

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: John William Settle, Respondent
 Arkansas Bar ID# 77123
 CPC Docket No. 2003-169

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Marilyn Taylor on May 1, 2002. The information related to the representation of Ms. Taylor by Attorney John William Settle beginning in August 2001.

On November 24, 2003, Mr. Settle was served with a formal complaint, supported by an affidavit from Ms. Taylor. Mr. Settle filed a timely response on December 15, 2003.

The facts giving rise to the formal complaint are that Ms. Taylor hired Mr. Settle to defend her in a Sebastian County District Court lawsuit filed by her former landlord. A hearing was held on October 31, 2001, but a decision was not rendered that day. An Order was issued on February 8, 2002, including a judgment against Ms. Taylor in the amount of \$1,991.42 plus interest, fees and costs. Ms. Taylor stated in her affidavit that Mr. Settle received a copy of the Order but failed to send her a copy or inform her of the judgment. She further stated that her first knowledge of the judgment came when she received a Writ of Garnishment in late March 2002. Ms. Taylor said had she known about the judgment in time she would have appealed it.

Mr. Settle stated in his responding affidavit that it has always been his practice to tender copies of all documents from courts to his clients immediately upon his receipt of them. However, he could not find in his file a copy of any such letter he might have sent to Ms. Taylor.

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. Settle's conduct violated Model Rule 1.4(a) when, after representing Ms. Taylor, he failed to notify her of the resulting judgment entered against her. Model Rule 1.4(a) requires that a lawyer keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
2. That Mr. Settle's conduct violated Model Rule 1.4(b) when he failed to notify Ms. Taylor of the resulting judgment and thereby denied her the right to consider an appeal or to discuss the matter with other counsel. Model Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that JOHN WILLIAM SETTLE, Arkansas Bar ID# 77123, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Mr. Settle is ordered to pay costs in the amount of \$50. The costs assessed herein shall be paid in the form of a money order or cashier's check made payable to the "Clerk, Arkansas Supreme Court" and 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: _____

Gwendolyn D. Hodge, Chair, Panel A

Date: _____