

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: MICHAEL DENNIS BOOKER

ARKANSAS BAR ID #89053

CPC DOCKET NO. 2001-121

FINDINGS AND ORDER

The formal complaint of misconduct arose from the complaint of Donna Champ Banks, of Richmond, Virginia. Ms. Banks employed Michael Dennis Booker, an attorney practicing law primarily in Little Rock, Arkansas, in June 2000, for the purpose of probating the estate of Mable Dupins. Ms. Banks provided Mr. Booker with \$700.00 and provided Mr. Booker with Ms. Dupins' will, death certificate, deed to property, and checking account records. Mr. Booker informed Ms. Banks that he was busy but assured her that the matter could be resolved within six months.

In August, Ms. Banks called Mr. Booker to check on the status of the estate. Mr. Booker stated that the estate was proceeding as normal and that it normally takes no longer than six months. Mr. Booker informed Ms. Banks that he had prepared a waiver for a beneficiary of the Estate of Mabel Dupins, sent it to the heir and it was returned in August 2000. Mr. Booker stated that with the holiday season approaching, he would be busy but would get the matter started in January.

In December, Ms. Banks came to Little Rock to visit family. While in Little Rock, Ms. Banks called Mr. Booker for a progress report. Mr. Booker stated that he would check on the status of the matter and call Ms. Banks back. Ms. Banks did not receive a call before calling Mr. Booker back. Ms. Banks informed Mr. Booker's receptionist that she was leaving Little Rock on January 5, 2001 and would like to take care of any matter before she left. Ms. Banks left Little Rock before any calls were returned.

After her return to Richmond, Virginia, Ms. Banks called Mr. Booker's office on January 22, 2001. Ms. Banks informed the receptionist that she was concerned about Mr. Booker's non-responsiveness to the telephone calls. On January 24, 2001, Ms. Banks called Mr. Booker's office again. Ms. Banks again informed the receptionist of her concerns. Ms. Banks called Mr. Booker's office on January 25 and left another message. No calls were returned. Mr. Booker stated that he attempted to return these calls but was unable to reach Ms. Banks.

On January 30, 2001, Ms. Banks called Mr. Booker's office and spoke to the receptionist. The receptionist called Ms. Banks later that day to inform her that Mr. Booker would call her the next day at 12:30 Eastern time. Ms. Banks arranged to be available for the telephone call. The receptionist called Ms. Banks and informed her that Mr. Booker was running late and would call when he arrived at his office an hour later. Mr. Booker never called.

Ms. Banks received a telephone call on February 5 from Mr. Booker's receptionist stating that Mr. Booker would call. On February 7, Mr. Booker called and apologized for not returning the telephone calls. Ms. Banks informed Mr. Booker that she would be returning to Little Rock soon and a meeting was scheduled for February 9.

On February 9, Ms. Banks met with Mr. Booker. Mr. Booker stated that he had been busy, apologized and stated that he had not done any work on the estate. Mr. Booker stated that he would begin work immediately and would update Ms. Banks on the status of the matter by the middle of the next week. Mr. Booker failed to call Ms. Banks as he stated he would.

Ms. Banks called Mr. Booker's office on February 21 and scheduled an appointment with Mr. Booker for February 26. Ms. Banks met with Mr. Booker on February 26. During the meeting, Mr. Booker again confirmed that he had failed to fulfill his promises. Ms. Banks requested a refund of the fees paid and Mr. Booker wrote a check to Ms. Banks. Ms. Banks asked for a return of the will, the death certificate, the deed, and bank records that she provided him. Mr. Booker stated that he did not know where her file was and that he had given the file to his associate who was out of the office. Ms. Banks asked Mr. Booker to call his associate. Mr. Booker said he would try to reach the associate on her cell phone and got up and left the room. Mr. Booker thereafter returned to the room and said that he could not reach her on her cell phone. Mr. Booker stated that it was not his associate who had the file but his secretary, who was out the day Ms. Banks met with him.

Ms. Banks called Mr. Booker's office the next day and spoke with the receptionist. Ms. Banks mentioned that Mr. Booker had tried to reach his associate on her cell phone to locate the file. The receptionist stated that the associate did not have a cell phone but that she would look for the file. On March 1, 2001, Ms. Banks went to Mr. Booker's office, signed a release form and obtained all of the documents she provided Mr. Booker.

Mr. Booker stated that he met with Ms. Banks each time she made an appointment and that he returned every call even if it was not always on the same day. Mr. Booker offered that Ms. Banks was not concerned about the time for having the work completed until January. When Ms. Banks came to his office and requested the file, he provided her with a full refund and the file.

Upon consideration of the formal complaint, Mr. Booker's response, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Booker's conduct violated Model Rule 1.3 when he failed to act with reasonable diligence and promptness in pursuing the objectives of the representation for which he was hired, the probate of the Estate of Mabel Dupins. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Booker's conduct violated Model Rule 1.4(a) when he failed to respond to numerous requests from Ms. Banks for information regarding the status of the Estate of Mabel Dupins. 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.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that MICHAEL DENNIS BOOKER, Arkansas Bar ID #89053, be, and hereby is, REPRIMANDED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE ON

PROFESSIONAL CONDUCT

By:

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Win Trafford, Chair - Panel A

Date:

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