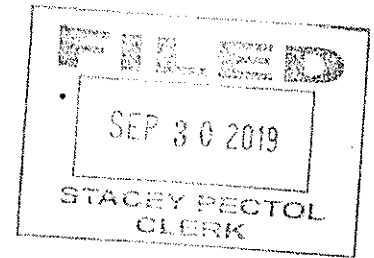


**BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**



IN RE: **PAIGE EVANS YOUNG**, Respondent
 Arkansas Bar ID # 99123
 CPC Docket No. 2019-004

FINDINGS & ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Eloise Jackson on July 2, 2018. The information related to the representation of Jackson by Respondent Young from 2014-2018. On February 21, 2019, Respondent Young was served with a formal complaint, supported by affidavits from Jackson and Anne Mourney. The facts found by Panel B are:

1. Eloise Jackson is an elderly (82 years old in October 2018) widow in questionable health residing near Mountainburg, Arkansas, about 42 miles south of Fayetteville. In and after 2014 Ms. Jackson owned a cattle ranch, several other real properties, had six adult children, and needed estate planning to secure and preserve her estate and testamentary desires toward her family.

2. On or about August 26, 2014, Young presented a program on estate planning for elderly residents of Mountainburg at the Senior Center. Ms. Jackson attended the presentation. At that time, Ms. Jackson employed Young to prepare estate planning documents for her and paid him \$2,000 by check for the legal work. Ms. Jackson later provided Young certain legal property descriptions he needed for the work.

3. Thereafter, Young did not return Jackson's calls or prepare and provide to her the estate planning documents for which she paid him in advance. After several years of silence

from Young, in 2017 Jackson had her family friend, attorney Anne Mourney of Fayetteville, write Young on March 14, 2014, about the status of the Jackson estate work. On April 10, 2017, Young and Mourney exchanged calls, but did not have substantive contact or communication. Neither Jackson nor Mourney thereafter heard from Young, so Jackson, with assistance from Mourney, prepared and filed her grievance on July 2, 2018.

4. On July 6, 2018, OPC contacted Young via email providing a copy of the Jackson grievance and requested an informal response by July 16, 2018. By email on July 13, 2018, Young contacted OPC, requested a 30 day extension to respond, and stated he would try to locate his Jackson file. By email on July 30, 2018, Young informed OPC he had not been able to locate the Jackson hard copy file, he did have unexecuted electronic copies of documents he had prepared for Jackson available, he recalled her executing the documents, he would have mailed her documents to her, and he would refund her \$2,000.

5. Mourney wrote OPC by letter of August 20, 2018, which OPC forwarded to Young with a request that he give his attention to the Jackson matter. By email of September 29, 2018, OPC reminded Young that his informal response in the Jackson inquiry was overdue at OPC. An email exchange on October 1, 2018, between Mourney and OPC, confirming that Jackson had not received any refund check from Young, was forwarded to Young by OPC with a request for his update/action.

6. An email from OPC to Young at 12:59 p.m. on October 5, 2018, requested Young respond and "clean up" the Jackson situation before a formal Complaint had to be filed. The OPC note to file indicates Young called OPC at 2:25 p.m. that same day and stated he had just returned from a visit to the University of Oklahoma with his son and would contact Ms.

Jackson and copy OPC on Young's correspondence as proof of the contact with Jackson.

7. By email on October 16, 2018, again, OPC reminded Young of the need for action by him in the Jackson matter. By email on October 25, 2018, again, OPC reminded Young of the need for action by him in the Jackson matter.

8. On October 26, 2018, Mourney and Young exchanged emails about the Jackson matter. By email on November 19, 2018, Mourney informed OPC that Young still had made no fee reimbursement to Jackson.

9. Later on November 19, 2018, by email OPC informed Young of the possibility that a formal Complaint for the Jackson matter may be forthcoming. By email later on November 19, 2018, Young sent OPC a copy of the \$2,000 cashier's check he stated he had obtained that date for Jackson, and Jackson's mailing address was confirmed.

10. By email on November 30, 2018, Mourney notified OPC that Jackson had received the \$2,000 check from Young. On July 30, 2018, Young stated he would refund Jackson her \$2,000. He finally did so on November 30, 2018, after four months of requests by OPC that he do what he stated he would do.

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

A. The conduct of Paige E. Young violated Rule 1.2(a) in that when Young was employed and paid in full his \$2,000 fee on August 26, 2014, by client Eloise Jackson, it was her decision that he timely prepare for her review and execution important estate planning documents for her use, and Young failed to do so through late 2018. Arkansas Rule 1.2 (a)

requires that a lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (c) and (d), and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued.

B. The conduct of Paige E. Young violated Rule 1.3 in that (1) From August 26, 2014 Young failed to perform the estate planning legal services for Eloise Jackson that she paid him \$2,000 in advance in August 2014 to perform for her, and (2) After stating on July 30, 2018, that he would refund Ms. Jackson's \$2,000 fee, Young failed to make the refund until November 30, 2018. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. The conduct of Paige E. Young violated Rule 1.4(a)(3) in that from late 2014 through mid-2018, Young failed keep his client Eloise Jackson reasonably informed about the status of her estate planning matter she entrusted to Young and paid for in full in advance. Arkansas Rule 1.4(a)(3) requires that a lawyer shall keep the client reasonably informed about the status of the matter.

D. The conduct of Paige E. Young violated Rule 1.4(a)(4) in that after August 2014, Ms. Jackson directly, or through her friend attorney Anne Mourney, made several requests of Young for information about the status of Ms. Jackson estate planning, documents and received either insufficient information or no response. Arkansas Rule 1.4(a)(4) requires that a lawyer shall 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 **PAIGE EVANS YOUNG**, Arkansas Bar Number 99123, be, and he hereby is, **CAUTIONED** for his conduct in this matter

and assessed \$50.00 costs. The sanction assessed here was based, in part, on the attorney's lack of any prior disciplinary record. 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 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, Chair, Panel B

Date: 8-28-19