

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: ALICE WARD GREENE, Respondent
Arkansas Bar ID#95197
CPC Docket No. 2007-038

FILED

OCT 17 2007

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Larry Crawford in an Affidavit dated April 10, 2007. The information related to the representation of Mr. Crawford by Respondent beginning in May 2006.

On April 26, 2007, Respondent was served with a formal complaint, supported by affidavit from Larry W. Crawford, Jr. Respondent personally signed for the restricted delivery mail sent by the Office of Professional Conduct containing the formal disciplinary complaint. Respondent failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, 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 reflected that on May 18, 2006, Mr. Crawford hired Alice Ward Greene, an attorney practicing primarily in North Little Rock, Arkansas, to represent him in a matter involving reduction of his child support obligation. Ms. Greene was paid \$600 for those services on May 18, 2006, pursuant to the Contract for Legal Services signed that date as well. One Hundred Dollars (\$100) of the funds paid to Ms. Greene was clearly for costs associated with her representation of Mr. Crawford in the child support matter.

Ms. Greene represented Mr. Crawford in previous matters in 1997, so on May 2, 2006, he spoke with her and told her that he and his wife would be in Little Rock on May 18th for his daughter's graduation. Mr. Crawford inquired of Ms. Greene whether she could have everything ready when they arrived in Little Rock, and she agreed to do so.

Mr. Crawford signed the agreement and paid Ms. Greene \$600 to file a Motion with the Court for reduction in child support. The basis for his seeking a reduction of child support was that two of his three children had graduated high school and one of them had been in college for a year already. Mr. Crawford was supposed to forward a copy of his income tax papers as soon as he received them. Mr. Crawford got his papers the first part of July and tried several times to telephone Ms. Greene and let her know that he had received the tax papers, but he received no response. Mr. Crawford also faxed a letter to Ms. Greene on August 13, 2006, terminating her services and requesting an invoice for her time. Mr. Crawford also requested a refund of the advance payment of fees. At the time of execution of the Affidavit made the basis of the formal disciplinary complaint, Mr. Crawford still had not received a response. Ms. Greene never filed any Motion on his behalf.

Mr. Crawford hired another attorney and paid another retainer fee to have the child support matters addressed. Mr. Crawford also was required to pay full child support on three children instead of one.

Since terminating Ms. Greene, Mr. Crawford has not received any response from her by telephone or by mail. He has called her and been informed by the receptionist that Ms. Greene would call later but she has not done so.

Upon consideration of the formal complaint and attached exhibit materials, 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 Ms. Greene's conduct violated Rule 1.2(a), because Mr. Crawford was specific when he hired Ms. Greene that time was of the essence and that he needed her to file an action to seek a reduction in child support based on the fact that two of his three children, for whom he was paying child support, had graduated high school. Despite this knowledge, Ms. Greene took no action to file a Motion on his behalf. Rule 1.2(a) requires that subject to paragraphs (c) and (d), a lawyer abide by a client's decisions concerning the objectives of representation, and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued.

2. That Ms. Greene's conduct violated Rule 1.3, because she did not act with diligence in her representation of Mr. Crawford with regard to pursuit of the reduction of child support. This is evidenced by the fact that she failed to file a Motion on Mr. Crawford's behalf with regard to the child support issue. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Ms. Greene's conduct violated Rule 1.4(a)(3), when she did not keep Mr. Crawford informed of the status of the legal matter in which she was entrusted, nor did she keep him advised of her efforts, if any, taken on his behalf in that regard. Rule 1.4(a)(3) requires that a lawyer keep a client reasonably informed about the status of a matter.

4. That Ms. Greene's conduct violated Rule 1.4(a)(4), because despite messages left for her by Mr. Crawford, Ms. Greene failed to respond to the requests for information. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

5. That Ms. Greene's conduct violated Rule 1.16(d) because when Mr. Crawford

terminated her representation of him, she failed to provide him with the documentation, if any, in the file on his legal matter which would have demonstrated any actions she might have taken on his

behalf, she failed to return any portion of the advanced fee to him, and she failed to return the advance payment of costs to him, despite the fact that those sums should have been safeguarded and belonged solely to Mr. Crawford since she never filed an action on his behalf. Rule 1.16(d) requires that upon termination of representation, a lawyer take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned.

6. That Ms. Greene's conduct violated Rule 8.4(d), because her failure to take action on Mr. Crawford's behalf led to an unnecessary delay in the proceeding seeking a reduction in child support he wished to pursue. Rule 8.4(d) requires that a lawyer 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 B, that ALICE WARD GREENE, Arkansas Bar ID#95197, be, and hereby is, REPRIMANDED for her conduct in this matter. In addition, pursuant to Section 18.B. of the Procedures, Ms. Greene is ordered to make appropriate restitution to Mr. Crawford in the amount of \$600. Pursuant to Section 9.C(3) of the Procedures, the Committee also sanctions Ms. Greene for her failure to respond to the disciplinary complaint

after proper service, by imposing a REPRIMAND and a fine in the amount of \$500. Further, pursuant to Section 18.A of the Procedures, Ms. Greene is assessed the costs of this proceeding in the amount of \$50. The fine, restitution, and costs assessed herein, totaling \$1150, shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within 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: Henry Hodges
Henry Hodges, Chair, Panel B

Date: 6-26-07