

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: WILLIAM RANDALL MATTHEW STONE, Respondent
Arkansas Bar ID#2001143
CPC Docket No. 2006-076

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 Darleen Artos on June 1, 2006. The information related to Respondent's preparation of estate documents for Mrs. Artos and her husband.

On August 7, 2006, Respondent was served with a formal complaint, supported by affidavit from Darleen Artos. 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 November 2004, Mrs. Artos participated in the annual auction for the Mountain Home Lion's Club. One of the items up for bid during the auction was an estate plan package provided by William Randall Matthew Stone, an attorney practicing primarily in Mountain Home. The auction was conducted and Mrs. Artos placed the winning bid for the estate plan package.

Mrs. Artos began to call Mr. Stone's office shortly thereafter to schedule a meeting to provide the information so all the documents could be prepared. During March or April 2005, Mr. Stone's secretary finally returned the telephone calls. Up to that point, Mr. and Mrs. Artos had always gotten the Answering Machine when calling the office. The secretary set up an appointment for Mr. and Mrs. Artos and they met with Mr. Stone to discuss the matter. During the meeting with Mr. Stone, Mr. and Mrs. Artos brought all relevant information to him including their Wills. At the conclusion of the meeting, Mr. Stone advised that he believed he had everything he needed. Mr. Stone informed Mr. and Mrs. Artos that he would be back in touch with them in about two (2) weeks. Mrs. Artos waited a month and then began to call again. When no telephone calls were returned, Mr. Artos stopped by Mr. Stone's office. The secretary apologized and explained that Mr. Stone had

been very busy in court. A few months later, Mr. and Mrs. Artos went by Mr. Stone's office and explained that they were going to be doing a lot of traveling and wanted all of their affairs in order before they left. Again, the secretary promised that she would do whatever she could to assist them. Nothing was done. They received no documents nor any communication from Mr. Stone.

In November 2005, Mr. Artos was diagnosed with lung cancer and scheduled for surgery the first of December. Mrs. Artos called, left a message explaining the situation and begged that the documentation please be completed. No one returned the telephone call.

In February 2006, Mrs. Artos contacted the Lion's Club to request assistance in dealing with Mr. Stone. Jerry Strobel, the Club President, apologized and advised that he would see what he could do. Even after Mr. Strobel contacted Mr. Stone's office, no documents were prepared.

Finally by the end of April 2006, Mrs. Artos left a message on Mr. Stone's answering machine that he had until May 8, 2006 to complete the paperwork or she would contact the Office of Professional Conduct. Once again, no one returned her telephone call. On May 5th, Mrs. Artos called and left a reminder about the matter. Mr. Stone called back and apologized. He promised to work on the documents over the weekend and have it ready on Monday or Tuesday at the latest. As of the date of her Affidavit, July 14, 2006, Mrs. Artos had not received any documents from him nor any further communication.

During August 2006, Mr. Stone met with Mr. and Mrs. Artos to complete the estate plan paperwork. He presented Mrs. Artos with the money she had paid at the auction for the preparation of the documents. He voluntarily did so. Mrs. Artos did not request the funds from him. In addition, Mr. Stone presented a document for Mrs. Artos to sign which stated that she had received her documents and was satisfied. Further, she wished no additional action to be taken against Mr. Stone. Mrs. Artos did not receive the documents at that time. She signed the document believing she would receive the estate plan immediately thereafter. Mrs. Artos did not receive the properly executed estate plan until October 2006, 23 months after Mr. Stone offered them for auction.

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 B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Stone's conduct violated Rule 1.3 because he failed to promptly prepare the estate plan documents he offered for preparation after meeting with Mrs. Artos and her husband and obtaining the information necessary to prepare the documentation. Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.
2. That Mr. Stone's conduct violated Rule 1.4(a)(3) because since Mr. and Mrs. Artos met with him to provide the information for the preparation of the estate plan documents, he failed to communicate with either or them or to advise if he had taken action on their behalf. Rule 1.4(a)(3) requires that a lawyer keep the client reasonably informed about the status of the matter.
3. That Mr. Stone's conduct violated Rule 1.4(a)(4) because after he agreed to prepare the estate plan documents, pursuant to the services he donated to the Mountain Home Lion's Club, he failed to return the messages left for him concerning the documents by Mrs. Artos. Rule 1.4(a)(4) requires that a lawyer promptly comply with reasonable requests for information.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **WILLIAM RANDALL MATTHEW STONE**, Arkansas Bar ID# 2001143, be, and hereby is, **CAUTIONED** for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Mr. Stone is assessed the costs of this proceeding in the amount of \$100. 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 B

By: _____

Harry Truman Moore, Chair, Panel B

Date: _____

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