

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: SHEILA F. CAMPBELL, Respondent
Arkansas Bar ID#83239
CPC Docket No. 2003-179

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from an advertisement (solicitation letter) sent by Sheila F. Campbell, an attorney practicing in Little Rock, Pulaski County, Arkansas, to Mrs. Janet Gingerich. The advertisement was incorporated into the formal disciplinary complaint the same as if set out therein verbatim.

On December 4, 2003 Respondent, Ms. Campbell, was served with a formal complaint, supported by the advertisement sent to Mrs. Gingerich. Ms. Campbell filed a timely response on December 16, 2003.

The information provided to the Committee revealed that Ms. Campbell sent Mrs. Gingerich the advertisement on November 6, 2003. The advertisement was sent to Mrs. Gingerich as a result of an automobile accident in which she was involved. The advertisement failed to follow the guidelines and requirements mandated by the Arkansas Supreme Court in the Model Rules of Professional Conduct specifically dealing with contact with prospective clients. The Model Rules require that the term Advertisement be plainly stated in the communication. The term must be in capital letters. Although Ms. Campbell had the term advertisement on her letter, it was not in capital letters as mandated by the Model Rules. Further, Ms. Campbell failed to include in the communication any disclosure revealing where the information prompting the communication was obtained.

Ms. Campbell admitted that the communication was in violation of the Model Rules and the requirements of the advertising rules. Ms. Campbell offered that the letter was sent out in error due to an unavoidable casualty in her office when the computer system failed because of a programming error by Xspedius Communications. According to Ms. Campbell, a member of her staff while reconstructing the merge

program that produces the solicitation letter pulled a draft of a solicitation letter from an old disk and inadvertently caused the draft document to be produced as the solicitation letter. Ms. Campbell stated that the disruption in her office due to the hard drive crashing on her computer negatively affected the efficiency of operation and hampered her ability to check every document that the staff was reentering because there were so many deadlines with which she was confronted.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, 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 Ms. Campbell's conduct violated Model Rule 7.3(b)(4) when her advertisement sent to Mrs. Gingerich contained the term "Advertisement" but failed to include it in capital letters. Model Rule 7.3(b)(4) requires that notwithstanding the prohibitions described in Paragraph (a), a lawyer may solicit professional employment from a prospective client known to be in need of legal services in a particular matter by written communication. Such written communication shall plain state in capital letters "ADVERTISEMENT" on each page of the written communication.
2. That Ms. Campbell's conduct violated Model Rule 7.3(d) because her letter of solicitation did not disclose how the information prompting the communication was obtained. Model Rule 7.3(d) requires that any written communication prompted by a specific occurrence involving or affecting the intended recipient of the communication or a family member shall disclose how the lawyer obtained the information prompting the communication.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that SHEILA F. CAMPBELL, Arkansas Bar ID# 83239, be, and hereby is, REPRIMANDED for her conduct in this matter. Pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, Ms. Campbell is assessed the costs of this proceeding in the amount of \$50. Ms. Campbell is also ordered to pay a fine in the amount of

\$500 pursuant to Section 18.B. of the Procedures. The costs and fine 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: _____

Gwendolyn D. Hodge, Chair, Panel A

Date: _____