

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

IN RE: GAIL LANETTE ANDERSON

Arkansas Bar ID# 95224

CPC Docket No. 2002-033

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by the Honorable David B. Bogard, Pulaski County Circuit Court Judge, Sixth Division.

Gail Lanette Anderson, Attorney at Law, Little Rock, Arkansas, represented Carlos Walker on two counts of aggravated robbery. The charges were pending in Pulaski County Circuit Court, Sixth Division. On October 16, 2000, Ms. Anderson entered an appearance on behalf of Mr. Walker. An omnibus hearing was thereafter set for March 5, 2001 and a jury trial was set for March 21, 2001. At the March 5, 2001 omnibus hearing, Mr. Walker appeared but Ms. Anderson failed to appear. According to Ms. Anderson, she had several matters pending and was attempting to juggle her schedule to address each of the matters. Ms. Anderson stated that she called the Court and informed it that she would be delayed as she was in a trial in municipal court. The hearing was rescheduled for March 7, 2001 and the court directed Ms. Anderson to be present at "8:15 a.m. sharp."

Ms. Anderson appeared on March 7, 2001, in the Pulaski County Circuit Court, Sixth Division as directed and the omnibus hearing was rescheduled for July 30, 2001 at 9:00 a.m. and the jury trial was rescheduled for August 7, 2001.

On July 30, 2001, the Court convened at 9:00 a.m. for the omnibus hearing as scheduled. Neither Mr. Walker nor Ms. Anderson appeared. At 1:30 p.m., Mr. Walker and Ms. Anderson appeared. Ms. Anderson stated that she appeared in Court at the time the Court's case coordinator provided on the scheduling order, 1:30 p.m. The omnibus hearing was again rescheduled for August 1, 2001 at 9:00 a.m. On August 1, 2001, Ms. Anderson appeared at 9:20 a.m.

In the referral from the Pulaski County Circuit Court, Sixth Division, the Court stated that it and the Pulaski County Prosecuting Attorney had experienced difficulties contacting Ms. Anderson to discuss her client's matter. The Prosecuting Attorney's office had an offer to convey Ms. Anderson and her client but could not reach Ms. Anderson to discuss. The Court set a hearing for August 6, 2001 for Ms. Anderson and the Prosecuting Attorney to discuss the matter. Mr. Walker was notified and the Court made attempts to contact Ms. Anderson of the hearing by leaving telephone messages on her answering machine. Mr. Walker appeared on August 6; Ms. Anderson did not. The hearing was rescheduled for the next day, August 7, 2001. Ms. Anderson again failed to appear on August 7. According to Ms. Anderson, she sprained her ankle and could not appear in Court. Ms. Anderson stated that she provided the Court with medical documentation showing Ms. Anderson needed to be off her feet for two weeks. The Court re-set the matter for November 11, 2001.

Mr. Walker and Ms. Anderson appeared in the Pulaski County Circuit Court, Sixth Division, for a change of plea. Ms. Anderson stated that once the plea was accepted by the Court, her representation of Mr. Walker had ended. Mr. Walker entered into the plea agreement and sentencing was to follow the trial of Mr. Walker's co-defendant scheduled for January 2002. Following the trial of the co-defendant, the Court made attempts to contact Ms. Anderson to schedule the sentencing hearing of Mr. Walker. The Court's Case Coordinator placed calls to Ms. Anderson's office on January 9, 2002 and left a message for her and her client to appear in court on January 10, 2002.

On January 10, 2002, the Pulaski County Circuit Court, Sixth Division, convened for the sentencing of Carlos Walker pursuant to his plea agreement. Ms. Anderson failed to appear. The Court rescheduled the sentencing hearing for January 15 and directed the Pulaski County Sheriff's Office to personally serve Ms. Anderson with a notice of the sentencing hearing. The Pulaski County Sheriff's Office reported Ms. Anderson was unable to be located. Ms. Anderson stated that during this period of time her mother had been hospitalized and that the doctors had given up on her mother's recovery. Ms. Anderson stated that she was advised by the doctors that the only thing that could be done would be for her mother to go home and be comfortable. Ms. Anderson stated that the hospital released her mother on January 10, 2002.

The sentencing hearing was commenced on January 15, 2002 in the Pulaski County Circuit Court, Sixth Division. Mr. Walker and Ms. Anderson appeared at the hearing. Mr. Walker informed the Court that he had experienced difficulty contacting Ms. Anderson. Mr. Walker was sentenced and the Court then inquired of Ms. Anderson why she had been negligent in her communication with the Court. Ms. Anderson stated that she had been taking care of her ill mother and was devoting most of her time to her. Ms. Anderson added that she had not listened to her telephone messages and had not contacted her answering service.

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. Anderson's conduct violated Model Rule 1.3 when she failed to appear at scheduled hearings on March 5, 2001; July 30, 2001; August 1, 2001; January 10, 2002; all of which demonstrated a lack of diligence and promptness for concerns of her client, Carlos Walker; and when she failed to make herself accessible to plea negotiation discussions with the State of Arkansas. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Ms. Anderson's conduct violated Model Rule 1.4(a) when her client, Carlos Walker, expressed difficulties in contacting her to discuss the status of his case. Model Rule 1.4(a) requires that a lawyer keep a client reasonably informed about the status of a matter.

3. That Ms. Anderson's conduct violated Model Rule 3.2 when her continued failure to appear at scheduled court hearings and her inability to be reached to discuss pending matters resulted in unnecessary delay to court proceedings. Model Rule 3.2 requires that a lawyer make reasonable efforts to expedite litigation consistent with the interests of the client.

4. That Ms. Anderson's conduct violated Model Rule 3.4(c) when she knowingly disobeyed orders of the Pulaski County Circuit Court, Sixth Division, to appear at scheduled hearings on March 5, 2001; July 30, 2001; August 1, 2001; and July 10, 2002. Model Rule 3.4(c) requires, in pertinent part, that a lawyer not knowingly disobey an obligation under the rules of a tribunal.

5. That Ms. Anderson's conduct violated Model Rule 8.4(d) when her failure to appear at scheduled hearings on March 5, 2001; July 30, 2001; August 1, 2001; and January 10, 2002, resulted in a delay in the orderly and timely resolution of trial proceedings. Model Rule 8.4(d) requires that a lawyer not engage in conduct 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 GAIL L. ANDERSON, Arkansas

Bar ID# 95224, be, and hereby is, REPRIMANDED for her conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT - PANEL A

By: _____

Win Trafford, Chair, Panel A

Date: _____