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

FILED
JUN 27 2007
LESLIE W. STEEN
CLERK

IN RE: **RICHARD H. YOUNG**
Arkansas Bar ID #94149
CPC Docket No. 2006-105

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Ms. Linnie Thomas of Russellville on August 4, 2004. The information related to the representation of her son Justin Thomas in early 2004 by Respondent Richard H. Young, an attorney practicing primarily in Russellville, Pope County, Arkansas. On November 2, 2006, Respondent was served with a formal complaint, supported by affidavits from Linnie Thomas and from Diane Sledge of the Office of Professional Conduct. After a ballot vote, at Respondent's request a public hearing was conducted on June 15, 2007, before Panel B. Attorney members Henry Hodges, Harry Truman Moore, and Michael Cogbill were not available and were replaced by substitute attorney members Searcy Harrell, Jr., Robert Trammell, and James A. Ross, Jr. In the absence of Panel B Chair Henry Hodges, Panel B Vice Chair Valerie Kelly chaired the hearing.

Mr. Young was the subject of an unrelated disciplinary complaint, No. CPC 2003-161, to which he had failed to file a response. The Panel Findings and Order, sanctioning him with a three (3) month law practice suspension, was signed March 3, 2004, and mailed to him that date. He signed the "green card" for delivery of that mail and Findings and Order on March 5, 2004. He failed to file a request for reconsideration and the Findings and Order became final on March 30, 2004, and his law license suspension became effective that date. Mr. Young was notified of that fact by mail, as evidenced by the

fact that he filed a Notice of Appeal from that Order on March 31, 2004, with the Clerk of the Arkansas Supreme Court. The Notice of Appeal was not effective as Mr. Young had not first availed himself of the remedy of a petition for reconsideration to the Committee Panel. Mr. Young's law license was reinstated by the Committee on December 13, 2004.

While all of the above was occurring, Linnie Thomas and her son Justin Thomas hired Mr. Young on March 22, 2004, to represent Justin on felony charges in Logan County Circuit Court. On March 22-23, 2004, Ms. Thomas paid Mr. Young a total of $3,000, on his quoted fee of $10,000 for the case. Young never informed Justin or Linnie Thomas that he was engaged with the disciplinary office and about to undergo a law practice suspension that would prevent his representing Justin for at least several months. After Young's law license was suspended on March 30, 2004, he failed to notify Justin or his mother of that fact. Ms. Thomas learned of Young's suspension in the local newspaper. When she could not contact Young's office for information, she finally hired another attorney for $5,000.00 to represent her son through his plea, after Young was unable to continue to represent Justin Thomas.

The Office of Professional Conduct corresponded with Mr. Young on February 28, 2006, about the Thomas complaint. In addition, Ms. Thomas asked Young for an itemized billing of his efforts for her son and for a refund. Young wrote her on May 31, 2006, that he would refund her $2,500, at what she understood to be $200 per month, and sent her a $200 money order. Ms. Thomas was agreeable to the $2,500 refund offer. Young made one additional payment thereafter of $300 (October 13, 2006), leaving a balance due to ms. Thomas of $2,000.

Before the actual hearing commenced with any presentation by the Office of Professional Conduct, Mr. Young addressed the Panel and admitted he was not disputing the Rule violations alleged

and the factual allegations in the Complaint. He stated that he was "throwing himself on the mercy of the Panel," offered a specific sanction, and addressed the Panel with mitigation information and presented his record of prior disciplinary sanctions. He also acknowledged that he still owed Ms. Thomas $2,000 of his promised $2,500 fee refund. The Office of Professional Conduct took no part in the proceedings. The Panel then deliberated in executive session and announced its decision.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, the admissions and mitigation testimony of Respondent Young, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct unanimously finds as to Rule violations:

A. Mr. Young's conduct violated Model Rule 1.4(b) in that if he had advised Justin and Linnie Thomas at the time they discussed Young's employment on March 22, 2004, that circumstances and situations not involving them might cause Young to almost certainly be suspended from law practice a few days later for several months and be unable to represent Justin, the client would have had an opportunity to consider then employing other counsel to represent the client in the criminal case, and would have saved the $3,000 paid to Young for legal services he would not be able to render. 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.

B. Mr. Young's conduct violated Model Rule 8.4(c) in that he engaged in conduct involving dishonesty, fraud, deceit or misrepresentation when he knowingly failed to tell Linnie and Justin Thomas on March 22, 2004, that Young's Arkansas law license was almost certainly about to be suspended for three (3) months only a few days later; when Young knowingly accepted $3,000 in legal fees from Linnie and Justin Thomas on March 22-23, 2004, without informing them that Young's

Arkansas law license was almost certainly about to be suspended for three (3) months only a few days later; and when Young wrote Linnie Thomas on May 31, 2006, and told her he would refund her $2,500 at $200 per month thereafter and only made one $200 payment to her, on May 31, 2006, by the time the Complaint was filed on September 29, 2006. Model Rule 8.4(c) requires that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that the Arkansas law license of **RICHARD H. YOUNG**, Arkansas Bar ID# 94149, be, and hereby is, **SUSPENDED FOR SIX (6) MONTHS** for his conduct in this matter. The vote on this sanction was 4-3, with members Harrell, Trammell, Ross, and Rush voting for the suspension and members Kelly, Orton and Word voting for a reprimand. Mr. Young is also ordered to pay restitution to Linnie Thomas of $2,000.00, $50.00 Committee case costs, and the court reporter's hearing fee of $50.00. 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 restitution, reporter's fee, and costs assessed herein, totaling $2,100.00, 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 B

By: Valerie L Kelly
Valerie Kelly, Vice-Chair, Panel B

Date: 6/24/07