

**ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT**

**NOTICE OF SUSPENSION OF ATTORNEY'S
PRIVILEGE TO PRACTICE LAW**

**IN RE: R. TED VANDAGRIFF
ARKANSAS BAR ID #91028
CPC Docket No. 2007-094**

Attorney R. Ted Vandagriff, an attorney practicing law primarily in Sherwood, Arkansas, Bar ID # 91028 has been suspended from the practice of law within the jurisdiction of this State.

The Committee on Professional Conduct suspended Arkansas Attorney R. Ted Vandagriff's License for a period of twelve (12) months effective October 1, 2008.

Please be advised that a suspended attorney shall not be reinstated to the practice of law in this State until the Arkansas Supreme Court has received an affirmative vote by a majority of the Committee. If, and at such time as the Committee may reinstate the attorney, you will be provided notice of the reinstatement and the effective date thereof.

If you have any questions in this regard or you have information evincing the attorney's continued practice contrary to the status of his license, please contact this office. --


Stark Ligon, Executive Director
Office of Professional Conduct
625 Marshall Street, Room 110
Little Rock, AR 72201
(501) 376-0313

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

FILED

OCT 01 2008

**LESLIE W. STEEN
CLERK**

IN RE: **RALPH TED VANDAGRIFF**
Arkansas Bar ID #91028
CPC Docket No. 2007-094

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by attorney Teresa Wineland on August 3, 2007. The information related to the representation of litigants in Garland County Circuit Court in 2007 by Respondent Ralph Ted Vandagriff, an attorney practicing primarily in Sherwood, Pulaski County, Arkansas. On September 12, 2007, Respondent Vandagriff was served with a formal complaint, supported by affidavits from Teresa Wineland, Christopher Thomas, and Leslie Steen, correspondence from Circuit Judge David Switzer of Garland County, and materials from files of the Office of Professional Conduct relating to Mr. Vandagriff's trust account. After a ballot vote, Respondent entered into "consent to discipline" discussion with the Executive Director which led to the approval of this Order by the Panel and then by the Supreme Court of Arkansas, as a license suspension was involved.

Mr. Vandagriff's Arkansas law license was administratively suspended on November 28, 2006, by the Arkansas State Board of Law Examiners due to his non-compliance with the requirements of Rule 6 of the Arkansas Rules for Minimum Continuing Legal Education. His law license had not been reinstated from that suspension at the time of the filing of the formal disciplinary complaint.

Mr. Vandagriff failed to pay his 2007 Arkansas Supreme Court law license fee by March

1, 2007, as required by Rule VII of the Rules Governing Admission to the Bar. As a result, his law license was administratively suspended on March 2, 2007, and his license had not been reinstated at the time of the filing of the formal disciplinary complaint by his payment of the license fee.

Mr. Vandagriff represented Gayle and Kenneth Fields in a matter against Cathy and Earnest Calhoun, represented by Teresa Wineland, in a case in Garland County Circuit Court, No. CV-2005-1503-3, before Judge David Switzer. A hearing on motions, at which Mr. Vandagriff appeared and participated for the Fields, occurred on March 29, 2007. In preparation for trial on August 6, 2007, Ms. Wineland first learned of Mr. Vandagriff's suspension status on or about August 1, 2007, and brought it to the attention of Judge Switzer. Judge Switzer contacted Mr. Vandagriff and gave him until 4:00 p.m., Friday, August 3, 2007, to resolve his suspension issue for the upcoming trial, which he was not able to do. The trial had to be continued.

Mr. Vandagriff filed suit in Garland County Circuit Court, as No. CV-2007-173-1, on February 22, 2007, for the Fields against Darren and Jennifer Sorrells, who are not represented by Ms. Wineland. This case is assigned to Circuit Judge John Homer Wright. Mr. Vandagriff lawyered actively in both cases during the period when his law license was in suspension.

Starting in July 2005, Mr. Vandagriff wrote seven (7) checks from his attorney trust account, five of which appear to be directly for personal expenses, an impermissible use of a trust account. This practice came to the attention of the Office of Professional Conduct (OPC) by a series of automatic "overdraft notices" when these seven checks were presented against insufficient funds in his trust account. Five of the checks were returned "unpaid," and two were

paid.

Upon consideration of the formal complaint and attached exhibit materials, 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 and the Supreme Court of Arkansas find:

A. Mr. Vandagriff's conduct violated Arkansas Rule 1.15(a)(1) in that he issued checks (#773, #1044, #1047, #1077, and #1088) from his trust account on five occasions when there were insufficient funds in his trust account to pay the check, resulting in the check being returned unpaid by his bank. He wrote five checks (#773, #1044, #1047, #1077, and #1085) directly from his trust account to merchants for personal purposes, an impermissible use of an attorney trust account. He wrote and issued his trust check #1088 on August 1, 2007, for \$35.00 to Joe White as a "witness fee" in CV-2005-1503, and the check was returned unpaid by Vandagriff's bank as the account balance at the time was -\$97.92. Arkansas Rule 1.15(a)(1) requires that a lawyer shall hold property of clients or third persons, including prospective clients, that is in a lawyer's possession in connection with a representation separate from the lawyer's own property.

B. Mr. Vandagriff's conduct violated Arkansas Rule 3.4(c) in that he failed to comply with the requirements of Rule 6 of the Arkansas Rules for Minimum Continuing Legal Education, resulting in his Arkansas law license being administratively suspended on November 28, 2006, by the Arkansas Continuing Legal Education Board. His law license has not been reinstated from that suspension at the time this Complaint was served upon him. He failed to pay his 2007 Arkansas bar license fee by March 1, 2007, as required by Arkansas Supreme Court

Rule VII.C, Rules Governing Admission to the Bar. Arkansas Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;

C. Mr. Vandagriff's conduct violated Arkansas Rule 5.5(a) in that his law license was in administrative suspension status with the Arkansas Continuing Legal Education Board for non-compliance with the Arkansas Supreme Court's minimum annual continuing legal education requirements after November 28, 2006. He practiced law, including on the Garland County court matters in Nos. CV-2005-1503-3 and CV-2007-173-1, while his law license was suspended during this period. He failed to pay his 2007 Arkansas Bar license fee by March 1, 2007, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar, resulting in the automatic suspension of his Arkansas law license on March 2, 2007. He practiced law, including on the Garland County court matters in Nos. CV-2005-1503-3 and CV-2007-173-1, while his law license was suspended during this period. Arkansas Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

D. Mr. Vandagriff's conduct violated Arkansas Rule 8.4(c) in that knowing that his Arkansas law license was in suspended status, for his non-compliance with the Arkansas Supreme Court's CLE requirements and by and after the Order issued November 28, 2006, and by his failure to pay his 2007 license fee, he failed to inform the Garland County Circuit Court or opposing counsel, in CV-2005-1503-3, there causing an unnecessary use and waste of court and counsel time and resources. Arkansas Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, and after subsequent approval by the Supreme Court of Arkansas, that the Arkansas law license of **RALPH TED VANDAGRIFF**, Arkansas Bar ID# 91028, be, and hereby is, **SUSPENDED FOR TWELVE (12) MONTHS** for his conduct in this matter. Upon any future action of the Committee reinstating Mr. Vandagriff's law license, he shall thereafter be subject to probation and supervised monitoring by an attorney acceptable to the Office of Professional Conduct for a period of one (1) year under conditions and terms then determined by the Office to be suitable. The suspension shall become effective on 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: Steven Shults
Steven Shults, Chair, Panel A

Date: October 1, 2008