

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

IN RE: CARL W. HOPKINS, Respondent
Arkansas Bar ID#94215
CPC Docket No. 2010-069

FILED

FEB 21 2011

**LESLIE W. STEEN
CLERK**

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 Carolene Ramer in an Affidavit dated August 20, 2010. The information related to the representation of Ms. Ramer by Respondent beginning during October 2007.

On August 27, 2010, Respondent was served with a formal complaint, supported by affidavit from Carolene Ramer. A 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 August 2007, Carolene Ramer contacted Carl Hopkins, an attorney then practicing in Fort Smith, to pursue a bankruptcy for her. Ms. Ramer was never able to meet with Mr. Hopkins but she did sign a fee contract with his office for the representation. She received all the information she needed to begin the bankruptcy process. Based on the information provided by Mr. Hopkins and his law office staff, Ms. Ramer completed her credit counseling in August 2007. She then delivered to Mr. Hopkins the papers from the counseling and payment of the \$699 requested by him. However, Mr. Hopkins was not at the Fort Smith office where she initially went to hire him and his law firm to represent her. He had relocated to Alma, so she took the documents and \$699 to that office. Mr. Hopkins cashed Ms. Ramer's check within two days of the date of the check. The check was not placed in his

IOLTA trust account, although it consisted of fees to be earned in the future and costs for the filing fee for a Chapter 7 bankruptcy case to be filed. The monthly summary statement attached to the formal disciplinary complaint demonstrated that not only were the funds not placed in the trust account but an amount to refund such funds if not earned or expended was not present in the trust account at any time during October 2007 when delivered to Mr. Hopkins by Ms. Ramer.

Mr. Hopkins relocated his offices again in March 2008, but Ms. Ramer was not informed of this move. Mr. Hopkins did not return her telephone calls, nor did he ever file her bankruptcy petition.

Ms. Ramer has explained that Mr. Hopkins was not being truthful when he asserted that she wished to have her bankruptcy proceeding put on hold so she could try and pay credit card debts. The credit card debts were a major reason she wanted to file the bankruptcy.

Ms. Ramer also advised that she never had an hour-long bankruptcy signing with Mr. Hopkins. She questioned that if that were so, why he did not provide her copies of the papers she allegedly signed. She also denied that she was advised at any point her file needed to be updated.

Mr. Hopkins did return Ms. Ramer's \$299 filing fee in March 2009. He only did so after two contacts from the Office of Professional Conduct.

Upon consideration of the formal complaint and attached exhibit materials, the consent proposal, other matters before it, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Hopkins' conduct violated Rule 1.3, when he did not take action to file a bankruptcy proceeding for Ms. Ramer at any time after being hired and paid to do so on October 1, 2007, and when Mr. Hopkins did not prepare the pleadings necessary to pursue a bankruptcy

proceeding on behalf of Ms. Ramer after being hired and paid in October 2007 to do so. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

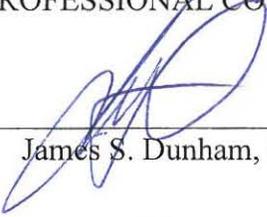
2. That Mr. Hopkins' conduct violated Rule 1.15(a)(1) because upon receipt of the \$699 retainer from Ms. Ramer, which was for services to be rendered in the future and also costs and expenses associated with the representation, Mr. Hopkins failed to place the funds in his IOLTA trust account. Ms. Ramer's funds were not kept separate in a trust account. Rule 1.15(a)(1) requires that a lawyer 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.

3. That Mr. Hopkins' conduct violated Rule 1.15(b)(2) because he failed to deposit the \$699 advanced payment of fee and costs made to him by Ms. Ramer in October 2007, in his IOLTA trust account. Rule 1.15(b)(2) requires that a lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that CARL W. HOPKINS, Arkansas Bar ID# 94215, be, and hereby is, CAUTIONED for his conduct in this matter. In addition, Mr. Hopkins is assessed the costs of this proceeding in the amount of \$50, pursuant to Section 18.A. of the Procedures. Mr. Hopkins is also ordered to pay a fine in the amount of \$150, in accordance with Section 18.B. Finally, Mr. Hopkins is ordered to make restitution for the benefit of Ms. Ramer in the amount of \$400 pursuant to Section 18.C. The fine, restitution, and costs assessed herein, totaling \$600, 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 B

By:  _____

James S. Dunham, Chair, Panel B

Date: 2-18-2011 _____

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