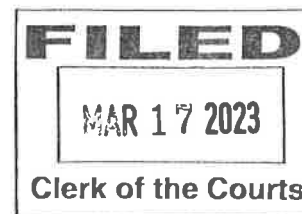


**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL B**

IN RE: James F. Valley, Respondent Attorney  
Arkansas Bar No. 96052  
Case No. CPC-2022-020



**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Cassandra Hillery (Hillery).

On January 21, 2014, Hillery filed for Chapter 13 Bankruptcy through her attorney James F. Valley (Valley). Judge Mixon signed an Order of Deficiencies on January 22, 2014, with a list of documents due within fourteen (14) days. The Order stated that failure to file the documents would result in dismissal. The deadline to file passed, and the Judge ordered dismissal for failure to comply.

On February 17, 2014, Valley filed the documents required, along with a Motion to Reinstate the case. The motion to reinstate was granted on March 12, 2014. On May 1, 2014, the Chapter 13 Trustee filed an Objection to the Confirmation of the Bankruptcy Plan.

On July 2, 2014, the Judge sustained the objection to the confirmation and allowed Valley twenty-one (21) days from the date of the Order to file a modification and provide amended schedules. The Order stated that failure to comply may result in dismissal without further notice or hearing.

The plan was confirmed on October 19, 2015. It took Valley twenty-one (21) months to get Hillery's plan confirmed, due to his failure to file a plan that was not objectionable and failure to comply with court ordered deadlines. The Chapter 13 Trustee filed three (3) motions to dismiss prior to confirmation.

In December 2017, the bankruptcy was dismissed for failure to strictly comply. Valley filed a Motion to Reinstate, which was granted on the condition that he file an amended plan. After the plan drew an objection, Valley was ordered to submit a new plan within twenty-one (21) days. Valley did not comply, and the Trustee filed a Motion to Dismiss. The Trustee dismissed the motion, and the Judge ordered that Valley file a modified plan by July 20, 2018. Valley did not comply, and the bankruptcy was dismissed. On August 15, 2018, Valley filed a Motion to Reinstate the case and self-imposed a deadline for a modified plan. Valley missed the deadline.

Hillery had significant difficulty contacting Valley from July 2018-September 2018. After meetings with the Chapter 13 Trustee and the legal assistant for the US Trustee, the US Trustee filed a motion alleging Valley “failed to adequately communicate with the Debtor and keep her apprised of the status of her case” and that “Mr. Valley’s failure to adequately represent the Debtor resulted in unnecessary delay in administering the case, caused unreasonable delay that prejudiced creditors and parties in interest including delaying the debtor’s discharge, and jeopardizing a possible foreclosure of her home.”

There were two hearings set to rule on whether the case would be reinstated and Valley did not secure the appearance of him and his client, his motion to continue was denied, and his motion to reinstate the bankruptcy was denied. The debtor disposition was “Dismissed for Failure to File Information.”

Had Valley effectively communicated with Hillery and timely complied with the Judge’s orders, Hillery would not have been left with such a large payout in the remaining four (4) months of her plan, nor would she have had her matter dismissed without a final resolution.

During the investigative portion of the case, the Office of Professional Conduct contacted Valley by e-mail on January 7, 2022, at the e-mail address on file with the Supreme Court's Office of the Clerk. OPC requested a response from Valley by January 14, 2022. Valley did not respond or acknowledge receipt of the request.

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

1. That Valley's conduct violated Rule 1.3 when Valley's failure to comply resulted in the Chapter 13 Trustee filing a motion to dismiss on (4) occasions, and his representation resulted in the permanent dismissal of Hillery's bankruptcy. Rule 1.3 provides that a lawyer shall act with reasonable diligence and promptness in representing a client.
2. That Valley's conduct violated Rule 1.4(a)(3) when he was nonresponsive to Hillery for months after she learned that her case was dismissed. Hillery had to meet with the U.S. Trustee's office to advocate for herself in the absence of responsive legal counsel. Rule 1.4(a)(3) requires that a lawyer shall keep the client reasonably informed about the status of the matter.
3. That Valley's conduct violated Rule 8.1(b) when Valley failed to respond to a request for information by the Office of Professional Conduct during the investigative portion of the case. Rule 8.1(b) provides, in pertinent part, that a lawyer in connection with a disciplinary matter, shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority.

4. That Valley's conduct violated Rule 8.4(d) when Valley failed to comply with the Judge's Orders on several occasions. Valley's actions resulted in unnecessary delay and prejudiced the parties of the case. 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.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that James Valley, Arkansas Bar Number 96052, be, and hereby is, Suspended for six (6) months for his conduct in this matter and Ordered to pay a cost of \$150.00. In assessing the sanction, Valley's prior disciplinary record was a factor.

The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

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.

IT IS SO ORDERED

ARKANSAS SUPREME COURT  
COMMITTEE ON PROFESSIONAL CONDUCT

By: Leanne Burch  
Leanne Burch, Vice Chair, Panel B

Date: 17 March 2023