

FILED

IN RE: STEVEN R. JACKSON
ARKANSAS BAR ID #97142
CPC Docket No. 2010-031

MAR 15 2011

LESLIE W. STEEN
CLERK

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee from a grievance filed by Russell E. Hinton.

Steven R. Jackson represented Mr. Hinton in the case of *Russell Eugene Hinton v. Barbara Louise Hinton (now Coffey)*, Washington County Circuit Court Case No. DR-2001-2025-5.

Russell Hinton was married to Barbara Coffey, formerly Barbara Hinton. Russell and Barbara Coffey had a child during the marriage, Rachel. Custody of Rachel was granted to Ms. Coffey. In March, 2009, Rachel approached her father about having custody changed from her mother to her father, Russell. Mr. Hinton contacted Steven R. Jackson to represent him in a change of custody matter. Mr. Jackson agreed to represent Mr. Hinton. Mr. Hinton paid Mr. Jackson \$50.00 on March 13, 2009 for a reopening filing fee.

On March 13, 2009, a Motion to Modify Custody, Child Support and Visitation was filed with the Washington County Circuit Court Clerk. On the same date, a summons was issued to Mr. Jackson by the Clerk and was to be served upon Ms. Coffey along with service of the Motion to Modify Custody, Child Support and Visitation.

Mr. Hinton made several telephone calls to Mr. Jackson inquiring about the status of his pending matter. The Motion to Modify Custody, Child Support and Visitation was never served upon Ms. Coffey. On August 6, 2009, the Washington County Circuit Court dismissed the Motion to Modify Custody, Child Support and Visitation as service of the motion had not been

served upon the Ms. Coffey during the time required by law. The matter was dismissed without prejudice by order of the Court.

Mr. Hinton discovered in a telephone call to the secretary to the Washington County Circuit Court Judge in January, 2010, that the Motion to Modify Custody, Child Support and Visitation had been dismissed on August 6, 2009.

Mr. Jackson admitted that he represented Mr. Hinton in the matter involving Ms. Coffey. Mr. Jackson stated that he had represented Mr. Hinton in two previous child custody matters involving Ms. Coffey and that he also represented Mr. Hinton in a divorce from his second wife, Christy Hinton, which included child support, visitation, custody and contempt proceedings.

Mr. Jackson stated that he agreed to represent Mr. Jackson in the matter involving Ms. Coffey, filed a Motion to Modify Custody, Child Support and Visitation and was issued a summons to serve on her. Mr. Jackson admitted that Mr. Hinton did call his office inquiring about the status of his legal matter but that there were numerous meetings between the two concerning both pending matters. Mr. Jackson stated that Mr. Hinton was fully informed when there were negotiations with Ms. Coffey's attorney. Negotiations concerning custody of Rachel were halted as there was an issue concerning arrearage in child support owed to Ms. Coffey, Mr. Hinton was in danger of being held in contempt in Benton County Circuit Court in the matter involving Christy Hinton and Mr. Hinton needed to devote what financial resources he had there.

As Mr. Hinton was in dire financial straits, Mr. Jackson did not go forward with service of the Motion to Modify Custody, Child Support, and Visitation. As a result, the motion was dismissed by court order on August 6, 2009. Mr. Jackson stated that he continued to represent Mr. Hinton until early 2010 when Mr. Hinton ceased contact with him. Mr. Jackson believed

this was because Mr. Hinton owed him money for his previous representation.

Upon consideration of the formal complaint and attached exhibit materials, the response, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Steven R. Jackson violated Rule 1.3 when he failed to serve Barbara Coffey with a copy of the filed Motion to Modify Custody, Child Custody and Visitation within the time required by Arkansas law. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. Steven R. Jackson violated Rule 1.4(a)(3) when he failed to keep his client, Russell Hinton, informed about the status of the Motion to Modify Custody, Child Support and Visitation, and when he failed to notify Mr. Hinton that the motion had been dismissed by the Washington County Circuit Court on August 6, 2009. Rule 1.4(a)(3) requires that a lawyer shall keep the client reasonably informed about the status of the matter.

3. Steven R. Jackson violated Rule 1.4(a)(4) when he failed to comply with the requests of his client, Russell Hinton, for updates about his pending 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 B, that STEVEN R. JACKSON, Arkansas Bar No. 97142, be, and hereby is, REPRIMANDED, fined the sum on FIVE HUNDRED DOLLARS (\$500.00), directed to pay restitution in the amount of FIFTY DOLLARS (\$50.00) and assessed costs in the amount of FIFTY DOLLARS (\$50.00) for his conduct in this matter. All fines, restitution 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 B

By: Steve R. Crane
Steve R. Crane, Chairman

Date: October 21, 2010