

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

**IN RE: MICHAEL J. KNOLLMAYER
ARKANSAS BAR ID #86105
CPC Docket No. 2010-063**

FILED

NOV 14 2011

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided by Jimmie Jeanette Ellis (now Houseman), formerly of Conway, Arkansas, and now of Hartselle, Alabama. The conduct related to a conflict of interest arising out of the representation of Ms. Ellis in her divorce case filed in Faulkner County Circuit Court and the subsequent representation of Ms. Ellis' ex-husband, Bobby Keith Ellis, in a bankruptcy case filed in the United States Bankruptcy Court for the Eastern District of Arkansas.

Michael J. Knollmeyer is an Arkansas attorney and the owner of Knollmeyer Law Offices with offices in Little Rock, Benton, Conway, Searcy, and Jacksonville, Arkansas. Laura D. Grimes is an Arkansas attorney who is associated with the Knollmeyer Law Office.

Jimmie Jeanette Ellis went to Knollmeyer Law Office in Conway, Arkansas, on July 9, 2008, for a consultation concerning a divorce matter. On July 29, 2008, Ms. Ellis employed Mr. Knollmeyer to represent her in the divorce matter and paid him the sum of Two Hundred Fifty Dollars (\$250.00). On August 13, 2008, Mr. Knollmeyer filed a Complaint for Divorce on behalf of Ms. Ellis in Faulkner County Circuit Court. The Complaint was signed by Michael Knollmeyer and listed Laura D. Grimes and Michael Knollmeyer as attorneys for Ms. Ellis.

On August 29, 2008, Mr. Knollmeyer filed an Affidavit of Service, stating that a copy of the Complaint and Summons had been served upon Bobby Keith Ellis at his address in Floral,

Arkansas. In November, 2008, Ms. Ellis paid the remainder of the legal fee. On November 17, 2008, a proposed Divorce Decree was sent to the Court for signature. On November 24, 2008, the Court entered the Divorce Decree and the decree was filed with the Circuit Court Clerk at 1:58 p.m. The Divorce Decree provides that Ms. Ellis was to receive from Mr. Ellis title to 20 acres of land in Independence County, Arkansas.

On November 21, 2008, Mr. Ellis went to the Knollmeyer Law Office in Searcy, Arkansas, and met with Laura D. Grimes to discuss an emergency filing for bankruptcy protection, as he was experiencing problems with the Arkansas Department of Finance and Administration concerning sales and withholding taxes. While Mr. Ellis informed Ms. Grimes that he had no lawsuits or judgments against him and had transferred twenty acres to his ex-wife within the last two years, pursuant to a divorce decree, he did not mention that the divorce had been finalized by Michael Knollmeyer.

On November 24, 2008, at 7:31 p.m., Mr. Ellis completed his credit counseling requirement. On November 25, 2008, Ms. Grimes filed a Chapter 13 Bankruptcy Petition for Mr. Ellis. All pleadings filed after the initial Bankruptcy Petition show Michael J. Knollmeyer and Laura D. Grimes as attorneys for Mr. Ellis although none were signed by Mr. Knollmeyer. On January 19, 2009, completed Summary of Schedules and attachments were filed. Schedule A listed property located at 120 Ellis Lane, Floral, Arkansas, as property in which he had an interest. The Statement of Financial Affairs stated in Paragraph 10 that Mr. Ellis transferred 20 acres to his ex-wife pursuant to a divorce decree. The name of the ex-wife was not listed. On January 20, 2009, Mr. Ellis called Knollmeyer Law Office and stated that he was to transfer property to his ex-wife and wanted to know how, in light of the bankruptcy.

Ms. Ellis stated that she contacted Mr. Knollmeyer shortly after the divorce to inquire how long her ex-husband had to transfer the title to the twenty acres in Independence County. Ms. Ellis stated that she was told he would have to transfer the property within thirty days. In December, 2008, Ms. Ellis learned that her ex-husband had filed for bankruptcy relief.

In February, 2009, Ms. Ellis employed Chris Murray, Attorney at Law, to assist her in getting the title to the property. Mr. Murray contacted Mr. Knollmeyer and advised that he represents Ms. Ellis, that Knollmeyer Law Office represented both Ms. Ellis and Mr. Ellis, and that Ms. Ellis requested that Knollmeyer Law Office withdraw from the representation of her ex-husband in his bankruptcy case. On March 4, 2009, Mr. Knollmeyer sent a letter to Mr. Murray and his client, along with a refund of her legal fees and explained that he was not aware that the the law firm had represented them both. Mr. Ellis had not provided information as to the identity of his ex-wife, nor did he advise Knollmeyer that the firm had represented her in the divorce. R

On September 20, 2010, a Quitclaim Deed was signed by Bob Ellis granting his interest in property to Jeanette Ellis.

This matter was scheduled for a public hearing pursuant to Section 11 of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. Immediately before the commencement of the public hearing, Michael J. Knollmeyer, by and through his attorneys, Bart F. Virden and Morgan “Chip” Welch, offered a plea to the Panel for consideration wherein Mr. Knollmeyer would admit to violation of Rule 1.9(a) of the Arkansas Rules of Professional Conduct and accept a CAUTION with a fine of TWO HUNDRED FIFTY DOLLARS (\$250.00), administrative costs of FIFTY DOLLARS (\$50.00), and payment for Ms. Houseman’s costs of transportation from Hartselle, Alabama, to Little Rock, Arkansas, and

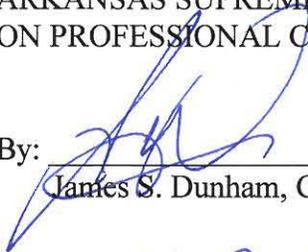
return for the public hearing. The Panel took the matter into consideration and accepted the plea proposal from Mr. Knollmeyer.

Therefore, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Michael J. Knollmeyer violated Rule 1.9(a) when his office represented Jimmie Jeanette Ellis in her divorce from Bobby Keith Ellis which became final on November 24, 2008, and Bobby Keith Ellis in his bankruptcy case which was filed on November 25, 2008. Rule 1.9(a) states that a lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interest of the former client unless the former client gives informed consent, confirmed in writing.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that MICHAEL J. KNOLLMEYER, Arkansas Bar No. 86105, be, and hereby is, CAUTIONED, fined the sum of TWO HUNDRED FIFTY (\$250.00), assessed costs in the amount of FIFTY DOLLARS (\$50.00), and transportation costs of THREE HUNDRED DOLLARS (\$300.00) to Ms. Ellis, for his conduct in this matter. All fines and costs assessed herein, totaling SIX HUNDRED DOLLARS (\$600.00) 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: 
James S. Dunham, Chairman

Date: 11-9-2011