

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

IN RE: Robert R. Cortinez, Sr., Respondent

Arkansas Bar ID# 73022

CPC Docket No. 2001-058

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee through the affidavit of Carolyn Russell. The information related to the representation of Mrs. Russell by Respondent from July 2000 through May 2001.

The information contained in the formal disciplinary complaint revealed that Carolyn Russell is married to Mr. George Russell who was hospitalized after suffering a stroke. Mrs. Russell stated that in the beginning of July 2000, Mr. Russell's doctor was frustrating Mrs. Russell's attempts to get her husband released from the hospital. On July 10, 2000, Mrs. Russell contacted Robert R. Cortinez, an attorney primarily practicing in Pine Bluff and Little Rock, on the phone about getting her husband released and she met with Mr. Cortinez that same day and retained him to acquire the release from Jefferson Regional Medical Center in Pine Bluff. Mrs. Russell paid Mr. Cortinez a \$750 retainer that day. Mrs. Russell further stated that after two weeks her husband was still in the hospital and when she contacted Mr. Cortinez he asked for an additional \$5,000. Mr. Russell was actually released from the medical center of Jefferson Regional to the transitional living center following payment of the \$750 fee and before the request for the additional \$5000 fee. Mrs. Russell paid Mr. Cortinez the \$5,000 on July 28, 2000, and Mr. Russell was released from the hospital on July 30, 2000. Mr. Cortinez was unable to provide a fee contract or written fee agreement for either amount paid by Mrs. Russell.

In testimony before Panel C of the Committee, Mr. Cortinez admitted that he did not suggest to Mrs. Russell that she and her husband speak with the patient advocate at the hospital. He did not do so at any stage of his representation of Mrs. Russell. He also acknowledged that he had never heard of anyone hiring a lawyer for assistance in obtaining the release of a spouse from the hospital.

Mr. Cortinez alleged that he spent numerous hours talking with Mrs. Russell and the individual hired to be in the home to assist with Mr. Russell following Mr. Russell's release from the hospital. Many of these conversations, according to Mr. Cortinez, took place as a result of Mrs. Russell's dissatisfaction with the treatment she experienced while Mr. Russell was a patient at the transitional living center of Jefferson Regional Medical Center. Through deposition testimony received by the Committee, Mrs. Russell denied that there were a great number of conversations with Mr. Cortinez. Further, she denied that Mr. Cortinez performed as many services as he claimed.

Finally, in response to direct questions by Panel members, Mr. Cortinez acknowledged that he did not know if he actually caused, or assisted in, Mr. Russell's release from the hospital. Mr. Russell's release may have just been a matter of course through hospital policy.

On June 6, 2001, Respondent was served with the formal complaint, supported by an affidavit from Carolyn Russell. Mr. Cortinez filed his response to the formal complaint on June 15, 2001. Following notification of the initial ballot vote of Panel A of the Committee, Mr. Cortinez made a timely request for a de novo hearing. The de novo hearing was conducted before Panel C on Friday, February 22, 2002.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, the evidence presented in the course of the de novo hearing, other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel C of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Cortinez's conduct violated Rule 1.5(a), when he charged Mrs. Russell \$5,750 to obtain the release of her husband from the hospital. The fee was unreasonable in light of the amount of work performed. Model Rule 1.5(a) requires, in pertinent part, that a lawyer's fee be reasonable.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel C, that Robert R. Cortinez, Sr., Arkansas Bar ID# 73022, be, and hereby is, CAUTIONED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT - PANEL C

By: \_\_\_\_\_

The Honorable David Newborn, Chair, Panel C

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