

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: RALPH THEODOR "TED" STRICKER
ARKANSAS BAR ID #80139
CPC Docket No. 2011-055

FILED

OCT. 21 2011

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from the information provided to the Committee by Attorney Adam B. Fogleman. This matter concerns advertising done by Mr. Ralph Stricker on behalf of Merritt and Associates, P.C., Attorneys at Law, located in Jonesboro, Arkansas.

The advertisement requests that the attorneys refer their product liability cases to the Merritt Firm, and in return for the referrals, the Merritt Firm will pay the referring attorneys a referral fee. The only requirement in the advertisement to get money from the Merritt Firm is that the attorneys refer clients to the firm. The fee paid to the attorneys is not based on any work to be performed by the referring attorney or any joint representation, but simply on the referral itself, with the Merritt Firm doing all the work and advancing all costs. Joint responsibility for the representation of a client entails financial and ethical responsibility for the representation as if the lawyers were associated in a partnership. A lawyer is allowed to pay for advertising permitted by the Rules, but otherwise is not permitted to pay another person for channeling professional work.

Upon consideration of the formal complaint and attached exhibit materials and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Ralph Stricker's conduct violated Rule 1.5(e) when in the advertisement, Mr. Stricker's Law Firm offers to pay attorneys a referral fee for referring products liability cases to his firm. According to the advertisement, the fee paid to the attorneys is not based on any work to be

performed by the referring attorney, but simply on the referral itself, with the Merritt Firm doing all the work and advancing all costs. Arkansas Rule 1.5(e) states, in pertinent part, that a division of fee between lawyers who are not in the same firm may be made only if (1) the division is in proportion to the services performed by each lawyer or, by written agreement with the client, each lawyer assumes joint responsibility for the representation...

2. That Ralph Stricker's conduct violated Rule 7.2(c) when in the advertisement, Mr. Stricker's Law Firm offers to pay attorneys a referral fee for referring products liability cases to his firm. According to the advertisement, the fee paid to the attorneys is not based on any work to be performed by the referring attorney, but simply on the referral itself, with the Merritt Firm doing all the work and advancing all costs. Arkansas Rule 7.2(c) states that a lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertisements or communications permitted by this rule and may pay the usual charges for not-for-profit lawyer referral service or other legal service organization; and may pay for a law practice in accordance with Rule 1.17.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Ralph Theodore "Ted" Stricker, Arkansas Bar ID# 20139, be and hereby is, **CAUTIONED** for his conduct in this matter. Pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2011), Mr. Stricker is assessed the costs of this proceeding in the amount of **FIFTY DOLLARS (\$50.00)**. The costs assessed 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
Steve Shults, Vice Chair, Panel A

Date: September 28, 2011