

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

IN RE: James M. Pratt, Jr. - Respondent Attorney

Arkansas Bar ID # 74124

CPC Docket No. 99-018

FINDINGS & CONSENT ORDER OF DISCIPLINE

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney James M. Pratt, Jr. of Camden, Ouachita County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by Dorothy Byrd of Hampton, Arkansas, in 1999-2002.

The Byrds hired Mr. Pratt in December 1994 to assist them in a dispute with others concerning gravel sales in which the Byrds claimed an interest. They paid him a retainer of \$2,000.00 to work against. After repeated attempts thereafter to contact Pratt and find out what was going on, they were assured action was to be taken. Suit was finally filed January 24, 1996. Thereafter the case was set for trial in January 1997 but was continued and reset for February 1997. Two days before this trial setting, Pratt advised the Byrds problems among the defendants would cause more delay and the trial did not occur. Attempts to get information from Pratt for many months were not successful. In April 1998 the Byrds contacted the Office of Professional Conduct and the then-Executive Director wrote Pratt asking for information. On June 23, 1998, Pratt wrote the Byrds that he was non-suited their case the day before trial. During the intervening months Mr. Pratt was elected the Prosecuting Attorney of the 13th Judicial District, a position he still holds, but continued his private law practice.

Pratt responded to the formal complaint on March 15, 1999, that he would still try to get the Byrd's matter to trial and a conclusion if given time to do so. The matter apparently sat until January 2001 when a new Executive Director picked up the file and reactivated it. Pratt made promises to try to get the case resolved. In August 2001 he offered this consent proposal with the condition that he be allowed to see the case to its conclusion, which was acceptable to the Byrds. The matter was set for trial in February 2002, but Mr. Byrd, a key witness, died shortly before trial, without his testimony being preserved. The case was finally tried in June 2002, resulting in no recovery for the client due to her insufficient proof.

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 8.C of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (1998). 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 C of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Pratt's conduct violated Model Rule 1.1 in that during the course of representing the Byrds since 1994, he failed to exhibit the necessary thoroughness and preparation in order to locate their witnesses, preserve testimony of a witness who died before trial in 2002, and bring the legal matter they entrusted to him to a timely conclusion. Model 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.
2. That Mr. Pratt's conduct violated Model Rule 1.3 in that since being hired and paid in December 1994, his conduct in representing the Byrds in litigation has not been diligent and prompt, as shown by the fact that suit was filed in January 1996 and the case was not disposed of by bench trial until June 2002. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.
3. That Mr. Pratt's conduct violated Model Rule 1.4(a) in that since December 1994, he did not keep his clients reasonably informed of the status of their legal matter during the course of his representation and prior to the non-suit which he requested in June 1998. Despite numerous telephone calls and letters from the Byrds since they hired him, he failed to promptly respond to their requests for information about the status and progress of their legal matter.

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.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Pratt and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent James M. Pratt, Jr., Arkansas Bar No. 74124, be, and he hereby is, REPRIMANDED for his conduct in this matter, and ordered to pay restitution of \$1,186.96 to Dorothy Byrd and costs to the Committee of \$79.06, all of which have been paid.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT - PANEL C

By _____

Bart F. Virden, Committee Chairperson

Date _____