

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: CHRISTOPHER A. TOLLESON
ARKANSAS BAR ID #2011032
CPC Docket No. 2016-103

CONSENT FINDINGS AND ORDER

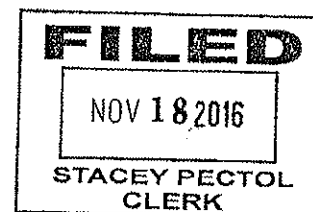
The formal charges of misconduct upon which this Consent Findings and Order is based arose from Christopher A. Tolleson's representation of Ms. Mercedes Birkner in a divorce action. Mr. Tolleson is an Arkansas licensed attorney practicing primarily in Conway, Arkansas. Following Mr. Tolleson's receipt of the formal complaint, Mr. Tolleson 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. On February 12, 2013, Ms. Birkner hired Mr. Tolleson to represent her in an uncontested divorce. She paid him \$681.00 for the representation and received a receipt for the payment.

2. On February 25, 2013, Mr. Tolleson sent Ms. Birkner two (2) emails containing documents that needed to be signed for the divorce. Ms. Birkner signed and had the papers notarized. She then returned the papers to Mr. Tolleson.

3. After returning the documents, Ms. Birkner called and emailed Mr. Tolleson several times, with no response.

4. When Mr. Tolleson failed to file her divorce action, Ms. Birkner hired another attorney and paid him \$750.00. The new attorney filed her divorce on October 14, 2014, and it was final on August 17, 2015.



5. Mr. Tolleson had not returned to Ms. Birkner any of the \$681.00 payment she made to him.

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 Tolleson's conduct violated Rule 1.3 when he failed to file the divorce action on behalf of Ms. Birkner after receiving a \$681.00 fee and advising Ms. Birkner he would so.

2. That Tolleson's conduct violated Rule 1.4(a)(4) when he failed to respond to Ms. Birkner's repeated requests for information after Ms. Birkner unsuccessfully attempted to contact him several times by email and phone.

3. That Tolleson's conduct violated Rule 1.16(d) when he failed to return any of the \$681.00 fee Ms. Birkner paid when he failed to file the divorce action as he had been hired to do, resulting in Ms. Birkner having to pay additional funds to hire another attorney to represent her in her divorce.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Tolleson 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 Christopher A. Tolleson, Arkansas Bar ID#2011032, be and hereby is, **REPRIMANDED** for his conduct in this matter, and he agrees to and is ordered to pay \$50.00 case costs. The 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 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

Steven Shults
Steven Shults, Vice-Chair, Panel A

Date: November 18, 2016