

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: JON RODGERS SANFORD

Arkansas Bar ID #70063

CPC Docket No. 2004-117

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving Respondent Attorney Jon Rogers Sanford of Russellville, Pope County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct in the opinions in Pope Chancery No. E-2001-49, *Sherry W. Sanford v. Jon R. Sanford*, and in Supreme Court Case No. 02-789, *Jon R. Sanford vs. Sherry W. Sanford*, delivered December 11, 2003.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel A of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

B. Mr. Sanford's conduct violated Model Rule 1.4(b) in that in the trust agreement he prepared for his estranged wife he included a provision that he would not charge a fee for his services as trustee. In another provision in the same trust agreement, he included a provision that established a formula under which he was to receive compensation for managing and selling the marital properties. At trial he passed this conflict off by saying the "no fee" provision, which he drafted, was poorly drafted. The Court found the "no fee" provision had to be construed in Ms. Sanford's favor since he prepared the agreement. Mr. Sanford failed to explain the matter of trustee's fees to the extent reasonably to permit the client, who was both his estranged spouse and the

settlor of the trust, to make informed decisions regarding the representation. 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.

C. Mr. Sanford's conduct violated Model Rule 1.7(b) in that he conceded his representation of his estranged spouse as an attorney and admitted fiduciary obligation to her in his role as trustee of the trust he created for her were materially limited by his own personal financial interests, and resulted in his having an ethical conflict with her interests. Model Rule 1.7(b) provides that a lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless:

(1) the lawyer reasonably believes the representation will not be adversely affected; and (2) the client consents after consultation.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Sanford and Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent Jon Rogers Sanford, Arkansas Bar No. 70063, be, and hereby is, **reprimanded** for his conduct in this matter, assessed costs of \$50.00, and ordered to pay restitution of \$50,000.00 to Sherry Sanford Scott in the manner agreed to by Ms. Scott and Mr. Sanford in another forum. The 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 A

By _____
Gwendolyn D. Hodge, Chairperson, Panel A

Date _____

