

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: RALPH M. PATTERSON

ARKANSAS BAR ID #68048

CPC DOCKET NO. 2002-179

FINDINGS AND ORDER

The formal charges of misconduct upon which this Order is premised arose from the Complaint of Terry W. Ezell. Mr. Ezell contacted Ralph M. Patterson, an attorney practicing primarily in North Little Rock, Pulaski County, Arkansas, to assist him with a matter involving his child support obligation.

On April 6, 2000, Mr. Ezell met Mr. Patterson at the courthouse in Jefferson County, Arkansas, for a hearing in a child support matter. The hearing was being held as a result of a motion Mr. Patterson had filed on Mr. Ezell's behalf seeking a change of custody of Mr. Ezell's children. After being served, Mr. Ezell's ex-wife did not file a response. As a result, Mr. Patterson filed a Motion for Default Judgment on Mr. Ezell's behalf. On the same date that the motion was filed, an Order to Appear was filed for the hearing on April 6, 2000.

During the hearing, Judge Leon Jamison, the presiding Judge, determined that the evidence was insufficient for a change of custody. Although he ordered that the children remain with Mr. Ezell's wife, he did order that seven (7) months of back child support be removed from the computation of the child support arrearage. Judge Jamison's decision was based upon the fact that Mr. Ezell had physical custody of his children from May 4, 1999 through December 26, 1999. Mr. Patterson was directed to prepare the paperwork but never did so. Mr. Patterson admitted that he did not prepare the Order as directed but denied that he was aware that the Court had given him a deadline for doing so. Mr. Ezell never received any documents or paperwork from Mr. Patterson nor did he ever hear from Mr. Patterson following the hearing on April 6, 2000.

Subsequent to the date of the hearing and the Judge's announcement of his decision, Mr. Ezell called Mr. Patterson's office on numerous occasions. Mr. Ezell left messages for Mr. Patterson which were not returned. Mr. Patterson denied that he failed to respond to Mr. Ezell's messages for information. While admitting that Mr. Ezell's telephone bill for March 2002 demonstrates calls to his office, Mr. Patterson pointed out that during this period of time he was out of the office following an angioplasty and the installation of two stints in the artery to his heart.

The Jefferson County Chancery Clerk's docket sheet for the legal proceeding has no notation that the hearing occurred on April 6, 2000. There is also no indication that an Order was entered or ever provided to the Court. It was learned during the Office of Professional Conduct's investigation of the matter that Judge Jamison sent Mr. Patterson a letter on June 27, 2000, which advised him that an Order needed to be submitted. Mr. Patterson asserted that he did not believe he ever received the letter because after a diligent search of the file he has not been able to locate a copy. No Order was submitted as directed by the Court and as a result an Order of Dismissal was entered. Mr. Ezell did not receive the benefit of having the seven (7) months of child support abated. Mr. Patterson, in his response to the formal complaint, admitted that he did not submit an Order to Judge Jamison but denied that Mr. Ezell would be unable to obtain the relief granted in the hearing. Mr. Patterson explained that Mr. Ezell could obtain the relief he was granted upon the filing of a Motion to Reopen the case.

Upon consideration of the formal complaint, the response herein, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct, Panel A, finds:

1. That Mr. Patterson's conduct violated Model Rule 1.3 when he failed to submit an Order to Judge Jamison as ordered and therefore caused Mr. Ezell not to obtain the relief which he was granted in the hearing on April 6, 2000, and, when he failed to respond to Judge Jamison's letter of June 27, 2000. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Patterson's conduct violated Model Rule 1.4(a) when he failed to respond to Mr. Ezell's messages for information concerning what actions, if any, were taken following the hearing on April 6, 2000 and when he failed to advise Mr. Ezell that the Judge had given him a set amount of time to submit the Order on his behalf following the hearing. 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.
3. That Mr. Patterson's conduct violated Model Rule 3.4(c) when he failed to submit an Order regarding Judge Jamison's findings on April 6, 2000, after being directed to do so by Judge Jamison at the conclusion of the hearing. Model Rule 3.4(c) requires that a lawyer 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.
4. That Mr. Patterson's conduct violated Model Rule 8.4(d) since his failure to submit the Order as directed by Judge Jamison resulted in Mr. Ezell not receiving the relief which the Judge ordered and caused the matter to be dismissed in its entirety. 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, through Panel A, that RALPH M. PATTERSON, Arkansas Bar ID #68048 be, and hereby is, REPRIMANDED for his conduct in this matter. In addition, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Mr. Patterson is ordered to pay costs in the amount of \$50. The costs shall be due and payable within thirty (30) days of the filing of this Findings and Order with the Clerk of the Arkansas Supreme Court. The costs shall be in the form of a cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" and delivered to the Office of Professional Conduct within the time set out above.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT

By:

Gwendolyn D. Hodge, Chair, Panel A

Date:
