

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: STEVEN R. JACKSON
ARKANSAS BAR ID #97142
CPC Docket No. 2010-011

FILED

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 Rose Marie Linares. Steven R. Jackson represented Ms. Linares in the case of *Rose Marie Linares v. Jorge Linares*, Washington County Circuit Court Case No. DR 2008-778-6.

Rose Marie Linares employed Steven R. Jackson to represent her in a divorce matter. Ms. Linares paid Mr. Jackson Two Hundred Fifty Dollars (\$250.00) for attorney's fees; Two Hundred Dollars (\$200.00) for a newspaper notice; and One Hundred Fifty Dollars (\$150.00) for court costs.

On April 29, 2008, Mr. Jackson filed a Complaint for Divorce on behalf of Ms. Linares in Washington County Circuit Court. No summons was ever issued in the case of *Linares v. Linares*, Washington County Circuit Court Case No. DR 2008-778-6. Mr. Jackson also filed an Affidavit for Warning Order as Mr. Linares' location could not be ascertained. The court issued a Warning Order which was published in the *Morning News* newspaper on May 7 and 14, 2008.

On August 29, 2008, Mr. Jackson filed an Affidavit stating that attempts to locate Mr. Linares were unsuccessful and attached to the Affidavit a letter dated May 19, 2008 which was sent by Mr. Jackson to Mr. Linares.

On September 2, 2008, Ms. Linares' divorce case was dismissed by the Honorable Mark Lindsay. 6. ARCP 4(i) requires that service be made upon a defendant within 120 days after the

filing of the complaint or the action shall be dismissed as to that defendant without prejudice upon motion or upon the court's initiative. Ms. Linares was unaware that her divorce case had been dismissed.

In March, 2009, Ms. Linares decided to have her name changed, called the Washington County Clerk to get a copy of her divorce decree, and was informed that the divorce case had been dismissed.

Ms. Linares called Mr. Jackson and spoke to him. Mr. Jackson stated that he would check into the matter and that Ms. Linares should call him the following Monday. On the following Monday, Ms. Linares called Mr. Jackson and was told that he was with a client. Ms. Linares called again and was told that Mr. Jackson was with a different client. Ms. Linares called Mr. Jackson a third time but nobody answered. Mr. Jackson later called Ms. Linares and told her not to do that to him again. Mr. Jackson stated that he would redo the divorce, and would pay for it because it was his fault.

On May 28, 2009, Mr. Jackson filed a second Complaint for Divorce on Ms. Linares' behalf with the Washington County Circuit Court. The case was styled as *Linares v. Linares*, Washington County Circuit Court Case No. DR 2009-940-5. On October 2, 2009, Ms. Linares' divorce case was dismissed by order of the Honorable Doug Martin because Mr. Linares had not been served with the Complaint for Divorce.

Ms. Linares stated that she thereafter employed new counsel.

Mr. Jackson admitted that he was employed to represent Ms. Linares in a divorce action and that she paid him Six Hundred Dollars (\$600.00) but that she owed him an additional Two Hundred Fifty Dollars (\$250.00). Mr. Jackson admitted that he filed the Complaint for Divorce

and that the complaint was dismissed by the court. He denied, however, that Ms. Linares was unaware that the divorce case had been dismissed as he had contacted her on at least two occasions concerning the matter.

Mr. Jackson stated that he had spoken to Ms. Linares on numerous occasions and admitted that he agreed to re-file the divorce action. Mr. Jackson admitted that he filed a second Complaint for Divorce for Ms. Linares and that second Complaint for Divorce was dismissed as well. The second divorce action was dismissed because Ms. Linares failed to provide him with the funds to pay to publish the notice and he had not agreed to pay the publication fee.

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 1.1 when he failed to have a summons issued at the time of the filing of the Complaint for Divorce on April 29, 2008, and have the summons served upon the defendant, Jorge Linares, within 120 days of the filing of the Complaint, which resulted in the September 2, 2008, dismissal of his client's Complaint for Divorce in the case of *Linares v. Linares*, Washington County Circuit Court Case No. DR 2008-778-6. Rule 1.1 requires that a lawyer provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. Steven R. Jackson violated Rule 1.4(a)(3) when he failed to keep his client, Rose Marie Linares, informed about the status of her matter.

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, CAUTIONED, fined the sum on ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00), ordered to pay restitution in the amount of SIX HUNDRED DOLLARS (\$600.00) 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, Chairman

Date: October 21, 2010