

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

**PANEL A**

IN RE:           Janie M. Evins, Respondent  
                  Arkansas Bar ID# 92068  
                  CPC Docket No. 2003-139

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Delores A. Monroe on June 2, 2003. The information related to the representation of Ms. Monroe by Attorney Janie M. Evins beginning in April 2001.

On October 9, 2003, Ms. Evins was served with a formal complaint, supported by an affidavit from Ms. Monroe. Ms. Evins filed a timely response on October 27, 2003, and Ms. Monroe filed a rebuttal on November 3, 2003.

The facts giving rise to the formal complaint are that Ms. Monroe hired Ms. Evins, an attorney practicing law in Hot Springs, around April 2001, to assume the role of counsel to complete her divorce. Shortly thereafter Ms. Monroe had to go to Virginia for a while to assist her mother who was suffering from medical problems. Ms. Evins was to handle all the details of the divorce including the sale of Ms. Monroe's home, car and other items. Ms. Evins purchased Ms. Monroe's 1996 Cadillac Seville for an agreed price of \$10,000, on a payment plan. Ms. Evins was to pay \$1,600 down and \$400 monthly beginning March 1, 2002. There was no contract regarding the sale of the vehicle. Ms. Monroe alleged there was also a verbal agreement that the car would be paid in full by December 2002, and an understanding that the monthly payments needed to be received by the first of each month. Ms. Evins fell behind on her car payments and during the beginning of 2003, Ms. Monroe learned that Ms. Evins had sold the car.

Ms. Monroe's divorce was final on February 11, 2002, and, pursuant to the decree, Ms. Monroe was to receive one-half (50%) of her ex-husband's retirement plan. A Qualified Domestic Relations Order ("QDRO") was to be prepared and filed with the presiding court. Ms. Evins did not prepare or send the QDRO to Mr.

Monroe's employer until April 2003, and only after Ms. Monroe continuously wrote, faxed, called and emailed Ms. Evins.

In her Response to the Formal Complaint, Ms. Evins stated that the vehicle was not scheduled to be paid off until December 2003, and that she actually paid it off in September 2003, three months early, and that she continues to drive the vehicle to this day. Ms. Evins also stated that she was not able to resolve the issue of the QDRO as promptly as she should have and that she should have stayed on top of the situation and finalized the matter sooner than she did.

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 A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Ms. Evins' conduct violated Model Rule 1.3 when she took from February 11, 2002, to July 2003 to prepare and file a QDRO on behalf of her client. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Ms. Evins' conduct violated Model Rule 1.4(a) when she failed to promptly comply with her client's numerous phone calls, faxes, emails and letters regarding the status of the QDRO. 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.
3. That Ms. Evins' conduct violated Model Rule 1.8(a) when she purchased a vehicle from Ms. Monroe and failed to get her client to consent in writing to the business transaction. Model Rule 1.8(a) provides that a lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client, except: when (1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner which can be understood by the client; (2) the client is given a reasonable opportunity to seek the advice of independent counsel in the transaction; and (3) the client consents in

writing thereto.

4. That Ms. Evins' conduct violated Model Rule 3.2 when she waited until July 2003, to prepare and file the QDRO. Model Rule 3.2 requires that a lawyer make reasonable efforts to expedite litigation consistent with the interests of the client.
5. That Ms. Evins' conduct violated Model Rule 8.4(a) when she waited until July 2003 to prepare and file the QDRO and when she entered a business transaction with Ms. Monroe without complying with Model Rule 1.8(a). Model Rule 8.4(a) requires that a lawyer not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that JANIE M. EVINS, Arkansas Bar ID# 92068, be, and hereby is, CAUTIONED for her conduct in this matter. Further, pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Ms. Evins is ordered to pay costs in the amount of \$50. The costs assessed herein shall be paid in the form of a money order or cashier's check made payable to the "Clerk, Arkansas Supreme Court" and 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, Chair, Panel A

Date: \_\_\_\_\_