

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: PATRICIA J. MADDOX-COOK

ARKANSAS BAR ID # 92064

CPC DOCKET No. 2001-063

FINDINGS & CONSENT ORDER OF DISCIPLINE

The formal charges of misconduct upon which this Consent Order is premised, involving attorney Patricia J. Maddox of Blytheville, Mississippi County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by the affidavit of attorney Richard A. Reid of Blytheville, Arkansas, supplemented by affidavits from Carla Harris (formerly Jackson), attorney Charles Ellis, and Judge Rice Van Ausdall. Respondent attorney Maddox-Cook ("Maddox") represented Carla Jackson (now Harris) in a divorce in Mississippi County Chancery Court. Maddox prepared a decree of divorce, which was approved as to form by Charles Ellis, opposing counsel, and presented to Judge Van Ausdall for signature on January 19, 2001. The decree was approved and filed the same date. At some point hand-written changes were made to the decree, restoring Carla Jackson to a maiden name of "Clifton." Ms. Jackson wanted her name restored to "Harris," her correct maiden name. Another decree appeared of record, also filemarked January 19, 2001, with her restored name of "Harris" typed in and the judge's "stamp" placed on the signature line. Ms. Harris contacted attorney Reid for assistance in getting an amended decree properly restoring her maiden name of Harris. This Reid accomplished on March 9, 2001, with the permission of attorney Ellis, who had represented Mr. Jackson.

Ms. Harris' affidavit is to the effect that she confronted Maddox after court about the absence of her restored maiden name in the filed January 19, 2001, decree, and she observed Maddox then write the additional language on the third page of the Harris' copy of the file-marked decree. Ms. Harris states she later found a handwritten notation on the filed copy in the courthouse records that restored her name as "Clifton," which she did not understand. She went to Reid for help.

Judge Van Ausdall's affidavit states he did not authorize the handwritten change to the decree, because it does not show his initials and those of the attorneys involved, approving the change. Attorney Ellis' affidavit is to the effect that he did not tell or authorize Ms. Maddox to change any decree filed of record in this case.

In her response, Ms. Maddox states the change to the decree was made before it was presented to the judge for his signature. Her affidavit admits the decree brought to the courtroom on January 19 failed to provide for the restoration of a maiden name to Carla Jackson. Upon being reminded by Jackson to have her maiden name restored, Maddox claims she made the handwritten change to "Clifton" before the decree was presented to the judge. This decree was signed and filed with the clerk, according to Ms. Maddox. She states that she made an error in judgment thereafter when she retyped the decree to clean it up for Ms. Harris and changed the name from Clifton to Harris without properly changing the original in the clerk's file. Maddox also states that Reid, "an old enemy," accosted her at court, presented the filed decree, and asked if she had changed it, to which she stated she had. Whatever the circumstances of the change to

the decree, she claims it was done to correct an error in inscription and not for any improper purpose.

Following Ms. Maddox receipt of the formal complaint, she entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 8.C.1(a) of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (1998). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of the Alternate Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Ms. Maddox's conduct violated Model Rule 1.1, when she failed to incorporate into the original divorce decree the provision restoring her client to the use of her correct maiden name of Harris, as desired and directed by the client. Model Rule 1.1 requires, in part, that a lawyer shall provide competent representation to a client, including the thoroughness and preparation reasonably necessary for the representation.
2. That Ms. Maddox's conduct violated Model Rule 8.4(c) when she prepared the admittedly false divorce decree to be used by Ms. Jackson, by making changes to Ms. Jackson's (now Harris) copy in her law office and not on the original filed in the clerk's office. Model Rule 8.4(c) states that it is professional misconduct for a lawyer to engage in conduct involving misrepresentation.

WHEREFORE, in accordance with the consent to discipline presented by Ms. Maddox and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that PATRICIA J. MADDOX, Arkansas Bar No. 92064, be, and hereby is, REPRIMANDED for her conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT

By _____

Bart F. Virden, Chairperson

Date _____