

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

IN RE: **ROBERT R. WHITE**

Arkansas Bar ID # 72111

CPC Docket No. 2003-119

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Chelsea Holbrook in July 2003. The information related to the representation of Ms. Holbrook by Respondent from 2002-2003. On September 9, 2003, Respondent was served with a formal complaint, supported by an affidavit from Ms. Holbrook.

In November 2002 Chelsea Holbrook hired Respondent White and paid him \$300 to replace another attorney in her pending divorce action filed in Benton County. White never entered his appearance in the case and service was never obtained on the defendant husband. In March 2003 White told Holbrook her divorce would be final in about six weeks. At his request, she paid him another \$50. In late May 2003 a friend checked with the Benton County Circuit Clerk and learned that Holbrook's suit had been dismissed May 16, 2003, for failure to obtain service on the defendant, a fact White did not communicate to his client. Mr. White responded that Ms. Holbrook was unable to provide him with a satisfactory address for service on her husband. He also stated that she told him in March 2003 that she had moved to Oklahoma, which he claimed would prevent her from proceeding with her pending Arkansas divorce action.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, rebuttal, 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. Mr. White's conduct violated Model Rule 1.2(a) in that although hired in November 2002 by Chelsea Holbrook and paid to replace another lawyer in the handling of her divorce filed in Benton County,

Arkansas, and pursue it to conclusion, White failed to enter an appearance or take

any action whatsoever in the matter and failed to adequately consult with his client. The case was dismissed May 16, 2003, a fact which White failed to communicate to his client. Model Rule 1.2 (a) requires that a lawyer shall abide by a client's decisions concerning the objectives of representation, and shall consult with the client as to the means by which they are to be pursued.

B. Mr. White's conduct violated Model Rule 1.3 in that in November 2002 Chelsea Holbrook hired and paid him to replace another lawyer in the handling of her divorce filed in Benton County, Arkansas, and pursue it to conclusion, but White failed to enter an appearance or take any action whatsoever in the matter and failed to adequately consult with his client. The case was dismissed May 16, 2003, a fact which White failed to communicate to his client. Model Rule 1.3

requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. Mr. White's conduct violated Model Rule 1.4(a) in that his client Ms. Holbrook made many calls to his office after her last meeting with him in March 2003, trying to learn the status of her pending divorce case, which she had hired and paid White to prosecute for her. She was unable to contact him and only learned of the May 16, 2003, dismissal of her case when another person checked the Benton County court records for her. Model Rule 1.4(a) requires that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

D. Mr. White's conduct violated Model Rule 1.4(b) in that if he had advised Chelsea Holbrook in November 2002, that circumstances and situations not involving her might cause White to fail to enter his appearance in her pending divorce action, and fail to take any action on her behalf, thereby delaying consideration of her legal matter, she would have had an opportunity to consider employing other counsel to represent her in the matter and possibly receive the relief she sought much earlier. Model Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

E. Mr. White's conduct violated Model Rule 3.2 in that in November 2002 Chelsea Holbrook hired and paid him to replace another lawyer in the handling of her divorce filed in Benton County, Arkansas, and pursue it to conclusion, but White failed to enter an appearance or take any action whatsoever in the matter and failed to adequately consult with his client. The case was dismissed May 16, 2003, a fact which he failed to communicate to his client. Model Rule 3.2 requires that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

F. Mr. White's conduct violated Model Rule 8.4(c) in that he accepted at least \$300 in fees from Chelsea Holbrook in November 2002 to prosecute a pending divorce for her as substituted counsel, yet he never took any action in the matter, which was dismissed on May 16, 2003, for failure to obtain service on the defendant. By his action, White misrepresented to her that he would take action in her matter, but he never did. At a meeting with Ms. Holbrook in March 2003, White told her that her divorce would be final in about six weeks, or around the end of May 2003. At the time he made these representations to her, he had not entered his appearance in her pending divorce action, had taken no action in it, the out of state defendant had not been served, and there was no factual basis for his statements to his client, which statement was a misrepresentation by White and deceitful. Model Rule 8.4(c) requires that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

G. Mr. White's conduct violated Model Rule 8.4(d) in that his client hired and paid him to represent her in a pending divorce and to carry the matter to a conclusion. His inaction allowed the case to be dismissed. The client must now obtain new counsel and start a new divorce proceeding. 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 Robert R. White, Arkansas Bar ID# 72111, be, and hereby is, **Cautioned** for his conduct in this matter, and ordered to pay costs of \$50.00. 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: _____

Gwendolyn D. Hodge, Chair, Panel A

Date: _____