BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

FILED
FEB 20 2008
LESLIE W. STEEN
CLERK

IN RE: **BRYAN J. REIS**
Arkansas Bar ID # 79239
CPC Docket No. 2007-081

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Clifford P. Block, Esq. On April 4, 2007, the Garland County Circuit Court granted plaintiff's Motion to Disqualify the Respondent as defendant's counsel of record in Case No. CV-2006-841-III, *Marian N. Howell, Nathan B. Howell, and Bear's Pizza Co., Inc. v. F. Lee Beasley III and Deborah Hunter*. This occurred after plaintiff's counsel, Clifford P. Block, filed a Motion to Disqualify and a Brief in Support. The basis of the court's disqualification was Reis's past joint representation of Mr. Nathan Howell and Mr. F. Lee Beasley in matters the court deemed the same or substantially related transactions to issues in the 2006 litigation.

Likewise in Case No. CV-2006-852-III, *F. Lee Beasley v. Marion N. Howell and Nathan B. Howell*, the Garland County Circuit Court granted defendant's Motion to Disqualify the Respondent as plaintiff's counsel of record. The court found (1) that Mr. Reis had previously engaged in joint representation of Nathan Howell and F. Lee Beasley in the same or substantially related transactions at issue in the litigation, (2) that Howell and Beasley then had materially adverse interests, and (3) that although there was no impropriety, the disqualification was necessary to avoid the appearance of such. Respondent were thereafter disqualified from the case.

Prior to a ruling in either of these cases, the court invited counsel to submit citations of any supporting case law. In his letter to the court, dated March 15, 2007, Respondent denied that an

attorney-client relationship ever existed as between him and Mr. Howell, given that Howell ultimately hired other counsel to represent him. Nonetheless, Respondent testified at the hearing on March 13, 2007, that he had at one time engaged in joint representation of Mr. Howell and Mr. Beasley.

Upon consideration of the formal complaint, the response thereto, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Mr. Reis's conduct violated Rule 1.7(a)(2) in that, because Reis once engaged in joint representation of Nathan Howell and F. Lee Beasley, he should have declined representation of Beasley in Garland County Circuit Court Case No. CV-2006-841-III, *Marian N. Howell, Nathan B. Howell, and Bear's Pizza Co., Inc. v. F. Lee Beasley III and Deborah Hunter* and in Garland County Circuit Court Case No. CV-2006-852-III, *F. Lee Beasley v. Marion N. Howell and Nathan B. Howell*, as there were significant risks that such representations would be materially limited by Reis's responsibilities to Nathan Howell, his former client. Arkansas Rule 1.7(a)(2) provides that, except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

B. Mr. Reis's conduct violated Rule 1.9(a) in that his representation of F. Lee Beasley in Garland County Circuit Court Case No. CV-2006-841-III, *Marian N. Howell, Nathan B. Howell, and Bear's Pizza Co., Inc. v. F. Lee Beasley III and Deborah Hunter* and in Garland County Circuit Court Case No. CV 2006-852-III, *F. Lee Beasley v. Marion N. Howell and Nathan B. Howell* was

impermissible and adverse to the interests of his former client, Nathan Howell, in that Reis had previously represented Howell in a matter that was the same or substantially related to his representation of Mr. Beasley. Arkansas Rule 1.9(a) requires that a lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **BRIAN J. REIS**, Arkansas Bar ID# 79239, be, and hereby is, **CAUTIONED** for his conduct in this matter, and he is ordered to pay $50.00 Committee case costs, payable by cashier's check or money order to the "Clerk, Arkansas Supreme Court" and 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 A

By: Steven Shults
Steven Shults, Chairperson

Date: January 28, 2008