

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

**PANEL A**

**IN RE: ROBERT RAGON WHITE**

Arkansas Bar ID #72111

CPC Docket No. 2004-172

**CONSENT FINDINGS & ORDER**

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Robert Ragon White of Fayetteville, Washington County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by William “Bill” Bartz of Fayetteville, Arkansas.

William “Bill” Bartz, an employee of the University of Arkansas Athletic Department, was treated by Fayetteville physician (Mark Bonner, M.D.) for a medical problem. As an alleged result of a prescription and use of the wrong medication, Bartz suffered serious health effects, which led to kidney problems, a Social Security disability rating at age forty-one, and his having to go on dialysis. In mid-2002, Bartz conferred with Coach Houston Nutt, who contacted attorney Robert R. White of Fayetteville, to set up an appointment for Bill Bartz with White. In August 2002, Mr. Bartz first conferred with White and provided him with appropriate medical records for his review for a possible medical malpractice action against the responsible physician, Dr. Bonner. Mr. Bartz alleges during their entire time on this matter, White failed to disclose to Bartz that Dr. Bonner was one of the Razorback football team physicians, and that White may have had a relationship with Dr. Bonner as a result of his being a Razorback football letterman and a strong team supporter. Mr. White states he provided this information to his client, and denies that his action or inaction was in any manner for the purpose of protecting or out of loyalty to a Razorback team doctor, whom he described as a person he had met only on one or two occasions.

After initial meetings and conversations, Mr. Bartz and family members tried for many months to make an appointment with White to discuss the pending matter but were unsuccessful. Concerned about a possible statute of limitations problem after discussions with family and others, Bartz and family members were finally

able to get his file from White in the Spring of 2004, to try to take it to other attorneys for review. They were finally able to get a Fort Smith attorney to review the matter in May 2004. By letter of May 21, 2004, the attorney advised Mr. Bartz the statute of limitations for any medical malpractice claim had expired.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has 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 A of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Mr. White's conduct violated Model Rule 1.3 in that he purported to represent William Bartz from August 2002 for many months thereafter on a matter in which he desired Mr. White to file a medical malpractice action against a Fayetteville physician, yet White failed to take any action toward achieving the client's objective. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. Mr. White's conduct violated Model Rule 1.4(a) in that his client and his family members tried without success on many occasions after August 2002 to obtain from Mr. White and his office information on the status of the matter he entrusted to Mr. White, and to obtain appointments to meet with White to discuss this matter. 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.

WHEREFORE, in accordance with the consent to discipline presented by Mr. White and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent Robert Ragon White, Arkansas Bar No. 72111, be, and hereby is, reprimanded for his conduct in this matter, fined \$250.00, and assessed costs of \$100.00. The fine 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 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 \_\_\_\_\_

Bart F. Virden, Chairperson, Panel A

Date \_\_\_\_\_