BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: WILLIAM BRUCE BLEVINS
ARKANSAS BAR ID NO. 70008
CPC DOCKET NO. 2007-082

FILED
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LESLIE W. STEEN
CLERK

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by David L. Moffat. The information related to the representation of David L. Moffat by William Bruce Blevins, Attorney at Law, North Little Rock, Arkansas, from 2006 through 2007.

David L. Moffat is a neighbor of Jane Zeybel, who erected a fence along the common property line between two properties. Mr. Moffat wanted to add the size of his house with the construction of a two car carport. In order to obtain a building permit, Mr. Moffat ordered a survey of his property. The survey revealed that the fence his neighbor erected was over the property line by a foot. Mr. Moffat then sought the assistance of William W. Blevins, Attorney at Law. On October 19, 2006, Mr. Moffat sent a letter to Mr. Blevins and enclosed a check in the amount of One Thousand Five Hundred Dollars ($1,500.00) for Mr. Blevins' representation.

On November 7, 2006, Mr. Moffat wrote Mr. Blevins and asked that he give a call about the current status of the case. Mr. Moffat state that he heard nothing from Mr. Blevins in response.

On November 25, 2006, Mr. Moffat wrote Mr. Blevins and asked him certain questions about the matter that he wanted answered. Mr. Blevins did call Mr. Moffat to say that he would answer his questions promptly.

According to Mr. Moffat, no answers were received from Mr. Blevins by December 16, 2006,

so he wrote again and asked for information about the matter. In the letter, Mr. Moffat told Mr. Blevins that he would not be home during the Christmas holidays but that he would contact him upon my return.

Mr. Moffat called Mr. Blevins during the weeks of January 15 and January 22. Mr. Moffat called Mr. Blevins on January 24, 2007, but was unable to speak with him. As a result, Mr. Moffat wrote Mr. Blevins on January 25, 2007, and asked that he return the file and the fee of One Thousand Five Hundred Dollars ($1,500.00) as his services were terminated.

Mr. Moffat went by Mr. Blevins' office and happened to catch him as he was leaving his office on March 26, 2007. Mr. Blevins apologized for the lack of response to the letters and telephone calls. Mr. Blevins admitted that Mr. Moffat deserved a refund but that he didn't have the money right then. Mr. Blevins said that he could not locate the file right then but that Mr. Moffat could come back later to pick up the file.

Mr. Moffat returned to Mr. Blevins' office a few days later. Mr. Blevins stated that he had located the file but wanted to discuss the situation more. Mr. Moffat agreed to provide Mr. Blevins with Two Hundred Dollars ($200.00) for his time and the telephone call but stated that he expected a return of the remaining One Thousand Three Hundred Dollars ($1,300.00.)

On March 30, 2007, Mr. Moffat wrote Mr. Blevins and told him again that his services were terminated and that he expected a reimbursement of the retainer fee less Two Hundred Dollars ($200.00) for any legal services he rendered during the period of his employment.

Mr. Moffat filed a grievance with the Office of Professional Conduct in April, 2007. In May, the Office of Professional Conduct sent a letter to Mr. Blevins in an attempt to resolve the matter between Mr. Blevins and Mr. Moffat. Mr. Moffat was copied with the letter. The letter set June 22,

2007 for the matter to be resolved. Neither Mr. Moffat nor the Office of Professional Conduct received a response from Mr. Blevins since the letter was sent.

Pursuant to Rule VII.A of the Arkansas Rules Governing Admission to the Bar, an annual license fee is imposed upon each attorney actively licensed to practice law in the State of Arkansas and the fee shall be paid annually to the Clerk of the Arkansas Supreme Court from January 1 of each year and no later than March 1. Rule VII.C of the Arkansas Rules Governing Admission to the Bar states that failure to pay the annual license fee provide for in subsection A shall automatically suspend the delinquent lawyer from the practice of law in Arkansas. According to records maintained in the Arkansas Supreme Court Clerk's Office, William Bruce Blevins had not paid his 2007 annual license fees as of July 27, 2007.

On September 26, 2007, William Bruce Blevins was served with a formal compliant along with a copy of all exhibits. Mr. Blevins failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constituted an admission of the factual allegations of the formal complaint and extinguished his right to a public hearing.

Upon consideration of the formal complaint and attached exhibit materials, the failure to respond to the formal complaint, and 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. William Bruce Blevin's conduct violated Rule 1.4(a)(3) when he failed to provide his client, David Moffat, with information about his legal matter following receipt of a letter dated November 7, 2006; when failed to provide his client, David Moffat, with information about his legal matter following receipt of a letter dated November 25, 2006; when he failed to provide his client,

David Moffat, with information about his legal matter following receipt of a letter dated December 16, 2006; and, when he failed to provide his client, David Moffat, with information about his legal matter following receipt of a letter dated January 25, 2007. Rule 1.4(a)(3) requires that a lawyer keep the client reasonably informed about the status of the matter.

2. William Bruce Blevin's conduct violated Rule 1.4(a)(4) when he failed to respond to a request for information from his client, David Moffat, about his legal matter following receipt of a letter dated November 7, 2006; when he failed to respond to a request for information from his client, David Moffat, about his legal matter following receipt of a letter dated November 25, 2006; when he failed to respond to a request for information from his client, David Moffat, about his legal matter following receipt of a letter dated December 16, 2006; and, when he failed to respond to a request for information from his client, David Moffat, about his legal matter following receipt of a letter dated January 25, 2007. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

3. William Bruce Blevins' conduct violated Rule 1.16(d), when he received One Thousand Five Hundred Dollars ($1500.00) for advanced fees and costs and failed to return any of the unearned advanced fees or costs to his former client, David Moffat, following termination of representation in January, 2007. Rule 1.16(d) states, in pertinent part, that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as..... refunding any advance payment of fee or expense that has not been earned or incurred.

4. William Bruce Blevins' conduct violated Rule 3.4(c) when he failed to comply with Rule VII.A of the Arkansas Rules Governing Admission to the Bar which requires that an annual license

fee as set by the Arkansas Supreme Court shall be paid annually to the Clerk of the Arkansas Supreme Court and shall be payable January 1 of each year and not later than March 1 of each year. 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.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that WILLIAM BRUCE BLEVINS, Arkansas Bar ID No. 70008, be, and hereby is, CAUTIONED; fined the sum of FIVE HUNDRED DOLLARS ($500.00); assessed costs in the amount of FIFTY DOLLARS ($50.00) and directed to pay restitution in the amount of ONE THOUSAND THREE HUNDRED DOLLARS ($1,300.00) for his conduct in this matter. Panel B further imposes a separate sanction of CAUTION and a fine in the amount of FIVE HUNDRED DOLLARS ($500.00) for his failure to respond to the formal complaint as required by Section 9.B. The separate sanction is permitted under Section 9(c) of the Procedures Regulating Professional Conduct of Attorneys at Law. The fines, restitution, and costs assessed herein 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.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL B

By: _____
Henry Hodges, Chair, Panel B

Date: Dec. 27, 2007