

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

IN RE: RICHARD M. GRASBY  
ARKANSAS BAR No. 85060  
CPC DOCKET NO. 2007-005

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Jana Young. The information related to the representation of Jana Young by Richard M. Grasby, Attorney at Law, Little Rock, Arkansas, in 2005 and 2006.

Jana Young was charged with Driving While Intoxicated and Refusal to Submit to Testing on October 31, 2005. Ms. Young employed Mr. Grasby to represent her in this matter. Ms. Young paid Mr. Grasby the quoted fee of One Thousand Dollars (\$1,000.)

Mr. Grasby appeared with Ms. Young in Little Rock District Court where a plea of not guilty was entered on Ms. Young's behalf. In January, 2006, Ms. Young received a letter from Mr. Grasby informing her that trial in the matter was set for March 27, 2006. As Ms. Young had not heard from Mr. Grasby, she called his office on March 22, 2006, and spoke to him. Mr. Grasby informed her that she should meet him right before court.

Ms. Young appeared in Little Rock District Court on March 27, 2006. Mr. Grasby was not present. The court called Ms. Young's case and she appeared before the presiding judge. The judge re-set the matter for June 12, 2006.

Later on March 27, Ms. Young called Mr. Grasby's office and spoke to him. Mr. Grasby apologized but said that he was held up in circuit court. Ms. Young told Mr. Grasby that the court

continued the matter to June 12, 2006, but that she needed the matter to be changed. Mr. Grasby stated that he would call the court the next day and have the date moved.

On March 28, Ms. Young called Mr. Grasby to see if he had obtained a new court date. Mr. Grasby stated that it had not as he had not had a chance to do so. Ms. Young received a letter from the district court informing her of trial set for June 12. Ms. Young faxed the letter to Mr. Grasby.

On March 30, Ms Young faxed a letter to Mr. Grasby asking that he return the \$1,000 fee she had paid him. She later called the court to see if the date for trial had been changed. The clerk informed her that trial had been changed to May 23, 2006.

On April 10 or 11, Ms. Young called to see if Mr. Grasby would provide her with a copy of the discovery information from the prosecutor. Mr. Grasby stated that he would have the information if the prosecutor provided it. Ms. Young called on April 13 to see if he would be in his office on April 15, a Saturday, so that she could pick up a copy of the discovery information. Mr. Grasby stated that he would be in his office but to call before heading to his office as he would be staying out late Friday night.

Ms. Young called Mr. Grasby on April 15 at 9:15 a.m. and left a message for him to call her. She called back at 10:30 a.m. and left a message for him to call her that day or Monday morning. Ms. Young received no returned call from Mr. Grasby. On April 19, Ms. Young called Mr. Grasby and left a message for him to call so that she could set up an appointment to go over her case and pick up discovery information. Ms. Young sent Mr. Grasby a letter on April 20 asking for an appointment to go over her case and pick up a copy of the discovery packet.

Ms. Young filed a grievance with the Office of Professional Conduct which sent a letter dated October 25, 2006 to Mr. Grasby asking that he discuss with Ms. Young the return of her fees as she

had employed other counsel. The Office of Professional Conduct asked that Mr. Grasby communicate with Ms. Grasby on or before November 27, 2006. Despite the efforts of the Office of Professional Conduct, Ms. Young heard nothing from Mr. Grasby, and so informed the Office of Professional Conduct. Mr. Grasby stated that he received the letter from the Office of Professional Conduct but assumed that Ms. Young would contact him.

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

1. Richard M. Grasby violated Rule 1.3 when he failed to appear on behalf of his client, Jana Young, on March 27, 2006, in Little Rock District Court. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. Richard M. Grasby violated Rule 1.4(a)(3) when he failed to keep his client, Jana Young, informed as to whether he had obtained discovery information from the prosecuting attorney's office and when he failed to return telephone calls to his client, Jana Young, concerning the status of her legal matter. Rule 1.4(a)(3) requires that a lawyer keep the client reasonably informed about the status of the matter.

3. Richard M. Grasby violated Rule 1.4(a)(4) when he failed to respond in a timely manner to requests for information from his client, Jana Young. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

4. Richard M. Grasby violated Rule 1.16(d) when he failed to refund any of the unearned advanced fees paid by his client, Jana Young, upon his termination of representation by Ms. Young on March 30, 2006. 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 refunding any advance payment of fee or expense that has not been earned or incurred.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that RICHARD M. GRASBY, Arkansas Bar ID# 85060, be, and hereby is, CAUTIONED for his conduct in this matter; fined the sum of Five Hundred Dollars (\$500); directed to pay restitution in the amount of One Thousand Dollars (\$1,000); and costs in the amount of Fifty Dollars (\$50.) The fine, costs, and restitution 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 A

By: \_\_\_\_\_  
Jerry D. Pinson, Chair, Panel A

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