

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: TIMOTHY MARK HALL

ARKANSAS BAR ID #96043

CPC DOCKET NO. 2001-066

FINDINGS AND ORDER

The formal charges of misconduct upon which this Order is premised arose from the complaint of Marion Wood. Mr. Wood was represented in his divorce proceeding by Timothy Mark Hall, an attorney practicing primarily in Huntsville. On September 7, 1999, an Order was entered in the divorce proceeding, Marion C. Wood v. Sharon E. Wood, E-99-52. In the Order, Honorable John Lineberger explained how the distribution of funds from the sale of the marital home was to be made. Pursuant to the Order, Mr. Hall was to receive \$1500 as an attorney's fee and was to be repaid the \$100 filing fee. Mr. Wood was to receive \$7,366.16 from the proceeds. The Order required the Clerk's office to submit the check to the Hall Law Firm. During September 1999, Mr. Hall sent Mr. Wood a check in the amount of \$2,866.16, with a remaining balance of \$4,500 still to be paid. Mr. Wood has requested those remaining funds on numerous occasions but Mr. Hall has not sent the funds nor responded to the requests. On November 21, 2000, Mr. Wood sent Mr. Hall a certified letter requesting a statement demonstrating where the funds were. Mr. Hall did not respond. Mr. Wood eventually hired another attorney, James Pierce, to assist him with the recovery of the funds. Mr. Hall has not responded to Mr. Pierce's demands for the funds either.

Mr. Wood had additional litigation pending but terminated Mr. Hall's representation of him. Mr. Hall took no action to withdraw from the cases despite being terminated. Further, Mr. Hall did not return any papers or property to Mr. Wood once his representation of Mr. Wood was terminated.

Mr. Hall was served with the formal complaint, pursuant to Section 5E, Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (Procedures), on August 10, 2001. Mr. Hall failed to respond to the formal complaint. His failure to respond timely to the formal complaint constitutes admission of the factual allegations contained therein pursuant to Section 5I(4) of the Procedures.

Upon consideration of the formal complaint and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Hall's conduct violated Model Rule 1.4(a) since despite numerous requests for information about the money he received on Mr. Wood's behalf, he failed to respond to the requests. 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.
2. That Mr. Hall's conduct violated Model Rule 1.15(b), because after receiving the \$7,366.16, which belonged to Mr. Wood, he only submitted to Mr. Wood \$2,866.16, leaving a balance of \$4,500.00 not promptly delivered to Mr. Wood and although Mr. Wood asked him to provide a complete accounting of the \$4,500, Mr. Hall has not done so. Model Rule 1.15(b) requires, in pertinent part, that upon receiving funds in which a client has an interest, a lawyer shall promptly deliver to the client any funds that the client is entitled to receive, and, upon request by the client, shall render a full accounting regarding such property.
3. That Mr. Hall's conduct violated Model Rule 1.16(d) because since being terminated by Mr. Wood, he has failed to surrender any papers and property to which Mr. Wood is entitled and because Mr. Wood has not been sent any amount of fee that Mr. Hall had which was not earned by him. Model Rule 1.16(d) requires, in pertinent part, upon termination of representation, that a lawyer take steps to the extent reasonably practicable to protect a client's interests, such as surrendering papers and property to which the client is entitled and 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 that TIMOTHY MARK HALL, Arkansas Bar ID #96043, be, and hereby is, SUSPENDED from the practice of law for a period of SIX (6) MONTHS for his conduct in this matter. The suspension shall become effective as of the date of the filing of this Order. For his failure to timely respond to the formal complaint, Mr. Hall is fined the sum of \$500.00, pursuant to Section 5I(1) and 8A(2) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. Said fine to be paid within thirty (30) days of the filing of this Order with the Arkansas Supreme Court Clerk.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT

By:

Bart Virden

Chairman

Date:

