

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

IN RE: **HENRY THOMAS JONES, IV**

Arkansas Bar ID #97018

CPC Docket No. 2002-118

**FINDINGS & CONSENT ORDER OF DISCIPLINE**

The formal charges of misconduct upon which this Consent Order is premised, involving Respondent Attorney Henry Thomas Jones, IV, of Little Rock, Pulaski County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by Mary Worthen of Little Rock concerning Respondent's representation of her in 2001-2002.

Following Respondent's receipt of the formal complaint, the attorney, through counsel, entered into discussion with the Executive Director which resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel C of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Jones's conduct violated Model Rule 1.3 in that he was hired in June 2001 and paid a retainer of \$1,000 to represent Mary Worthen in a contract dispute with a local book publisher, with the specific request and directive from her that if the June 30, 2001, royalty payment due her from the publisher was not satisfactory to her, he was to file suit for her shortly thereafter. In spite of his client's timely, repeated and reasonable requests, and her precarious personal financial situation of which he had knowledge, Respondent did not file suit for her until February 26, 2002. Respondent did not inform his client at the time of hire or thereafter that his license to practice law in Arkansas was suspended by both the Arkansas Supreme Court Clerk and the Arkansas Board of Continuing Legal Education, and that he was not reinstated by both entities until mid-February 2002. He finally filed her suit after he got reinstated and about the time he fully refunded her \$1,000 retainer. Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.
2. That Mr. Jones's conduct violated Model Rule 1.4(a) in that from late 2001 to late July 2002 his client made repeated requests for information, status reports on her matter, and requested that he conduct basic discovery in her pending suit. Respondent repeatedly failed to respond to her requests for information, and had conducted no discovery of which she was aware at the time she terminated his services. 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.
3. That Mr. Jones's conduct violated Model Rule 3.2 in that the defendant in his client's litigation filed and served on him written discovery in May 2002. Before that date, a trial date of October 17, 2002, had been established. Respondent failed to file written responses to this discovery until August 6, 2002. He was sanctioned \$250.00 by the Court shortly thereafter for failure to obey the Court's Order of July 12, 2002, to file his responses within fifteen (15) days of that Order. In May 2002 Respondent accepted employment as the primary political aide to a candidate in a statewide political campaign. He assured Ms. Worthen these new duties would not interfere with his ability to properly prepare for and timely prosecute her trial on October 17, 2002, which would be shortly before the general election on November 5, 2002. On July 30, 2002, he advised his client he would no longer be able to handle her pending case. Respondent did not turn over a copy of his case file to the client until August 21, 2002. She then was faced with the tasks of seek new trial counsel, conducting all discovery, and preparing for trial in a substantial contract and intellectual property law case in less than sixty (60) days, or lose her trial date. Shortly before the trial date, she had to take a non-suit, which she would not have done if her case had been properly and timely prepared by Respondent. Model Rule 3.2 requires that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.
4. That Mr. Jones's conduct violated Model Rule 3.4(c) when he failed to timely respond to Interrogatories propounded to his client in her case. On July 12, 2002, the presiding judge ordered him to fully and completely respond to defendant's written discovery within fifteen (15) days. He failed to do so. Defendant's motion for sanctions against Respondent was granted by Order entered August 9, 2002, which directed him to pay sanctions of \$250.00 to the Defendant, which he paid. Defendant filed a renewed motion for sanctions and motion to exclude, which, if granted, could have limited or excluded evidence the client would be able to present at any trial, and could have even resulted in the dismissal of her action. Model Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.
5. That Mr. Jones's conduct violated Model Rule 5.5(a) when he practiced law on behalf of his client Mary Worthen from June 2001, until February 13, 2002, at all times during which he was suspended from law practice by the Arkansas Supreme Court for failure to pay his annual law license fees for the years 2000 and 2001, and by the Arkansas Continuing Legal Education Board for non-compliance with his continuing legal education requirements for the year ending June 30, 2001. Model Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Jones and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that the law license and privilege to practice law in Arkansas of Respondent HENRY THOMAS JONES, IV, Arkansas Bar No. 97018, be, and hereby are, SUSPENDED for THIRTY (30) DAYS for his conduct in this matter, and he is ordered to pay a fine of \$1,000.00. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court. The fine 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 C

By \_\_\_\_\_

Ken R. Reeves, Committee Chairperson

Date \_\_\_\_\_