

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

FILED

IN RE: Holly L. Meyer, Respondent
Arkansas Bar ID# 89094
CPC Docket No. 2002-153

MAY 2 2003

LESLIE W. STEEN
CLERK

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Deanna Younger and Mary L. Hines on December 31, 2001. The information related to the Respondent's conduct while representing Ms. Younger's ex-husband in February 2001.

On November 27, 2002, Respondent was served with a formal complaint, supported by affidavits from Deanna Younger and Mary L. Hines. Respondent filed a timely response.

The facts giving rise to the formal complaint were that Ms. Younger and her ex-husband separated on February 18, 2000. Mr. Younger voluntarily vacated the marital home and property which included a cedar log cabin rented out to Ms. Younger's grandmother, Mary Hines, who suffered from certain medical problems. Ms. Hines rented the property through the White River Regional Housing Authority. One year after Mr. Hines vacated the property, the Respondent instructed the Stone County Sheriff's Department to serve Ms. Hines with a Notice to Vacate which they did on February 22, 2001. At the time the Notice to Vacate was served, Ms. Hines was in full compliance with her rental agreement. There were no legal grounds for the eviction. Ms. Younger and Mr. Younger entered an agreed order on June 11, 2001, providing that the marital home and cabin could be sold at a public auction. Ms. Younger purchased the property herself. Ms. Younger stated in her affidavit that the only way her grandmother should have been

served with an eviction notice is if someone other than herself had purchased the property. She further stated that she felt Ms. Meyer's actions were baseless and were intended to cause distress to her and her grandmother.

Ms. Meyer filed a response stating, among other things, that the income from the rental property was a factor in the division of property and that the difference between what would have been a fair market value of rental income and the actual rent received was a squandered marital asset. She said she was attempting to clearly establish that her client was not in agreement with or acquiescing to this gift or imputed income and that was the purpose of the eviction notice.

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

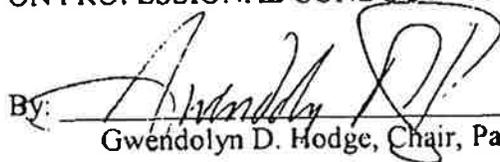
1. That Ms. Meyer's conduct violated Model Rule 4.4 when she had the Notice to Vacate served on Ms. Hines because it served no purpose other than to embarrass or burden Ms. Hines and Ms. Younger. Model Rule 4.4 provides that in representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

2. That Ms. Meyer's conduct violated Model Rule 8.4(a) when she had the Notice to Vacate served on Ms. Hines because it served no purpose other than to embarrass or burden Ms. Hines and Ms. Younger. Model Rule 8.4(a) provides that a lawyer shall not violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on

Professional Conduct, acting through its authorized Panel A, that Holly L. Meyer, Arkansas Bar ID# 89094, be, and hereby is, CAUTIONED for her conduct in this matter and is ordered to pay the costs in this matter of \$50. The costs assessed herein shall be payable by cashiers 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 A

By: 
Gwendolyn D. Hodge, Chair, Panel A

Date: March 31, 2003