

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

IN RE: JEAN M. MADDEN

Arkansas Bar ID No. 84096

CPC Docket No. 2004-023

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee from Hayer and Janice Abraham and Lori Mosby, Attorney at Law. The information related to an advertisement for legal services mailed to the Abrahams by Jean M. Madden, Attorney at Law, in 2003.

In 2003, a lawsuit was filed in Sherwood District Court against Hayer and Janice Abraham. On August 29, 2003, a letter was sent by Jean Madden of the Madden Law Firm to Hayer and Janice Abraham. The letter met the requirements of Rule 7.3(b) of the Model Rules of Professional Conduct by plainly stating in capital letters “ADVERTISEMENT”; began with the statement that “If you have already retained a lawyer, please disregard this letter;” but failed to include the following statement in capital letters: “ANY COMPLAINTS ABOUT THIS LETTER OR THE REPRESENTATION OF ANY LAWYER MAY BE DIRECTED TO THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT, C/O CLERK, ARKANSAS SUPREME COURT, 625 MARSHALL STREET, LITTLE ROCK, ARKANSAS 72201.”

Madden stated that it was her standard office procedure when mailing letters to persons known to be in need of legal services to include three pages of information. Madden provided a copy of the second page of information on which the required language of 7.3(b)(6) is found. Madden stated that if the second page of information was left out of the envelope mailed to the Abrahams, the error was completely accidental.

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. Madden’s conduct violated Model Rule 7.3(b)(6) when she failed to include in advertisement to a prospective client the words “ANY COMPLAINTS ABOUT THIS LETTER OR THE REPRESENTATION OF ANY LAWYER MAY BE DIRECTED TO THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT, C/O CLERK, ARKANSAS SUPREME COURT, 625 MARSHALL STREET, LITTLE ROCK, ARKANSAS 72201.” Model Rule 7.3(b)(6) allows a lawyer to solicit professional employment from a prospective client known to be in need of legal services in a particular matter by written communication. Such written communication shall include the following statement in capital letters: “COMPLAINTS ABOUT THIS LETTER OR THE REPRESENTATION OF ANY LAWYER MAY BE DIRECTED TO THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT, C/O CLERK, ARKANSAS SUPREME COURT, 625 MARSHALL STREET, LITTLE ROCK, ARKANSAS 72201.”

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that JEAN M. MADDEN, Arkansas Bar ID #84096, be, and hereby is, CAUTIONED for her conduct in this matter and assessed costs in the amount of Fifty Dollars (\$50.00). The 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 with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE ON  
PROFESSIONAL CONDUCT - PANEL A

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

Gwendolyn D. Hodge, Chair

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