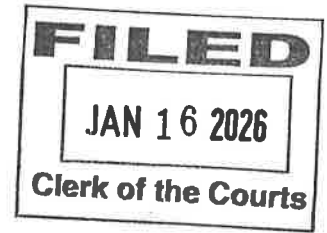


**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A**

IN RE:           MARK J. FREEMAN  
                  ARKANSAS BAR ID #90217  
                  CPC Docket No. 2025-016



**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Adam Brace (“Brace”). The information is related to Mark Freeman’s (“Freeman”) representation of Brace in a domestic relations matter.

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 (2011), to be presented to Panel A of the Committee.

1. Brace hired Freeman sometime in November 2018, to represent him in a divorce matter, and paid him a fee of \$4500.00.

2. Freeman entered his appearance in the matter on November 29, 2018, and the Decree of Divorce was entered on November 30, 2018.

3. Under the terms of the decree, Brace was granted unsupervised visitation if he traveled to Washington County, Arkansas to visit the children and he was not to take the children outside of Washington County. The court also ordered Brace to undergo a psychological evaluation at his expense and upon completion, Brace could petition to have unsupervised visitation in the State of New York, where he lives.

4. In June 2019, Freeman filed a Petition to Modify and for Contempt on Brace’s behalf. In which he alleged a material change in circumstances and therefore joint custody should be awarded and contempt related to property issues.

5. Opposing counsel counterclaimed and the court appointed an attorney ad litem.

6. In August 2020, Freeman filed a Verified Motion for Emergency Hearing in which he alleged Brace should have custody because the mother had allowed the children to run around without clothes on in front of the camera while on Skype, failed to seek medical attention when the children were injured, and irregularities regarding the cleanliness of the mother's home, among other things.

7. In July 2021, Freeman moved to voluntarily non-suit the pending emergency custody petition alleging Brace had requested to appear via Zoom and his sex-wife objected and travel from New York to Arkansas would put an undue hardship on Brace because of the costs to travel.

8. A Joint Order of Non-Suit was entered.

9. In November 2021, Freeman refiled a Verified Motion for Emergency Hearing with the same allegations as the August 2020, motion.

10. Opposing counsel filed a response and request for appointment of attorney ad litem.

11. Discovery requests were made by opposing counsel for which he filed a motion to compel and then a contempt action when the responses were not timely received, for which the court found Brace in contempt. A body attachment was later issued for Brace when discovery was not submitted.

12. The court set a final hearing in the matter for August 19, 2022.

13. On June 22, 2022, Freeman sent Brace a text message advising him of the August 19 hearing date. Brace inquired of Freeman if the hearing would be via Zoom or in person, with Freeman advising Brace, "standby will call you soon as possible to discuss more".

14. Between July 5, 2022, and August 18, 2022, the day before the scheduled hearing, Brace and Freeman exchanged several text messages where Brace inquired about the hearing and whether it would be via Zoom or if Brace needed to appear in person. Freeman gave Brace answers either failing to confirm the hearing date or telling Brace he was awaiting confirmation from the court. Brace advised Freeman that he did not want the hearing to be put off again as he was missing seeing his girls growing up. When Brace offered to get in his car and drive down for the hearing, Freeman advised him not to do so and to await word from him.

15. On Friday, August 19 at 2:06 p.m., the day of the scheduled hearing, Brace texted Freeman asking, "Still no word from the court?", with Freeman replying, "Hang on Thx".

16. At 4:52 p.m. on August 19, Brace texted Freeman, "Is it safe to assume the hearing is not happening today? Presume you are still waiting on them to call our docket". There was no response from Freeman.

17. Brace did not hear from Freeman until the evening of August 24 when he texted Freeman to advise he was still waiting to hear from Freeman regarding what happened and what the next steps were. Freeman continually put Brace off with responses that he was in court trying to figure it out or telling Brace to stand by.

18. On August 23, 2022, the court entered its Final Order finding Brace failed to appear. The court, after finding that Brace had proper notice of the proceedings, dismissed his claim, gave primary custody of the child to the mother and set child support against Brace. Freeman's electronic signature appears on the Final Order.

19. On August 29, Brace texted Freeman wanting to know about the order that he saw ordering him to pay child support and for his failure to show for the hearing. Freeman did not

respond until August 31 but did not address the court order question. Brace also advised Freeman that the body attachment issued for him needed to be resolved.

20. Freeman was nonchalant about Brace's worries over the body attachment, telling him he was not going to jail and to standby.

21. On September 2, Brace advised Freeman he was not getting any concrete answers to his questions, with Freeman telling him there were no concrete answers.

22. From September 15 to September 23, Brace and Freeman exchanged text messages regarding the court hearing held August 19. Brace consistently questioned Freeman regarding why and how the hearing was held without his presence, with Freeman not providing an answer until the text exchange on September 23.

23. Freeman told Brace that basically on the day of court he advised the judge that the hearing was supposed to be a review hearing and that Brace was on his way down from New York. However, the order setting the hearing that Freeman received clearly states that the hearing set for August 19, 2022, was a final hearing.

24. Freeman and Brace exchanged additional text messages between September 23, 2022, and March 3, 2023, discussing the missed August 19 hearing, the body attachment issued against Brace, and getting a new hearing set, among other things.

25. Becoming dissatisfied and frustrated with Freeman, Brace terminated him.

Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the agreement by the Executive Director, and approval of Panel A of the Committee on Professional Conduct, the Committee on Professional Conduct finds:

1. That Freeman's conduct violated Rule 1.1 when he advised Brace that he did not have to drive down to appear at the August 19 hearing, resulting in Brace being deemed a failure to appear, a dismissal of Brace's claims, and his loss of the ability to litigate custody, visitation, and child support issues. Arkansas Rule 1.1 states a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

2. That Freeman's conduct violated Rule 1.3 when he failed to advise Brace to appear at the August 19 hearing despite Brace telling him multiple times that he did not want the hearing to be put off and he did not want to wait any additional time for a hearing as he was missing his daughters' growing up. Freeman's failure resulted in Brace's failure to appear. Arkansas Rule 1.3 states a lawyer shall act with reasonable diligence and promptness in representing a client.

3. That Freeman's conduct violated Rule 1.4(a)(3) when he failed to inform Brace that his personal appearance was required at the August 19 hearing despite Brace asking several times, including up to the day of the hearing. Arkansas Rule 1.4(a)(3) states a lawyer shall keep the client reasonably informed about the status of the matter.

4. That Freeman's conduct violated Rule 1.4(a)(4) when he failed to inform Brace that his presence was required at the August 19 hearing despite Brace inquiring several times if he should be there. Freeman advised Brace not to drive to court when Brace asked if he should. For several weeks, Freeman failed to respond to Brace's questions about his appearance in court until after the court date had come and gone. Arkansas Rule 1.4(a)(4) states a lawyer shall promptly comply with reasonable requests for information.

5. That Freeman's conduct violated Rule 8.4(d) when he advised Brace that he did not have to drive down to appear at the August 29 hearing, resulting in Brace being deemed as a

failure to appear, a dismissal of Brace's claims, and his loss of the ability to litigate custody, visitation, and child support issues. Arkansas Rule 8.4(d) states it is professional misconduct for a lawyer to 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 D, that Mark J. Freeman, Arkansas Bar Number 90217, be, and hereby is **Reprimanded** for his conduct in this matter. Freeman shall pay restitution in the amount of \$2,250.00 (TWO THOUSAND TWO HUNDRED FIFTY DOLLARS) pursuant to Section 18.C of the Procedures. Freeman shall also pay costs in the amount of \$150.00 (ONE HUNDRED FIFTY DOLLARS) pursuant to Section 18.A of the Procedures. In assessing a sanction, the attorney's prior disciplinary record was a factor.

The 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

  
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Don R. Etherly, Chair, Panel A

  
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Date