed to perfect the appeal. He then charged her an additional \$4,700.00 and took no further action in the case after receiving the additional \$4,700.00. Arkansas Rule

1.5(a) states 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 services properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude the other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and 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.

6. That Taggart's conduct violated Rule 3.2 when he filed both the Motion to Set Aside Default Judgment and Notice of Appeal and failed to show for the hearing to defend the motion and failed to perfect the appeal after filing the notice. Arkansas Rule 3.2 states a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

7. That Taggart's conduct violated Rule 8.1(b) when he failed to respond to OPC's request for information in their investigation of the allegations made against him. Arkansas Rule 8.1(b) states an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail

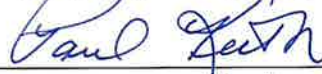
to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

8. That Taggart's conduct violated Rule 8.4(d) when he filed the Motion to Set Aside Default Judgment and failed to appear for the hearing set by the court to defend the motion and when he waited until the end of the workday on the day before the scheduled hearing to file a Motion for Continuance and failed to appear in court to defend the motion. Taggart's client was left without counsel in the hearing and the court had to assist her by advising her that she could avoid contempt by filing out the forms. 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.

9. That Taggart's conduct constitutes "serious misconduct" as defined in the Procedures Section 17.B.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel D, to **INITIATE DISBARMENT PROCEEDINGS AGAINST MAURICE L TAGGART**, Arkansas Bar ID #2021042, for his conduct in this matter. Taggart shall pay restitution in the amount of EIGHT THOUSAND TWO HUNDRED DOLLARS (\$8,200.00) in accordance with Section 18.C of the Procedures. Taggart shall also pay costs in the amount of ONE HUNDRED FIFTY DOLLARS (\$150.00) in accordance with Section 18.A of the Procedures. The restitution and cost assessed herein totaling EIGHT THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$8,350.00) 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 D



Paul W. Keith, Chair, Panel D

Date: August 22, 2023