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. 2009-037

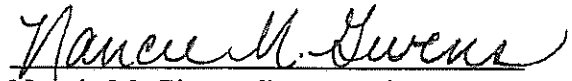
Attorney Alice Ward Greene, an attorney practicing law primarily in North Little Rock has been suspended from the practice of law within the jurisdiction of this State.

The Committee on Professional Conduct suspended Arkansas Attorney Alice Ward Greene's License for a period of forty-eight (48) months effective August 21, 2009.

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 her license, please contact this office.

August 21, 2009



Nancie M. Givens, Deputy Director
Office of Professional Conduct
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BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

FILED

AUG 21 2009

LESLIE W. STEEN
CLERK

IN RE: ALICE WARD GREENE, Respondent
Arkansas Bar ID#95197
CPC Docket No. 2009-037

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by William T. Jackson, II, in Affidavit dated February 20, 2009. The information related to the representation of Mr. Jackson by Respondent beginning in August 2003.

On or about April 21, 2009, Alice Ward Greene was served with a formal complaint, supported by affidavit from William T. Jackson, II.. Ms. Greene failed to file a response to the complaint, which, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes a Respondent Attorney's right to a public hearing.

The information before the Committee reflected that Ms. Greene, an attorney formerly practicing in North Little Rock, Arkansas, was hired during August 2003, to represent William T. Jackson, II, in a matter involving permanent guardianship of his mother, Marguerite Jackson. Ms. Greene was paid $700 to begin those services. She was also paid costs related to filing the matter. Ms. Greene and Mr. Jackson signed a Contract for Legal Services. Ms. Greene filed the initial paperwork and the case was given case number PGD2003-1392 in Pulaski County Circuit Court. She allowed the matter to be dismissed without prejudice on February 4, 2005.

According to Mr. Jackson, communication with Ms. Greene was difficult. It took until April 2006, before she obtained a Court date for Mr. Jackson to appear in Court to ask the Court for an Order of Guardianship. This was after she was required to re-open the matter on April 5, 2006. The Court granted Mr. Jackson two temporary guardianship Orders.

Ms. Greene sent Mr. Jackson a copy of the Temporary Order of Guardianship on June 13, 2006. Ms. Greene assured Mr. Jackson that she would obtain an Affidavit from his mother's physician, Dr. Nunn, so that permanent guardianship could be obtained. Dr. Nunn did sign an Affidavit but Ms. Greene did nothing to place this information before the presiding probate judge to obtain a permanent guardianship. As a result, no permanent guardianship order was ever entered.

Mr. Jackson had not received any letters or telephone calls from Ms. Greene since June 13, 2006. On occasion he called the law firm telephone number for Ms. Greene. The last time he called, he was informed she no longer worked there. Mr. Jackson was given a telephone number to contact Ms. Greene. He called that number several times and left messages which went unreturned.

Ms. Greene left Mr. Jackson without any counsel. He was unable to obtain a permanent order of guardianship with regard to his mother by the attorney he hired to assist him in doing so.

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

A. Ms. Greene's conduct violated Rule 1.2(a), because Mr. Jackson hired her to obtain a Permanent Order of Guardianship over his mother and her Estate and Ms. Greene failed to take action to assist him in obtaining a Permanent Order of Guardianship. Instead she allowed the first filing to be dismissed and the second filing to have only a temporary Order entered which has expired per its own language. 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.

B. Ms. Greene's conduct violated Rule 1.3, when she did not act with diligence in her representation of Mr. Jackson with regard to seeking permanent guardianship of his mother, as evidenced by the fact that she allowed the first filing to be dismissed without prejudice and by the fact that she took no further action to seek a permanent order of guardianship after obtaining a Temporary Order. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

C. Ms. Greene's conduct violated Rule 1.4(a)(3), when she did not keep Mr. Jackson informed of the status of the legal matter in which she was entrusted, nor did she keep him advised of her efforts, if any, taken on his behalf in that regard. Rule 1.4(a)(3) requires that a lawyer keep a client reasonably informed about the status of a matter.

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

E. Ms. Greene's conduct violated Rule 1.16(d), because when she elected to unilaterally terminate her representation of Mr. Jackson, she failed to provide him with the documentation, if any, in the file on his legal matter which would have demonstrated any actions she might have taken on his behalf and when she effectively terminated her representation of Mr. Jackson, she failed to give him notice of this termination or of the fact that she was no longer in the office where he had previously been able to contact her. Rule 1.16(d) requires that upon termination of representation, a lawyer 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 that has not been earned.

F. Ms. Greene's conduct violated Rule 8.4(d) because her failure to take action on Mr. Jackson's behalf led to him not obtaining the Permanent Order of Guardianship he hired Ms. Greene to obtain on his behalf. 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 ALICE WARD GREENE, Arkansas Bar ID#95197, be, and hereby is, SUSPENDED FROM THE PRACTICE OF LAW FOR A PERIOD OF FORTY - EIGHT 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. Further, pursuant to Section 18.A. of the Procedures of the Arkansas

Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Ms. Greene is assessed the costs of this proceeding in the amount of $50. Ms. Greene is also ordered to pay restitution for the benefit of William T. Jackson, II, in the amount of $750. The restitution is ordered pursuant to Section 18.C of the Procedures. A separate sanction is imposed for failing to respond pursuant to the authority granted the Committee in Section 9C of the Procedures. For failing to respond, Ms Greene is REPRIMANDED and fined in the amount of $1000. The fine, restitution, and costs assessed herein, totaling $1800, 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: Valerie L. Kelly
Valerie Kelly, Chair, Panel B

Date: June 30, 2009