

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A

IN RE:        **TERRI WESTBROOK KIENLEN**  
                 **ARKANSAS BAR ID #2001181**  
                 **CPC Docket No. 2016-100**

**CONSENT FINDINGS AND ORDER**

The formal charges of misconduct upon which this Consent Findings and Order is based arose from Terri Westbrook Kienlen's representation of Ms. Patricia Mize (now Kammers) in a divorce action. Ms. Kienlen is an Arkansas licensed attorney practicing primarily in Conway, Arkansas. Following Ms. Kienlen's receipt of the formal complaint, Ms. Kienlen entered into discussion with the Executive Director which resulted in an agreement by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011).

1.        Ms. Kammers was married and sought a divorce in 2012. She initially hired Attorney Christopher Tolleson to represent her on July 26, 2012. She paid him \$600.00 for the representation. Ms. Kienlen and Mr. Tolleson shared an office space for their individual practices, but were not associated with each other.

2.        After Ms. Kammers hired Mr. Tolleson, she had difficulty getting in contact with him and he had not filed the divorce action. On one occasion, Ms. Kammers went to Mr. Tolleson's office, he was not there, however she was met by Ms. Kienlen.

3.        Ms. Kienlen informed Ms. Kammers that Mr. Tolleson was having health issues and that Ms. Kienlen would be taking over Ms. Kammers' divorce. Ms. Kienlen requested that Ms. Kammers pay her \$1,200.00 for the divorce action. However, Ms. Kammers advised Ms. Kienlen that she had already paid Mr. Tolleson \$600.00 for an uncontested divorce, showing Ms. Kienlen the receipt.

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4. Ms. Kienlen advised Ms. Kammers that if she would give Ms. Kienlen the \$165.00 filing fee, Ms. Kienlen would file the divorce action for her. Ms. Kammers paid Ms. Kienlen the \$165.00 filing fee and Ms. Kienlen gave Ms. Kammers a receipt for the payment. Ms. Kammers attempts to contact Ms. Kienlen after that were unsuccessful.

5. The divorce action was not filed by Ms. Kienlen. Ms. Kammers then hired another attorney for a fee of \$900.00. The divorce was filed by her new attorney on January 10, 2013, and completed by entry of a Divorce Decree on March 19, 2013.

6. Ms. Kammers never received a refund from Ms. Kienlen of the \$165.00 she paid for the filing fee.

Upon consideration of the formal complaint and attached exhibit materials, 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 Rules of Professional Conduct, the Committee on Professional Conduct finds:


1. That Kienlen's conduct violated Rule 1.3 when she failed to file the divorce action on behalf of Ms. Kammers after advising Ms. Kammers that she would now be representing her in the divorce, receiving the \$165.00 filing fee, and advising Ms. Kammers that she would file the action.

2. That Kienlen's conduct violated Rule 1.4(a)(4) when she failed to respond to Ms. Kammers request for information after Ms. Kammers unsuccessfully attempted to contact her several time.

3. That Kienlen's conduct violated Rule 1.16(d) when she failed to return the \$165.00 filing fee Ms. Kammers paid when she did not file the divorce action after Ms. Kammers hired another attorney to represent her in her divorce.

WHEREFORE, in accordance with the consent to discipline presented by Ms. Kienlen and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Terri Westbrook Kienlen, Arkansas Bar ID#2001181, be and hereby is, **CAUTIONED** for her conduct in this matter, and he agrees to and is ordered to pay \$50.00 case costs. The costs of 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 Consent Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE  
ON PROFESSIONAL CONDUCT - PANEL A

  
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Steve Shults, Vice-Chair, Panel A

Date: September 16, 2016