ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT

NOTICE OF SUSPENSION OF ATTORNEY'S PRIVILEGE TO PRACTICE LAW

IN RE: **GAIL L. ANDERSON**
ARKANSAS BAR ID #95224
CPC Docket No. 2006-152

Attorney Gail L. Anderson, an attorney practicing law primarily in Little Rock, Arkansas, Bar ID #95224 has been suspended from the practice of law within the jurisdiction of this State.

The Committee on Professional Conduct suspended Arkansas Attorney Gail L. Anderson's License for a period of Two (2) months effective August 19, 2008.

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.

8/19/08
Date

Stark Ligon
Stark Ligon, Executive 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
AUG 19 2008
LESLIE W. STEEN
CLERK

IN RE: GAIL L. ANDERSON
ARKANSAS BAR ID No. 95224
CPC DOCKET NO. 2006-152

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Christine Scott. The information related to the representation of Ms. Scott by Gail L. Anderson, Attorney at Law, Little Rock, Arkansas, in 2004.

Christine Scott decided in March 2004 to seek a divorce from her husband, Sam. She looked through the yellow pages section of the telephone directory for a female attorney who handled divorce cases. She saw the advertisement for Gail L. Anderson, Attorney at Law, Little Rock. Ms. Scott called the telephone number listed in the directory and spoke to Ms. Anderson.

During the telephone conversation, Ms. Anderson stated that her fee was six hundred ($600.00) dollars. Ms. Scott made an appointment to visit with Ms. Anderson for March 9, 2004. Ms. Scott met with Ms. Anderson on March 9, 2004, and, following the meeting, paid her the first installment of three hundred ($300.00) dollars.

Ms. Anderson called Ms. Scott and assured her that she was scheduled to go to court in April, 2004. Ms. Scott received a second telephone call from Ms. Anderson a day before the court date. According to Ms. Scott, Ms. Anderson informed her that her husband did not want to give her one penny and, as a result, Ms. Anderson asked the court to take the divorce matter off the court's docket. Ms. Scott asked whether she had to pay the remaining three hundred

($300.00) dollars and Ms. Anderson replied that she did as she was still representing her. Ms. Scott thereafter provided Ms. Anderson with the final payment of three hundred ($300.00) dollars on March 29, 2004, and waited to hear about a future court date.

Ms. Scott stated that she never heard from Ms. Anderson so she began calling Ms. Anderson's office. Ms. Scott stated that she left several telephone messages without any returned call. Ms. Scott even drove by Ms. Anderson's office to see whether she could catch her in her office. According to Ms. Scott, Ms. Anderson was never at her office when she stopped by her office.

On July 24, 2004, Ms. Scott received a Notice of Hearing from her husband's attorney, and called Ms. Anderson's office. She stated that she was unable to speak to Ms. Anderson but left a voice mail for her to call. After no receiving a returned telephone call, Ms. Scott called several times thereafter and again left messages.

On July 26, 2004, Ms. Scott called the office of the Pulaski County Circuit Court, Sixteenth Division, and spoke to a person named Rosie. Rosie stated that Gail Anderson had never made an appearance to represent Ms. Scott in the divorce case for which she had received a Notice of Hearing.

After talking to Rosie, Ms. Scott then wrote a letter to Ms. Anderson and sent it by certified mail. In the letter, Ms. Scott outlined the events that had occurred since she employed Ms. Anderson. Ms. Scott informed Ms. Anderson that her services were no longer needed and that she should return to her the six hundred ($600.00) dollars that had been given to her for representation. The letter was returned to Ms. Scott as "unclaimed".

A hearing was set in Ms. Scott's divorce matter for September 13, 2004. Ms. Scott

appeared and represented herself and ultimately obtained a divorce on October 4, 2004.

Ms. Anderson stated that she did not recall ever meeting or speaking with anyone named Christine Scott. Ms. Anderson stated that she had searched old boxes of client files and registers for information concerning Ms. Scott. Ms. Anderson employed Amber Broadway during the time in which Ms. Scott contacted her office. According to Ms. Anderson, Ms. Broadway was thought to have been an honest, good working secretary. Ms. Anderson discovered that during Ms. Broadway's approximately six months of employment in her office that Ms. Broadway was failing to complete office tasks, accepting clients and money without Ms. Anderson's knowledge, and took money from Anderson Law Firm that didn't belong to her. As a result, Ms. Broadway was fired in June 2004. Ms. Anderson stated that Ms. Broadway was never authorized by her to accept new clients, draft documents unless she directed her to do so, or render any advice to clients. Ms. Anderson denied any violation of the Rules of Professional Conduct.

Upon consideration of the formal complaint and attached exhibit materials, the failure to timely respond to it, 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. Gail Anderson violated Rule 1.1 when she was accepted $600 to represent Christine Scott in her divorce action and failed to enter an appearance in the divorce case on her client's behalf. Rule 1.1 requires that a lawyer provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. Gail Anderson violated Rule 1.3 when, after accepting $600 to represent Christine Scott in a divorce matter, she did nothing to assist her in the divorce action. Rule 1.3 requires

that a lawyer act with reasonable diligence and promptness in representing a lawyer.

3. Gail Anderson violated Rule 1.4 when, after accepting $600 to represent Christine Scott in her divorce action, she failed to maintain communication with her client about the status of the legal action. Rule 1.4(a) requires that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

4. Gail Anderson violated Rule 1.16(d) when, after having not made an appearance on her client's behalf, she failed to take steps to protect her client's interests, such as refunding the unearned fee so that her client, Christine Scott, would have time to employ other counsel. Rule 1.16(d) requires that upon termination of representation, an attorney shall take steps to the extent reasonably practicable to protect the client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advanced payment of fee that has not been earned.

5. Gail Anderson violated Rule 8.4(d) when she neglected her client Christine Scott and Ms. Scott's legal matter despite having agreed to represent her, accepting a fee, and not entering an appearance in the legal matter. Rule 8.4(d) requires that a lawyer shall 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 GAIL L. ANDERSON, Arkansas Bar ID No. 95224, be, and hereby is, SUSPENDED from the practice of law for a period of TWO (2) MONTHS; directed to pay restitution in the amount of SIX HUNDRED FOUR DOLLARS AND FORTY-TWO CENTS ($604.42); and assessed costs in the sum of FIFTY DOLLARS ($50.00) 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. Ms. Anderson was served with a Formal Complaint on July 24, 2007, but did not file a timely answer to the Formal Complaint within twenty (20) days of service. On August 20, 2007, Ms. Anderson tendered a late response. For her failure to respond to the Formal Complaint, Ms. Anderson is CAUTIONED and fined the sum of TWO HUNDRED FIFTY ($250.00) for her conduct in this matter. The 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.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL B

By: _____
Henry Hodges, Chair, Panel B

Date: November 9, 2007