

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: GARFIELD W. BLOODMAN, Respondent
Arkansas Bar ID#97053
CPC Docket No. 2010-018

FILED

JUL 12 2010

**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 Gerald Perry Barber in an Affidavit dated February 25, 2010. The information related to the representation of Mr. Barber by Respondent beginning in September 2007.

On March 25, 2010, Respondent was served with a formal complaint, supported by affidavit from Mr. Barber and information provided by Stevan Dalrymple, Prosecuting Attorney, Eleventh Judicial District-West. Respondent filed a timely response and the matter proceeded to ballot vote before Panel A of the Committee pursuant to the Arkansas Supreme Court Procedures Regulating the Professional Conduct of Attorneys at Law.

The information provided by Mr. Perry and supported by the additional exhibits provided the basis for the formal disciplinary complaint. Other information available to the Office of Professional Conduct and important to the facts presented in the matter by Mr. Barber was developed from information Mr. Bloodman, himself, provided, which is that he relocated out of Arkansas in July 2008.

During September 2007, Gerald Perry Barber hired Garfield Bloodman, an attorney then practicing primarily in Little Rock, to represent him in a criminal proceeding in Jefferson County, Arkansas. Mr. Bloodman was paid \$4,000 as a legal fee for the representation. Initially after being hired, Mr. Bloodman filed various Motions. He did not follow up on much of what

happened in the matter, as reflected by a memo to him from the Deputy Prosecuting Attorney.

Years passed with no contact from Mr. Bloodman to his client, Mr. Barber. During the entire time he represented Mr. Barber, Mr. Bloodman never sent him any written communication.

During July 2009, Mr. Barber received an Order to Appear in Court on the criminal charges. He contacted Mr. Bloodman as soon as he received the Order. He was able to speak with Mr. Bloodman briefly. Mr. Bloodman advised him to go to Court and request a trial date. Mr. Barber did so but has been unable to speak with Mr. Bloodman since that time.

The public defender has since been appointed to represent Mr. Barber in the matter. Mr. Bloodman never filed a Motion to Be Relieved or to Withdraw. He failed to give Mr. Barber notice of his relocation outside the United States and has failed to adequately communicate with his client.

In responding to the disciplinary complaint, Mr. Bloodman denied all Rule violations as alleged in the disciplinary complaint. He offered that he was indeed hired to represent Mr. Barber in a criminal matter and that upon being he hired he was successful in having Mr. Barber released from jail. He advised that he successfully discussed a plea to reduce Mr. Barber's charges with recommendation of probation. Mr. Bloodman advised that he attempted to convey this information to Mr. Barber but that when he tried to contact Mr. Barber he was unsuccessful. He explained that Mr. Barber's mother told him that Mr. Barber had left the State of Arkansas and was residing in the State of Georgia. Mr. Barber denies that he ever left Arkansas or lived in Georgia.

Mr. Bloodman denied that his relocation out of Arkansas had anything to do with the facts in Mr. Barber's case. He says he never heard from Mr. Barber. Mr. Bloodman

acknowledges that he spoke with Mr. Barber on the date of the court hearing and that he did advise Mr. Barber to ask for a continuance but he never heard from Mr. Barber again. In rebuttal, Mr. Barber provided telephone records demonstrating calls made to Mr. Bloodman which Mr. Bloodman has asserted were not made to him. Mr. Bloodman offered that the only thing he was guilty of in this matter was not filing a Motion to Be Relieved as attorney of record.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Bloodman's conduct violated Rule 1.3, because his conduct with regard to representation of Mr. Barber in his criminal proceeding was neither diligent nor prompt, in that no actions were taken after he filed initial Motions in the matter in September 2007; after receiving information from the prosecuting attorney concerning a reduced charge, Mr. Bloodman did not follow up with his client or the prosecutor about it; and, when it appeared that the requirements of speedy trial had expired in Mr. Barber's criminal proceeding, Mr. Bloodman took no action to pursue this affirmative remedy for Mr. Barber. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That Mr. Bloodman's conduct violated Rule 1.4(a)(1) because Mr. Bloodman failed to inform Mr. Barber of the State's agreement to a reduced charge in his criminal proceeding, thereby denying him the opportunity for consideration of the plea to a reduced charge. Rule 1.4(a)(1) requires that a lawyer promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is

required by the Arkansas Rules of Professional Conduct.

3. That Mr. Bloodman's conduct violated Rule 1.4(a)(3), when he failed to keep Mr. Barber reasonably informed about the status of Mr. Barber's legal matter. For years Mr. Bloodman provided no information and when Mr. Barber received an Order to be in Court, Mr. Bloodman spoke with him once and then failed to follow up with Mr. Barber about the matter, requiring the Circuit Court to appoint the public defender to represent Mr. Barber in the matter. Rule 1.4(a)(3) requires that a lawyer keep the client reasonably informed about the status of the matter.

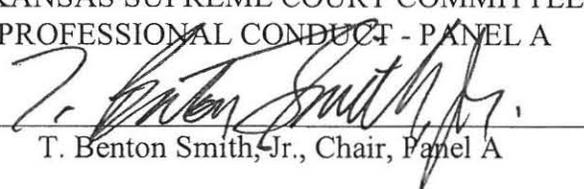
4. That Mr. Bloodman's conduct violated Rule 1.4(a)(4), because after Mr. Barber requested a trial date at Mr. Bloodman's direction, Mr. Bloodman ceased to return telephone calls from Mr. Barber. He has not been in communication with Mr. Barber since their last conversation in July 2009. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

5. That Mr. Bloodman's conduct violated Rule 1.16(d), because after Mr. Bloodman relocated to the Virgin Islands (without notice to his client, Mr. Barber), he effectively terminated his representation of Mr. Barber but failed to give notice to Mr. Barber; he did not provide Mr. Barber the contents of the file maintained on Mr. Barber's behalf in the criminal proceeding; he did not return the unearned portion of the advanced payment of costs and attorney's fee to Mr. Barber. Rule 1.16(d) requires, in pertinent part, upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that GARFIELD W. BLOODMAN, Arkansas Bar ID# 97053, be, and hereby is, REPRIMANDED for his conduct in this matter. In addition, Mr. Bloodman is assessed the costs of this proceeding, pursuant to Section 18.A. of the Procedures, in the amount of FIFTY DOLLARS. Pursuant to Section 18.C. of the Procedures, Mr. Bloodman is ordered to make restitution for the benefit of Mr. Barber in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500). The restitution and costs assessed herein, totaling TWO THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$2550), 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: _____


T. Benton Smith, Jr., Chair, Panel A

Date: _____

June 2, 2010