

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

IN RE: CHARLES DAWSON MATTHEWS, Respondent  
Arkansas Bar ID#64026  
CPC Docket No. 2004-005

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Mr. and Mrs. Calvin McElhannon on November 4, 2003. The information related to the contact Respondent had with Mr. and Mrs. McElhannon during a period of suspension in November 2002.

The information presented to Panel A of the Committee on Professional Conduct reflected that during November 2002, Mrs. McElhannon attended a seminar in Bentonville, Arkansas, hosted by Charles Dawson Matthews, an attorney whose license has been suspended since November 28, 2000. The seminar was held out to be a financial planning seminar. Mrs. McElhannon reported to Mr. McElhannon what she had heard at the seminar and also shared documents, including brochures, which she had obtained at the seminar.

Following the review of the documents and discussion of the contents of the seminar, Mr. and Mrs. McElhannon scheduled an appointment with Mr. Matthews. During their meeting, Mr. Matthews convinced Mr. and Mrs. McElhannon that they should establish a trust, wills, power of attorneys, living wills, and other estate planning documents. Mr. Matthews advised Mr. and Mrs. McElhannon explained that he would prepare the documents and have them reviewed by an attorney in Gentry, Arkansas. Mr. and Mrs. McElhannon never reviewed these documents with anyone other than Mr. Matthews.

On January 29, 2003, Mr. and Mrs. McElhannon signed all of the documents after discussing them with Mr. Matthews. Mr. Matthews was paid a total of \$1200 by Mr. and Mrs. McElhannon. At no time did Mr. Matthews explain to Mr. and Mrs. McElhannon that he held a law degree or that he was an attorney whose license had been suspended.

In his response to the formal disciplinary complaint, Mr. Matthews acknowledged that with the manner in which the Committee was interpreting his suspension, he technically violated the Model Rules of Professional Conduct in his dealings with Mr. and Mrs. McElhannon. Mr. Matthews averred that until he was previously found to have violated the Model Rules with regard to the same type of conduct, he was unaware that he could not engage in such conduct while suspended. Mr. Matthews reported that he has shut down his business, quit doing estate planning seminars, vacated his leased premises and moved from his native state of Arkansas.

Upon consideration of the formal complaint and attached exhibit materials, the response, 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 Mr. Matthews' conduct violated Model Rule 1.4(b) when he failed to explain to Mrs. McElhannon during the estate planning seminar he conducted, that he was prohibited from providing legal advice or drafting legal documents on behalf of anyone other than himself since he was suspended from the practice of law for a period of sixty (60) months effective November 28, 2000; when he failed once again to explain his suspended status to Mr. and Mrs. McElhannon during a subsequent meeting to discuss the estate planning documents he believed they needed; and, when he failed at any time to advise Mr. and Mrs. McElhannon that he was not permitted, due to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, from meeting with potential clients even if he was working with an attorney as he represented to Mr. and Mrs. McElhannon he was. Model Rule 1.4(b) requires that a lawyer explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
2. That Mr. Matthews' conduct violated Model Rule 5.5(a) when he provided legal advice and information to Mrs. McElhannon with regard to estate planning matters, during the seminar he conducted in November 2002, at a time when his license to practice law was suspended by

Committee and Court Order; when he provided legal advice and information to Mr. and Mrs. McElhannon with regard to their specific estate planning documents during a meeting he conducted with them while his license to practice law was suspended in the State of Arkansas; when he explained legal documents and the effects thereof to Mr. and Mrs. McElhannon on January 29, 2003, when they met with him to execute the documents he prepared, during his period of suspension, for them related to their estate planning; and, when he prepared legal documents for Mr. and Mrs. McElhannon at a time when his license to practice law in the State of Arkansas was suspended by Committee and Court Order. Model Rule 5.5(a) requires that a lawyer not practice law in a jurisdiction where doing so violates the regulating of the legal profession in that jurisdiction.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that CHARLES DAWSON MATTHEWS, Arkansas Bar ID# 64026, be, and hereby is, SUSPENDED FOR PERIOD OF TWENTY-FOUR MONTHS for his conduct in this matter. Mr. Matthews is also assessed the costs of this proceeding in the amount of \$50 pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002). Mr. Matthews is also ordered to pay restitution in the amount of \$1200 to Mr. and Mrs. McElhannon. The restitution is imposed by the Committee pursuant to Section 18.C. of the Procedures. 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 costs assessed and restitution imposed 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 A

By: \_\_\_\_\_

Gwendolyn D. Hodge, Chair, Panel A

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

(13.M, Rev.1-1-02)