

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: M. JOSEPH GRIDER

ARKANSAS BAR ID #96109

CPC Docket No. 2001-020

FINDINGS AND CONSENT ORDER OF DISCIPLINE

The formal charges of misconduct upon which this Order is premised arose from information coming to the attention of the Committee by way of M. Joseph Grider's testimony in the case of U.S. v. George Nicholas "Nick" Wilson, et al, in the United States District Court for the Eastern District of Arkansas. Mr. Grider's testimony was given on March 14, 2000, and August 30, 2000.

Mr. Grider, an attorney practicing in Pocahontas, testified that in August 1996, he began to practice law with his father. Mr. Grider was paid a salary by his father of \$3000 per month. Mr. Grider's father was responsible for providing legal services to the Arkansas Office of Child Support Enforcement (OCSE) in the Third and Fourth Judicial Districts. False time records were submitted to OSCE with payment being made for work which was not performed. During the course of this conduct, M. Joseph Grider submitted false time records for himself, his father and another attorney. M. Joseph Grider has admitted that these actions made him guilty of fraud. M. Joseph Grider explained in his response to the disciplinary complaint that he prepared the billing statements on the instruction of his father. He continues to assert that he believes that he and his father actually worked the number of hours claimed just not necessarily in the locations and on the cases claimed.

M. Joseph Grider was charged as a defendant in the above mentioned criminal proceeding. The charge against him was Conspiracy to Commit Mail Fraud, a violation of 18 U.S.C. Section 1341. A pre-trial diversion agreement was reached with the United States Attorney whereby all charges against him will be dropped upon completion of the diversion program. M. Joseph Grider is also jointly and severally liable with his father for \$70,000 which represents the loss attributable to his actions in the federal criminal matter.

M. Joseph Grider explained his sincere regret at his involvement in the matter which occurred in his first few months out of law school. He felt the conduct was proper at the time of his acts.

Following Mr. Grider's receipt of the formal complaint, the respondent attorney, through his counsel, Jeff Rosenzweig, and the Executive Director undertook discussions which have resulted in an agreement to discipline by consent pursuant to Section 8C, Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (Procedures). Upon consideration of the formal complaint, admissions herein, the terms of the proposed consent to discipline hereinafter stated, the Alternate Committee on Professional Conduct's approval thereof, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Grider's conduct violated Model Rule 8.4(c) when he submitted false time sheets for Murrey Grider, another attorney and himself to the Office of Child Support Enforcement for payment of attorney's fees for work which was not performed. Model Rule 8.4(c) requires that a lawyer not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

Further, the Committee finding good cause therefor and believing that a probationary period would be appropriate in this matter, accepts Mr. Grider's request for Consent to Discipline, including a probationary period. Mr. Grider's consent to probation and the conditions thereof are evidenced by his signature appearing in the Respondent's Consent to Probation and Conditions of Probation made a part hereof by reference.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Grider and the Executive Director, Stark Ligon, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that M. JOSEPH GRIDER, Arkansas Bar ID #96109, be, and hereby is, REPRIMANDED for his conduct in this matter and placed on PROBATION for TWENTY FOUR (24) MONTHS for his conduct in this matter. The probationary conditions directed by the Committee shall be effective, and the probationary term shall commence on the date of the filing of this Order.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT

By:

Bart Virden

Chairman

Date: