

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: G. Christopher Walthall

Arkansas Bar ID #74152

CPC Docket No. 2001-146

FINDINGS & CONSENT ORDER OF DISCIPLINE

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney G. Christopher Walthall of Malvern, Hot Spring County, Arkansas, arose from information self-reported to the Committee on Professional Conduct by Mr. Walthall.

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, the response, rebuttal, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel C, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Walthall's conduct violated Model Rule 1.1 when he failed to undertake a sufficiently thorough investigation into the actual ownership of the Edward Jones stock and bond accounts of Mary Voss, thereby overvaluing the estate for attorney's fees and co-executors' fee calculation purposes by \$992,936, leading to approximately \$50,000 in total fee overpayments to him as attorney for the estate and co-executor and to the other co-executor. Model Rule 1.1 requires that a lawyer shall provide competent representation to a client. Competent representation requires the thoroughness reasonably necessary for the representation.
2. That Mr. Walthall's conduct violated Model Rule 1.1 when he failed to undertake a sufficient investigation into the actual date of cutting of substantial timber from lands that were part of the Mary Voss Estate, after timely being provided information in January 2001 by the forester he retained that the lands had been "recently cut." This lack of thorough investigation led to the failure to include \$62,484.11 in timber income to the estate tax return for the Voss Estate. Model Rule 1.1 requires that a lawyer shall provide competent representation to a client. Competent representation requires the thoroughness reasonably necessary for the representation.
3. That Mr. Walthall's conduct violated Model Rule 1.5(a) in that, as a result of his lack of sufficiently thorough investigation into the stock account and timber income issues, the attorney's fee he collected from the Mary Voss estate for his services as attorney for the estate and the fee as co-executor substantially exceeded those he was permitted by law to receive. Model Rule 1.5(a) requires that a lawyer's fee be reasonable. Upon learning that he had received fees in excess of those allowed by law, Mr. Walthall made a full refund of the excess amount of the fees - \$35,345.68. The co-executor also refunded his excess fees.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Walthall and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that respondent G. Christopher Walthall, Arkansas Bar No. 74152, be, and hereby is, CAUTIONED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT - PANEL C

By _____

David Newbern, Chairperson

Date _____

