

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: **JAMES M. PRATT, JR.**

Arkansas Bar ID #74124

CPC Docket No. 2003-111

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Shrader Gant of Camden in July 2003. The information related to the representation of Mr. Gant by Respondent James M. Pratt, Jr., an attorney practicing in Camden, Arkansas, from 2001- 2003. On August 16, 2003, Respondent was served with a formal complaint, supported by an affidavit from Mr. Gant, and he responded to the Complaint.

Shrader Gant hired Mr. Pratt in October 2001 to represent Gant in a claim arising out of involvement in a motor vehicle collision in East Camden in August 2001. According to Mr. Gant, Mr. Pratt took his case on a 25% contingent fee arrangement but has not provided him with a written fee agreement reflecting this arrangement. Gant claims that since October 2001 he has no evidence Pratt had made appropriate contacts or efforts in his claim. As a result, his claim is unresolved and his health care providers have taken steps to collect from him on unpaid accounts from treatment for his injuries in the collision, not having heard from Mr. Pratt on his behalf. He claims he advised Pratt he was released by his treating doctor in June 2002, but he has been unable to get Pratt to take action on his behalf to settle the claim or file suit since then, in spite of many contacts he made with Pratt's office. He claimed he could not get information from Pratt about the status of his matter, in spite of his many efforts to do so, including letters and faxes to Pratt's office through June 2003. Mr. Gant claims Pratt's delay of over a year, since his release by his physician, in taking any action to resolve his matter has caused unnecessary and substantial economic harm to him and has adversely impacted his credit status. After the complaint and response were filed, Respondent communicated

with his client and filed a civil action for him in Ouachita County Circuit Court, which action is now pending.

Following a ballot vote by another Committee Panel, 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 (2002). 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 B of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Mr. Pratt's conduct violated Model Rule 1.3 in that he has apparently taken no action known to Mr. Gant on Gant's claim from October 2001, until August 2003, in spite of Gant's many oral and written requests to Pratt's office for action by Pratt. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. Mr. Pratt's conduct violated Model Rule 1.4(a) in that on at least eight (8) documented occasions from June 2002 through June 2003, Mr. Gant made written requests to Mr. Pratt for information about the status of his legal matter and received no response or action from Pratt until August 2003, after the Committee's complaint was served on Pratt. Model Rule 1.4(a) requires that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

C. Mr. Pratt's conduct violated Model Rule 1.4(b) in that if he had explained to Mr. Gant in October 2001 or June 2002 that he would not be taking appropriate or timely action on Gant's behalf after being hired, Gant would have had the opportunity to consider at each point in time whether to use, or continue to use, Pratt's legal services. Model Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

D. Mr. Pratt's conduct violated Model Rule 1.5(c) in that he accepted employment from Mr. Gant on a contingent fee basis but failed to provide him with the writing required by the Model Rule setting out the required details of his contingent fee arrangement with Pratt. Model Rule 1.5(c) provides that a fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal, litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated.

WHEREFORE, based on the consent to discipline offer presented by Respondent and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct,

acting through its authorized Panel B, that James M. Pratt, Jr., Arkansas Bar ID# 74124, be, and hereby is, **CAUTIONED** for his conduct in this matter; fined \$500.00; and ordered to pay costs of \$50.00. The 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 with 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: _____