

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

**IN RE: J.F. VALLEY
 ARKANSAS BAR ID NO. 96052
 CPC DOCKET NO. 2005-121**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Beverly Gillespie. The information related to the representation of Ms. Gillespie by J.F. Valley in 2003 and 2004.

Ms. Gillespie, a resident of Woodruff County, employed Mr. Valley to represent her in a divorce matter. A Complaint for Divorce was filed in Phillips County on February 20, 2004. The case was later transferred to Woodruff County and served on Ms. Gillespie's husband, Ricky. Ricky Gillespie filed an answer to the Complaint and a Counter-Claim on March 23, 2004. No answer to the Counter-Claim was filed by Mr. Valley.

A hearing was set in Woodruff County Circuit Court for May 25, 2004. On April 27, 2004, John D. Eldridge, III, attorney for Ricky Gillespie, faxed a copy of the Order setting a hearing date for May 25. On May 25, 2004, Mr. Eldridge and his client appeared for court. Neither Ms. Gillespie nor her attorney, J.F. Valley, appeared. According to Ms. Gillespie, she had not even been advised that a hearing had been scheduled.

On June 1, 2004, a Divorce Decree was entered. A hearing was scheduled for June 22, 2004, for a hearing on any remaining issues such as property and debt, costs and attorney's fees. In the Divorce Decree, the Court stated that "non-appearance by any party...may give rise to the court's award of a default judgment to the appearing party." Neither Ms. Gillespie nor her attorney, J.F.

Valley, appeared for the hearing. Again, Ms. Gillespie stated that she had not been advised about a hearing on June 22, 2004. The Court made findings concerning the property and debt issues and an Order was entered on July 9, 2004. The Court ordered that the parties' marital home be sold on August 30, 2004.

On July 29, 2004, Mr. Gillespie and a member of the Augusta Police Department, appeared at Ms. Gillespie's home and demanded possession of a 1995 Chevrolet Suburban; a 1989 Cadillac; a storage building; a refrigerator; a 25-inch television; a DirecTV satellite receiver; a DVD player; a camcorder; a boat and trailer; and clothing. Ms. Gillespie was unaware of the issuance of the July 9, 2004 Order.

On August 3, 2004, a Petition for Contempt was filed by Mr. Gillespie against Ms. Gillespie for failing to comply with the July 9, 2004, Order.

Mr. Valley filed a Rule 60 Motion to Amend the Order of July 9, 2004. In the Motion, Mr. Valley admitted that he was responsible for his failure to appear for the scheduled hearings, that he failed to notify his client of court dates, and that he chose not to file an answer to the Counter-Claim filed by Ms. Gillespie's husband.

On July 26, 2006, J. F. Valley acknowledged receipt of a formal complaint. Mr. Valley failed to file a 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.

Upon consideration of the formal complaint and attached exhibit materials, 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. J.F. Valley violated Rule 1.1 when he filed the divorce case in Phillips County Circuit Court on February 20, 2004, when venue was in Woodruff County Circuit Court; failed to file an answer to a counter-claim filed against his client in the case of Beverly Gillaspie v. Ricky Gillaspie, Woodruff County Circuit Court Case No. 2004-82; when he failed to notify his client, Beverly Gillaspie, about the hearing for May 25, 2004, in Woodruff County Circuit Court; when he failed to appear on behalf of his client in Woodruff County Circuit Court on May 25, 2004; when he failed to notify his client about the hearing for June 22, 2004, in Woodruff County Circuit Court; and when he failed to appear on behalf of his client in Woodruff County Circuit Court on June 22, 2004.

2. J.F. Valley violated Rule 1.3 when he failed to file a timely answer to a counter-claim filed against his client in the case of Beverly Gillaspie v. Ricky Gillaspie, Woodruff County Circuit Court Case No. 2004-82; when he failed to timely notify his client about a hearing scheduled for May 25, 2004, in Woodruff County Circuit Court; when he failed to appear on behalf of his client in Woodruff County Circuit Court on May 25, 2004; when he failed to timely notify his client about the hearing for June 22, 2004, in Woodruff County Circuit Court and when he failed to appear on behalf of his client in Woodruff County Circuit Court on June 22, 2004. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. J.F. Valley violated Rule 1.4(a) when he failed to notify his client, Beverly Gillaspie, about the hearing scheduled for May 25, 2004, in Woodruff County Circuit Court; when he failed to notify his client about the hearing scheduled for June 22, 2004, in Woodruff County Circuit Court. Model Rule 1.4(a) requires, in pertinent part, that a lawyer keep a client reasonably informed about the status of a matter.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on

Professional Conduct, acting through its authorized Panel A, that J.F. VALLEY, Arkansas Bar No. 96052, be, and hereby is, REPRIMANDED, fined the sum of FIVE HUNDRED DOLLARS (\$500.00) and assessed costs in the amount of FIFTY DOLLARS (\$50.00) for his conduct in this matter. For his failure to file a timely response to the formal complaint, J.F. VALLEY, Arkansas Bar ID# 96052, is, pursuant to Section 9.C(1) and (3), REPRIMANDED and fined the sum of FIVE HUNDRED DOLLARS (\$500.00) for his conduct in this matter. The fines and 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 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 A

By: _____
Phillip D. Hout, Chairman, Panel A

Date: _____