

*Final actions from October 1, 2007, through December 31, 2007, by the Committee on Professional Conduct. Summaries prepared by the Office of Professional Conduct.*

*Full text documents are available on-line at <http://courts.state.ar.us/courts/cpc.html>.*

*[Note: "Model" Rules refers to the Rules of Professional Conduct as they existed in Arkansas prior to May 1, 2005. "Arkansas" Rules refers to the Rules as they exist in Arkansas from May 1, 2005.]*

DISBARMENT:

B. JOE THOMSON, Bar No. 69098, of Houston, Texas, was reciprocally disbarred by Arkansas Supreme Court Per Curiam Order filed October 4, 2007, in No. 07-914, as a result of his prior disbarment in Texas. Mr. Thomson was disbarred by the State Bar of Texas on September 30, 2004. The information related to the Judgment of Disbarment was received by the Office of Professional Conduct from the Chief Disciplinary Counsel for the State Bar of Texas on May 24, 2007. The Judgment of Disbarment showed that Mr. Thomson had violated Rules 3:01, 4:04(b)(1), and 8:04(a)(3) of the Texas Rules of Professional Conduct. Having been disbarred in Texas and having been licensed in Arkansas some twenty-five (25) years before his disbarment in Texas, the Arkansas Supreme Court disbarred Mr. Thomson from the practice of law in Arkansas pursuant to Sections 14.A and B of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002).

DISBARMENT TO BE INITIATED:

OSCAR A. STILLEY, Bar No. 91096, of Fort Smith. Panel B voted on December 14, 2007, in No. CPC 2006-067, a complaint from Judge James Marschewski of Fort Smith and others, to initiate disbarment proceedings against Mr. Stilley for violations of Rules 3.1, 3.3(a)(1), 3.4(c), and 8.4(d). The Panel also voted to place Mr. Stilley on interim suspension during the pendency of the disbarment proceeding. The petition for disbarment was filed on January 16, 2008 as No. 08-073. The Order of Interim Suspension was filed and became effective December 27, 2007.

HORACE A. WALKER, Bar No. 82169, of Little Rock. Panel B voted on December 14, 2007, in No. CPC 2007-095, a complaint from Mr. and Mrs. Theodis Dodson, to initiate disbarment proceedings against Mr. Walker for violations of Rules 1.2(a), 1.3, 1.4(a), 1.5(c), 1.15(a), 1.15(b), 8.1(b), 8.4(b), and 8.4(c). Mr. Walker failed to file a response to the Complaint. The Panel also voted to place Mr. Walker on interim suspension during the pendency of the disbarment proceeding. The petition for

disbarment was be filed on January 15, 2008 as No. 08-071. The Order of Interim Suspension was filed and became effective December 20, 2007.

SUSPENSION:

ALICE WARD GREENE, Bar No. 95197, of North Little Rock, Arkansas, had her law license suspended for six (6) months, effective October 17, 2007, by Committee Findings & Order filed that date in Case No. 2007-044, on a complaint filed by LaDonna Marsh, for violation of Rules 1.2(a), 1.3, 1.4(a)(3), 1.4(a)(4), 3.2, 3.4(c), 8.4(c) and 8.4(d). In addition, Ms. Greene was ordered to pay \$750 restitution for the benefit of her former client. As a result of her failure to respond to the formal disciplinary complaint, Ms. Greene was Reprimanded and ordered to pay a \$500 fine. Ms. Marsh hired Ms. Greene to represent her in a divorce matter she wished to file in September 2006. Ms. Greene was paid her entire fee per her written fee agreement in October 2006. She was unavailable to Ms. Marsh many times that Ms. Marsh called for information about the legal proceeding. Ms. Greene did not keep Ms. Marsh informed

of her actions, if any, in filing a divorce complaint. Ms. Greene allowed Ms. Marsh to believe that a complaint for divorce had been filed when, in fact, none had been filed by March 2007. Ms. Greene moved out of her office with notice to Ms. Marsh. Ms. Marsh left numerous messages on Ms. Greene's cell phone but the messages have not been responded to by Ms. Greene. In addition, the Committee had information before it that Ms. Greene failed to pay her bar dues by March 2, 2007, and also failed to complete her CLE requirements in 2006 which resulted in the automatic suspension of her license to practice law in Arkansas on March 2, 2007.

TIMOTHY MARK HALL, Bar No. 96043, of Huntsville and Springdale, Arkansas, had his law license suspended for six (6) months, effective December 4, 2007, by Committee Findings & Order filed that date in Case No. 2006-040, on a complaint filed by Diana Refsell, for violation of Model Rules 1.3, 1.4(a), 1.16(d), 3.4(c) and 8.4(d). Mr. Hall was also fined \$1,000 for his conduct. Ms. Refsell hired Mr. Hall to represent her in the Estate proceeding involving her late father's Estate. Mr. Hall had previously represented her father before his death in various matters. Ms. Refsell was named the Administratrix with Mr. Hall acting as her counsel. Mr. Hall continually failed to keep Ms. Refsell informed of the matters involving the Estate and failed to return her requests for information. Mr. Hall did not file the required Inventory and Accountings. Ms. Refsell was unaware of all the problems at the time they were occurring, learning of them from a sibling and when she had a contempt action filed against her. After proceedings to remove Ms. Refsell as Administratrix, Mr. Hall failed to turn over the Estate file as directed by the Court until the morning of a "show cause" hearing. Ms. Refsell had to hire other counsel to represent her interests because Mr. Hall had, in effect, abandoned his representation of her.

VANCE BENTON ROLLINS, JR., Bar No. 75108, of Hot Springs, and formerly of Camden, Arkansas, an attorney formerly practicing law primarily in Camden, Ouachita County, Arkansas, was placed on interim suspension from the practice of law by the Committee on Professional Conduct

in case number CPC 2007-125, for an indefinite period effective November 27, 2007, as a result of his felony conviction in the Circuit Court of Perry County, Arkansas, on October 31, 2007, in Case Number CR-2007-03, of two counts of the Class C felony Manslaughter, in violation of AR Code § 5-10-104. The Interim Suspension was ordered pursuant to Sections 17.E(3)(c)(1) and 16.A(3) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. Mr. Rollins has also been convicted in late 2007 in Ouachita County Circuit Court on felony drug charges.

NATHAN THOMAS WILLIAMS, Bar No. 98159, now of Green Bay, Wisconsin, had his Arkansas law license suspended for twenty-four (24) months, effective October 2, 2007, by Committee Findings & Order filed that date in Case No. 2007-092, on a reciprocal discipline action from Illinois. The Supreme Court of Illinois ordered the suspension from the practice of law in Illinois of Nathan Thomas Williams, Illinois Registration No. 6276891, for a period of two (2) years, effective June 8, 2007. The information was received in the Office of Professional Conduct on August 17, 2007, from the Clerk of the Illinois Attorney Registration and Disciplinary Commission, and not from Mr. Williams. Mr. Williams is also licensed in the State of Missouri. Mr. Williams' former spouse, Missouri attorney Margaret Murphy Williams, had reported the substantially similar conduct by Mr. Williams to Arkansas in July 2005, where it was assigned file #T2005-472. Upon notice that both Missouri and Illinois were pursuing the same conduct, which substantially occurred in Missouri, Arkansas held the complaint in abeyance pending action in one of the other states. Additionally, Mr. Williams' Arkansas law license has been administratively suspended since 2002 for non-payment of his annual Supreme Court license fee and since March 27, 2003, for his non-compliance with the Arkansas CLE Rule requirement.

#### REINSTATEMENT:

WILLIAM SCOTT DAVIDSON, Bar No. 81044, of Jonesboro, Arkansas, had his law license reinstated effective December 11,

2007, from a one-month suspension ordered in CPC 2006-155.

#### REPRIMAND:

CALON E. BLACKBURN, JR., Bar No. 74101, of Drasco, Arkansas, was reprimanded by Committee Consent Findings & Order filed November 27, 2007, in Case No. 2007-093, on a complaint filed by the United States Army for violation of Rule 8.4(c). On May 10, 2007, the Office of Professional Conduct was notified by the Department of the Army that Mr. Blackburn, working as a civilian attorney for the military in the theater, had been reprimanded for making false statements to U.S. and Qatari authorities in connection with an incident on January 18, 2007, in which he was stabbed by a female friend while in his government housing quarters in Qatar. The findings of two Army investigations indicate that Blackburn made multiple false and/or misleading statements to U.S. and Qatari authorities surrounding the circumstances of his injuries to avoid disclosing that his female friend had stabbed him. Instead, Blackburn initially led authorities to believe that he had been the victim of a burglary, which caused great concern because of the possibility that security at the housing compound in Qatar might have been compromised.

ALICE WARD GREENE, Bar No. 95197, of North Little Rock, Arkansas, was reprimanded and ordered to pay \$600 restitution to her former client by Committee Findings & Order filed October 17, 2007, in Case No. 2007-038, on a complaint filed by Larry Crawford for violation of Rules 1.2(a), 1.3, 1.4(a)(3), 1.4(a)(4), 1.16(d) and 8.4(d). In addition, as a result of her failure to respond to the disciplinary complaint, Ms. Greene was reprimanded and ordered to pay a \$500 fine. Mr. Crawford hired Ms. Greene to seek a reduction in child support because two of his three children had graduated from high school. Ms. Greene was paid \$500 in fees and \$100 in costs to file for a support reduction. She did not take any action on behalf of Mr. Crawford. She did not communicate with Mr. Crawford and did not file any proceeding for him to reduce or abate his child support obligation. Ms. Greene did not return any unearned fee or costs to Mr. Crawford after being terminated

from representation.

WILLIAM KURT MORITZ, Bar No. 99021, of Hot Springs, Arkansas, was reprimanded, fined \$500.00, and assessed costs in the amount of \$50.00 by Committee Findings & Order filed October 29, 2007, in Case No. 2007-075, on a complaint filed by District Judge Lynn T. Williams for violation of Rules 3.4(c), 5.5(a), and 8.4(d). Mr. Moritz had a court setting in Hot Springs District Court for May 10, 2007. Mr. Moritz had a previously scheduled hearing in Sevier County Circuit Court and appeared in court there. The hearing in Sevier County Circuit Court lasted longer than he anticipated and he did not appear in Hot Springs District Court. Mr. Moritz was also scheduled to appear in a separate matter in a separate division of Hot Springs District Court on May 10, 2007, but failed to appear there as well. Mr. Moritz failed to pay his bar license fee by March 1, 2007, and was administratively suspended from the practice of law from March 2, 2007, until his license fee was on May 24, 2007. Despite the administrative suspension, Mr. Moritz continued to appear in court.

#### CAUTION:

DON CLAYTON COOKSEY, Bar No. 74199, of Texarkana, Arkansas, was cautioned and fined \$500 by Committee Findings & Order filed December 4, 2007, in Case No. 2007-072, on a judicial referral for violation of Rules 1.1, 1.3, and 8.4(d). Cooksey was also fined \$250 and cautioned for his failure to respond to the Committee's complaint. On December 12, 2006, the Little River County Circuit Court filed an order in Case No. CR2005-47-1, sentencing Cooksey's client, Susan Whitman, to a \$4,000 fine and one year probation for four counts of cruelty to animals. Cooksey timely filed the notice of appeal; however, he untimely tendered the record on appeal. The Arkansas Supreme Court granted Cooksey's Motion for Rule on the Clerk after he admitted his error in the failure to perfect the appeal.

JANIE M. EVINS, Bar No. 92068, of Hot Springs, Arkansas, was cautioned and fined \$500 by Committee Findings & Order filed October 24, 2007, in Case No. 2007-079, on a complaint filed by Crystal McKinney for

violation of Rules 3.3(a)(2), 3.3(a)(4), 3.4(c), 3.4(d), 4.4, and 8.4(d). During calendar year 2004, Ms. Evins represented Clint Asher in a custody proceeding involving Crystal McKinney, the mother of his minor child. In the course of that representation, there was a hearing where Ms. Evins' client, Mr. Asher, provided false testimony concerning his ability to obtain medical records concerning Mr. Asher's minor son. As Ms. Evins had been provided with at least one medical record the day before the hearing, she was aware of the false statement but took no action to correct the statement. She allowed the Court to rely on Mr. Asher's testimony and enter an Order in reliance thereon. Ms. Evins offered the evidence through her client, Mr. Asher, that he had not been able to obtain any medical records with regard to his minor child, which evidence was not factually accurate. Ms. Evins took no remedial measures to make certain that the true facts were given the Court in testimony on May 12, 2004. When the true facts were discovered, the Court was required to conduct other hearings. The initial decision was set aside. As the matter progressed, Ms. Evins engaged in delay and other tactics which had no substantial purpose other than to harass, burden, embarrass or delay Mrs. McKinney. Ms. Evins failed to comply with the Arkansas Rules of Civil Procedure, in that she failed to file timely responses to discovery on behalf of her client in the custody proceeding. Ms. Evins' failure in doing so required a Motion to Compel to be necessary in the matter.

CHARLES J. GARDNER, Bar No. 76036, of Blytheville, Arkansas, was cautioned and ordered to pay \$194 in restitution for the benefit of his former client by Committee Consent Findings & Order filed October 19, 2007, in Case No. 2007-074, on a complaint filed by Joyce Harvey for a violation of Rule 1.3. The information before the Panel reflected that on January 11, 2005, Ms. Harvey met with Mr. Gardner to pursue a bankruptcy proceeding on her behalf. Mr. Gardner agreed to represent Ms. Harvey and he was paid \$194. Ms. Harvey explained to Mr. Gardner that time was of the essence in filing the bankruptcy petition because her home was scheduled for foreclosure sale on February 9, 2005. All information Mr. Gardner requested of Ms. Harvey was delivered to his office in a timely manner.

Mr. Gardner failed to file the bankruptcy petition until February 21, 2005. The filing was after the date of the foreclosure sale. The mortgage company filed a Motion for Relief from the Stay, which was granted. Ms. Harvey lost possession of her home. After a conference with Mr. Gardner, the bankruptcy proceeding was dismissed. Ms. Harvey met with Mr. Gardner with regard to the damages she suffered with regard to his late filing of the bankruptcy proceeding but they have not yet reached a resolution of the issues.

JUSTIN B. HURST, Bar No. 2005021, of Hot Springs, Arkansas, entered into consent to discipline and was cautioned and assessed \$50 costs by Committee Consent Findings & Order filed November 27, 2007, in Case No. 2007-084, on a complaint referred to the Office of Professional Conduct by the Arkansas Supreme Court for violation of Rules 1.3, 8.4(d). Mr. Hurst represented James Ray Creed in a criminal case in Hot Spring Circuit Court, Case No. CR 2006-195-2, in which Mr. Creed was found guilty of rape and was sentenced to a term of life imprisonment. A timely Notice of Appeal was filed by Mr. Hurst. The record on appeal was due to be filed with the Arkansas Supreme Court Clerk on or before March 26, 2007. On March 6, 2007, the Hot Spring Circuit Court granted a request for extension of time to file a record and the record was thereafter due to be filed on or before May 14, 2007. Mr. Hurst untimely tendered the record to the Clerk on May 30, 2006. On May 31, 2007, Mr. Hurst filed a Motion for Rule on the Clerk. The Arkansas Supreme Court issued a Per Curiam Order on June 21, 2007, granting the Motion for Rule on the Clerk and referred the matter to the Office of Professional Conduct. Mr. Hurst admitted in his response that his failure to file the record caused a delay in the orderly and timely resolution of appellate proceedings. He also admitted that his failure to file the record in a timely manner caused the court to expend additional time and effort addressing the matter which would not have been necessary had he timely filed the record.

WILLIAM KURT MORITZ, Bar No. 99021, of Hot Springs, Arkansas, was cautioned and assessed \$50 costs by

Committee Findings & Order filed on October 29, 2007, in Case No. 2007-065, on a complaint filed by Daniel and Stephanie Padgett for violation of Rules 1.3, 1.4(a)(3), 1.4(a)(4), 1.16(d), and 3.4(c). The Padgetts employed Mr. Moritz for assistance in a bankruptcy matter for a \$900 fee. The Padgetts did not have a telephone number but did provide Mr. Moritz with a contact person. The Padgetts provided Mr. Moritz with their counseling certificates in February 2007. The Padgetts would call Mr. Moritz to check on the status of their matter, leaving messages and telephone numbers for Mr. Moritz to call and update them on their matter. The Padgetts left letters from creditors with Mr. Moritz and asked him to call them. Mr. Moritz failed to respond to the requests. The Padgetts then proceeded to file the bankruptcy petition themselves. Their case was dismissed by the Court for failure to file the required documents. The Padgetts then employed new counsel. Mr. Moritz failed to pay his annual license fee on March 1, 2007, and was administratively suspended from March 2, 2007, until his license fee was paid on May 24, 2007. Despite the administrative suspension, Mr. Moritz continued to practice law. ■