

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

IN RE: WILLIAM SCOTT DAVIDSON
Arkansas Bar ID # 81044
CPC Docket No. 2005-155

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 Glenda Tippitt on September 19, 2005. The information related to the representation of Tippitt in 2004-2005 by Respondent William Scott Davidson, an attorney practicing primarily in Jonesboro, Craighead County, Arkansas. On December 30, 2005, Respondent was served with a formal complaint, supported by affidavits from Ms. Tippitt and Denise Parks. On August 18, 2006, this matter came on for hearing at the request of Respondent before Panel B. At the hearing Panel B Chair Harry Truman Moore recused and Searcy Harrell from Panel C sat in his place. Panel B Vice-Chair John Rush presided at the hearing.

On August 10, 2004, Glenda Tippitt of Jonesboro hired Davidson to file a Chapter 7 bankruptcy action for her and paid him the full \$709.00 legal fee and filing fee he requested for the representation. She filled out the forms he offered her at his office. Davidson never filed any bankruptcy for her. She contacted his office repeatedly asking for status reports but got no information. She wrote him August 12, 2005, asking him for the return of her \$709.00 so she could employ another attorney to file her bankruptcy. She did not hear from him, and has received no refund. She employed Jeanette Robertson of Jonesboro on August 23, 2005, and paid her the filing fees and costs only, \$230.00. On the same day Ms. Robertson filed her Chapter 7 as No. 05-bk-20916. Ms. Tippitt was granted a discharge by order filed November 23, 2005. Ms. Robertson did not charge Ms. Tippitt a fee for her legal services in view of the experience Ms. Tippitt had earlier. On September 19, 2005, Ms. Tippitt filed a complaint against Davidson with the Committee. On October 24, 2005, the Office of Professional Conduct wrote him about the complaint. He did not respond to either this Office or Ms. Tippitt as a result of that letter. He had not paid his annual Supreme Court law license fees since February 28, 2002. He practiced law in the years 2003, 2004 and 2005 without paying his required license fee, conduct amounting to the unauthorized practice of law in Arkansas. His Arkansas law license was automatically administratively suspended March 2, 2003, for failure to pay his 2003 license fee and remained so suspended until at least November 29, 2005, the date of Ms. Parks' affidavit.

In his written Response, Mr. Davidson stated that high turnover in his office secretary position during this time frame and his lack of personal computer skills for on-line filing of bankruptcy cases caused him substantial problems in his practice. He prepared Ms. Tippitt's bankruptcy petition and schedules, lost them when his computer "crashed," and redid the paperwork and she signed it. He stated that he had her case ready for filing when she told him she was going to another attorney to file the case.

At the commencement of his hearing, Mr. Davidson made a statement to the Panel in which he acknowledged he had violated all Rules charged in the Complaint, and gave his version of what happened in the Tippitt representation. He has already made restitution of \$709 to Ms. Tippitt. He paid all unpaid annual law license fees current on January 26, 2006. He asked for consideration from the Panel. The Executive Director stood on the pleadings. No witnesses testified. 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 B of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. Mr. Davidson's conduct violated Model Rule 1.2(a), in that it was Glenda Tippitt's objective when she hired and paid him in August 2004 that he promptly file her personal bankruptcy action. He failed to take the requested action and one year later she had to employ a second attorney to accomplish her objective. Model Rule 1.2 (a) requires that a lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (c), (d) and (e), and shall consult with the client as to the means by which they are to be pursued.

B. Mr. Davidson's conduct violated Model Rule 1.3, in that Glenda Tippitt hired and paid him in full in August 2004 to file her personal bankruptcy and she signed necessary papers for him to do so, yet he never filed for her. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. Mr. Davidson's conduct violated Model Rule 1.4(a), in that he and his office failed on several occasions to respond to Glenda Tippitt's reasonable requests for information about the status of the bankruptcy matter she had entrusted to him in August 2004. 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.

D. Mr. Davidson's conduct violated Model Rule 1.4(b), in that if he had advised Glenda Tippitt before she hired him that circumstances and situations not involving her might cause him to not file her bankruptcy action for over one year, the client would have had an opportunity to consider employing other counsel to represent the client in the bankruptcy filing and possibly earlier receive the relief the client sought. 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.

E. Mr. Davidson's conduct violated Model Rule 1.6(d), in that Glenda Tippitt paid him his full legal fee and filing fee totaling \$709.00 in August 2004, and even though he failed to file any bankruptcy for her, he has failed to refund to her the filing fee (\$209.00) and any unearned legal fee after she requested a refund in August 2005. Model Rule 1.16(d) requires that upon termination of representation an attorney shall take steps to the extent reasonably practicable to protect the client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advanced payment of fee that has not been earned.

F. Mr. Davidson's conduct violated Model Rule 3.4(c), in that he failed to pay the annual Supreme Court law license fees for 2003, 2004, and 2005 required by Rule VII.C of the Arkansas Supreme Court Rules Governing Admission to the Bar of Arkansas. Model Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

G. Mr. Davidson's conduct violated Model Rule 5.5(a), in that, as a result of his failure to pay his 2004 law license, his Arkansas law license was in suspended status when he accepted employment from Glenda Tippitt in August 2004 to file a bankruptcy for her, and his conduct was unauthorized practice of law by him at the time and under the circumstances. As a result of his failure to pay his 2005 law license, his Arkansas law license was still in suspended status when he continued representation of Glenda Tippitt until August 2005 to file a bankruptcy for her, and his conduct was unauthorized practice of law by him at the time and under the circumstances. Model Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal

profession in that jurisdiction.

H. Mr. Davidson's conduct violated Model Rule 8.4(d), in that by his failure to file her bankruptcy for over one year, his client Glenda Tippitt was required to hire and pay another attorney to do what he had been hired and paid in full to do for Ms. Tippitt. Model Rule 8.4(d) requires that a lawyer shall not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B by unanimous vote (7-0), that the Arkansas law license of WILLIAM SCOTT DAVIDSON, Arkansas Bar ID# 81044, be, and hereby is, SUSPENDED FOR ONE (1) MONTH for his conduct in this matter, he is ordered to pay \$709.00 restitution for the benefit of Glenda Tippitt, which the Panel finds has been paid, he is assessed \$50.00 Committee costs, and ordered to pay a fine of \$1,500.00. The vote on the fine was 5-2, with members Kelly and Word voting against the fine in that amount. By Panel directive, the suspension shall become effective on November 1, 2006, but this Findings and Order shall be filed of record with the Clerk of the Arkansas Supreme Court when signed by the Acting Chair. The fine and 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 B

By: _____
John L. Rush, Acting Chair, Panel B

Date: _____