

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: DELISA K. BLANTON
Arkansas Bar ID # 200014
CPC Docket No. 2006-005

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Delisa K. Blanton formerly of Benton, Saline County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by United States Bankruptcy Judge Audrey Evans.

Ms. Blanton represented debtors, Kenneth and Amanda Hood, in a bankruptcy, 4:02-bk-11189, and she failed to notice creditors with a motion to reinstate which she filed. Judge Evans office notified Blanton's office on November 18, 2002, of this fact. By November 25, 2002, she still had not noticed the creditors but the court entered the order to reinstate so the creditors would not be prejudiced. The court summarized these events in a letter to Blanton on January 10, 2003.

In bankruptcy 4:01-ap-4123, Ms. Blanton represented defendant Darren Bowdie d/b/a Bowdie's Auto Shop. The plaintiff, Kellogg, filed a motion for partial summary judgment on July 31, 2002, and she filed a response on August 16, 2002. The court entered an order granting the motion for partial summary judgment and scheduled a hearing for February 21, 2003, on the issue of an amended complaint which had been filed and sent to all attorneys of record. The hearing was held on February 21, and neither Blanton nor her client appeared. She also failed to contact the court prior to the hearing. A judgment was entered after the February 21 hearing. The court stated in the judgment that "the court finds the conduct of Bowdie's attorney troubling in the she not only failed to return opposing counsel's call made during the week of the scheduled trial, she also failed to appear for trial, without communication with the Court either before or after the trial." Blanton filed a Petition for Rehearing on May 27, 2003, alleging she was not furnished notice of the hearing. The Plaintiff in the case filed a response asking that her petition for rehearing be denied, stating there was substantial correspondence prior to the hearing to which Blanton failed to respond. The court entered an order denying her petition on June 2, 2003.

In bankruptcy 4:02-bk-16805, Ms. Blanton represented the debtors, Stephen T. Harris and Crystal S. Harris. The debtors hired her on May 20, 2002, paid her \$185 for the filing fee, and gave her copies of the Trustee's notice of default and intent to sell on their house and the notice to vacate. She did not file the Chapter 13 bankruptcy petition for her clients until June 19, 2002, even though they made her aware that they were about to lose their house in foreclosure. On May 31, 2002, her clients' home was sold in foreclosure.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002).

Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel A of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds: A. Ms. Blanton's conduct violated Model Rule 1.3 in that by repeatedly failing to give notice to creditors in the Hood bankruptcy case of her motion to reinstate, even after a written communication from the Court pointing out the situation, she failed to act with reasonable diligence and promptness in representing her clients. In the Bowdie bankruptcy case, she failed to appear at a hearing on February 21, 2003, without notice or good cause given for her failure to appear. She did not act with reasonable diligence and promptness in representing her client. In the Harris bankruptcy, Blanton failed to timely file their bankruptcy petition, resulting in the foreclosure sale of their home. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. Ms. Blanton's conduct violated Model Rule 1.4(a) in the Bowdie bankruptcy by failing to adequately communicate the notice of the February 21, 2003, hearing to her client, causing him to fail to appear for the hearing and his petition for rehearing to be. In the Harris bankruptcy, Ms. Blanton did not timely file the bankruptcy petition for her clients, thereby failing to protect their home from foreclosure sale. Model Rule 1.4(a) requires that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

C. Ms. Blanton's conduct violated Model Rule 1.4(b) in that in the Bowdie bankruptcy case she failed to notify her client of the February 21, 2003, hearing, resulting in his not being able to appear and protect his interests when Blanton also failed to appear for the hearing. In the Harris bankruptcy case, Blanton repeatedly reassured her clients that they would not lose their home, yet she failed to file their bankruptcy petition until after the foreclosure sale of their residence and then she told them not to worry because she would straighten everything out. Model Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

D. Ms. Blanton's conduct violated Model Rule 3.2 in that she repeatedly failing to give notice to creditors in the Hood bankruptcy case of her motion to reinstate, even after a written communication from the Court pointing out the situation. In the Bowdie bankruptcy case, she failed to appear at a hearing on February 21, 2003, without notice or good cause given for her failure to appear. In the Harris bankruptcy case, Blanton repeatedly reassured her clients that they would not lose their home, yet she failed to file their bankruptcy petition until after the foreclosure sale of their residence and then she told them not to worry because she would straighten everything out. Model Rule 3.2 requires that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

E. Ms. Blanton's conduct violated Model Rule 8.4(d) in that she repeatedly failed to give notice to creditors in the Hood bankruptcy case of her motion to reinstate, even after a written communication from the Court pointing out the situation, causing extra and unneeded court resources and time to have to be devoted to the matter. In the Bowdie bankruptcy case, she failed to appear at a hearing on February 21, 2003, without notice or good cause given for her failure to appear. In the Harris bankruptcy case, Blanton repeatedly reassured her clients that they would not lose their home, yet she failed to file their bankruptcy petition until after the foreclosure sale of their residence and then she told them not to worry because she would straighten everything out, which she did not do. Model Rule 8.4(d) requires that a lawyer shall not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, in accordance with the consent to discipline presented by Ms. Blanton and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent DELISA K. BLANTON, Arkansas Bar No. 2000014, be, and hereby is, reprimanded for her conduct in this matter, ordered to pay \$185.00 restitution for Stephen and Crystal Harris, and assessed \$50.00 Committee costs. The 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 A

By _____
Phillip D. Hout, Chairperson, Panel A

Date _____