

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: TOM LEWIS TRAVIS, Respondent
Arkansas Bar ID#95029
CPC Docket No. 2003-027

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Rhonda Hill Harrison in an Affidavit dated March 4, 2003. The information related to the representation of Ms. Harrison by Respondent.

On May 6, 2003, Respondent was served with a formal complaint, supported by the affidavit from Ms. Harrison. 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.

The information before the Committee demonstrated that during late 1999 or early 2000, Ms. Harrison met Tom Lewis Travis, an attorney practicing primarily in Little Rock. Mr. Travis was hired to represent Ms. Harrison after she spoke with a representative of the Arkansas Fair Housing Council about an incident that had occurred following her rental of a mobile home in Pulaski County, Arkansas. Mr. Travis was hired by the Arkansas Fair Housing Council to represent the Council, Ms. Harrison and her minor son. Ms. Harrison did not have a fee agreement with Mr. Travis because the Council hired him. At no time did anyone ever discuss with Ms. Harrison whether she should hire her own attorney. She was merely told that Mr. Travis would represent all their interests.

On September 20, 2000, Mr. Travis filed a lawsuit in Pulaski County Circuit Court against Tom Burnett and Jeanette Burnett, his wife. A non-jury trial was conducted on June 5, 2001, and the Trial Court held that Arkansas Fair Housing Council did not have standing to bring the cause of action. Ms. Harrison was awarded \$1000 for compensatory damages and \$1000 for punitive damages, and her son was awarded the same amounts, but the Judgment was not entered of record until September 24, 2001. Four (4) days prior to entry of the Judgment, Mr. Travis filed a Motion to Reconsider the ruling that the Arkansas Fair Housing Council did not have standing to bring the cause of action. A response was filed along with a Motion to Amend the Judgment by the defendants. The trial judge did not rule on either Motion;

consequently the Judgment is still on file with the Pulaski County Circuit Clerk.

On November 30, 2001, Mr. Travis filed a Notice of Appeal over sixty (60) days after entry of the Judgment. The Notice of Appeal designated that he was appealing only from the portion of the Judgment finding that the Arkansas Fair Housing Council had no standing to bring the action. Mr. Travis did not follow through with the appeal. The last entry on the Circuit Clerk's docket sheet is the Court Reporter's Affidavit explaining that she received a Notice of Appeal and had written Mr. Travis about the designation of the record but received no response from him or his client.

Ms. Harrison has had no contact with Mr. Travis subsequent to the date of the non-jury trial. Mr. Travis made no attempt to contact Ms. Harrison about collecting the Judgment, nor did he ever advise her what steps she might take to collect the Judgment. Ms. Harrison has left messages for Mr. Travis on numerous occasions but he has not responded. On one occasion when Ms. Harrison contacted Mr. Travis' office, she was told that he was no longer practicing law.

Upon consideration of the formal complaint and attached exhibit materials, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Travis' conduct violated Model Rule 1.1 because he failed to assist Ms. Harrison in the recovery of the Judgment obtained in favor of her minor son and her against Tom Burnett and Jeanette Burnett, on June 5, 2001, and because he took no steps to advise Ms. Harrison how she might collect the Judgment. Model Rule 1.1 requires that a lawyer provide competent representation to a client, including the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. That Mr. Travis' conduct violated Model Rule 1.3 when he failed to take any action since entry of Judgment to assist Ms. Harrison in collection of the Judgment or to advise her what steps she needed to take in order to collect her Judgment. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Mr. Travis' conduct violated Model Rule 1.4(a) since (a) he has failed for over a year to respond to telephone messages that Ms. Harrison has left for him requesting information about the status of her Judgment and collection of the same, and (b) because at no time since entry of the Judgment in favor of Ms. Harrison and her minor son has he explained to her what actions she needed to take with regard to collection of the Judgment, and (c) because he has never advised Ms. Harrison that he did not intend to assist her in recovery of the Judgment for her and

that she might need to seek other counsel to do so. Model Rule 1.4(a) requires that a lawyer keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

4. That Mr. Travis' conduct violated Model Rule 1.4(b) because (a) at no time prior to filing suit for Ms. Harrison, her minor son, and the Arkansas Fair Housing Council, did he explain to Ms. Harrison that she might wish to seek independent counsel in the lawsuit since the Council had hired Mr. Travis and conflicts might arise with regard to the representation of more than one plaintiff in the lawsuit, and (b) because he has failed to explain to Ms. Harrison that he did not intend to assist her in collection of her Judgment against the Burnetts since entry of the same in June 2001. Model Rule 1.4(b) requires that a lawyer explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that Tom Lewis Travis, Arkansas Bar ID # 95029, be, and hereby is, SUSPENDED FOR A PERIOD OF THREE (3) MONTHS for his conduct in this matter. The sanction imposed was enhanced pursuant to Section 10(C)(2) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law based upon Mr. Travis' failure to respond to the formal disciplinary complaint. In addition, for failing to respond to the formal complaint, the Committee, pursuant to Section 9C(3) and Section 18B of the Procedures, imposes a fine of \$500. Mr. Travis shall also pay costs in the amount of \$50 in accordance with Section 18.A. of the Procedures. The restitution, fine and costs assessed herein, totaling \$550, 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 B

By: _____

John L. Rush, Chair, Panel B

Date: _____