

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

IN RE: **JAMES M. PRATT, JR.**
 Arkansas Bar ID # 74124
 CPC Docket No. 2007-026

CONSENT FINDINGS & ORDER

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 Rhonda Neal of Camden.

The divorce of Mr. Pratt's client Rhonda Neal's divorce was final on December 26, 2002, when the Decree was filed in Arkansas County, Arkansas. The Decree awarded her certain interests in her former spouse's pension, IRA, retirement or savings plan with his employer, Producers Rice Mill, Inc. An employer-approved qualified domestic relations order (QDRO) is required to adequately protect the rights of an "alternative payee" (here Ms. Neal) in such assets of a former spouse. Mr. Pratt took no action to prepare a QDRO until after Ms. Neal came to his office in December 2004 and inquired about the matter, and his office then realized he had failed to initiate any QDRO. Thereafter, it took him until September 8, 2006, to get final employer and court approval of a QDRO and have it filed with the court clerk. He failed to provide the employer with a file-marked copy of the QDRO, so the employer took no action on it until the Office of Professional Conduct provided such a copy to the employer on October 16, 2006. From an initial letter of inquiry on March 15, 2005, informing Mr. Pratt that Ms. Neal had filed a complaint, until October 16, 2006,

the Office of Professional Conduct made numerous contacts with him by letter, e-mail and telephone, urging him to timely accomplish the QDRO for Ms. Neal.

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 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002). 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 A of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Mr. Pratt's conduct violated Model Rule 1.3 in that from after Rhonda Neal's divorce was finalized in December 2002, it took him almost four (4) years, a clearly unreasonable delay, to obtain final employer approval of a QDRO for his client, Rhonda Neal, to secure for her certain property awarded her by the divorce decree and to adequately protect certain future interests she had in her former spouses's employer and retirement accounts. After her divorce was finalized in December 2002, it took him two (2) years, a clearly unreasonable delay, to begin work on a QDRO for his client, Rhonda Neal, to secure for her certain property awarded her by the divorce decree and to adequately protect certain future interests she had in her former spouses's employer and retirement accounts. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

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

hereby is, **CAUTIONED** for his conduct in this matter, and assessed Committee case costs of \$50.00. 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 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 _____
Jerry D. Pinson, Chairperson, Panel A

Date _____