

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

IN RE: Judith L. Deason, Respondent
 Arkansas Bar ID # 92232
 CPC Docket No. 2005-061

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Larry and Sandra Vaughn on March 12, 2003. The information related to the representation of Larry and Sandra Vaughn by Respondent in April 2002.

On April 27, 2005, Respondent was served with a formal complaint, supported by an affidavit from Larry Vaughn. Respondent filed a timely response on May 12, 2005.

The facts giving rise to the formal complaint were that Larry and Sandra Vaughn visited with Ms. Deason in her office on April 24, 2002, to have her establish grandparent's rights for them. Ms. Deason advised them that her fee was \$1,000 and that she needed it all up front. The Vaughns paid Ms. Deason \$500 on April 24, 2002, and another \$500 two weeks later. Ms. Deason advised them that it was a simple case under Arkansas law to establish grandparent's visitation rights. Over the next few weeks the Vaughns worked out an agreement with their son and daughter-in-law and they contacted Ms. Deason to advise her of this and asked that she prepare an agreed order pursuant to this. Ms. Deason advised them they did not need to go to court since it worked out and she did not prepare an agreed order or any other pleading. Ms. Deason was in the process of closing her office at that time to take another position but had not notified the Vaughns of that fact. She did not refund any of the money the Vaughns paid her. The Vaughns' son and daughter-in-law later divorced and they once again did not have any visitation with their grandchildren and no order to enforce it. Ms. Deason filed a response to the formal complaint denying all allegations.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel A of the Arkansas Supreme

Court Committee on Professional Conduct finds:

1. That Ms. Deason's conduct violated Model Rule 1.16(d) when she terminated her representation with the Vaughns without giving them proper notice and without refunding any advanced payment of fee that was not earned. Model Rule 1.16(d) provides that upon termination of representation, an attorney shall take steps to the extent reasonably practicable to protect the client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advanced payment of fee that has not been earned.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Judith Lee Deason, Arkansas Bar ID# 92232, be, and hereby is, REPRIMANDED for her conduct in this matter, Ordered to pay Restitution of \$1,000 and costs of \$50, and fined \$500, pursuant to Section 18B of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002). The restitution, fine 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.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL A

By: _____

Bart F. Virden, Chair, Panel A

Date: _____