

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

**PANEL A**

**IN RE: PATRICIA J. MADDOX-COOK**

Arkansas Bar ID # 92064

CPC Docket No. 2006-053

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Sarah Howell (now Guite) on November 3, 2005. The information related to the representation of David Whitlock in 2001-2004 by Respondent Patricia J. "P.J." Maddox-Cook, an attorney practicing primarily in Blytheville, Mississippi County, Arkansas. On June 23, 2006, Respondent was served with a formal complaint, supported by affidavits from Sarah E. Guite, Denise Parks, Diane Sledge, Floyd Pederson and Linda Ort. Respondent failed to file a timely response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes Respondent's right to a public hearing.

Sarah E. Guite, formerly Howell, was married to Dr. John R. Howell, a Piggott Chiropractor, who died March 7, 2003. Probate administration of his estate was opened March 10, 2003, as Clay County Probate No. 2003-8. Ms. Guite, then Mrs. Howell, was appointed administratrix of his estate by Letters of Administration issued to her on March 12, 2003. Ms. Guite was familiar with her late husband's chiropractic clinic and his patients. David Whitlock became his patient in December 2001, for treatment for injuries received in a motor vehicle collision on December 4, 2001. Whitlock became a patient of Dr. Howell on December 11, 2001, and his file intake sheet showed his attorney for the matter to be P. J. Maddox, a Blytheville attorney. Ms. Maddox (or Maddox-Cook) wrote Dr. Howell a letter dated December 12, 2001, confirming she represented Mr. Whitlock and that she would protect Dr. Howell's bill for treating her client from any settlement Whitlock received.

On May 24, 2002, Dr. Howell provided Mr. Whitlock an “opinion” letter for use by Whitlock and Ms. Maddox-Cook in his legal claim, specifically reciting the severity of his injury. Dr. Howell treated David Whitlock regularly from December 11, 2001, through March 6, 2002. The total of the treatments for this period and billed was \$3,905.00. No payment has been received by Dr. Howell or his estate for any of this treatment. Mr. Whitlock came in for three more treatments, on June 10 and 12 and September 9, 2002, at \$90 each visit, for an additional \$270.

After Dr. Howell died in March 2003, David Whitlock’s wife Mary contacted Sarah Howell and told her David Whitlock’s claim had been settled, and that Ms. Maddox-Cook had the money in her trust account to pay Dr. Howell’s bill. After many attempts, Mrs. Howell was finally able to reach Ms. Maddox-Cook by telephone late one night. Ms. Maddox-Cook told her that she needed to “clean up loose ends related to Dr. Howell’s death (close his estate, etc.), and then contact Ms. Maddox-Cook so she could release the money she was holding. For over two years thereafter Sarah Howell attempted, without success, to contact Ms. Maddox-Cook. In March 2005, she called Ms. Maddox-Cook’s number and a woman answered. Mrs. Howell left a call-back message but never heard from Ms. Maddox-Cook.

Ms. Maddox-Cook filed a lawsuit in federal court in Jonesboro on December 3, 2003, for David Whitlock, arising out of his injuries on December 4, 2001. She settled his cases and claims for two checks of \$83,662.00 and \$1,163.00 in May 2004, and then dismissed his suit on May 27, 2004. She never sent any funds to Dr. Howell, his clinic, or his personal representative for his estate for the David Whitlock account.

Piggott Community Hospital provided services to David Whitlock when he was admitted December 6, 2001, for injuries he received in the collision on December 4, 2001. Ms. Maddox-Cook settled Whitlock’s claims in May 2004, and a check for \$1,163.00 payable to “David and Mary Whitlock and P. J. Maddox and Piggott Community Hospital” dated May 20, 2004, was issued and delivered to Ms. Maddox-Cook. The check bears the endorsements of P. J. Maddox, David Whitlock, and Mary Whitlock, but none by any representative of Piggott Community Hospital. Ms. Maddox-Cook failed to contact the hospital upon her receipt of this check with the hospital’s name on it, and failed to deliver any of these funds to the hospital for the account there of

David Whitlock. There is no indication on this check that she placed it in any trust account, as she did the \$83,662.00 settlement check delivered to her at about the same time.

In her untimely response, Ms. Maddox-Cook asserted that she now considers herself retired from law practice, for health reasons. David Whitlock was formerly married to her daughter's husband's former wife, and he is the father of her daughter's three step-children. She states she endorsed the "hospital check" and gave it to the Whitlocks, with the explanation that they needed to take it to the Piggott hospital and pay their bill there. She does not know how that check was cashed without an endorsement from the hospital on it. As to the large settlement check, she states that at the time the check was received by her, she told Mr. Whitlock she had no notice from any probate court regarding Dr. Howell, no lien for him had been filed, and that she felt at the time that she had no choice but to give Mr. Whitlock the money, with the admonition that he still owed the bill to Dr. Howell. She states that David Whitlock was not the easiest client to deal with and that she had no way of knowing he would later not pay his bills arising from this matter.

Upon consideration of the formal complaint and attached exhibit materials, the untimely response to it which was made available to the Panel, 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:

A. Ms. Maddox-Cook's conduct violated Model Rule 1.15(a), in that she received a settlement check for \$1,163.00 in May 2004 on the David Whitlock matter, payable to David and Mary Whitlock and P. J. Maddox and Piggott Community Hospital, and failed to place these funds, in which you knew Piggott Community Hospital had an interest, in any identifiable attorney trust account. Model Rule 1.15(a) requires that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds of a client shall be deposited and maintained in one or more identifiable trust accounts in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person.

B. Ms. Maddox-Cook's conduct violated Model Rule 1.15(b), in that: (1) she received a settlement check for \$83,662.00 on or about May 19, 2004, in the David Whitlock matter, and, knowing Dr. John Howell

and Howell Chiropractic Clinic, or his estate, had a claim to at least \$3,905.00 of those funds due to her “letter of protection,” she failed to promptly notify Dr. Howell or his estate representative of the receipt of these funds in which he or they or it had an interest known to Ms. Maddox-Cook, and (2) she received a settlement check for \$83,662.00 on or about May 9, 2004, in the David Whitlock matter, and, knowing Dr. John Howell and Howell Chiropractic Clinic, or his estate, had a claim to at least \$3,905.00 of those funds due to her “letter of protection,” she failed to promptly deliver to Dr. Howell or his estate representative funds in which he or they or it had an interest known to Ms. Maddox-Cook. 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.

C. Ms. Maddox-Cook’s conduct violated Model Rule 3.4(c), in that: (1) she failed to pay her 2004 Bar of Arkansas attorney license fee by March 1, 2004, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar; (2) she failed to pay her 2005 Bar of Arkansas attorney license fee by March 1, 2005, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar; and (3) she failed to pay your 2006 Bar of Arkansas attorney license fee by March 1, 2006, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar. Model Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists

D. Ms. Maddox-Cook’s conduct violated Model Rule 5.5(a), in that: (1) she practiced law from March 2 to June 4, 2004, at a time when her Arkansas law license was automatically suspended after she failed to pay her 2004 license fee by March 1, 2004. During this time period she specifically practiced law in the David Whitlock representation, including settling his case for over \$83,000 in May 2004; and (2) she practiced law in 2005 and 2006 at times when her Arkansas law license was automatically suspended after she failed to pay her

2005 license fee by March 1, 2005, and

continuing thereafter to present date. Model Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

E. Ms. Maddox-Cook's conduct violated Model Rule 8.1(b), in that to wit the Office of Professional Conduct, a state disciplinary authority, wrote her in connection with a disciplinary investigation into this complaint on December 19, 2005, February 4, 2006, and March 23, 2006, with lawful demands for information and she failed to respond to those inquiries. Model Rule 8.1(b) requires that an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not fail to disclose a fact necessary to correct misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

F. Ms. Maddox-Cook's conduct violated Model Rule 8.4(c) in that (1) she gave Dr. John Howell a "letter of protection" dated December 12, 2001, on the David Whitlock matter, promising to see that Dr. Howell was paid for his treatment services to Mr. Whitlock from any settlement she negotiated for Whitlock, and since she negotiated a settlement funded for over \$83,000 for Mr. Whitlock in May 2004, she has failed to deliver any funds from that settlement to Dr. Howell, the administratrix of his estate, or those rightfully entitled to funds to be paid to him or his former clinic, and (2) in May 2004, she received a settlement check for \$1,163.00 payable to David and Mary Whitlock, and P. J. Maddox, and Piggott Community Hospital dated May 20, 2004, and she either negotiated or permitted this check to be negotiated without giving any notice of its existence to Piggott Community Hospital and without obtaining any authorized endorsement on the check from Piggott Community Hospital, thereby depriving Piggott Community Hospital of any opportunity to recover, by means of this check, the balance owed to the hospital on the patient account of David Whitlock, her client. Model Rule 8.4(c) requires that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

G. Ms. Maddox-Cook's conduct violated Model Rule 8.4(d) in that she required Sarah Howell to open probate administration of her late husband's estate for the purpose of receiving payment from Ms. Maddox-Cook of the \$3,905.00 or more she was holding from the David Whitlock settlement for payment of Whitlock's account with Dr. Howell, yet after Ms. Howell took this judicial action, Ms. Maddox-Cook failed to pay these funds, that came into her possession, to either the Howell Estate or the rightful owner of these funds. Model Rule 8.4(d) requires that a lawyer shall 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 the Arkansas law license of **PATRICIA J. MADDOX-COOK**, Arkansas Bar ID# 92064, be, and hereby is, **SUSPENDED for EIGHTEEN (18) MONTHS** for her conduct in this matter. She is ordered to pay Committee costs of \$50.00. For failing to timely file a response to the Complaint, she is also separately reprimanded. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court. 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: \_\_\_\_\_

Phillip D. Hout, Chair, Panel A

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

