

BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: MELYNDA GIBSON PEARSON
Arkansas Bar ID #95076
CPC Docket No. 2019-009

FINDINGS AND ORDER

The formal charges of misconduct against Melynda Gibson Pearson upon which this Findings and Order is based arose from a grievance filed by Barbara Smith (formerly Jamerson). Pearson is an attorney practicing primarily in Texarkana, Texas. Pearson was served with the Formal Complaint and failed to respond to the Complaint.

In April 2018, Smith retained Pearson to represent her in a divorce for a flat fee of \$1,500 with the client paying in installments. Smith made multiple attempts to get information about her case from Pearson by calling Pearson's office. Smith did not hear back from Pearson.

On or about May 7, 2018, the Lafayette County Circuit Clerk's office received a letter dated April 30, 2018, from Pearson or Pearson's office which included a complaint for divorce with Ms. Smith as plaintiff, summons, and check number 10374 drawn on the account of the account of "Melynda A Pearson Attorney At Law" in the amount of \$167.50 for the filing fee. The Clerk's office processed Pearson's check submitting it to their bank for deposit, but on or about May 24, 2018, the bank sent the Lafayette County Circuit Clerk notification that check number 10374 was being returned due to non-sufficient funds.

The Clerk's office contacted Pearson's office and spoke with a member of Pearson's staff who informed her that a replacement check would be sent. Pearson's office did not supply a second payment or any other form of payment to replace the returned check as anticipated by the

Clerk's office. Approximately a week or two after the initial call, the Clerk's office again called Pearson's office, but no one answered.

With no response from Pearson, the Clerk's office contacted Smith to let her know that Pearson's check was returned and that the case would be placed on hold until the filing fee was made good. Upon receiving the information from the clerk's office about the returned check, Smith attempted to reach Pearson by calling Pearson's office, but Smith was unable to reach Pearson directly and spoke only to her office staff. On June 20, 2018, payment in the amount of \$187.50 was made to the Lafayette County Circuit Court via Pearson's credit card to cover the filing fee in Smith's divorce. Smith continued trying to reach Pearson for information, but Smith was unable to reach Pearson. Smith wanted to get divorced from her husband, but Pearson was not doing the work that Smith thought she was going to do.

Because Pearson would not refund the money Smith paid to her to hire a new attorney, Smith took matters into her own hands to advance her divorce case. On August 2, 2018, Smith filed a pro se Complaint for Divorce in 37DR-18-35. Smith did so because she thought that Pearson was not working on her case as Pearson would not communicate with her. The Clerk's office contacted Smith to return the Complaint Smith filed as well as the filing fee Smith paid. Smith's original divorce case, 37DR-18-21, remained open. Smith had her husband served by law enforcement on September 7, 2018.

On September 28, 2018, Pearson filed a Motion for Withdrawal of Counsel. This motion was not acted on by the circuit court prior to the December 7, 2018 court date. On December 7, 2018, Smith attended court pro se and was granted a divorce. The decree restored her name to Smith from her married name of Jamerson. The judge had not entered an order allowing Pearson to withdraw prior to the December 7, 2018, court date but did so on that date.

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

1. Pearson violated Arkansas Rule 1.3 when (1) Pearson did not timely advance the divorce case of her client, Barbara Jamerson (now Smith) and (2) after receiving notification of the returned check for the filing fee in the divorce case of Pearson's client Barbara Jamerson (now Smith), Pearson took over three weeks to cure/satisfy the payment for filing fee to the Lafayette County Circuit Clerk's office.

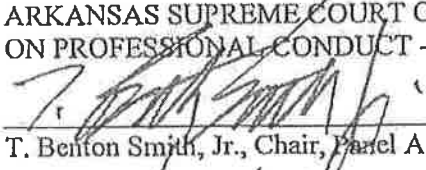
2. Pearson violated Arkansas Rule 1.4(a)(3) when Pearson failed to keep her client, Barbara Smith, informed about what was going on with her divorce case.

3. Pearson violated Arkansas Rule 1.4(a)(4) when Pearson failed to respond to client Barbara Pearson's attempts to communicate with Pearson about her divorce.

4. Pearson violated Arkansas Rule 8.4(d) by (1) Pearson's lack of representation of her client Barbara Smith was prejudicial to the administration of justice and (2) Pearson's failure to communicate with her client, Barbara Jamerson (now Smith), resulted in Smith filing a second complaint for divorce in the same action.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Melynda Gibson Pearson, Arkansas Bar ID# 95076 be, and hereby is, **REPRIMANDED** for her conduct in this matter. In assessing a sanction, the attorney's prior disciplinary record was a factor.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL A



T. Benton Smith, Jr., Chair, Panel A

Date: 7/27/19