

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: RON L. GOODMAN, Respondent
 Arkansas Bar ID#86070
 CPC Docket No. 2003-195

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 Sheila Henley on October 17, 2003. The information related to the representation of Ms. Henley by Respondent in 2003.

On January 2, 2004, Respondent was served with a formal complaint, supported by affidavit from Ms. Henley. A timely response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Panel reflected that during May of 2003, Ms. Henley hired Ron L. Goodman, an attorney practicing primarily in Pulaski County, Arkansas, to represent her in a matter involving child custody and child support. Mr. Goodman had previously represented Ms. Henley in a Chapter 7 bankruptcy matter. The fee in the matter was paid in advance and according to Ms. Henley everything was handled satisfactorily.

Ms. Henley was served with a Motion for Change of Custody involving her youngest daughter during the first part of May 2003. When Ms. Henley contacted Mr. Goodman, she advised him that she wished to respond to the Motion and to also seek recovery of the \$8,000 in child support owed by her ex-husband. Mr. Goodman requested payment of a \$1000 retainer which was paid on May 14, 2003. There was never any documented explanation of what the hourly fee rate would be.

With regard to the child support arrearage, Mr. Goodman offered to collect the sum owed on a contingent fee basis. Mr. Goodman inquired of Ms. Henley if she understood what that meant and she confirmed that she did. No mention was ever made of the percentage nor was Ms. Henley presented a contract

regarding the collection of the back child support. After their discussion, Mr. Goodman filed a Motion for Contempt regarding the back child support.

Following a hearing on Monday, August 25, 2003, Judge Smith, the presiding judge, ordered that Ms. Henley's ex-husband pay the entire \$8000 in arrearage. The payments were to be made at a rate of \$391 per month in increments of \$88 per week beginning September 1, 2003, until paid in full. No further child support was ordered. As Mr. Goodman and Ms. Henley, along with her witness, were leaving the courthouse, Ms. Henley asked about paying Mr. Goodman his fee and how that would be accomplished based on the weekly payments she would be receiving. According to Ms. Henley, Mr. Goodman told her not to worry about it and that they would work it out. Nothing else was said about the fee at that time.

Around the first of September, Ms. Henley received a bill from Mr. Goodman for what appeared to her to be a balance of \$2000. She was shocked since no hourly rate had been discussed and there was no fight over the custody. Additionally, at the time, Ms. Henley had not received any child support payments. Mr. Goodman requested that Ms. Henley pay that amount no later than November 1, 2003. Ms. Henley sent Mr. Goodman a payment in the amount of \$200 on September 29, 2003. After receiving the payment from Ms. Henley, Mr. Goodman left a message for Ms. Henley on her answering machine. Mr. Goodman advised Ms. Henley that he did not know of anything fairer than for him to cut his fee in half and let Ms. Henley have sixty (60) days to pay it out. Ms. Henley advised that she took a third job to try to pay Mr. Goodman the \$2000 by November 1, 2003. Then, on October 7, 2003, she received another answering machine message from him. In this message, he advised her that he needed \$800 of the fee by October 15, 2003. Ms. Henley contacted Mr. Goodman's office and left a message that she planned on sending the entire amount due by the end of the week.

On October 11, 2003, Ms. Henley received another statement in the mail from Mr. Goodman. After reviewing the statement, Ms. Henley called Mr. Goodman and advised that she was not paying him another dime until he could tell her for what she had been charged. On October 17, 2003, Mr. Goodman faxed what purported to be an itemized statement to Ms. Henley offering that the \$3800 due was the total of the \$1700 hourly charge, the \$2000 contingent fee and a \$100 late fee. Mr. Goodman had never discussed late fees with

Ms. Henley either.

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 A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Goodman's conduct violated Model Rule 1.5(c) because although his apparent agreement with Ms. Henley was for him to receive a percentage of the child support arrearage she was awarded, he failed to place that agreement in written form. Model Rule 1.5(c) requires, in pertinent part, that a contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal, litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that RON L. GOODMAN, Arkansas Bar ID# 86070, be, and hereby is, CAUTIONED 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. Goodman is assessed the cost of this proceeding in the amount of \$50. Mr. Goodman is also ordered to pay restitution in the amount of \$1200 pursuant to Section 18.B. of the Procedures. The 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: _____

Gwendolyn Hodge, Chair, Panel A

Date: _____

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