BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: MORRIS THOMPSON
Arkansas Bar ID No. 80145
CPC Docket No. 2007-091

FILED
FEB 29 2008
LESLIE W. STEEN
CLERK

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Joshua A. Karriem. The information related to the representation of Joshua A. Karriem by Morris Thompson in 2006.

Joshua A. Karriem was a firefighter for the City of Little Rock. In August, 2006, he was subject to a disciplinary action. On August 14, 2006, Mr. Karriem went to the office of Morris W. Thompson, Attorney at Law, Little Rock, Arkansas, for a consultation about his legal situation. After meeting with Mr. Thompson, Mr. Karriem paid Mr. Thompson $150 for this consultation. On August 22, 2006, Mr. Karriem was notified by the Little Rock Fire Department that he was suspended for a period of ten shifts without pay, beginning August 25, 2006, and was scheduled to return on September 24, 2006.

On September 8, 2006, Mr. Karriem was involved in a motor vehicle accident and was arrested. According to Mr. Karriem, he then employed Mr. Thompson to represent him in the criminal charges. Mr. Karriem signed a contract agreeing to pay him the sum of One Thousand Five Hundred Dollars ($1,500) with Five Hundred Dollars ($500) being paid on September 22, 2006, and the remaining sum of One Thousand Dollars ($1,000) being paid in the amount of Two Hundred Fifty Dollars ($250) each month for a period of four months thereafter. Mr. Karriem made the first payment of Five Hundred Dollars ($500) on September

22, 2006, as evidenced by a receipt he received from Mr. Thompson.

On September 22, 2006, Mr. Karriem received a letter notice advising him that there was an administrative hearing scheduled for September 25, 2006 concerning Mr. Karriem's arrest following a motor vehicle accident. The letter requested that if Mr. Karriem wished to waive the hearing he could do so by notifying the fire chief by 4:30 p.m, September 22, 2006. Mr. Karriem then employed Mr. Thompson on September 22, 2006, to represent him in a matter relating to the insubordination suspension. Mr. Thompson states that he was not employed to represent Mr. Karriem at the September 26, 2006, hearing as that was a separate matter from the matter set for October 29, 2006. Mr. Thompson did not appear at the September 26, 2006, hearing.

The fee Mr. Thompson quoted Mr. Karriem for the civil service commission matter was Two Thousand Five Hundred Dollars ($2,500) with the sum of Five Hundred Dollars with ($500) being paid on September 22, 2006, and the remaining Two Thousand Dollars ($2,000) being paid in the amount of Two Hundred Fifty Dollars ($250) each month beginning on February 15, 2007, and each month thereafter.

On September 27, 2006, Mr. Karriem was provided with a Pre-Termination Hearing Notice. The hearing was scheduled for September 29, 2006, and Mr. Karriem and Mr. Thompson appeared before the civil service commission on that date.

On October 3, 2006, Mr. Karriem was placed on Administrative Leave as a result of his arrest, as he was found to have violated fire department regulations. One month later, on November 3, Mr. Karriem was notified that his employment as a member of the Little Rock Fire Department was terminated. Mr. Karriem was advised that he had a right to appeal the

decision to the Little Rock Civil Service Commission and that a notice of appeal must be submitted in writing directly to the Commission within ten (10) days of the date he was notified of the termination. Further, the letter stated that it was Mr. Karriem's responsibility to ensure that the appeal notice arrived in the Human Resources Department by the deadline. Mr. Karriem took off from work in order to go to Mr. Thompson's office to discuss his legal matter.

Mr. Karriem immediately notified Mr. Thompson upon receipt of the letter from the Office of the Fire Chief that he had until November 13, 2006, to submit his appeal to the Little Rock Civil Service Commission. Mr. Karriem thereafter tried to contact Mr. Thompson many times, leaving messages with his answering service, with both of his secretaries, and even stopped at his office. On November 13, 2006, Mr. Karriem spoke to Mr. Thompson's secretary, Monica Smith. Ms. Smith stated that Mr. Thompson had submitted his appeal and for him "not to worry about it, as he [Mr. Thompson] had already taken care of it." Mr. Thompson stated that he was busy with a case in United States District Court and instructed his secretary to tell Mr. Karriem that he was busy and could not talk to him. Mr. Thompson stated that his agreement was for another appeal and the criminal case.

Mr. Thompson stated that he spoke to Mr. Karriem on November 13 and that Mr. Karriem was irate, yelling, and demanding that he do something. Mr. Thompson asserted that he did not believe that he relayed anything to Mr. Karriem which would form a reasonable basis for Mr. Karriem to believe that he would handle an appeal from the termination of employment.

Mr. Thompson admitted that he did prepare a notice of appeal by letter dated

November 13, 2006 and placed it in the care of the United States Postal Service. Mr. Thompson said he filed it on the off chance that the Commission would accept it. The envelope Mr. Karriem received with his copy of the notice of appeal bore a postage cancellation of November 14, 2006. Mr. Karriem learned that Mr. Thompson had not taken care of his termination appeal when he called Kelly Penn, Administrative Assistant for the City of Little Rock Human Resources Department. Mr. Karriem then called Mr. Thompson and asked him why this was not taken care of earlier. Mr. Thompson stated that it was a mis-communication between him and his staff.

On November 16, 2006, a letter was sent from Kelly Penn, Administrative Assistant for the City of Little Rock, Human Resources Department, to Mr. Thompson. The letter stated that the appeal request was untimely as defined under Ark. Code Annotated 14-51-308, and, therefore, denied.

Mr. Karriem then wrote Mr. Thompson a letter dated December 22, 2006. In the letter Mr. Karriem wanted to know why an appeal was not filed within ten days following his receipt of the November 3, 2006, letter from the Office of the Fire Chief. Mr. Karriem also asked for a return of some of the money paid to him. In response, Mr. Thompson wrote a letter dated January 15, 2007. In the letter, Mr. Thompson did not address why he failed to file a timely notice of appeal of the decision by the Office of Fire Chief. Instead, he only responded to the reason why he did not refund any of the fees paid to Mr. Karriem.

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. Morris W. Thompson violated Rule 1.3 when he failed to file on behalf of his client, Joshua Karriem, a timely notice of appeal of an administrative hearing decision resulting in the termination of Mr. Karriem's employment. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. Morris W. Thompson violated Rule 1.4(a)(3) when he failed to provide his client, Joshua Karriem, with information about the status of his legal matter following the November 3, 2006, termination of employment by the City of Little Rock. Rule 1.4(a)(3) requires that a lawyer keep the client reasonably informed about the status of the matter.

3. Morris W. Thompson violated Rule 1.4(a)(4) when he failed to reply to numerous requests for information by Joshua Karriem following the notice of his termination of employment by the City of Little Rock on November 3, 2006, through November 14, 2006. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

4. Morris W. Thompson violated Rule 8.4(d) when his failure to file a timely notice of appeal on behalf of his client, Joshua Karriem, resulted in Mr. Karriem's termination of employment with the City of Little Rock becoming effective without an opportunity to have the decision reviewed by the Little Rock Civil Service Commission. Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that MORRIS W. THOMPSON, Arkansas Bar ID No. 80145, be, and hereby is, REPRIMANDED, FINED the sum of FIVE HUNDRED DOLLARS ($500), and assessed costs in the amount of FIFTY DOLLARS ($50.00) for his conduct in this matter. The fine and 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: Steven Shults
Steven Shults, Chair

Date: January 28, 2008