

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: JOHN C. GOODSON

ARKANSAS BAR ID #90018

CPC DOCKET No. 2002-104

FINDINGS AND ORDER

The formal charges of misconduct are based on a complaint received from David W. Fisher. Dr. Fisher is a physician whose office was located in Texarkana, Texas in 1995. In 1995, Dr. Fisher treated Katrina and Varita Abraham for injuries they sustained in a motor vehicle accident. The Abrahams were represented by John C. Goodson, Attorney at Law, Texarkana, Arkansas.

In April 1996, Mr. Goodson sent two letters to Dr. Fisher. The first letter confirmed that he represented Katrina Abraham; the second that he represented Varita Abraham. Both letters instructed Dr. Fisher to treat the correspondence as a "letter of protection" in regard to payment for medical services rendered. The letters were accompanied by a signed copy of a doctor's lien that Dr. Fisher had provided Mr. Goodson. The costs of treatment of Katrina and Varita Abraham totaled \$4,404.

Mr. Goodson testified that, to the best of his knowledge, there was only one medical provider in each of the Abrahams' matters, Dr. Fisher. Mr. Goodson stated that he settled the Abrahams' legal matter with an insurance company and received proceeds from the settlement. Mr. Goodson stated that he called Dr. Fisher's office and discovered that Dr. Fisher was no longer in Texarkana. Dr. Fisher had relocated his practice from Texarkana, Texas, to McAllen, Texas. According to Mr. Goodson, no forwarding address was provided to him by Dr. Fisher. Mr. Goodson stated that he thereafter withdrew his fees from the settlement and distributed the balance of the funds to the Abrahams.

Dr. Fisher thereafter called Mr. Goodson's office to inquire when he could expect payment. Mr. Goodson confirmed that he did inform Dr. Fisher that the case had settled for less than he had hoped and that he had no money to pay Dr. Fisher for his services. Dr. Fisher sent a letter in 1999 to Mr. Goodson requesting payment. The letter was written on stationery listing Dr. Fisher's address and telephone number in McAllen, Texas. Mr. Goodson stated that he did not respond to the letter he received.

Upon consideration of the formal complaint, the response, testimony and exhibits presented, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds, by a unanimous vote:

1. That Mr. Goodson's conduct violated Model Rule 1.15(b) when he failed to inform Dr. David Fisher that settlement had been reached in the matter of Katrina and Varita Abraham and when he failed to honor a "letter of protection" and doctor's lien in favor of Dr. David Fisher and when he failed to deliver funds in which Dr. Fisher had an interest. Model Rule 1.15(b) requires that upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, that JOHN C. GOODSON, Arkansas Bar ID No.90018, be, and hereby is, REPRIMANDED for his conduct in this matter, and that he be assessed costs in the amount of fifty (\$50) dollars. The costs are due within thirty (30) days of the filing of this Order with the Clerk of the Arkansas Supreme Court. Five members of the panel voted to impose the sanction of Reprimand; two members voted to impose the sanction of Caution.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT

By: _____

Gwendolyn D. Hodge

Chair, Panel A

Date: _____