ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT

NOTICE OF SUSPENSION OF ATTORNEY'S PRIVILEGE TO PRACTICE LAW

IN RE: **ALICE WARD GREENE**
ARKANSAS BAR ID #95197
CPC Docket No. 2007-044

Attorney Alice Ward Greene, an attorney practicing law primarily in Little Rock, Arkansas, Bar ID #95197 has been suspended from the practice of law within the jurisdiction of this State.

The Committee on Professional Conduct suspended Arkansas Attorney Alice Ward Greene's License for a period of six (6) months effective October 17, 2007.

Please be advised that a suspended attorney shall not be reinstated to the practice of law in this State until the Arkansas Supreme Court has received an affirmative vote by a majority of the Committee. If, and at such time as the Committee may reinstate the attorney, you will be provided notice of the reinstatement and the effective date thereof.

If you have any questions in this regard or you have information evincing the attorney's continued practice contrary to the status of his license, please contact this office.

10-17-2007
Date

Nancie M. Givens

Nancie M.Givens, Deputy Director
Office of Professional Conduct
625 Marshall Street, Room 110
Little Rock, AR 72201
(501) 376-0313

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

FILED
OCT 17 2007
LESLIE W. STEEN
CLERK

IN RE: ALICE WARD GREENE, Respondent
Arkansas Bar ID#95197
CPC Docket No. 2007-044

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by LaDonna Marsh in an Affidavit dated April 20, 2007. The information related to the representation of Ms Marsh by Respondent beginning in September 2006.

On May 11, 2007, Respondent was served with a formal complaint, supported by affidavits from LaDonna Marsh, Denise Parks, Deputy Clerk, Arkansas Supreme Court Clerk's Office and Dana Rowlett, Assistant Director for CLE. Respondent personally signed for the restricted delivery mail sent by the Office of Professional Conduct containing the formal disciplinary complaint. Respondent failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, constitutes an admission of the factual allegations of the formal complaint and extinguishes Respondent's right to a public hearing.

The information before the Committee reflected that on September 28, 2006, Ms. Marsh hired Alice Ward Greene, an attorney practicing primarily in North Little Rock, Arkansas, to represent her in a divorce proceeding from Aaron Marsh. When she first met with Ms. Greene, a fee agreement was signed. Ms. Greene was paid in accordance with the contract, with a total of

$750 being paid by October 19, 2006.

During the initial meeting, Ms. Greene and Ms. Marsh discussed all matters in which she was seeking property recourse from Aaron Marsh. Ms. Marsh also explained that she wanted the matter finalized in an expedient matter. Ms. Greene told Ms. Marsh that the matter could be concluded any time between thirty (30) and ninety (90) days. Specific claims for recourse were discussed as well in regard to late car payments and cellular bills. There were no children born of the marriage and no other property rights to be determined.

On December 15, 2006, Ms. Marsh sent a fax to Ms. Greene listing the vehicles and the Chrysler Financial payment history. She was also provided a copy of the Cingular Wireless payments.

Ms. Marsh did not hear from Ms. Greene after she sent the fax to her. Ms. Marsh called the office on January 26, 2007, but Ms. Greene was not in at the time. Ms. Marsh spoke with Ms. Greene on January 31, 2007, and asked for her advice on how to file taxes for 2006. Ms. Greene advised Ms. Marsh to file single or married filing separately. Ms. Marsh asked Ms. Greene if her estranged husband had received the divorce papers yet. Ms. Greene told her not yet. Ms. Marsh assumed from the way she answered the question that she had filed but no service had been made on Mr. Marsh. During the conversation, Ms. Marsh gave Ms. Greene the home address of Mr. Marsh's mother where Mr. Marsh was living so she could attempt service. Again, Ms. Marsh questioned the length of time to wait to file for a court date. Ms. Greene advised that they would have to wait thirty (30) days after his receipt of the divorce papers. Ms. Marsh inquired of the possibility of a newspaper announcement but Ms. Greene explained that it was expensive to handle service in that manner. That option was not pursued.

When Ms. Marsh spoke with Ms Greene on February 12, 2007, she asked her where they stood in the process of the divorce. Ms. Greene told Ms. Marsh she had not received anything in the mail yet. Ms. Marsh asked her again to send the papers to Mr. Marsh at his mother's address.

On February 26, 2007, Ms. Marsh called Ms. Greene again and gave her the telephone number where her estranged husband could be reached in order to contact him about service of the pleadings. Ms. Marsh asked if she had sent the papers to his mother's address and she replied no. Ms. Marsh asked that she do that and stated that she would call Ms. Greene back on Monday, March 5, 2007, to follow up with her.

On March 5, 2007, Ms. Marsh went by the office where she had initially met with Ms. Greene. The receptionist advised Ms. Marsh that Ms. Greene no longer had an office in the location. There was no forwarding address, although it was explained to her that Ms. Greene was working out of her home. The receptionist provided Ms. Marsh with a cellular telephone number for Ms. Greene. When she left the office that day, Ms. Marsh called Ms. Greene's cellular phone and received an outgoing message that Ms. Greene would be in court proceedings all day. Ms. Marsh left a message explaining that she needed to speak with her and to call her at the earliest convenience. Ms. Greene did not return the call.

On March 14, 2007, Ms. Marsh again called. This time there was no outgoing message, just an automated telephone number. Ms. Marsh left a voice message that she needed to speak with her and she wanted to get the divorce completed. In her message, Ms. Marsh asked whether she needed to seek other legal counsel and also requested that Ms. Greene let her know in the following twenty-four (24) hours. Ms. Greene did not return the call.

The following day Ms. Marsh called Ms. Greene again. Again there was no outgoing

message just an automated telephone number. Ms. Marsh again explained that she needed to speak with her. Ms. Greene did not return that telephone call either.

Ms. Marsh spoke with another attorney on March 15th. She was advised to go to the Circuit Clerk's office and check to see if a divorce complaint had been filed on her behalf. There was no information in the system under her married name, maiden name or her husband's name. Ms. Greene had not filed a divorce proceeding on Ms. Marsh's behalf. Ms. Greene had misled her for months about that fact.

The information before the Committee also reflected that Ms. Greene had not paid her annual license fee for 2007 by March 1, 2007 as required. As a result of the non-payment of the annual license fee, Ms. Greene was suspended from the practice of law from March 2, 2007, through at least the date Ms. Parks signed the Affidavit. In addition, the information provided by Ms. Rowlett demonstrated that Ms. Greene had been suspended for CLE non-compliance in Arkansas since November 28, 2006. As of April 25, 2007, the suspension remained in effect because Ms. Greene had not cured the deficiency.

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

1. That Ms. Greene's conduct violated Rule 1.2(a), because Ms. Marsh hired her to pursue a divorce from Aaron Marsh for her in September 2006. Ms. Greene was paid in full for this action by October 2006, but did not take the action requested in that she did not file a divorce proceeding for her. Rule 1.2(a) requires that subject to paragraphs (c) and (d), a lawyer abide by a client's decisions concerning the objectives of representation, and, as required by Rule 1.4, shall

consult with the client as to the means by which they are to be pursued.

2. That Ms. Greene's conduct violated Rule 1.3, because she did not act with diligence in her representation of Ms. Marsh after she hired Ms. Greene to file a divorce complaint on her behalf in that she did not file a complaint for divorce on her behalf between September 2006 and March 2007. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Ms. Greene's conduct violated Rule 1.4(a)(3), when she did not keep Ms. Marsh informed of any efforts taken on her behalf with regard to the divorce she wished to obtain from Aaron Marsh. Rule 1.4(a)(3) requires that a lawyer keep a client reasonably informed about the status of a matter.

4. That Ms. Greene's conduct violated Rule 1.4(a)(4), because despite messages left for her by Ms. Marsh, Ms. Greene failed to respond to the requests for information. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

5. That Ms. Greene's conduct violated Rule 3.2, when she failed to initiate and expedite the divorce litigation Ms. Marsh hired her to pursue during September 2006. Rule 3.2 requires that a lawyer make reasonable efforts to expedite litigation consistent with the interests of the client.

6. That Ms. Greene's conduct violated Rule 3.4(c), when she failed to comply with Rule VII of the Rules Governing Admission to the Bar when she failed to pay her 2007 annual license fee by March 1, 2007. Rule VII of the Rules Governing Admission to the Bar requires, in pertinent part, that the fee (annual license fee) shall be paid annually to the Clerk of the Arkansas Supreme Court and shall be payable January 1 of each year, and must be paid not later than March 1 of each year. Delinquency in a given year dates from March 2 of the year in which the fees are

due. In addition, Ms. Greene violated Rule 3.4(c) when she failed to comply with Rule 3 of the Rules for Minimum Continuing Legal Education in 2006 when she failed to complete the minimum 12 hours of approved continuing legal education by June 30, 2006. Rule 3 of the Rules for Minimum Continuing Legal Education requires that every member of the Bar of Arkansas, except as may be otherwise provided by these rules and, excepting those attorneys granted voluntary inactive status by the Arkansas Supreme Court Committee on Professional Conduct, shall complete 12 hours of approved continuing legal education during each reporting period as defined by Rule 5(A). Rule 3.4(c) requires that a lawyer not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

7. That Ms. Greene's conduct violated Rule 8.4(c), when she allowed Ms. Marsh to believe that she had filed a divorce complaint for her even when she had not. Ms. Greene's act of omission in not telling her client that she had not filed a complaint for her by March 15, 2007, is conduct involving dishonesty, deceit or misrepresentation. Rule 8.4(c) requires that a lawyer not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

8. That Ms. Greene's conduct violated Rule 8.4(d), because her failure to take action on Ms. Marsh's behalf led to an unnecessary delay in her obtaining the divorce which she hired Ms. Greene to pursue in September 2006. Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that the law license of ALICE WARD GREENE, Arkansas Bar ID#95197, be, and hereby is, SUSPENDED FOR A PERIOD OF SIX (6) MONTHS for her conduct in this matter. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

In addition, pursuant to Section 18.C. of the Procedures, Ms. Greene is ordered to make appropriate restitution to Ms. Marsh in the amount of $750. Pursuant to Section 9.C(3) of the Procedures, the Committee also sanctions Ms. Greene for her failure to respond to the disciplinary complaint after proper service, by imposing a REPRIMAND and a fine in the amount of $500. Further, pursuant to Section 18.A of the Procedures, Ms. Greene is assessed the costs of this proceeding in the amount of $50. The fine, restitution, and costs assessed herein, totaling $1300, 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

By: _____
Henry Hodges, Chair, Panel B

Date: 6-26-07