BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

FILED
OCT 19 2009
LESLIE W. STEEN
CLERK

IN RE: NATALIE J. DICKSON, Respondent
Arkansas Bar ID#2003122
CPC Docket No. 2009-084

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Earvin Langston in an Affidavit dated July 16, 2009. The information related to the representation of Mr. Langston by Respondent beginning in 2006.

On July 22, 2009, Respondent was served with a formal complaint, supported by affidavit from Earvin Langston. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Panel reflected that during 2004, Earvin Langston's home in Batesville, Arkansas, burned. He had collected full insurance on the fire loss of the home structure, but could not reach an agreement with the insurance company on the amount of loss of personal belongings and other incidental costs. Because of these issues with the insurance company, Mr. Langston sought an attorney to assist him. During early 2006, Mr. Langston hired Natalie J. Dickson, an attorney then practicing primarily in Jonesboro, Arkansas, to assist him.

Ms. Dickson was paid by Mr. Langston on three (3) different occasions. The total of payments was $3500, which Mr. Langston believed and understood would be to file a lawsuit against the insurance company if settlement could not be reached. Mr. Langston was never provided any written fee agreement or any other letter explaining the basis or rate of the fee. The

fees Mr. Langston paid to Ms. Dickson are more than the amount Ms. Dickson stated she advised Mr. Langston to settle for. Mr. Langston already had two checks totaling approximately $3300, in his possession before Ms. Dickson was retained. Mr. Langton took the two checks to Ms. Dickson when he hired her because he did not believe they represented adequate compensation for his loss. Ultimately, Mr. Langston had to have the two checks reissued in 2008 because Ms. Dickson did not return the checks to him when she closed her office in Jonesboro.

According to Mr. Langston, Ms. Dickson told him that she would file a lawsuit for him. Several months passed with no information from Ms. Dickson. She did not return telephone calls. Mr. Langton finally went to Ms. Dickson's office only to discover she was no longer there. Another attorney helped Mr. Langston to locate Ms. Dickson in Little Rock. There was no notice given to Mr. Langston of the closing of Ms. Dickson's office or her move to Little Rock.

Mr. Langston called Ms. Dickson in Little Rock several times, but there was no return call in spite of messages requesting return of his records. Ms. Dickson finally did return his records in the Spring of 2008. In the documents returned were the two checks which Mr. Langston had previously delivered to Ms. Dickson. The checks were no longer valid and had to be reissued to him.

During the time Ms. Dickson represented Mr. Langston, she did not send any written communication. He learned very little from other communication with Ms. Dickson. She did not take any of the actions that he understood would be taken.

After Mr. Langston contacted the Office of Professional Conduct, Ms. Dickson was requested to provide responses and documents to the Office of Professional Conduct. Ms. Dickson did provide certain information, but when requested to send additional information, she

failed to comply. She made assertions on more than one occasion that the information was forthcoming, only to not send information.

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

1. That Ms. Dickson's conduct violated Rule 1.4(a)(1), when she did not promptly inform Mr. Langston that she was not going to timely file a lawsuit on his behalf, thereby depriving him of the opportunity to seek other counsel to do so for him prior to the expiration of the statute of limitation. Rule 1.4(a)(1) requires that a lawyer promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined by Rule 1.0(e) , is required by these Rules.

2. That Ms. Dickson's conduct violated Rule 1.5(b), when she gave no explanation to Mr. Langston of the scope of her representation of him nor the basis or rate of the fee charged him, in writing or otherwise, before or within a reasonable time after commencing representation. Rule 1.5(b) requires that the scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate.

3. That Ms. Dickson's conduct violated Rule 1.16(d), because when she closed her private practice and moved to Little Rock, thereby terminating her representation of Mr. Langston, Ms. Dickson failed to give him reasonable notice of this fact; because when she terminated her representation of Mr. Langston, she did not return to him the two insurance

settlement checks he had delivered to her until she was contacted by an attorney on Mr. Langston's behalf and until the checks were no longer valid and had to be reissued; because after her representation of Mr. Langston ended, Ms. Dickson failed to surrender his file to him; and because since her representation of Mr. Langston terminated, she failed to return to him the unused portion of the $3500 he paid. 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 or expenses that has not been earned or incurred.

4. That Ms. Dickson's conduct violated Rule 8.1(b), because she knowingly failed to respond to the request for information sent to her from the Office of Professional Conduct on January 14, 2009. Rule 8.1(b) requires, in pertinent part, that a lawyer in connection with a disciplinary matter shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that NATALIE J. DICKSON, Arkansas Bar ID# 2003122, be, and hereby is, CAUTIONED for her conduct in this matter. Ms. Dickson is assessed the costs of this proceeding in the amount of FIFTY DOLLARS ($50) pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. 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: Valerie C Kelly
Valerie Kelly, Chair, Panel B

Date: October 19, 2009

(13.M, Rev.1-1-02)