

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

IN RE: MIMA CAZORT KILGORE WALLACE
ARKANSAS BAR NO. 84156
CPC DOCKET No. 2006-145

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Caressa Hasha of Rogers, Arkansas. The information related to the representation of Ms. Hasha by Respondent in 1997 and 1998.

Caressa Hasha was involved in a motor vehicle accident with Melvin Davis on April 27, 1994. Ms. Hasha employed Mima Cazort Kilgore Wallace, Attorney at Law, Fayetteville, Arkansas, to represent her in the legal matter. On April 27, 1997, Ms. Wallace filed a lawsuit in Benton County Circuit Court. On May 6, 1997, Mr. Davis, by and through his attorney, filed an answer to the lawsuit filed against him. Along with the answer was a set of Interrogatories and a Request for Production of Documents. Ms. Wallace admitted in her response to the formal complaint that no response to the Interrogatories or the Request for Production of Documents was ever filed. The Court entered an Order on October 29, 1997, directing that there be responses to the Interrogatories and Request for Production of Documents. On December 17, 1997, Mr. Davis' attorney filed a motion to dismiss the lawsuit for failure to comply with the discovery requests. On February 3, 1998, the court entered an Order to Dismiss with Prejudice. Ms. Wallace admitted in her response to the formal complaint that her failure to respond to the Interrogatories and the Request for Production of Documents resulted in Ms. Hasha's lawsuit being dismissed.

Ms. Hasha contacted Ms. Wallace at various times to ascertain the status of her lawsuit. Ms.

Hasha was told that Ms. Wallace could not be disturbed as she was busy working on a federal lawsuit. Ms. Wallace denied in her response that she failed to keep Ms. Hasha informed about the status of her lawsuit during the period of her representation and provided dates of appointments she had with Ms. Hasha from her 1996 and 1997 calendars. Ms. Wallace stated that she became ill in November 1997 and, while the illness slowed things down, her office never closed and she never stopped working.

Ms. Hasha later learned that her lawsuit had been dismissed. She then went to Ms. Wallace who told Ms. Hasha that she had been ill. Ms. Wallace agreed to file a motion to re-open the case. On May 1, 1998, Ms. Wallace filed a Motion to Set Aside the February 3, 1998, Order. The Court did not rule on the Motion and it was deemed denied.

According to Ms. Hasha, Ms. Wallace informed her in November, 1998, that she would personally pay her if she agreed not to sue her for malpractice. Ms. Wallace denied that there was an agreement but did confirm that she and Ms. Hasha should reach an equitable agreement. No agreement was ever reached according to Ms. Wallace.

Ms. Hasha wrote Ms. Wallace and asked for a copy of her case-file. According to Ms. Wallace, Ms. Hasha demanded the file within seventy-two hours. Ms. Wallace stated that she did return the file but it may not have been returned to Ms. Hasha as quickly as Ms. Hasha had wanted.

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:

1. Mima Cazort Kilgore Wallace violated Model Rule 1.1 when she failed to timely respond to the defendant's Interrogatories or Request for Production of Documents, thereby causing the

lawsuit of her client, Caressa Hasha, to be dismissed with prejudice. Model Rule 1.1 requires that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. Mima Cazort Kilgore Wallace violated Model Rule 1.3 when her failure to timely respond to the defendant's motions caused the lawsuit of her client, Caressa Hasha, to be dismissed with prejudice. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

3. Mima Cazort Kilgore Wallace violated Model Rule 1.4(a) when she failed to keep her client, Caressa Hasha, informed on the status of her case despite her many requests for an update. 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.

4. Mima Cazort Kilgore Wallace violated Model Rule 3.4(c) when she failed to follow the court's October 29, 1997, Order to answer the defendant's interrogatories and request for production of documents within fourteen days of the Order. 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.

5. Mima Cazort Kilgore Wallace violated Model Rule 8.4(d) when her failure to timely answer the interrogatories and request for production of documents prejudiced the administration of justice by denying Caressa Hasha's right to have her case heard by the trial court. Model Rule 8.4(d) requires that a lawyer 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, that MIMA CAZORT KILGORE

WALLACE, Arkansas Bar ID# 84156, be, and hereby is, CAUTIONED for her conduct in this matter; fined the sum of Five Hundred Dollars (\$500); and assessed costs in the amount of Fifty Dollars (\$50.00). 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 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 B

By: _____
Henry Hodges, Chair, Panel B

Date: _____