BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

FILED
JAN 13 2009
LESLIE W. STEEN
CLERK

IN RE: ROBERT HOUSTON LAMBERT
Arkansas Bar ID # 2004081
CPC Docket No. 2008-042

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 Mr. Wesley House on February 4, 2008. The information related to the representation of Mr. House in Washington County Circuit Court Case No. DR-07-772, *Wesley House v. Wendy House*, by Respondent Robert Houston Lambert, an Arkansas-licensed attorney now residing in Norman, Oklahoma. Respondent signed an Affidavit of Service acknowledging receipt of the formal complaint, which was supported by affidavits from Mr. House and Denise Parks.

Mr. House retained Lambert Law Firm for a paternity/custody action in April 2007. Mr. House paid Mr. Lambert $2,690 for this representation and signed an employment contract. On April 27, 2007, Mr. Lambert filed a Complaint to Establish Paternity/Custody Attached in Washington County Circuit Court Case No. DR-07-772, *Wesley House v. Wendy House*. The defendant filed a Motion to Dismiss for Improper Venue, and Mr. Lambert filed a response to the motion. At the time Mr. Lambert responded to the Motion to Dismiss, he was no longer in solo practice and had joined Woods, Snively & Lambert, LLP. According to Mr. House, he and Mr. Lambert spoke last in mid-July to discuss a possible venue change, and Mr. Lambert directed Mr. House to think about it and call him on August 1. On August 1, Mr. House phoned Mr. Lambert and was told to leave a message. When he received no return call, Mr. House called again the next business day when he was informed that Mr. Lambert was no longer with the firm and that another

attorney, Timothy Snively, would be taking over the case.

For two weeks, Mr. House called the firm to speak with Mr. Snively, but he was unsuccessful. Mr. House then called Mr. Lambert's cell phone and left a voicemail. Mr. Lambert did not respond. Mr. House retained another attorney, Eva Madison, to represent him. Ms. Madison entered an appearance on September 24, 2007, filing a Motion to Transfer Venue to Boone County. A hearing date was set for November 13, 2007. On the morning of the hearing, Rick Woods, on behalf of Robert Lambert, filed a Motion to Withdraw as Counsel. The court immediately granted the motion and filed its order. Following the hearing, the case was transferred by agreement of the parties to Boone County.

Further investigation revealed that Mr. Lambert's 2008 annual law license fee to the Arkansas Supreme Court, due by March 1 each year, had not been paid. As such, his license to practice law was administratively suspended from March 2, 2008 until June 11, 2008, when he paid the delinquent fee and penalty.

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

A. Mr. Lambert violated Rule 1.3 in that he failed to act with reasonable diligence and promptness in representing Mr. House in Washington County Circuit Court Case No. DR-07-772, *Wesley House v. Wendy House*. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. Mr. Lambert violated Rule 1.4(a)(2) in that he abandoned Mr. House when he left Woods, Snively, & Lambert, LLP without any notice to Mr. House of his whereabouts or intentions

as it related to Mr. House's representation. Arkansas Rule 1.4(a)(2) requires that a lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished.

C. Mr. Lambert violated Rule 1.4(a)(4) in that he failed to return Mr. House's call when he left a message on Lambert's cell phone requesting some instruction on who was handling his case and how his case was to proceed. Arkansas Rule 1.4(a)(4) requires that a lawyer shall promptly comply with reasonable requests for information.

D. Mr. Lambert violated Rule 1.16(d) in that, upon his constructive termination of Mr. House as a client, he should have taken steps to protect House's interests, such as giving him notice and surrendering any property to which he was entitled, including a refund of any advance payment of fees or expenses that had not been earned or incurred. Arkansas Rule 1.16(d) requires that, upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a 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 advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

E. Mr. Lambert violated Rule 3.4(c) in that he failed to pay his 2008 Arkansas bar license fee by March 1, 2008, as required by the Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar. Arkansas Rule 3.4(c) requires that a lawyer shall 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.

F. Mr. Lambert violated Rule 8.4(d) in that his abandonment of Mr. House absent any notice

to him necessitated Mr. House retaining new counsel, an action he may not have had to take but for Mr. Lambert's actions. Arkansas Rule 8.4(d) provides that it is professional misconduct for a lawyer to 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 Robert Houston Lambert, Arkansas Bar ID # 2004081, be, and hereby is, **CAUTIONED** for his conduct in this matter. Further, Mr. Lambert is ordered to pay a fine of $250, restitution of $2,500.00 for the benefit of Wesley House, and $50.00 Committee case costs. The fine, 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 with 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: Valerie L. Kelly

Valerie L. Kelly, Chairperson

Date: October 29, 2008