

**ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT**

**NOTICE OF SUSPENSION OF ATTORNEY'S
PRIVILEGE TO PRACTICE LAW**

**IN RE: JAMES F. VALLEY
 ARKANSAS BAR ID #96052
 CPC Docket No. 2007-120**

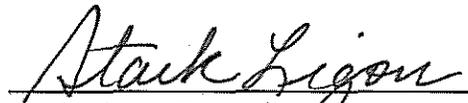
Attorney James F. Valley, an attorney practicing law primarily in Helena-West Helena, Arkansas, Bar ID #96052 has been suspended from the practice of law within the jurisdiction of this State.

The Committee on Professional Conduct suspended Arkansas Attorney James F. Valley's License for a period of thirty (30) days effective July 31, 2008.

Please be advised that a suspended attorney shall not be reinstated to the practice of law in this State until the Arkansas Supreme Court has received an affirmative vote by a majority of the Committee. If, and at such time as the Committee may reinstate the attorney, you will be provided notice of the reinstatement and the effective date thereof.

If you have any questions in this regard or you have information evincing the attorney's continued practice contrary to the status of his license, please contact this office.

7/31/08
Date


Stark Ligon, Executive Director
Office of Professional Conduct
625 Marshall Street, Room 110
Little Rock, AR 72201
(501) 376-0313

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: JAMES F. VALLEY
ARKANSAS BAR ID# 96052
CPC DOCKET NO. 2007-120

FILED

JUL 31 2008

**LEOLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided by Zederick Jackson and related to the representation of Mr. Jackson by James F. Valley beginning in 1999. A public hearing was conducted on July 18, 2008, before Panel A.

James F. Valley, Attorney at Law, Helena-West Helena, Arkansas, agreed to represent Zederick Jackson who, at the time, was a resident of Carol Stream, Illinois, and now, a resident of Joliet, Illinois, in a child support matter. In September, 1999, Mr. Jackson received a letter from the Arkansas Child Support Enforcement Unit requesting payment on back child support. Mr. Jackson drove to West Helena, Arkansas, in September, 1999, and went to the law firm of Wilson & Valley on September 25, 1999, where he met with James F. Valley. Mr. Jackson discussed his matter with Mr. Valley, who informed him that he would have to do a few things to get the case called into court. Mr. Valley stated that he would contact Mr. Jackson when he needed more money or when a court date was scheduled. Mr. Valley testified that he prepared a Client Information Form which listed addresses, telephone numbers and information about Mr. Jackson's legal matter. According to the information sheet, the goals of the representation were to abate child support payments through the registry of the Court. Mr. Jackson stated that he was current but the Child Support Enforcement Unit stated that he owed \$1300. Mr. Valley

wrote on the information sheet that the matter could be relatively brief in duration if all goes as he had been told by Mr. Jackson, but that the matter could take longer depending on the mother of the child or the court.

Mr. Jackson stated that he received no further notice or paperwork from Mr. Valley. Mr. Valley testified that he then had to find out who at child support had the file and negotiate with that person. Mr. Valley stated that he probably discussed the matter with someone from the child support enforcement unit but did not recall who or what were the results of the discussion.

On November 9, 2000, Mr. Valley filed a Petition for Abatement with the Phillips County Circuit Clerk. The Petition requested that the child support be abated or reduced as Mr. Jackson's financial condition had changed. Mr. Valley asked for a hearing on an expedited basis and an abatement or reduction in child support.

Mr. Valley testified that he discovered at some point in time that he could not obtain an abatement of the child support or a reduction of the child support in a prior order. Mr. Valley stated that he called Mr. Jackson and told him over the telephone that there was nothing further he could do for him. According to the Phillips County Circuit Clerk's records, no further action occurred in the child support matter and no hearing was ever held.

On March 30, 2005, Mr. Jackson purportedly sent a fax to Mr. Valley's office with a copy of the receipt he received in September, 1999. The fax contained Mr. Jackson's new address and current telephone numbers (home and mobile). Mr. Jackson provided a copy of the fax transmission report which purported to show that fax was sent by him and transmitted to Mr. Valley's office. Mr. Valley denied ever receiving the fax until he received service of the formal complaint in this matter. Mr. Jackson stated that whenever he called Mr. Valley's office, Mr.

Valley was either on the phone or in court. Mr. Jackson stated that he left messages but received no returned telephone calls.

Mr. Jackson filed a grievance with the Office of Professional Conduct, which sent a letter to Mr. Valley on April 3, 2007. The letter outlined what had transpired since Mr. Jackson employed Mr. Valley in 1999, based on information Mr. Jackson provided. There was no response from Mr. Valley.

On June 7, 2007, the Office of Professional Conduct sent a follow-up letter to Mr. Valley asking that he provide the office with a summary of what action, if any, had occurred since the April 3, 2007, letter. There was no response to the June 7, 2007, letter.

On July 26, 2007, the Office of Professional Conduct sent a second follow-up letter to Mr. Valley again asking for information concerning Mr. Jackson's legal matter. Again, there was no response.

The Office of Professional Conduct presented the prior disciplinary history of Mr. Valley pursuant to Section 19.L of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. Mr. Valley had been reprimanded on three previous occasions in CPC Docket Nos. 2001-096; 2005-121; and 2006-086.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, the testimony presented, the prior disciplinary history, 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, by unanimous vote unless otherwise indicated:

1. James F. Valley violated Rule 1.3 of the Arkansas Model Rules of Professional Conduct when he failed to file anything on behalf of his client from the date of his employment

in October, 1999, until November, 2000, when he filed a Petition for Abatement. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. James F. Valley violated Rule 1.4(a)(3) when he failed to inform his client, Zederick Jackson, about the status of Mr. Jackson's legal matter. Rule 1.4(a)(3) requires that a lawyer keep a client reasonably informed about the status of the matter. The vote by the Panel was 6 members finding a violation of this rule and one member, Win Trafford, did not.

3. James F. Valley violated Rule 1.4(a)(4) when he failed to respond to requests from his client, Zederick Jackson, for information about his legal matter; when he failed to respond to a letter dated April 3, 2007, from the Office of Professional Conduct on behalf of his client, Zederick Jackson, about the status of Mr. Jackson's legal matter; when he failed to respond to a letter dated June 7, 2007, from the Office of Professional Conduct on behalf of his client, Zederick Jackson, about the status of Mr. Jackson's legal matter; and when he failed to respond to a letter dated July 26, 2007, from the Office of Professional Conduct on behalf of his client, Zederick Jackson, about the status of Mr. Jackson's legal matter. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that JAMES F. VALLEY, Arkansas Bar No. 96052, be, and hereby is, SUSPENDED from the practice of law for a period of THIRTY DAYS from the date of the filing of this Findings and Order and assessed costs of THREE HUNDRED FIFTY DOLLARS (\$350.00), including an administrative fee of FIFTY DOLLARS (\$50.00) and the court reporter's fee of THREE HUNDRED DOLLARS (\$300.00) for his conduct in this matter. The vote of the Panel was by a 4-3 majority with Panel Members

Shults, Hout, Polk, and Herr voting in the majority. Panel members Pinson, Trafford and Youngdahl comprised the minority who voted for a Reprimand and a fine. 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 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: Steven Shults
Steven Shults, Chair, Panel A

Date: July 31, 2008