BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

FILED
SEP 04 2009
LESLIE W. STEEN
CLERK

IN RE: BOBBY K. KEETER, Respondent
Arkansas Bar ID#77076
CPC Docket No. 2009-047

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Elvira Lettiere in an Affidavit dated April 6, 2009. The information related to the representation of Ms. Lettiere by Respondent beginning in August 2004.

On April 15, 2009, Respondent was served with a formal complaint, supported by affidavit from Ms. Lettiere. Respondent filed a timely response. Thereafter, the matter proceeded to ballot vote before Panel A of the Committee pursuant to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law.

The information before the Committee reflected that on August 24, 2004, Elvira Lettiere hired Bob Keeter, an attorney practicing primarily in Mena, Arkansas, to represent her in an injury matter. Ms. Lettiere had fallen at Wal-Mart and needed someone to pursue recovery for the damages she suffered. Mr. Keeter agreed to represent her.

During the early months of the representation, Ms. Lettiere was contacted by Wal Mart's Claims Management because Mr. Keeter had not sent a letter of representation and they were having difficulty getting in contact with him. In the next few months, no settlement was reached with Wal Mart so Mr. Keeter filed a lawsuit in Polk County Circuit Court.

Ms. Lettiere reported that any time Mr. Keeter asked for information, she provided it to him. She also attempted to keep up to date with what was happening in the matter but Mr.

Keeter would not return telephone messages left for him. She continued to contact Mr. Keeter for status updates about the lawsuit and her claim even after she relocated to Florida.

During investigation of the matter by the Office of Professional Conduct, it was discovered that the Defendants filed a Motion to Dismiss in April 2007. In the Motion, it appears clear that Mr. Keeter was not representing Ms. Lettiere's best interest. He did not involve her in any of the decisions and did not advise her of the activities or pleadings set forth in the Motion, nor did he respond to the Motion. Judge Looney, the presiding Judge, provided an opportunity to comply with discovery and did not initially dismiss the matter. However, Mr. Keeter did not make Ms. Lettiere aware of the fact and took no action to comply and a second Motion To Dismiss was filed. Instead of responding to this matter, Mr. Keeter obtained an Order of Dismissal without Prejudice, which he did not discuss with Ms. Lettiere, but elected to take the action unilaterally. No records have been located to demonstrate that Mr. Keeter ever re-filed the action.

Ms. Lettiere reported that she did speak with Mr. Keeter on May 6, 2008. During the conversation, Mr. Keeter reported that as soon as he heard anything about the lawsuit, he would let Ms. Lettiere know. This was almost a year after he dismissed the lawsuit.

In responding to the formal disciplinary complaint, Mr. Keeter blamed the problems with the discovery on his client and asserted that she failed to provide medical releases and medical information to him. Despite her statements to the contrary, Mr. Keeter advises that he discussed all matter and pleadings with Ms. Lettiere.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the

Arkansas Supreme Court Committee on Professional Conduct finds:

A. Mr. Keeter's conduct violated Rule 1.3 when he failed to participate in the discovery process in Ms. Lettiere's lawsuit. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

B. Mr. Keeter's conduct violated Rule 1.4(a)(3) when he failed to keep Ms. Lettiere informed about the status of her matter. Rule 1.4(a)(3) requires that a lawyer keep a client reasonably informed about the status of the matter.

C. Mr. Keeter's conduct violated Rule 1.4(a)(4) when he failed to return telephone calls to Ms. Lettiere or to respond to her requests for information. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that BOBBY K. KEETER, Arkansas Bar ID# 77076, be, and hereby is, CAUTIONED for his conduct in this matter. Pursuant to Section 18.A of the Procedures, Mr. Keeter is assessed the costs of this proceeding in the amount of FIFTY DOLLARS ($50). 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 A

By: Steven Shults
Steven Shults, Chair, Panel A

Date: August 12, 2009