

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

IN RE: **WOODSON D. WALKER**
Arkansas Bar ID # 76135
CPC Docket No. 2005-140

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Melvin Robinson on September 15, 2004. The information related to the representation of Melvin Robinson in 2002-2003 by the law firm of Walker and Dunklin, and Respondent Woodson D. Walker, an attorney practicing primarily in Little Rock, Arkansas. On November 7, 2005, Respondent Walker was served with a formal complaint, supported by an affidavit from Melvin Robinson and banking and client file records obtained from Mr. Walker by subpoena.

On July 24, 2001, Melvin L. Robinson was injured in an auto accident. On June 2, 2002, he hired the Walker & Dunklin Law Firm of Little Rock to handle his legal claim. Garfield Bloodman, an attorney at that office, was assigned to handle his claim. On or about November 22, 2002, Robinson's claim was settled for \$9,500.00. It was agreed that Walker & Dunklin would withhold \$1,195.00 from his settlement to directly pay the outstanding bill of one of his health care providers, Pain Care. Robinson himself, instead of Walker & Dunklin, negotiated with Pain Care. In October 2003, he closed a loan on a house, and part of the loan proceeds went to pay Pain Care. By this time Robinson had learned that Mr. Bloodman had left the Walker & Dunklin Law Firm in September 2003. He contacted Mr. Bloodman and sought his assistance to obtain the \$1,195.00 that Walker & Dunklin should have been holding in trust while Robinson worked on the Pain Care debt. Robinson

also learned that Mr. Walker's law license had been suspended in April 2003, and he had not been reinstated to practice law.

Mr. Bloodman told Robinson he did not have his own trust account and had placed Robinson's settlement funds in Mr. Walker's trust account when Bloodman worked at Walker & Dunklin. Robinson tried unsuccessfully to contact Woodson Walker for payment of the \$1,195.00 that had been withheld from his settlement. Bloodman and Walker exchanged correspondence on Robinson's situation from June through August 2004. After a complaint was filed, on October 7, 2004, the Office of Professional Conduct wrote Mr. Walker about the matter. Around October 21, 2004, Mr. Walker provided Mr. Bloodman a \$1,195.00 cashier's check payable to Bloodman and Robinson. Garfield Bloodman then delivered the \$1,195.00 to Melvin Robinson.

In the course of the investigation, efforts were made to determine if Mr. Walker's trust account balance ever fell below \$1,195.00 after the Robinson settlement was distributed on November 22, 2002. Mr. Walker, through counsel, provided an Affidavit dated October 31, 2005, in which he admits his trust account fell below the balance required to be maintained there for the Robinson \$1,195.00. No bank account records were provided by Mr. Walker on this issue.

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:

A. Mr. Walker's conduct violated Model Rule 1.3 in that Melvin Robinson, a client of his law firm, tried to communicate with Mr. Walker and his former law firm from at least as early as October 2003 seeking return of the \$1,195.00 from his November 22, 2002, settlement that was supposed to be held in Mr. Walker's trust account. Mr. Walker did not provide Mr. Robinson these

funds until October 21, 2004. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. Mr. Walker's conduct violated Model Rule 1.4(a) in that he failed to keep Melvin L. Robinson reasonably and timely informed on the status of \$1,195.00 of his funds Walker should have been holding for him after November 22, 2002, in Walker's trust account, in spite of his requests, and requests from Garfield Bloodman on Robinson's behalf, for this information. 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.

C. Mr. Walker's conduct violated Model Rule 1.15(a) in that after November 22, 2002, Mr. Walker failed to properly maintain in his trust account \$1,195.00 belonging to firm client Melvin L. Robinson, by admittedly allowing Walker's trust account balance to fall below this amount after Robinson's settlement funds were deposited. After November 22, 2002, Mr. Walker failed to properly maintain and reconcile his trust account so that he knew whose funds he was, or should have been, maintaining there. Model Rule 1.15(a) requires, in pertinent part, that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds of a client shall be deposited and maintained in one or more identifiable trust accounts in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person.

D. Mr. Walker's conduct violated Model Rule 1.15(b) in that after the first requests to him from Melvin Robinson and Garfield Bloodman, Walker failed to promptly deliver to Mr. Robinson the \$1,195.00 from his settlement funds that Walker should have had maintained in his trust account. Model Rule 1.15(b) requires, in pertinent part, that a lawyer shall promptly deliver to the client or

third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that the Arkansas law license of **WOODSON D. WALKER**, Arkansas Bar ID# 76135, be, and hereby is, **SUSPENDED FOR THREE (3) MONTHS** for his conduct in this matter, and costs of \$50.00 are assessed. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court, and shall be concurrent from its effective date with any other suspension on Respondent now in effect. The \$50.00 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 with 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: _____
Phillip D. Hout, Chair, Panel A

Date: _____

(Rev. 3-18-06 SL)