

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

**PANEL B**

IN RE: L. HOWARD SCHWANDER, III, Respondent  
Arkansas Bar ID#92099  
CPC Docket No. 2004-191

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Jane Thompson in an Affidavit dated December 10, 2004. The information related to the representation of Ms. Thompson by Respondent from November 2001 through April 2004.

On or about January 18, 2005, Respondent was served with a formal complaint, supported by affidavits from Jane Thompson and John W. Barron, Jr., Attorney at Law. Pursuant to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Respondent filed a timely response and the matter proceeded to ballot vote before Panel A of the Committee. Thereafter, the Respondent requested a *de novo* hearing before Panel B of the Committee. The *de novo* hearing was set to begin at 10:00 a.m. on Friday, October 21, 2005. Immediately, upon the commencement of the hearing, Mr. Schwander, through his counsel, Randy Hall, made a plea offer to Panel B in an effort to conclude the matter.

The information before the Committee reflected that during October 2001, Ms. Thompson hired L. Howard Schwander, III, an attorney practicing in Pulaski County, Arkansas, to represent her in pursuit of all claims arising out of an automobile accident in which she was involved. The fee agreement was for Mr. Schwander to receive 40% of any recovery made on Ms. Thompson's behalf.

After Ms. Thompson hired Mr. Schwander, she contacted his office on numerous occasions seeking assurance that he was handling her claims and to inquire whether there was anything else needed from her. Ms. Thompson reported that she was hardly ever able to speak with Mr. Schwander. During September 2003, Mr. Schwander sent Ms. Thompson an e-mail advising that a demand letter would go out to the insurance company by week's end. That did not occur on Ms. Thompson's behalf. Ms. Thompson was not advised at that point

why such demand was not made of the insurance company.

Finally, in February 2004, Ms. Thompson sent Mr. Schwander two letters setting out her dismay and frustration over the lack of action in pursuing her claims and the lack of information provided to her during the course of Mr. Schwander's representation of her. Ms. Thompson did not believe that Mr. Schwander kept her adequately informed during the pendency of his representation of her.

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

1. That Mr. Schwander's conduct violated Model Rule 1.4(a) when he failed to respond to requests for information left for him by Ms. Thompson concerning her personal injury claim and her property damage claim and when he failed to keep Ms. Thompson informed of the issues related to her personal injury claim and the settlement thereof. Model Rule 1.4(a) requires that a lawyer keep a client reasonably informed about the status of a matter and 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 L. HOWARD SCHWANDER, III, Arkansas Bar ID# 92099, be, and hereby is, CAUTIONED, for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures, Mr. Schwander is assessed the costs of this proceeding in the amount of \$50. 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: \_\_\_\_\_

J. Michael Cogbill, Chair, Panel B

Date: \_\_\_\_\_