

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: MICHAEL ANTHONY PRICE, Respondent

Arkansas Bar ID #81133

CPC Docket No. 2002-172

ORDER OF INTERIM SUSPENSION

Respondent Michael Anthony Price, Arkansas Bar No. 81133, an attorney practicing primarily in Pulaski County, Arkansas, is placed on interim suspension, pursuant to the authority of Section 16 of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002), (the "Procedures"), by vote of Panel A of the Committee on Professional Conduct on November 15, 2002, for his conduct and actions hereinafter described.

1. On November 15, 2002, Panel A voted to initiate disbarment proceedings against Respondent Price based on allegations in two cases then before it for ballot vote - CPC No. 2002-112 (on the Complaint of Summer Emley and Timothy Stallings) and CPC No. 2002-119 (on the Complaint of United States District Judge Susan Webber Wright). A disbarment proceeding, as an original action in the Arkansas Supreme Court, will be filed in a few days.

2. Pursuant to Section 17(E)(3)(a) of the Procedures, an interim suspension may be imposed immediately upon a panel's decision to institute disbarment action.

3. In CPC No. 2002-112, Ms. Emley and Mr. Stallings alleged Mr. Price was hired by Stallings on or about August 21, 2001, to represent Stallings in his effort to get transferred from the Arkansas Partnership Program, an involuntary residential institution affiliated with the Arkansas State Hospital, to a less restrictive environment outside the program. Ms. Emley, a close friend of Stallings, was approached by Price, at Stallings' suggestion, and paid Price \$1,250.00 to represent Stallings, which was half of the quoted fee. Price failed to appear and represent Stallings at a motion hearing on September 5, 2001, even though Price was seen in the court building at that time. Thereafter Price was difficult for Emley and Stallings to contact, failed to take the actions contemplated in the representation, was terminated by Stallings in March 2002, and so far has failed to make a requested refund of the unearned portion of the fee Emley paid him on behalf of Stallings. Price had no attorney trust account and failed to place the client funds received in this case in any such account. Price failed to respond to the formal complaint served on him in 2002-112, so the allegations therein are deemed admitted. He is alleged to have violated Model Rules 1.3, 1.4(a), 1.4(b), 1.15(a), 1.16(d), 3.2, 5.5(a), 7.3(a), 8.4(a), and 8.4(d).

4. In CPC No. 2002-119, information provided by Judge Wright indicates Respondent Price represented Anthony Vance in the case of *Vance v. St. Vincent Infirmary Medical Center*, U.S.D.C. No. 4:01-CV-701. Mr. Price failed to timely file a response to a motion for summary judgment, after being granted several extensions. A "show cause" order was issued, but he failed to respond. On July 31, 2002, the court ordered Respondent Price removed from the *Vance* case for his failures to act and to obey court orders. The case was set for trial August 20, 2002, but the trial had to be continued so Mr. Vance could obtain new counsel. Mr. Price is alleged to have violated Model Rules 1.1, 1.16(d), 3.2, 3.3(a)(1), 3.4(c), 5.5(a), 8.4(c), and 8.4(d). The materials Mr. Price filed after being served with the formal complaint did not really contest the allegations of the complaint.

5. Panel A was advised on November 15 that Respondent had a suspension hearing set November 16, 2002, before the Arkansas Continuing Legal Education Board, regarding his non-compliance for the year 2000-2001. Mr. Price failed to appear at the November 16 hearing and an order was thereafter entered suspending him from the practice of law for non-compliance with the Supreme Court's continuing legal education requirements.

6. Mr. Price admitted at a June 2002 Panel A hearing that he has never had an attorney trust account since he went into private law practice in 1999.

7. After a ballot vote by Panel A on September 18, 2002, and no request for a public hearing from Respondent, on November 1, 2002, a final Order from this Panel was filed in CPC No. 2002-087, on a complaint by David Scott Curtis and David Ray Curtis (son and father). Mr. Price was found to have violated Model Rules 1.3, 1.4(a), 1.4(b), 1.15(a), 1.16(d), 3.2, 7.3(a), 8.4(a), 8.4(c), and 8.4(e). He was reprimanded, fined \$500.00, and ordered to pay restitution of \$2,000.00 to the Curtises. The Panel has no information that any of these items have been paid. Scott Curtis was a resident of the Arkansas Partnership Program of the Arkansas State Hospital, hired Mr. Price in mid-2001 to assist him in getting transferred to a less restrictive environment, son and father paid Price a total of \$3,200.00, and the son did not receive the services expected and paid for. Price filed no court papers for Scott Curtis. Price failed to place the client funds for future legal services and a private forensic evaluation in an attorney trust account, since Mr. Price never had a trust account during this time period. Scott Curtis terminated Price's services in April 2002, requested a refund of the unearned balance of the advance fees and expenses, but has received nothing.

8. In Supreme Court case No. 02-1144, filed in late October 2002, it appears that Respondent Price suffered foreclosure and eviction from his residence, where he maintains in a pleading that "many client files, practice materials, computers," and other property remain, unavailable to him, and that their "immediate retrieval is imperative."

9. On June 21, 2002, Committee Panel B voted at a public hearing to suspend Respondent's license to practice law for three months in CPC No. 2001-144 on a complaint by Federal Bankruptcy Judge James Mixon. This suspension is stayed by the Supreme Court pending Respondent's appeal there.

10. On June 21, 2002, Panel B voted a reprimand and \$750.00 fine against Respondent in CPC No. 2002-145, on a complaint by Cleotis Gatson. The Order became final August 28, 2002. No payment of the fine has been received.

11. The Respondent's conduct in CPC Nos. 2002-112 and 2002-119, and the cumulative weight of all of the above matters, except that in Section 8, constitutes "serious misconduct," as defined in Section 17(B)(1)-(5), and is a more than sufficient basis for both interim suspension and disbarment. The personal situation reflected in Section 8 gives rise to substantial concern about Respondent's ability to appropriately practice law at this time, and about his adverse personal financial situation. All of the above indicate there is a substantial threat of serious harm to the public and to Respondent's clients, and that an interim suspension of the Respondent's privilege to practice law under the authority of his Arkansas law license, which is also currently suspended since November 16, 2002, by order of the Arkansas Continuing Legal Education Board, should be imposed pursuant to the Procedures.

It is therefore ORDERED that Michael Anthony Price be, and he hereby is, SUSPENDED from the practice of law within this jurisdiction immediately upon the filing of this Order with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT - PANEL A

Date \_\_\_\_\_ By \_\_\_\_\_

Win A. Trafford, Panel A Chair