

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: GREGORY L. YEATMAN, Respondent
Arkansas Bar ID#89008
CPC Docket No. 2004-031

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Ronnie Dean in an Affidavit dated March 3, 2004. The information related to the representation of Mr. Dean by Respondent in 2000 through 2003.

On March 9, 2004, Respondent was served with a formal complaint, supported by affidavit from Mr. Dean. A response was filed. The Respondent, through his counsel, and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Panel reflected that during January 2000, Gregory L. Yeatman, an attorney practicing primarily in Little Rock, Pulaski County, Arkansas, was hired to represent Mr. Dean in a lawsuit to be filed seeking compensation for damages to his farm crops. Upon hire, Mr. Yeatman advised that he would seek compensatory damages, punitive damages, interest on the award as well as attorney's fees. The fee agreement was for Mr. Yeatman to receive a percentage of the award.

Mr. Yeatman initially filed a lawsuit for Mr. Dean in state circuit court. After that lawsuit was dismissed, Mr. Yeatman filed a federal action on January 14, 2002. Mr. Yeatman took no action following that filing until May 6, 2002, when he filed a first amended complaint. After being served with the complaint, the defendants in the lawsuit filed a Motion to Dismiss for lack of jurisdiction. Since there was no federal question, there appeared to be no federal jurisdiction according to the Motion. Eleven (11) days after the Motion was filed, Mr. Yeatman filed a Motion for Leave to File a Second Amendment to Complaint. Judge Reasoner granted the request and Mr. Yeatman filed a Second Amended Complaint on August 8, 2002. An Answer was thereafter filed.

During the course of the representation, Mr. Dean became displeased with the way in which Mr. Yeatman was handling the legal matter. According to Mr. Dean the correspondence and communication in the year 2002 were worse than at any other time during the representation. On May 8, 2002, Mr. Yeatman provided Mr. Dean with two copies of a letter and a large folder. Mr. Yeatman advised Mr. Dean that he had to sign the letter terminating the attorney / client relationship before he could have access to the filings in the large folder.

On December 10, 2002, an Initial Scheduling Order was entered of record. The Scheduling Order was served on Mr. Yeatman. He did not provide Mr. Dean with a copy of the Order nor provide him any information about the Order. On January 30, 2003, Judge Reasoner entered an Order setting out that Mr. Yeatman was to take action if he continued to represent Mr. Dean. Mr. Dean was to take action if Mr. Yeatman was no longer representing him. Mr. Dean was unable to comply with the Order because he never received a copy of it or knew of the requirement. As a result, Mr. Dean took no action and the complaint was dismissed for failure to prosecute. A Judgment was entered in favor of the defendants on March 14, 2003. Mr. Yeatman accepted responsibility for the failure to provide Mr. Dean with a copy of the March 14, 2003, Order but also stated that he was not aware of it until immediately prior to receiving the formal disciplinary complaint from the Office of Professional Conduct.

Mr. Dean knew of none of these actions until he located other counsel who ascertained what had occurred in the litigation. The Docket Sheet for the federal lawsuit demonstrates that Mr. Yeatman never took action to be removed from the lawsuit and continued to receive all the communication from the Court. Mr. Yeatman admitted that he did not take action to be relieved because he was waiting on Mr. Dean to secure other counsel. As such, Mr. Yeatman denied Mr. Dean the opportunity to be provided notice of the actions taking place in the lawsuit.

Upon consideration of the formal complaint and attached exhibit materials, the response, the consent proposal, 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. Yeatman's conduct violated Model Rule 1.3 when he failed to take any action to seek to be relieved from Mr. Dean's case after he ceased his representation of Mr. Dean and when he failed to file a response to the Court's Order of January 30, 2003, and thereby prevented the Court from being aware Mr. Yeatman was not representing Mr. Dean and that Mr. Dean, in fact, wish to continue to pursue his lawsuit. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Yeatman's conduct violated Model Rule 1.16(d) because after advising Mr. Dean that he was no longer representing him, Mr. Yeatman took no steps to effect the termination of representation in federal court, thereby depriving Mr. Dean of notice of the actions and Orders taking place in his lawsuit. Model Rule 1.16(d) requires, in pertinent part, that upon termination of representation, a lawyer take steps to the extent reasonably practicable to protect a client's interests.
3. That Mr. Yeatman's conduct violated Model Rule 8.4(d) because his failure to seek to be relieved in federal court caused the Court not to send notice directly to his client of Orders and requirements entered by the Court and ultimately led to the dismissal of Mr. Dean's federal lawsuit. 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 A, that GREGORY L. YEATMAN, Arkansas Bar ID# 89009, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.C. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Mr. Yeatman is ordered to pay restitution to Mr. Dean in the amount of \$41,000. Mr. Yeatman is also assessed the costs of this proceeding in the amount of \$50 pursuant to Section 18.A. of the Procedures. The restitution 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 A

By: _____

Gwendolyn D. Hodge, Chair, Panel A

Date: _____

(13.M, Rev.1-1-02)