

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

IN RE: WILLIAM S. ROBINSON, Respondent
 Arkansas Bar ID#76108
 CPC Docket No. 2006-147

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Leopold Wilburn in an Affidavit dated October 25, 2006. The information related to the representation of Mr. Wilburn by Respondent in 2005 and 2006.

On November 6, 2006, Respondent was served with a formal complaint, supported by an affidavit from Leopold Wilburn. Respondent filed a timely response pursuant to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002). The matter then proceeded to ballot vote before Panel A of the Committee on Professional Conduct.

The facts before the Committee reflected that during May 2005, Mr. Wilburn hired William S. Robinson, an attorney practicing primarily in North Little Rock, Arkansas, to prepare any necessary documents to secure another name on a Power of Attorney for James McDuffie. Mr. Robinson was also hired to assist with adding another individual as a guardian for Odessa McDuffie. Mr. Robinson requested a fee of \$500 from Mr. Wilburn during their initial consultation. Mr. Robinson was paid the requested fee. Mr. Robinson had assisted Mr. Wilburn with another legal matter previously. Mr. Wilburn desired to have Gregory Andrews, his nephew and great nephew to Mrs. McDuffie, appointed to serve in the capacity of co-guardian

and co-power of attorney. Mr. Andrews was in agreement with this request.

Mr. Robinson was contacted by telephone and informed that Mr. Wilburn would be in Arkansas during the third week in July 2005. An appointment was scheduled for all parties to meet and complete the necessary paperwork. Mr. Andrews and Mr. Wilburn kept the appointment at 3:30 on Friday, July 15, 2005. Mr. Robinson was unable to have them sign any of the paperwork during that meeting. Mr. Robinson told Mr. Wilburn that his secretary had placed the paperwork somewhere, and he could not find it.

Several attempts were made following that meeting to speak with Mr. Robinson and have the action completed. Messages were left for a response from Mr. Robinson. He did not return the messages. Mr. Robinson was paid \$500 for services he did not render. Due to Mr. Wilburn's health issues and those of Mrs. McDuffie, it was important that Mr. Robinson act on these matters promptly, which he did not.

After Mr. Wilburn contacted the Office of Professional Conduct in February 16, 2006, Mr. Robinson was contacted by letter, asking that he provide information concerning this matter. Mr. Robinson did not respond to this correspondence. Mr. Robinson was again written in July 2006 about this matter by a member of the staff of the Office of Professional Conduct. Mr. Robinson did not respond to this correspondence either. Mr. Wilburn had no contact with Mr. Robinson from July 2005 through the time he signed the Affidavit of Complaint.

In responding to the formal disciplinary complaint, Mr. Robinson advised that he did meet with Mr. Wilburn and Mr. Andrews in July 2005. He asserted his belief that he explained to Mr. Wilburn later on the telephone that since Mr. McDuffie was incompetent a new power of attorney could not be prepared for signature. Mr. Robinson admitted that, when he received the

letter from the staff of the Office of Professional Conduct in May 2006, he had not performed the services as he should have in violation of Rules 1.2, 1.3, and 1.4. Mr. Robinson offered that after receiving both letters, he spoke with Mr. Wilburn by telephone in July 2006 and informed him that he would be sending certain documents that needed to be signed and where they needed to be signed and that he would do the same for Mr. Andrews. When the documents were received, Mr. Wilburn had not signed any of the documents, and Mr. Andrews had not provided sureties for the original bond. Mr. Robinson explained that he had spoken with Mr. Andrews and that he wanted the Guardian's Bond sent back to him so he could obtain the sureties.

Mr. Robinson advised that he had no excuse for not acting until the summer of 2006. He explained that he was attending to personal matters which required much of his attention. Mr. Robinson further explained that he continues to represent Mr. Andrews in attempting to change the guardian for Ms. McDuffie.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Robinson's conduct violated Rule 1.2(a) because Mr. Wilburn hired him to assist Mr. Wilburn with adding a co-guardian for his aunt Odessa McDuffie during May 2005. Since that time until late 2006, Mr. Robinson failed to take action to accomplish the objective of the representation with regard to the guardianship. Rule 1.2(a) requires that, subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation, and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued.

2. That Mr. Robinson's conduct violated Rule 1.3 when he did not act with diligence in his representation of Mr. Wilburn following the payment of the fee requested during May 2005 and when he failed to take the necessary steps to accomplish an additional guardian for Mrs. McDuffie since being hired to handle that matter during May 2005 by Mr. Wilburn. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Mr. Robinson's conduct violated Rule 1.4(a)(3) when he did not keep Mr. Wilburn informed of the status of his actions, if any, which were being undertaken with regard to the matters Mr. Wilburn hired Mr. Robinson to handle for him and his family members. Rule 1.4(a)(3) requires that a lawyer keep the client reasonably informed about the status of a matter.

4. That Mr. Robinson's conduct violated Rule 1.4(a)(4) when he failed to respond to Mr. Wilburn's requests for information concerning the legal matters in which Mr. Robinson was entrusted during May 2005. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that WILLIAM S. ROBINSON, Arkansas Bar ID# 76108, be, and hereby is, REPRIMANDED for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures, Mr. Robinson is assessed the costs of this proceeding in the amount of FIFTY DOLLARS (\$50). 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, Chair, Panel A

Date: _____