

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: Gail Thornton Segers, Respondent

Arkansas Bar ID# 97233

CPC Docket No. 2003-045

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Carrie May Hodges on May 1, 2002. The information related to the representation of Ms. Hodges by Respondent from 2000-2001.

On April 11, 2003, Respondent was served with a formal complaint, supported by an affidavit from Ms. Hodges. Respondent filed a timely response on April 25, 2003. The facts giving rise to the formal complaint are that Ms. Hodges hired Respondent to represent her in a divorce and custody case in September 2000. Ms. Hodges was the defendant in the case. Around December 21, 2000, Respondent received some interrogatories and requests for production of documents from the plaintiff but she failed to answer them and on February 9, 2001, the plaintiff sent her a letter giving her until 5:00 p.m. on February 12, 2001, to answer. On February 14, 2001, the plaintiff filed a motion to compel defendant to answer. On February 28, 2001, plaintiff filed a motion for sanctions asking that Respondent be compelled to answer the discovery and for attorneys fees and expenses. The judge entered an order on February 28, 2001, compelling discovery and ordering Respondent to comply by 5:00 p.m. on March 7, 2001. Respondent complied by March 3, 2001, but failed to provide satisfactory responses to plaintiff. Opposing counsel sent her a letter on March 13, 2001, stating that if she didn't supplement her answers by 5:00p.m. on March 14, 2001, he would renew his motion for sanctions.

On March 15, 2001, plaintiff sent Respondent a letter stating he had waited at his office until almost 6:30 p.m. on March 14, 2001, but that he had received nothing and as a result he was renewing his motion for sanctions. Plaintiff asked the court to dismiss the defendant's counterclaim, exclude any testimony and evidence not furnished by the Plaintiff by 5:00 p.m. on March 14, 2001, and for attorney's fees and costs. On March 15, 2001, Respondent faxed her amended response to the plaintiff but it was not signed and on March 21, 2001, plaintiff filed a motion to strike Respondent's response. A final hearing was held on March 23, 2001, and the judge excluded some evidence and some of her witnesses due to Respondent's failure to comply with discovery and the judge also ordered Ms. Hodges to pay attorney's fees. On April 25, 2001, Respondent filed a motion for reconsideration and explained all her mistakes. The divorce decree was entered May 14, 2001, and Ms. Hodges was ordered to pay \$481.24 in attorney's fees. As a result Ms. Hodges' paycheck was garnished.

In her response, Respondent stated that although Ms. Hodges was ordered to pay attorneys fees, Respondent reduced her final statement by that amount and that discovery responses were submitted to opposing counsel as quickly as possible after responses were finally obtained from Ms. Hodges.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, 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:

Ms. Segers violated Model Rule 1.1 when she failed to respond to discovery while representing her client. Also when she did submit her response, she failed to sign it and as a result her client's evidence was thrown out, her witnesses were not allowed to testify, and her client was ordered to pay attorney's fees. Model Rule 1.1 requires that a lawyer provide competent representation to a client. Competent representation requires legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Ms. Segers violated Model Rule 1.3 when she failed to respond to discovery while representing her client. When she did submit her response, she failed to sign it, and as a result her client's evidence was thrown out, her witnesses were not allowed to testify, and her client was ordered to pay attorney's fees. Model Rule 1.3 requires a lawyer to act with reasonable diligence and promptness in representing a client.

Ms. Segers violated Model Rule 8.4(d) when she failed to respond to discovery while representing her client. When she did submit her response, she failed to sign it, and as a result her client's evidence was thrown out, her witnesses were not allowed to testify, and her client was ordered to pay attorney's fees. Model Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Gail Thornton Segers, Arkansas Bar ID# 97233, be, and hereby is, CAUTIONED for her conduct in this matter and ordered to pay \$50 in costs, pursuant to Section 18A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct for Attorneys at Law, for her conduct in this matter. 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 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: _____

Gwendolyn D. Hodge, Chair, Panel A

Date: _____