

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

**PANEL A**

IN RE: DON TRIMBLE

Arkansas Bar ID No. 91078

CPC Docket No. 2004-056

**CONSENT FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information from the complaint of Christopher Culpepper. The information related to the representation of Charles Foote, Jr., by Don Trimble, Attorney at Law, (“Trimble”herein) in a personal injury matter.

Respondent represented Charles Foote, Sr. in a personal injury matter resulting from an automobile accident in 2000. Respondent also represented Charles Foote, Jr., in a separate personal injury accident also occurring in 2000. Both Charles Foote, Sr., and Charles Foote, Jr., were treated by Christopher Culpepper (“Culpepper” herein), a chiropractor, doing business as Liberty Chiropractic Clinic in Little Rock, Arkansas.

Charles Foote, Jr., informed Culpepper that was he was represented by Trimble. Culpepper provided Foote, Jr., with a Notice of Doctor’s Lien to protect Culpepper’s costs incurred in providing treatment to Foote. Foote, Jr., signed the document on June 6, 2000. The document was thereafter forwarded to Trimble. Trimble signed the Notice on or about July 11, 2000 and faxed the signed document to Culpepper.

In August 2000, Culpepper sent Trimble a packet of information concerning the services rendered. The statement submitted to Trimble totaled \$1,580.00. Culpepper waited for a response from Trimble concerning the settlement. No response was received. Calls were made to Trimble’s office but it was Trimble’s belief that the calls concerned Charles Foote, Sr.’s matter which had been paid.

In October 2002, an employee of Liberty Chiropractic Clinic called Foote’s insurance carrier and learned that Foote’s claim had been settled in September, 2000. According to the insurance carrier, Trimble proposed a settlement on behalf of Foote, Jr. A letter from Trimble to the insurance carrier included references to a medical bill in the amount of \$1,580 due Culpepper and Liberty Chiropractic. The insurance carrier agreed

to the proposal and a check in the amount of \$4,000 was sent to Trimble and Foote, Jr. The check was endorsed by Trimble and his client.

Trimble stated that he received a certified letter from Culpepper's office in 2003. Trimble looked at the file and discovered that he had failed to pay the medical bill for Charles Foote, Jr. On December 31, 2003, a check in the amount of \$1,580.00 was thereafter sent to Culpepper.

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 Respondent Don Trimble violated Model Rule 1.15(b) when, upon receipt of settlement proceeds in September 2000 from the matter involving Charles Foote, Jr., he failed until December 2003 to deliver funds to Christopher Culpepper, who had a recognized claim in the settlement proceeds of Charles Foote, Jr. Model Rule 1.15(b) requires, in pertinent part, that upon receiving funds in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. A lawyer shall promptly deliver to the client or third person any funds that the client or third person is entitled to receive.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that DON TRIMBLE, Arkansas Bar ID No. 91078, be, and hereby is, CAUTIONED for his conduct in this matter and is assessed costs in the amount of FIFTY (\$50.00) DOLLARS. The 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 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 D. Hodge, Chair, Panel A

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