

**ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT**

**NOTICE OF SUSPENSION OF ATTORNEY'S
PRIVILEGE TO PRACTICE LAW**

**IN RE: WILLIAM SCOTT DAVIDSON
 ARKANSAS BAR ID #81044
 CPC Docket No. 2007-069**

Attorney William Scott Davidson, an attorney practicing law primarily in Jonesboro, Arkansas, Bar ID #81044 has been suspended from the practice of law within the jurisdiction of this State.

The Committee on Professional Conduct suspended Arkansas Attorney William Scott Davidson's License for a period of three (3) months effective July 1, 2008.

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 his license, please contact this office.

6-03-08

Date

Stark Ligon

Stark Ligon, Executive Director
Office of Professional Conduct
625 Marshall Street, Room 110
Little Rock, AR 72201
(501) 376-0313

SECTION 21. DUTIES OF SANCTIONED ATTORNEY. In every case in which an attorney is disbarred, suspended, or surrenders his or her license, the attorney shall, within twenty (20) days of the disbarment, suspension or surrender:

A. Notify all of his or her clients and any counsel of record in pending matters in writing that he or she has been disbarred, or suspended, or surrendered his or her license;

B. In the absence of co-counsel, notify all clients in writing to make arrangements for other representation, calling attention to any urgency in seeking the substitution of another attorney;

C. Deliver to all clients being represented in pending matters any papers or property to which they are entitled, or notify them or co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers and other property;

D. Refund any part of the fees or costs paid in advance that have not been earned or expended;

E. File with the Court, agency or tribunal before which any litigation is pending a copy of the notice to the opposing counsel, or adverse parties if no opposing counsel;

F. Keep and maintain a record for each client of the steps taken to accomplish the foregoing;

G. File with the Clerk and the Committee a list of all other state, federal and administrative jurisdictions to which he or she is licensed or admitted to practice. Upon such filing, the Clerk shall notify those entitled of the disbarment, suspension or surrender.

H. The attorney shall, within thirty (30) days of disbarment, suspension or surrender of license, file an affidavit with the Committee that he or she has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her noncompliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

I. Failure to comply with these Procedures shall subject the attorney to contempt of the Arkansas Supreme Court.

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

FILED

IN RE: **WILLIAM SCOTT DAVIDSON**
Arkansas Bar ID # 81044
CPC Docket No. 2007-069

JUN 03 2008

LESLIE W. STEEN
CLERK

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Yvonne Bray on April 2, 2007. The information related to the representation of Ms. Bray in 2002-2006 by Respondent William Scott Davidson, an attorney practicing primarily in Jonesboro, Craighead County, Arkansas. On June 18, 2007, the Respondent was served with a formal complaint, supported by affidavits from Ms. Bray and Floyd Pederson. After a ballot vote, Respondent requested a public hearing. The Respondent and the Executive Director entered into discussion for a discipline by consent, which was then presented to and approved by Panel B, and then approved by the Supreme Court of Arkansas pursuant to Section 20.E of the Court's Procedures Regulating Professional Conduct of Attorneys at Law.

Yvonne Bray of California was injured at a Dollar General Store in Jonesboro, Arkansas in April 1999. Shelter Insurance offered her \$1,500 to settle her claim, while denying liability for her injury. In January 2000 she employed Mr. Davidson to represent her in the matter. He filed suit for Ms. Bray on April 25, 2002, her last day to do so. In April 2004, the case was set for trial on May 11, 2005. A defense motion for summary judgment was set for hearing on April 18, 2005, without the knowledge of Ms. Bray. Something happened that day, as evidenced by Mr.

Davidson's call to her. The court file reflects he took a non-suit (dismissal without prejudice).

Ms. Bray stated she was not informed of the true nature of the matter.

On April 18, 2006, Mr. Davidson refiled essentially the same lawsuit. This time he failed to obtain timely service on the defendants. If he was having difficulty obtaining service on the defendants, the docket does not show that he filed any motion for extension of time to effect service. Dolgencorp's registered agent for service of process was and is Corporation Service Company of Little Rock. For some reason for which he offered no explanation, Mr. Davidson was able to serve Dolgencorp, Inc. d/b/a Dollar General Store and the Chastains in the first suit but not in the second. Mr. Davidson failed to respond to Ms. Demory's August 30, 2006, letter to the judge suggesting dismissal for failure to obtain service was appropriate. On October 4, 2006, orders were entered granting defense motions for dismissal with prejudice as to all defendants. Ms. Bray was not informed of this event. In November 2006 she was visiting in Jonesboro and went to the courthouse to review her file, as suggested by another attorney with whom she consulted, after she was unable to obtain information from Davidson. Davidson's office was closed from November 1 - December 7, 2006, as his law license was suspended in another matter. In the courthouse file she found documents reflecting the status of her case. She wrote Davidson on February 10, 2007, requesting the name of his malpractice carrier. She did not hear from him.

In his response, Mr. Davidson stated that after refiling her suit in April 2006, he had a conversation with Ms. Bray in which he explained to her the grave concern he had about getting past a motion for summary judgment in her "slip and fall" case. He stated it was his belief that she left the decision on whether or not to proceed with the case to him, that he decided not to

pursue her case, and did not effect service, allowing the case to ultimately be dismissed. In her rebuttal, Ms. Bray denied that such a conversation ever took place, and that she had no communication with Mr. Davidson after April 2005.

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

A. Mr. Davidson's conduct violated Arkansas Rule 1.1 in that he failed to obtain service on defendants in the second filing of his client's lawsuit, where there is no showing the defendants, one of whom was Corporation Service Company of Little Rock, could not be located and served with minimal effort. In August 2006, faced with motions to dismiss, with prejudice, the second suit he filed for Yvonne Bray, Mr. Davidson failed to respond to the motions or file motions for extension of time to effect service of the defendants. Mr. Davidson was either unprepared or unaware that a hearing was set for April 18, 2005, on the defendant's motion for summary judgment in Ms. Bray's first suit, and therefore had to take a non-suit to prevent her case being possibly lost on the merits of a ruling granting that motion. Arkansas Rule 1.1 requires that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

B. Mr. Davidson's conduct violated Arkansas Rule 1.3 in that he failed to obtain service on defendants in the second filing of his client's lawsuit, where there is no showing the defendants, one of whom was Corporation Service Company of Little Rock, could not be located and served with minimal effort. In August 2006, faced with motions to dismiss, with prejudice,

the second suit he filed for Yvonne Bray, Mr. Davidson failed to respond to the motions or file motions for extension of time to effect service of the defendants. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. Mr. Davidson's conduct violated Rule 1.4(a)(3) in that for long periods of time during the period 2000 to 2006, Mr. Davidson failed to keep Ms. Bray reasonably informed about the status of her legal matter and two lawsuits. Arkansas Rule 1.4(a)(3) requires that a lawyer shall keep the client reasonably informed about the status of the matter.

D. Mr. Davidson's conduct violated Arkansas Rule 1.4(a)(4) in that for unnecessarily long periods of time during the period 2000 to 2006, Mr. Davidson failed to promptly comply with reasonable requests for information from Ms. Bray about her legal matter and two lawsuits. Arkansas Rule 1.4(a)(4) requires that a lawyer shall promptly comply with reasonable requests for information.

E. Mr. Davidson's conduct violated Rule 3.2 in that he failed to obtain service on defendants in the second filing of his client's lawsuit, where there is no showing the defendants, one of whom was Corporation Service Company of Little Rock, could not be located and served with minimal effort. Arkansas Rule 3.2 requires that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that, by consent, the Arkansas law license of **WILLIAM SCOTT DAVIDSON**, Arkansas Bar ID#81044, be, and hereby is, **SUSPENDED FOR THREE (3) MONTHS effective July 1, 2008**, for his conduct in this matter, and costs of \$50.00 are assessed. The suspension shall become effective on July 1, 2008,

even though this Findings and Order is earlier filed of record with the Clerk of the Arkansas Supreme Court. The \$50.00 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 L. Kelly
Valerie L. Kelly, Chair, Panel B

Date: June 3, 2008