

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

IN RE: Melynda Gibson Pearson
Arkansas Bar No. 95076
Docket No. CPC-2019-029

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Juan Moreno ("Moreno") on May 30, 2019. The information related to the representation of Moreno by Respondent from December, 2016 through May, 2019.

On June 22, 2022, Respondent was served with a formal complaint, supported by affidavit from Moreno. Respondent failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes Respondent's right to a public hearing.

1. Melynda Pearson ("Pearson") is an attorney licensed in 1995 to practice law in the State of Arkansas and is assigned Arkansas Bar Number 95076.
2. Moreno was divorced from Aidee Moreno ("Aidee") in Hempstead County DR-2011-297. An affidavit from Moreno is Exhibit 1 and incorporated by reference as if set out verbatim.
3. In 2018, Moreno retained Pearson to represent him after Aidee's attorney filed (1) Motion to Modify and Amend and for Citation for Contempt and (2) Motion for Emergency Stay of Visitation.
4. Pearson's fee for representing Moreno in this matter was a flat \$2,500 fee for which there was no written agreement. Moreno's understanding was once he paid the full \$2,500 fee

to Pearson that Pearson would then obtain a court date for the matter to be addressed by the judge.

5. Moreno paid the full \$2,500 to Pearson with a \$250 payment in October 2018 and a \$2,250 payment in December 2018.
6. On October 3, 2018, Pearson filed (1) Answer to Motion to Modify and Amend and for Citation for Contempt and (2) Answer to Motion for Emergency Stay of Visitation.
7. In November 2018, Aidee's attorney sent Pearson Interrogatories and Request for Production. Pearson did not provide a response, and on December 6, 2018, opposing counsel sent Pearson an email with a letter attached. The letter stated that the Moreno's discovery responses were late and requested they be returned within one week.
8. Later on December 6, 2018, Pearson forwarded the email to Moreno and told him to complete the Interrogatories and Request for Production. (Exhibit 9) The letter from Aidee's attorney was included in what was sent to Moreno, but the Interrogatories and Request for Production were not. This was the first Moreno learned that information was needed from him for discovery.
9. Upon receiving the December 6 email, Moreno contacted Pearson's office and scheduled a meeting for Saturday, December 8.
10. On December 8, 2018, Moreno met with Pearson in her office and received a copy of the Interrogatories and Request for Production. At that time, Moreno paid his outstanding balance. Moreno understood that his responses needed to be received by Pearson's office no later than Monday, December 10, 2018.

11. Moreno spent the weekend answering the Interrogatories and gathering the documents requested. Moreno's sister, Paula Dalhz, submitted the information to Pearson's office for Moreno on Monday, December 10, 2018.
12. Pearson did not submit a response to Aidee's attorney which resulted in him filing a Motion to Compel Discovery on January 2, 2019.
13. Pearson did not submit a response to the Motion to Compel, and on March 15, 2019, the circuit court entered an Order to Compel.
14. On April 8, 2019, Aidee's attorney filed a Motion to Strike and Default seeking to have Moreno's answer stricken because of the failure to provide discovery responses.
15. On April 24, 2019, Moreno sent an email to Pearson asking her if there were any updates regarding his court date. Moreno received no response from Pearson.
16. Prior to Moreno's April email and following his December 8 meeting with Pearson, Moreno called Pearson's office on at least two separate occasions seeking an update on his case. In the first call, approximately two or so months following the December 8 meeting, Pearson's staff told Moreno there was no update on his case. In the second call which took place approximately two or so months following the first call, Moreno left his name and number in a message but did not receive a call back. When placing these calls, Moreno's understanding was that he was waiting on when his court date would be.
17. On May 3, 2019, Pearson filed an Answer to Motion to Strike and Default.¹
18. On May 7, 2019, Aidee's attorney filed a Motion to Strike Plaintiff's May 3, 2019 Responsive Pleading as Untimely.

¹ Pearson was suspended from the practice of law in Arkansas by the Arkansas Supreme Court for failure to pay license fee in a Per Curiam issued April 25, 2019. That information is the basis for the formal complaint filed in CPC 2019-021.

19. On May 15, 2019, the circuit court entered an Order to Strike and Entry of Default. The order specified that Moreno: (1) has visitation restricted by agreement of Aidee, (2) is to attend and successfully complete parenting classes, (3) is to attend and successfully complete anger management classes, to provide documents to opposing counsel, and (5) was found to be in contempt. (Exhibit 17)

20. Moreno did not receive copies of any filings from Pearson or any information on what, was going on with the case. After the order was entered, Moreno went to the Hempstead County Circuit Clerk's office and obtained documents related to his case.

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

A. Rule 1.1 requires that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

The conduct of Melynda Pearson, as set forth in the formal complaint, violated **Rule 1.1 Competence**, in that Pearson failure to respond to opposing counsel's discovery requests and filings resulted in a failure to provide competent representation to her client, Juan Moreno.

B. Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

The conduct of Melynda Pearson, as set forth in the formal complaint, violated **Rule 1.3 Diligence**, in that Pearson failed to submit the Responses to Interrogatories and Request for Production of her client, Juan Moreno, to opposing counsel, Pearson failed to file a response to

opposing counsel's Motion to Compel filed on January 2, 2019, and Pearson failed to timely file an answer tot opposing counsel's Motion to Strike and Default filed on April 8, 2019.

C. Rule 1.4(a)(3) requires that a lawyer shall keep a client reasonably informed about the status of a matter.

The conduct of Melynda Pearson, as set forth in the formal complaint, violated **Rule 1.4(a)(3) Communication**, in that Pearson failed to respond to requests from her client, Juan Moreno, for information about his case.

D. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

The conduct of Melynda Pearson, as set forth in the formal complaint, violated **Rule 1.4(a)(4) Communication** in that Pearson failed to respond to requests from her client, Juan Moreno, for information about this case.

E. Rule 8.4 provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

The conduct of Melynda Pearson, as set forth in the formal complaint, violated **Rule 8.4**, when her failure to submit appropriate responses and pleadings resulted in her client being held in contempt.

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 Number 95076, be, and hereby is, **SUSPENDED FOR SIX (6) MONTHS** for her conduct in this matter. Wilson is assessed **COSTS** of One Hundred and Fifty Dollars and No Cents (**\$150.00**) in accordance with Section 18.A of the Procedures, and is ordered

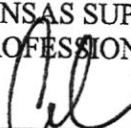
to pay **RESTITUTION** to Juan Moreno in the amount of Two Thousand and Five Hundred Dollars and No Cents (**\$2,500.00**) in accordance with Section 18.C of the Procedures.

In assessing sanctions in this matter, Melynda Pearson's prior disciplinary record was a factor. In addition, Section 9.C(1) of the Procedures provides that the failure to provide a written response to a formal complaint may result in the separate imposition of a sanction less than a suspension of license. The Panel imposes a separate sanction of **REPRIMAND** for Pearson's failure to respond to the formal complaint.

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 fine, restitution, and costs assessed herein, totaling Two Thousand Six Hundred and Fifty Dollars and No Cents (**\$2,650.00**), 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 A



Erin E. Cassinelli, Chair, Panel A

Date

11/29/22