

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

IN RE: CHARLIE RUDD, Respondent

ARKANSAS BAR ID# 89087

CPC Docket No. 2002-114

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Lucy Newcomb. The information related to the representation of Newcomb by Respondent in 1999 and 2000.

Newcomb employed Charlie L. Rudd, an attorney practicing primarily in Hot Springs, Arkansas, in March 1999 to represent her in her attempts to obtain custody of her grandchildren. Rudd informed Newcomb that his fee would be \$800. Newcomb could not afford the entire fee but agreed to pay the fee in installments. Newcomb paid \$200 on March 17, 1999; and \$100 on April 7; April 19; April 26; May 3; May 25; and July 19, 1999. Newcomb thereafter expected her case to begin.

In December 1999, Newcomb went to Rudd's office and spoke with him about the status of the matter. Newcomb informed Rudd to drop everything, close her case, take what was owed, and return the remainder of the money.

Newcomb stated that she contacted Rudd's office during all of 2000 to check on her matter. Each time she called, Newcomb spoke to Rudd's secretary who stated that she did not know where he was or when he would be back in the office. According to Newcomb, nothing was ever filed on her behalf.

On November 5, 2002 Respondent acknowledged receipt of a Formal Complaint prepared by the Office on Professional Conduct. Rudd failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes Respondent's right to a public hearing.

Upon consideration of the formal complaint and attached exhibit materials 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. Mr. Rudd violated Model 1.3 when he failed to act within a reasonable period of time following his employment by his client, Lucy Newcomb. Model Rule 1.3 requires a lawyer act with reasonable diligence and promptness in representing a client.
2. Mr. Rudd violated Model Rule 1.4(a) when he failed to provide his client, Lucy Newcomb, with information concerning the status of her matter. Model Rule 1.4(a) requires a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
3. Mr. Rudd violated Model Rule 1.16(d) when he was terminated as Lucy Newcomb's attorney, he failed to return to her any unearned advanced fees. Model Rule 1.16(d) requires a lawyer to take steps to the extent reasonably practicable to protect a client's interests, such as refunding any advance payment of fee that has not been earned.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that CHARLIE L. RUDD, Arkansas Bar ID# 89087, be, and hereby is, SUSPENDED from the practice of law for a period of three (3) months for his conduct in this matter; fined the sum of five hundred dollars (\$500); and assessed costs in the amount of fifty dollars (\$50). For his failure to respond to the Formal Complaint, Rudd is fined, as an enhancement of sanctions, one thousand dollars (\$1000) pursuant to Section 9.C(2).

The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court. The fine, restitution and costs 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 with 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 D. Hodge, Chair, Panel A

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