

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

IN RE: CHARLES GREGORY ALAGOOD

Arkansas Bar ID #84002

CPC Docket No. 2002-011

FINDINGS & CONSENT ORDER OF DISCIPLINE

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Charles Gregory Alagood of Little Rock, Pulaski County, Arkansas, arose from information brought to the attention of the Office of Professional Conduct by Betty Gray, his client, and Mr. Alagood, who self-reported.

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), to be presented to a Panel of the Committee. Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of both Panel C of the Committee on Professional Conduct and the Arkansas Supreme Court, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Alagood's conduct violated Model Rule 1.15(a) as follows:

- A. On December 11, 2000, Betty Gray hired Mr. Alagood to represent her in a divorce, and paid him a retainer against future legal services of \$7,500.00. He did not deposit this check into any trust account maintained by his firm or him personally, but commingled these client funds with personal funds, without the knowledge or permission of the client.
- B. On March 21, 2001, Betty Gray gave Mr. Alagood her personal check payable to "Greg Alagood" for \$50,000.00 as an "additional retainer" in her case. He did not deposit this check into any trust account maintained by his firm or him personally, but commingled these client funds with personal funds, without the knowledge or permission of the client.
- C. On October 9, 2001, Mr. Alagood withdrew \$25,000.00 in funds from Betty Gray's personal checking account using a power of attorney in his favor. He did not deposit these funds into any trust account maintained by his firm or him personally, but commingled these client funds with personal funds, without the knowledge or permission of the client.
- D. On October 23, 2001, Mr. Alagood withdrew \$6,000.00 in funds from Betty Gray's personal checking account using a power of attorney in his favor. He did not deposit these funds into any trust account maintained by his firm or him personally, but commingled these client funds with personal funds, without the knowledge or permission of the client.

Model Rule 1.15(a) requires that a lawyer hold property of clients or third persons

that is in a lawyer's possession in connection with a representation separate from the lawyer's

own property.

2. That Mr. Alagood's conduct violated Model Rule 8.4(c) as follows:

- A. On October 9, 2001, Mr. Alagood withdrew \$25,000.00 in funds from Betty Gray's checking account without the knowledge or permission of the client, using a power of attorney in his favor, and used these funds for personal purposes.
- B. On October 23, 2001, Mr. Alagood withdrew \$6,000.00 in funds from Betty Gray's checking account, without the knowledge or permission of the client, using a power of

attorney in his favor, and used these funds for personal purposes.

Model Rule 8.4(c) requires that a lawyer not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Mr. Alagood repaid \$76,410.81 to Betty Gray in November 2001. The repayment represents all sums he received from her, less the itemized legal services and costs in her case to date of termination of his representation.

Mr. Alagood voluntarily ceased the practice of law on January 1, 2002, and has fully cooperated with the Office of Professional Conduct in the investigation of this matter.

WHEREFORE, pursuant to Section 17.E.(2) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, and in accordance with the consent to discipline presented by Mr. Alagood and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that, for his conduct in this matter, the privilege to practice law of the Respondent, CHARLES GREGORY ALAGOOD, Arkansas Bar No. 84002, be, and it is hereby, SUSPENDED FOR THREE (3) YEARS from the date of filing of this order.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT - PANEL C

By \_\_\_\_\_

David Newbern, Chairperson

Date \_\_\_\_\_