



LEADING LAWYERS

the legal standouts of 2020

The Arkansas Bar Association is Moving the Legal Profession Forward



ArkBar is moving forward with virtual conferences and new technology benefits.



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Better Together

When the current president of the Arkansas Bar Association (ArkBar) Brian Rosenthal was sworn into office in June of last year, he said, “We are going to be creative and do some things differently this year.” At the time, he was speaking of the new programs and initiatives he had lined up for the new bar year that runs from July 1 to June 30 of each year. Now, this way of creatively doing things takes on a new meaning in the midst of the COVID-19 pandemic.

When it became clear that the association could not hold its annual bar meeting, one of its great traditions, in-person as it has done for the past 121 years, the bar leadership decided to turn the biggest legal event in the state into a dynamic virtual conference lasting six days – June 8-13, 2020. “This virtual meeting over a six-day period may be the first of its kind in America,” Rosenthal said.

One of the most anticipated events of the annual conference is the awards ceremony, where members’ outstanding service to the association, the profession and their communities is recognized. The awards ceremony will take place virtually on June 10, and several attorneys from Northwest Arkansas will be honored. These attorneys are recognized on page 12. “It is a great honor to recognize those who have led our association and profession to new heights,” Rosenthal said.

The virtual conference will feature a welcome address from Governor Asa Hutchinson, the State of the Judiciary Address by Chief Justice Dan Kemp, local and national experts, a virtual exhibit hall, law school luncheons, service events and more.

“ArkBar will reveal a new logo during the annual conference that reflects its progressive, inclusive, and diverse association,” said Executive Director Karen K. Hutchins. “Additionally, ArkBar is moving forward to meet future state-wide expectations by rolling out its new governance structure at the conference. The new governance structure creates a single Board of Trustees consisting of 15 state-wide districts, which will allow the association to be more agile and responsive as the legal profession meets new challenges.”

Integrity

The association serves as a central point of engagement for participating in pro bono work, educating the public about legal issues and helping to maintain the integrity of the legal profession.

Young Lawyers Disaster Pro Bono Projects

The Young Lawyers Section of ArkBar recently expanded its Disaster Preparedness Manual to include the Covid-19 pandemic and has partnered with Legal Aid of Arkansas, Inc. on a virtual estate-planning clinic to help people statewide with powers of attorney, advanced directives and wills.

Members also volunteer in legal clinics throughout the state, including Wills for Heroes, which assists first responders with estate planning documents; provide free disaster relief assistance when national disasters are declared in Arkansas; and respond virtually to legal questions from the public on AR Free Legal Answers. ArkBar members also create free legal pamphlets for the public, including “18 & Life to Go: A Legal Handbook for Young Arkansans” - a valuable read for all recent graduates.

Mock Trial

The Association’s Law Related Education committee presents the Arkansas high school mock trial competitions. This year, students competed at a regional competition in Fayetteville where teams from Bentonville High School and Springdale Har-Ber High School were recognized as regional champions. A team from Springdale High School also qualified for state competition. Additionally, the Law Related Education committee sends volunteers into classrooms to teach civics throughout the state.

Public Service Academy

ArkBar is building community leaders throughout the state through leadership training and public service opportunities. ArkBar partnered with the University of Arkansas Clinton School of Public Service to launch the inaugural class of the Public Service Academy held in Little Rock and Fayetteville. The Public Service Academy was established to provide service-minded lawyers the tools they need to serve in both elected office and as volunteers on a local, state or federal level.

Fair Administration of Justice

ArkBar is moving forward with virtual conferences and new technology benefits. The unbundling of legal services provides the ability to hire an attorney for parts of a legal issue, which in turn offers the public new and more affordable options.”

ArkBar is the trusted and collective voice of Arkansas lawyers. As part of its mission, ArkBar focuses on improving the legal system in Arkansas, assisting in the enactment of laws, and serving as the trusted and collective



Karen K. Hutchins

Karen K. Hutchins is the Executive Director of the Arkansas Bar Association. She recently celebrated her 15-year anniversary with the association.

“As attorneys continue to serve the public, the legal community must ensure that all Arkansans have access to a fair administration of justice,” Hutchins said. “It is more important than ever to make legal services easily available

and affordable through the use of technology. Virtual law practices continue to expand the ability to obtain legal services more quickly.”

voice at the State Capitol. ArkBar is unique in that every bill filed and every law passed directly impacts its members and the practice of law. ArkBar works full time to monitor legislative and regulatory issues affecting the administration of justice and the practice of law on behalf of its members.

ArkBar is a voluntary bar association that has served the legal profession since 1898. With roughly 5,300 members, ArkBar continues to represent all of its members by providing services that support the practice of law and promotes the profession, such as furnishing updates on recent case law, and regulatory and legislative changes that directly affect the practice of law. Most recently, the association has focused its efforts to support the profession by providing state, local and national resources to keep the legal profession informed and enabled during the pandemic. ArkBar continues to add technology and practice management benefits to keep its members prepared to meet future virtual practice expectations.

Arkansas attorneys have been supporting Arkansas families and businesses across the state for over 120 years. Lawyers pledge to serve the public when taking the attorney oath of admission, and this association provides a unique way for lawyers to do just that.

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Don Jones, Sales Manager
Brian Huntley, Creative Services Manager
Karen Rice, Content Marketing Manager

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Democrat & Gazette

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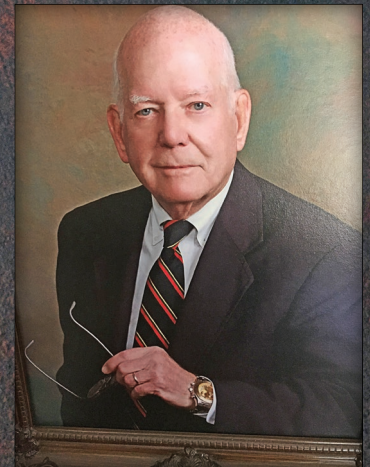
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Raymond C. Smith, P.A.

Raymond C. Smith, P.A. has been specializing in the practice of Commercial Real Estate Law, Estate Planning, Survey Litigation, Real Estate Development, Living Trusts and Wills, Probate, Contract Law, and more in Fayetteville, AR and the surrounding area for over 40 years.

Studying law was his second career. He is a retired Air Force Lt. Colonel and Vietnam Veteran. He served 26 years, retired in 1977 and then began his law career.

Estate planning has changed due to COVID-19. Contact me for more details.



Areas of Practice:

- | | | | | |
|------------------------|----------------|----------------------|-------------------|-------------|
| • General Practice Law | • Wills | • Trusts | • Legal Contracts | • Contracts |
| • Commercial Law | • Business Law | • Breach of Contract | • Living Trust | • Probate |

440 N College Ave Suite 2, Fayetteville, AR 72701 | rsmith@7011.arcoxml.com | rsmith7011@att.net | 479-521-7011

Working with an attorney: what should I expect?

Communicating with your attorney

Your attorney should be communicating with you periodically about the status of your case. For example, he or she may call, write, or send you copies of all filings and correspondence he or she receives or sends out in your case. If you feel that you are not being kept up to date about the status of your case, or have questions or concerns, call or write to your attorney. While his or her response may not be immediate, you should receive a response in a timely manner. Do not be afraid to question your attorney. If he or she is committed to you

as a client, your attorney will welcome your questions and will try his or her best to address each of your questions and concerns.

What if you become dissatisfied with your attorney?

If you become dissatisfied with the way your attorney is handling your case, you can get a new attorney. This does not necessarily mean that you will not have to pay your previous attorney, though. Depending upon your fee arrangement, you may still owe your attorney for his or her services performed, or your attorney may still have

a claim to any recovery in a contingent fee arrangement. Often your ability to terminate the attorney and/or his or her ability to withdraw as your attorney will be a part of the engagement letter. An engagement letter is a letter prepared by your attorney and signed by you that confirms his or her agreement to represent you and your agreement to such representation. Also, the letter is a means by which the lawyer makes you aware of his or her expectations of payment, including the type of fee arrangement, the attorney's billing cycle, and the attorney's policies on costs and expenses incurred in his or her representation of you. This way you will know in advance your obligations of payment to your attorney.

Your attorney's obligations to you as a client

Your attorney's obligations to you as the client come from various sources. First, the Arkansas Rules of Professional Conduct provide a code of ethics by which lawyers must abide in representing clients, communicating with third parties, and dealing with the courts. This code of ethics provides the greatest source of a lawyer's obligations to a client.

CONTINUED ON PAGE 6



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Erin E. Willis
Attorney At Law, L.L.C.

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Raymond C. Smith, P.A.
440 N College Ave Suite 2
Fayetteville, AR 72701
rsmith@7011.arcoxmail.com
rsmith7011@att.net
479-521-7011

Experience:
Retired Air Force Lt. Colonel
Vietnam Veteran
Serving the surrounding
area for over 40 years

Areas of Focus: Commercial Real Estate Law, Estate
Planning, Survey Litigation, Real Estate Development,
Living Trust and Will, Probate, Contract Law

Working with an attorney: what should I expect?

CONTINUED FROM PAGE 5

A lawyer’s obligation to you includes the duty to provide competent representation. Competent representation means that the attorney possesses the legal knowledge, skill, thoroughness and preparation that are required by your case. A lawyer must also represent you with reasonable diligence, promptness, and should make reasonable efforts to expedite your case. Your attorney’s obligations may also come from your engagement letter. In the engagement letter prepared by your attorney and signed by you, there will generally be a provision that addresses the scope of the attorney’s representation of you, as well as his or

her obligations to you as a client. If at the time you hire an attorney you are unclear about his or her obligations to you as a client, you should ask specific questions. In order to benefit from the attorney-client relationship, you should fully understand and be comfortable with both your obligations to your attorney, as well as your attorney’s obligations to you as a client.

Your obligations to your attorney

Your obligations to your attorney include fully and accurately disclosing all of the facts and details regarding your case, as well as any developments or changes in the facts that may arise. It is

your duty to cooperate with your attorney to allow for an efficient, timely resolution of your case. It is your obligation to make yourself available for communication with your attorney, including telephone calls and office conferences. Also, you may be responsible for attending proceedings such as depositions, hearings, and trial if required by the circumstances of your case.

Do attorneys have a code of ethics they must follow?

Yes. The code of ethics in Arkansas is called the Arkansas Rules of Professional Conduct. These rules govern the client-lawyer relationship, a lawyer’s transactions

with people other than clients, a lawyer’s role as advocate and counselor, law firms and associations, and a lawyer’s pro bono public service. Each of the rules is designed to maintain the integrity of the legal profession while defining the expectations and obligations of attorneys to their clients and others. If you believe your attorney is in violation of the ethical rules that govern attorneys, you may file a complaint with the Arkansas Supreme Court Committee on Professional Conduct.

Courtesy: Arkansas Bar Association

Leading Lawyer Listings



Kirby McDonald
26 East Meadow, Ste. 8
Fayetteville, AR 72701
www.arkansaslawpartners.com
479-332-4042

Education:
University of Arkansas
School of Law -
Fayetteville

Areas of Focus: Personal Injury, Social Security, Debt Collection, Contract Dispute




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Areas of Focus:
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Amelia Lynn Hoke
915 W. Trimble
Berryville, AR 72616
amelia@arkansaslawpartners.com
www.arkansaslawpartners.com
870-423-2317

Education:
University of Arkansas
School of Law -
Fayetteville

Areas of Focus: Domestic Relations/Family Law

How to find an attorney

Attorneys can help people at various times in their lives. Much like doctors specialize in particular types of medicine, attorneys also tend to focus on one area of the law. For example, some lawyers might concentrate on criminal law, while others may help their clients with estate planning.

Choosing an attorney is an important decision, and one that many people will need to make at least once during their lifetimes. The following tips can help people find an attorney to help them with whatever legal advice they need.

- **Book an initial consultation.** Initial consultations are typically free of charge and these meetings often give people a first

impression of an attorney before they have to spend any money. Initial consultations are a great opportunity to gauge an attorney's personality and demeanor, determine his or her experience and even his or her outlook for your particular case. Book consultations with as many attorneys as necessary until you feel comfortable making a decision.

- **Be ready to ask questions.** Attorneys should not be the only ones to speak during a consultation. Make a list of general questions and questions specific to your case and don't hesitate to ask them. Ask about the attorney's accessibility should he or she become your attorney,

making sure to determine if the attorney or someone else, such as a paralegal, will be your primary contact during your case. Many people are most comfortable with attorneys to whom they can speak to directly throughout their case, and that's an important point to consider for people who may never have needed an attorney in the past.

- **Discuss costs.** Attorney fees are not immaterial, no matter how serious a case might be. Attorney fees vary widely, and professional legal advice is often expensive, especially when cases are complex and lengthy. Expect to sign a contract regarding fees before an attorney begins working on

your case. Many attorneys will provide cost estimates, so get those in writing.

- **Seek recommendations.** As noted, many people require the services of an attorney at least once in their lifetimes. So don't hesitate to ask family, friends or coworkers for recommendations. Do your research and take your time to find a reliable, trustworthy attorney. In addition, certain organizations may be helpful. For example, AARP might recommend lawyers who specialize in estate planning. You can also get help finding a lawyer by going to www.arkbar.com. This site allows you to search by name of attorney, city, county or type of service.

Leading Lawyer Listings



Erin E. Willis

Erin E. Willis
607 Main St.
Pineville, MO 64856
Phone: 417-223-2890

Education:
University of Arkansas
School of Law,
Fayetteville
Missouri State University

Areas of focus:
Family Law



Paul Gregory

Gregory Law Firm, PLLC
P.O. Box 1153
Gentry, AR 72734
paul@gregorylawfirmar.com
www.gregorylawfirmar.com
Tel: 479-525-2050

Education:
University of Arkansas
School of Law, Fayetteville

Areas of focus: Business/Corporate Law, Business Litigation, Estate Planning, Mediation, Probate Law Real Estate Law, Wills/Trust



Lisa Kelley-Gibbs

The Law Office
122 S. Main Street
Bentonville, AR 72712
Phone: 479-271-0054
lisa@arkansasatty.com

Education:
University of Arkansas
School of Law,
Fayetteville

Areas of Focus:
Wills & Trusts, Estate Planning, Real Estate, Business, Contracts, Mediation

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Jury Duty: Doing Your Civic Duty

What are the qualifications for serving on a jury?

In all Arkansas counties, every registered voter is legally qualified to act as a juror in state court. However, some counties in Arkansas broaden the jury pool by also allowing licensed drivers and persons issued identification cards to serve as jurors. Persons otherwise legally qualified to act as jurors can be disqualified for several reasons, which include, but are not limited to, the following: (1) a person is less than 18 years of age at the time he or she is required to appear; (2) a person is unable to speak, understand,

read, or write the English language; (3) a person has a mental or physical disability that makes them unable to perform jury services; or (4) a person has been convicted of a felony and has not been pardoned. The qualifications for serving on a jury in federal court are similar to the qualifications for jury service in state court.

If you are called, do you have to serve?

Yes. All citizens called for jury duty in both state and federal court, unless disqualified or excused, have a duty to serve as a juror. The court may excuse jurors from service for undue hardship or extreme inconvenience; however, this

is a discretionary decision made only by the court. A person who fails to respond to a notice of jury duty may be subject to a penalty. Those persons for whom jury service would be an extreme personal hardship may be excused because of their occupation or their age. If you have a serious problem or conflict, write or visit the circuit clerk's office at once. He or she will tell you how to apply for an excuse from jury duty.

How does your name get on a jury list?

People are randomly selected for jury duty. In Arkansas state courts, the names of prospective jurors are chosen from those

persons who are registered to vote. In some Arkansas counties, the names may also be chosen from persons who are licensed to drive or are issued an identification card and reside in the county in which they are summoned for service. In federal court, the names are drawn from lists of registered voters and sometimes lists of licensed drivers.

How long does jury service usually last?

In both state and federal court, the length of jury service will vary according to the circumstances of each case. Usually, jury duty will last less than one week.

Leading Lawyer Listings



Joseph C. Hoke

Joseph C. Hoke

600 W. Central Ave.
Harrison, AR 72601
joe@arkansaslawpartners.com
www.arkansaslawpartners.com
870-741-3633

Education:

UALR William H. Bowen
School of Law

Areas of Focus: Family Law, Criminal Defense



Robert Teague

Robert Teague

700 N. 13th, Suite D
Rogers, AR 72756
Phone: 479-531-2785
teague-law.com

Education:

University of Arkansas
School of Law,
Fayetteville

Areas of focus:

Divorce, Custody, Adoptions, Personal Injury, Real Estate,
Bankruptcy, Business, Criminal, Probate, General Litigation



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Does my employer have to pay me if I serve on jury duty?

Neither Arkansas state law nor federal law requires a non-government employer to pay wages to an employee while an employee is on jury duty. Although not required to do so, many employers will pay employees while on jury duty.

Does the court have to pay me if I serve on jury duty?

Arkansas Jurors: Upon being summoned to the courthouse and answering the roll, you are entitled to receive a fee even if you are not selected to serve on the jury. If you are seated, you will receive an amount not to exceed \$20 per day of service. You may also be reimbursed for mileage to the courthouse. The exact amount of payment

is determined in part by the quorum court of the county and the practice of the judge which may include combining a flat sum for mileage with your fee.

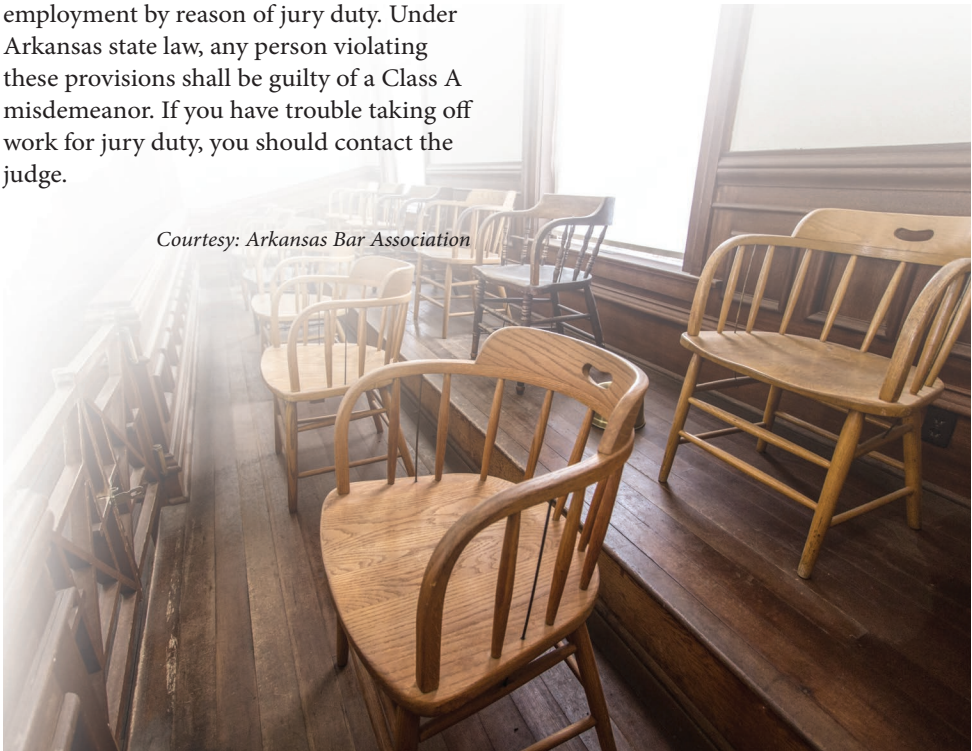
Federal Jurors: Federal jurors are paid \$40 per day of service. While the majority of jury trials last less than a week, jurors can receive up to \$50 per day after serving 30 days on a trial (employees of the federal government are paid their regular salary in lieu of this fee). Jurors are reimbursed for reasonable transportation expenses and parking fees. Jurors also receive a minimal allowance covering their meals and lodging if they are required to stay overnight.

Can you lose your job or your pay when you serve on a jury?

You may not be discharged from employment or receive any other form of penalty on account of absence from

employment by reason of jury duty. Under Arkansas state law, any person violating these provisions shall be guilty of a Class A misdemeanor. If you have trouble taking off work for jury duty, you should contact the judge.

Courtesy: Arkansas Bar Association



Leading Lawyer Listings



Kelsey Bardwell

Kelsey Bardwell
600 W. Central Ave.
Harrison, AR 72601
office@arkansaslawpartners.com
www.arkansaslawpartners.com
870-741-3633

Education:
UofA - Fayetteville

Areas of Focus: Estate Planning, Probate and Corporate/Civil Litigation, Personal Injury



Lisa Kelley-Gibbs

The Law Office
122 S. Main Street
Bentonville, AR 72712
Phone: 479-271-0054
lisa@arkansasatty.com

Education:
University of Arkansas
School of Law,
Fayetteville

Areas of Focus:
Estate Planning, Wills & Trusts, Real Estate,
Business, Contracts, Mediation



Erin E. Willis

Erin E. Willis
607 Main St.
Pineville, MO 64856
Phone: 417-223-2890

Education:
University of Arkansas
School of Law,
Fayetteville
Missouri State University

Areas of focus:
Bankruptcy

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Kelley Law Firm
303 West Walnut
Rogers, AR 72756
Phone: 479-636-1051
kelley-law.net
firm@kelley-law.net

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Business Litigation, Real Estate

Helpful Resources

The Arkansas Attorney General Consumer Protection Division

200 Tower Building
Suite 200
Little Rock, AR 72201
(501) 682-2341
1-800-482-8982
arkansasag.gov/consumer-protection
The Public Protection Division of the Attorney General's Office deals with a wide range of consumer issues including charities, health care, antitrust, tobacco, environmental, public utilities and other areas. If you are having a problem with a company, you can file a consumer complaint with the Public Protection Division to see if the Attorney General's Office can facilitate a resolution to the matter, refer to a more appropriate source for assistance, or otherwise provide you necessary information.

The Arkansas Public Service Commission

1000 Center St. P.O. Box 400
Little Rock, AR 72203
(501) 682-1718
1-800-482-1164
The APSC regulates the rates and services of the public utilities in Arkansas, including phone, natural gas, water and electricity. The Consumer Services Section works with customers to answer questions and resolve complaints about the rates and services of regulated utilities.

Arkansas State Insurance Commissioner

1200 W. 3rd Street,
Little Rock, AR 72201
800-282-9134 or
www.insurance.arkansas.gov

The Better Business Bureau of Arkansas

12521 Kanis Road
Little Rock, AR 72211
(501) 664-7274
1-800-482-8448
www.bbb.org (National website)
Research a business, find out how long it has been around and its track record of dealing with consumer complaints. If you have a complaint about a company, you can file the complaint with the BBB to see if the BBB can mediate the matter for you.

The Federal Trade Commission

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Leading Lawyer Listings



Raymond C. Smith

Raymond C. Smith, P.A.
440 N College Ave Suite 2
Fayetteville, AR 72701
rsmith@7011.arcoxmail.com
rsmith7011@att.net
479-521-7011

Experience:
Retired Air Force Lt. Colonel
Vietnam Veteran
Serving the surrounding area for over 40 years

Areas of Focus: Commercial Real Estate Law, Estate Planning, Survey Litigation, Real Estate Development, Living Trust and Will, Probate, Contract Law



Conrad T. Odom

ODOM LAW FIRM
161 W Van Asch Dr
Fayetteville, AR 72703
Phone: 479-442-7575
codom@odomfirm.com
odomfirm.com

Education:
University of Arkansas
School of Law,
Fayetteville

Areas of focus:
Mediation, Administrative Law



Erin E. Willis

Erin E. Willis
607 Main St.
Pineville, MO 64856
Phone: 417-223-2890

Education:
University of Arkansas
School of Law,
Fayetteville
Missouri State University

Areas of focus:
Divorce Law



Gail T. Segers, Attorney
gtsegers@gmail.com



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Betsy Finocchi, Attorney
betsyfinocchi@gmail.com



My spouse and I have decided to get divorced. We want to share joint custody of the children and have already divided our property. Do we need to hire a lawyer?



You can file your uncontested divorce pro se, which means you represent yourselves. However, the rules of procedure are precise and you will be required to follow them exactly. Further, you may have issues that you haven't considered and that could cause problems later. It's always best to hire an attorney to make sure everything is done correctly and that you haven't unknowingly left anything out.



My girlfriend and I weren't married when our child was born but my name is on the birth certificate. Now we have separated and she claims I have no legal rights to my daughter. I want to share joint custody, but she won't even let me have visitation. What should I do?



If a child is born to an unwed mother, the father must establish legal paternity before he has any rights to child. This is true even if you are still in a relationship. A father's name on the Birth Certificate or an Acknowledgement of Paternity form is only evidence that he is the biological father. To establish legal paternity, you must file a Petition to Establish Paternity with the Court.

Once the case is open, either party can request DNA testing, but it is not required if both parties agree that the Petitioner is the biological father of the child. Once the Court enters an Order of Paternity, the father will have all the rights of a parent, including custody, visitation and support.



My sister has become addicted to illegal drugs and I'm concerned for the safety of her children. Should I report this to the Arkansas Hotline?



Rather than your nieces and nephews going into foster care, you should consider getting a guardianship of the children. Then they would be placed in your care and custody until your sister has corrected her situation and can take care of the children. In order to be a guardian, you must be an adult and you cannot be a felon. If your sister will agree to the guardianship, the process is uncontested and will go quickly and smoothly.

If you or no other relatives can be a guardian, then you should report any child neglect or abuse to the Arkansas Hotline at 1-800-482-5964.



How can I adopt my stepchild? I've been married to her mother for three years and love her as if she were my own child. Her father has been absent from her life since before my marriage.



If a parent has not had significant contact with his or her child in over a year, or has not provided support for the child in over a year, consent is not required to adopt the child. We would file a Petition for Adoption and then the parent must be served. If the parent files an objection within thirty days, a hearing would be held to determine whether consent is required under the law. If the parent does not file an objection and/or if the parent signs a consent to the adoption, you can adopt your step-child without going to court. Adoption provides the child with a sense of security regarding your parent-child relationship, and gives you all of the legal rights and responsibilities of a legal parent.

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The Arkansas Bar Association is Moving the Legal Profession Forward

Thanks to all Arkansas attorneys who support our communities and demonstrate the value of the legal profession in every city and town throughout our state.



Kelsey Bardwell
Sprott, Golden & Bardwell, Harrison, was a member of the Inaugural Class of the Public Service Academy.



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Maggie Benson
Littler Mendelson, Fayetteville, will be honored with a Presidential Award of Excellence for her work as Public Service Academy Co-Chair.



Payton C. Bentley
Clark Law Firm, PLLC, Fayetteville, will serve as Chair-Elect of the Young Lawyers Section.



Howard W. Brill
School of Law, University of Arkansas, Fayetteville, will be honored with a Presidential Award of Excellence for his work with the Public Service Academy.



Suzanne Clark
Clark Law Firm, PLLC, Fayetteville is ArkBar's Immediate Past President.



Steven B. Davis
Attorney at Law, Harrison, will be honored with the Equal Justice Distinguished Service Award by the Arkansas Bar Foundation and the Arkansas Bar Association.



Bob Estes
Law Office of Bob Estes, Fayetteville, will be honored with a Golden Gavel award and will become ArkBar's President-Elect.



Charles L. Harwell
Crouch, Harwell, Fryar & Ferner, PLLC, Springdale is a past president of ArkBar.



Jera Houghtaling
Arkansas Administrative Office of the Courts, Fayetteville, was a member of the Inaugural Class of the Public Service Academy.



Chris Hussein
Legal Aid of Arkansas, Inc., Springdale, will be honored with the Judith Ryan Gray Outstanding Young Lawyer Award and a Golden Gavel Award.



Sarah C. Jewell
McMath Woods P.A., Fayetteville, will be honored with a Golden Gavel award for her or work as the 2020 Mid-Year Planner.



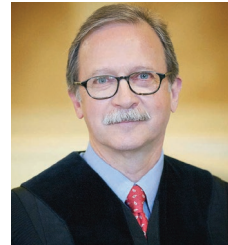
Sean T. Keith
Keith Law Group, Rogers, will be honored with a Golden Gavel award for his work as Co-Chair of the Jurisprudence and Law Reform Committee.



Paul W. Keith
Gibson & Keith, Monticello, will be sworn in as ArkBar's 123rd President during the annual conference.



Caroline Kelley
Kelley Law Firm, Rogers, will be honored with a YLS Award of Excellence for her outstanding work in the Young Lawyers Section.



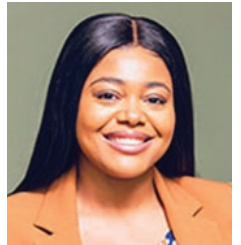
Chief Justice Dan Kemp
was honored with the Outstanding Jurist Award at the 2019 Annual Meeting.



Joey H. McCutchen II
was a member of the Inaugural Class of the Public Service Academy.



Josh McFadden
Attorney at Law, Fayetteville, served on the Professional Ethics Committee.



Dequeshia Prude
Law Group of Northwest Arkansas, Fayetteville, was a member of the Inaugural Class of the Public Service Academy.



Brian Rosenthal
Rose Law Firm, Little Rock, is the current (122nd) ArkBar president.



George Rozzell
Miller, Butler, Schneider, Pawlik Rozzell, Fayetteville, is a member of ArkBar's Legislation Committee.



James D. Sprott
Sprott, Golden & Bardwell, Harrison, was honored with the C.E. Ransick Award of Excellence at the 2019 Annual Meeting.



Dusti Standridge
was a member of the Inaugural Class of the Public Service Academy.



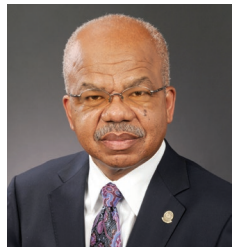
Judge Sam Terry
District Judge, Fort Smith, was a member of the Inaugural Class of the Public Service Academy.



Vicki S. Vasser-Jenkins
Walmart, Fayetteville served as chair of the 2019 Annual Meeting.



Samantha Vital
The Herrera Law Group, Rogers, will be honored for her work as Co-Chair, Disaster Preparedness Task Force.



Eddie H. Walker, Jr.
Walker & Harp, P.L.L.C., Fort Smith, will be honored with the Outstanding Lawyer Award by the Arkansas Bar Foundation and the Arkansas Bar Association.

Arkansas' statewide legal association is proud of the volunteer member attorneys who have led the association to new heights of service to their communities and in support of justice this past year.