

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

IN RE: **JAMES BRUCE BENNETT**
 ARKANSAS BAR ID #81014
 CPC Docket No. 2014-014

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 Ms. Sheila Moorehead-Traylor. The information is related to the representation of Ms. Moorehead-Traylor in a personal injury matter. Mr. James Bruce Bennett is an Arkansas licensed attorney practicing primarily in Union County, Arkansas.

On or about August 8, 2005, Ms. Moorehead-Traylor met with Mr. Bennett to discuss his representing her on a personal injury matter. In November 2004, Ms. Moorehead-Traylor had fallen at a local store and sustained injuries.

Pursuant to the letter dated September 8, 2005, to Ms. Moorehead-Traylor from State Farm, the insurance provider for the store, all medical billings received as of that date related to her injury had been paid and that in the absence of any other bills they were closing the case. Ms. Moorehead-Traylor did not agree with this and hired Mr. Bennett, providing Mr. Bennett with a copy of the letter.

On March 27, 2006, Ms. Moorehead-Traylor signed a contingency fee contract with Mr. Bennett to represent her in the personal injury matter against the store. After being hired, Mr. Bennett took no action on Ms. Moorehead-Traylor's case. Ms. Moorehead-Traylor met with Mr. Bennett on two separate occasions in 2006 after hiring him. After the previous two meetings, Ms. Moorehead-Traylor attempted to contact Mr. Bennett with no success until 2012.

After not hearing from Mr. Bennett from 2006 until 2012, Ms. Moorehead-Traylor called

the State Farm Insurance claim representative on her claim against the store and was advised that her claim had been closed in 2007. Ms. Moorehead-Traylor then contacted Mr. Bennett and set up an appointment with him to discuss her case.

The first appointment on November 19, 2012, at 11:00 a.m., was not kept as there was a disagreement between Mr. Bennett and Ms. Moorehead-Traylor as to exactly what time that appointment was scheduled for. At the second appointment on February 8, 2013, Ms. Moorehead-Traylor advised Mr. Bennett that she had contacted the insurance company and was told that her claim had been closed, and that he had not informed her that her claim had been closed.

On October 25, 2013, Mr. Bennett was contacted by the Office of Professional Conduct regarding Ms. Moorehead-Traylor's grievance against him. On December 9, 2013, Mr. Bennett replied by letter to Ms. Moorehead-Traylor's allegations against him. In his December written response, Mr. Bennett denied representing Ms. Moorehead-Traylor on the matter, and stated he had returned her paperwork to her along with a letter advising her of his disinterest in representing her on the matter. Mr. Bennett also denied that Ms. Moorehead-Traylor had signed a contract for his representation.

On December 16, 2013, Mr. Bennett sent another letter to the Office of Professional Conduct. In the letter, Mr. Bennett admitted that he had lied in his written response to OPC on December 9, 2013. In addition, Mr. Bennett admitted to falsifying the April 7, 2006, letter. Mr. Bennett admitted that he had taken on Ms. Moorehead-Traylor's case and that they had signed a contract for his services and that her case "fell through the crack."

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 A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That James Bruce Bennett's conduct violated Rule 1.3 when he failed to take any action on Ms. Moorehead-Traylor's case between the time he was hired in March 2006 and when Ms. Moorehead-Traylor's claim was closed in January 2007. Arkansas Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

2. That James Bruce Bennett's conduct violated Rule 1.4(a)(3) when after being hired to represent her, Mr. Bennett failed to contact Ms. Moorehead-Traylor to advise her about the status of her case. Mr. Bennett met with Ms. Moorehead-Traylor twice in 2006 after being initially hired and he did not meet with her or speak with her again until February 2013.

Arkansas Rule 1.4(a)(3) states a lawyer shall keep the client reasonably informed about the status of the matter.

3. That James Bruce Bennett's conduct violated Rule 1.4(a)(4) when he failed to respond to Ms. Moorehead-Traylor's repeated attempts to contact him to get a status update on her case. Arkansas Rule 1.4(a)(4) states that a lawyer shall promptly comply with reasonable requests for information.

4. That James Bruce Bennett's conduct violated Rule 8.1(b) when he admitted he did not tell the truth and falsified documents in his December 9, 2013, written response to the Office of Professional Conduct regarding its investigation into Ms. Moorehead-Traylor's complaint filed against Mr. Bennett with the Office of Professional Conduct. Arkansas Rule 8.1(b) states that in bar admissions and disciplinary matters an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not knowingly make a false statement of material fact.

5. That James Bruce Bennett's conduct violated Rule 8.4(c) when he admitted he did not tell the truth and falsified documents in his December 9, 2013, written response to the Office of Professional Conduct regarding its investigation into Ms. Moorehead-Traylor's complaint filed

against Mr. Bennett with the Office of Professional Conduct. Arkansas Rule 8.4(c) states it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that James Bruce Bennett, Arkansas Bar ID#81014, be and hereby is, **REPRIMANDED** for his conduct in this matter. Pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2011). Mr. Bennett is assessed the costs of this proceeding in the amount of FIFTY DOLLARS (\$50.00). The costs of \$50.00 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: _____
Danyelle J. Walker, Chair, Panel A

Date: _____