



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

IN RE: Kenneth A. Olsen, Respondent Attorney
 Arkansas Bar No. 83139
 Case No. CPC-2025-003

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Kenneth A. Olsen (Olsen), of Pulaski County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by Keith Lamont Harper (Harper) on June 6, 2018.

1. Olsen is licensed by the Supreme Court of Arkansas and has been assigned Arkansas Bar No. 83139.

2. On or about May 20, 2014, which is identified as the date of injury in the Workers' Compensation Commission (WCC) documents, Harper was rearended in a motor vehicle accident (MVA) as a bus driver for Pulaski County Special School District (PCSSD).

3. On or about November 25, 2014, Olsen began representation of Harper for both the MVA claim and the WCC claim.

4. The WCC documents indicated that the final payment of benefits was on or about December 16, 2014.

5. Pursuant to Ark. Code Ann. § 11-9-702(a)(1), the statute of limitations on a claim for additional benefits is either two (2) years from the date of injury or one (1) year from the date of final payment of benefits, whichever is later.

6. On or about November 9, 2016, the WCC filed an AR-4 [Report of Compensation] form, which indicated the benefits and payments were concluded.

7. In Harper's case, using the most generous interpretation, the statute of limitations would have been no later than May 20, 2016, as indicated in the WCC opinion filed by the Administrative Law Judge (ALJ) on December 21, 2021.

8. Harper continued to contact Olsen, via text messages, phone calls and emails, regarding the status of his WCC claim after his benefits ran out.

9. On or about June 6, 2018, Harper submitted a grievance form against Olsen with the Office of Professional Conduct (OPC).

10. On October 16, 2018, OPC sent an email to Olsen regarding the grievance filed against him.

11. On November 16, 2018, Olsen responded to OPC's email inquiry, with a copy of the fee agreement signed by Olsen and Harper, and indicated his representation of Harper before the WCC was ongoing.

12. On or about December 13, 2019, Olsen had Harper sign an AR-C [Claim for Compensation] form, which Olsen filed in the WCC case on or about December 19, 2019.

13. Pursuant to Ark. Code Ann. § 11-9-702(b)(1), an AR-C form to request additional benefits must be filed within the statute of limitations.

14. Olsen filed the AR-C form over three (3) years after the statute of limitations expired, and continued litigation with frivolous filings/litigation.

15. On March 19, 2020, Olsen provided OPC with information that the WCC case was still pending and had not reached a final decision/ruling.

16. On May 8, 2020, Olsen sent an email to OPC that he was still working on Harper's WCC claim, but that the WCC was on a temporary shutdown due to the Covid-19 public health situation.

17. On June 9, 2021, OPC sent another email inquiry to Olsen regarding the status of the WWC claim.

18. On May 24, 2022, after a *de novo* review, the WCC full commission issued an opinion and order, which affirmed the ALJ's December 21, 2021, opinion and order.

19. On July 21, 2022, Olsen responded with an email apology for overlooking the year-old June 9, 2021, email and advised that a hearing had been held and Harper's claim was dismissed.

20. Olsen further stated the denial was appealed to the full commission and affirmed.

21. Olsen stated he informed Harper that further appeals "would not be warranted because there was substantial evidence to support the decision of the Commission".

22. Olsen made no mention that the "substantial evidence" was related to the expired statute of limitations.

23. Despite that, Olsen filed a notice of appeal from the WCC full commission opinion dated May 24, 2022, and failed to perfect the appeal, as stated in the WCC full commission opinion dated December 26, 2022.

24. Upon review of the documents and information provided by the WCC, it is evident that Olsen was misleading Harper with promises of a favorable outcome when such an outcome was not possible.

25. Olsen was also disingenuous and misleading with OPC in his responses to its inquiry into Olsen's conduct.

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 (2012). 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 Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client. Olsen's conduct, as set forth in the formal complaint, violated **Rule 1.3 diligence**, when he failed to timely file Harper's claim for additional benefits.

B. Arkansas Rule 1.4(a)(3) requires that a lawyer shall keep the client reasonably informed about the status of the matter. Olsen's conduct, as set forth in the formal complaint, violated **Rule 1.4(a)(3) communication**, when he failed to effectively communicate with Harper regarding the status of Harper's WCC claim.

C. Arkansas Rule 3.1 requires, in part, that a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous. Olsen's conduct, as set forth in the formal complaint, violated **Rule 3.1 frivolous filings**, when Olsen filed a notice of appeal in a matter with no appealable issues. Further, Olsen failed to perfect the appeal.

D. Arkansas Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Olsen's conduct, as set forth in the formal complaint, violated **Rule 8.4(c) dishonesty/misrepresentation**, when he failed to advise Harper that there were no legal remedies available to continue or receive additional WCC benefits. Further, Olsen was not truthful or forthcoming in his response to OPC's inquiries.

E. Arkansas Rule 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. Olsen's conduct, as set forth in the formal complaint, violated **Rule 8.4(d) prejudicial conduct**, when his failure to provide diligent and timely representation resulted in Harper's WCC claim being dismissed due to the passing of the statute of limitations and not the merits of the claim.

WHEREFORE, in accordance with the consent to discipline presented by Olsen and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent Kenneth A. Olsen, Arkansas Bar No. 83139, be, and hereby is, **REPRIMANDED** for his conduct in this matter.

The Panel further assesses costs of ONE HUNDRED FIFTY DOLLARS AND CENTS (\$150.00).

The Panel further orders the Respondent to obtain four (4) hours of CLE on workers' compensation issues, with one (1) of those hours being in ethics, which is in addition to the twelve (12) hours of CLE required by the Arkansas Continuing Legal Education Board.

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

By: _____

Don R. Etherly, Panel Chair

Date: _____

8/12/25