

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

IN RE: Charles J. Doeringhaus, Respondent

Arkansas Bar ID#81049

CPC Docket No. 2001-076

**CONSENT FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Jerry and Wanda Collie's Affidavit dated July 26, 2001. The information related to the representation of Jerry and Wanda Collie by Respondent in 1998.

On November 19, 2001, Respondent was served with a formal complaint, supported by the affidavit from Mr. and Mrs. Collie. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The formal complaint demonstrated that during 1998, Mr. and Mrs. Collie hired Respondent to assist them with a situation that had arisen with regard to some real property. Family members were claiming ownership of the property which Mrs. Collie's grandparents and father had given her. Respondent advised Mr. and Mrs. Collie that the total fee for his representation in the matter would be \$900. He also agreed that Mr. and Mrs. Collie could pay ½ of the fee and he would begin work for them and then they could pay ½ later. On April 17, 1998, Mr. and Mrs. Collie hand-delivered a check for \$450 to Respondent. At that time, Respondent assured Mr. and Mrs. Collie that he would be filing "papers" on their behalf immediately. At one point after the check had been delivered to him, Respondent informed Mr. and Mrs. Collie that he was attempting to have subpoenas served but because he was moving into a new office, matters had been delayed. Respondent also advised Mr. and Mrs. Collie that they did not need to worry about anything because their matter would not take three (3) months to complete. Despite all the information provided to Respondent, including the urgency of the matter, he took no action on behalf of Mr. and Mrs. Collie. In addition, Respondent failed to return any of the \$450 advance fee payment to Mr. and Mrs. Collie despite numerous requests.

After filing their initial grievance with the Office of Professional Conduct, Mr. and Mrs. Collie learned that Respondent quit the private practice of law shortly after they hired him. Because of Respondent's lack of action, Mr. and Mrs. Collie have had to face statute of limitation issues raised by the opposing parties. Respondent never filed any documents for Mr. and Mrs. Collie even though he provided them assurances that he had done so.

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

1. That Mr. Doeringhaus' conduct violated Model Rule 1.1 when he failed to exhibit any thoroughness on behalf of Mr. and Mrs. Collie in providing assistance to them with regard to their legal matter. Model Rule 1.1 requires, in pertinent part, that a lawyer provide competent representation to a client, including the thoroughness and preparation reasonably necessary for the representation.
2. That Mr. Doeringhaus' conduct violated Model Rule 1.2(a) when he failed to take any action on behalf of Mr. and Mrs. Collie although the objective of his representation of them was to protect their interest in certain real property in which an ownership dispute arose. Model Rule 1.2(a) requires, in pertinent part, that a lawyer abide by a client's decisions concerning the objectives of representation and consult with the client as to the means by which they are to be pursued.
3. That Mr. Doeringhaus' conduct violated Model Rule 1.3 when he failed to take action on behalf of the Collies after being retained and paid to do so in April 1998. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
4. That Mr. Doeringhaus' conduct violated Model Rule 1.4(a) since, despite requests for information about their legal matter, he failed to accurately and truthfully respond concerning what actions, if any, he had taken on behalf of the Collies. Model Rule 1.4(a) requires that a lawyer keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
5. That Mr. Doeringhaus' conduct violated Model Rule 1.16(d) when he failed to inform the Collies at the time he ceased to be in the private practice of law and when he failed to return the \$450 to the Collies after his representation of them was terminated. Model Rule 1.16(d) requires, in pertinent part, that upon termination of representation a lawyer take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client and refunding any advance payment of fee that has not been earned.
6. That Mr. Doeringhaus' conduct violated Model Rule 8.4(c) when he provided Mr. and Mrs. Collie with false information when he was asked about actions taken on their behalf. Model Rule 8.4(c) requires that a lawyer not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
7. That Mr. Doeringhaus' conduct violated Model Rule 8.4(d) because there has been unnecessary delay in Mr. and Mrs. Collie's pursuit of their legal rights and remedies as a result of Respondent's lack of action. Model Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel C, that CHARLES DOERPINGHAUS, JR. Arkansas Bar ID# 81049, be, and hereby is, **SUSPENDED FOR A PERIOD OF FIVE (5) YEARS** for his conduct in this matter. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court. The suspension shall run concurrent with the five (5) year suspension imposed in CPC Docket No. 2001-123.

By: \_\_\_\_\_

David Newbern, Chair, Panel C

Date: \_\_\_\_\_

(13.M, Rev.1-1-02)