

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

IN RE: **DENNIS SBANOTTO**
Arkansas Bar ID # 83152
CPC Docket No. 2006-178

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Dennis Sbanotto of Fort Smith, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by Circuit Judge Alan Epley of Berryville, Arkansas.

In January 2003, Mr. Sbanotto petitioned to open probate administration of the estate of Alveda Hatfield in Carroll County Circuit Court - Probate Division, as No. P-2003-5. Her son, Darrin Hatfield of Berryville, Arkansas, was appointed Administrator, and thereafter Mr. Sbanotto served as the attorney in the probate administration. Filing a petition for payment of attorney's fees prepared by Mr. Sbanotto, on August 23, 2003, Mr. Hatfield obtained court approval to pay \$5,182.48 for Mr. Sbanotto's legal services to the estate. His fees were then paid in full. On September 3, 2003, an order was entered allowing payment of certain claims against the solvent estate. The case docket showed no activity from March 22, 2004, until May 19, 2006, when Judge Epley set the matter for hearing on July 18, 2006. He directed Mr. Sbanotto to be present at the hearing. Mr. Sbanotto did not appear.

The Estate had been ready to be closed for some time. Mr. Sbanotto has not been in contact with the Administrator, Darrin Hatfield, for some time. Mr. Sbanotto was contacted by

the Office of Professional Conduct by telephone and e-mail by October 19, 2006, and by letter of November 16, 2006, by Darrin Hatfield. Mr. Sbanotto responded to Mr. Hatfield by letter on December 1, 2006, offering to refund the full fee he had received in 2003, less out of pocket costs and asking to be allowed to withdraw from the representation. Mr. Sbanotto sent Mr. Hatfield a \$4,835.00 refund and was permitted to withdraw. Mr. Hatfield employed new counsel to conclude the Estate's remaining court business.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Mr. Sbanotto's conduct violated Rule 1.3 in that after mid-2004, he failed to act with reasonable diligence and promptness in representing the Estate of Alveda Hatfield. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. Mr. Sbanotto's conduct violated Rule 1.4(a)(3) in that until contacted by the Office of Professional Conduct in October 2006, after mid-2004, he failed to keep his client, Darrin Hatfield, Administrator of the Estate of Alveda Hatfield, reasonably informed about the status of the probate administration of the Estate. Arkansas Rule 1.4(a)(3) requires that a lawyer shall keep

the client reasonably informed about the status of the matter.

C. Mr. Sbanotto's conduct violated Rule 1.4(a)(4) in that until contacted by the Office of Professional Conduct in October 2006, after mid-2004, he failed to promptly comply with reasonable requests for information from his client, Darrin Hatfield, Administrator of the Estate of Alveda Hatfield, about the status of the probate administration of the Estate. Arkansas Rule 1.4(a)(4) requires that a lawyer shall promptly comply with reasonable requests for information.

D. Mr. Sbanotto's conduct violated Rule 3.4(c) in that, without explanation or notice, he knowingly disobeyed a written directive from Judge Alan Epley dated May 19, 2006, to appear for a status hearing before him on July 18, 2006, in Berryville on the Estate of Alveda Hatfield. Arkansas Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Sbanotto and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent **DENNIS SBANOTTO**, Arkansas Bar No. 83152, be, and hereby is, **CAUTIONED** for his conduct in this matter and assessed Committee costs of \$50.00. The costs assessed herein 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 _____
Henry Hodges, Chairperson, Panel B

Date _____