

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

IN RE: **NORMAN DAVID ANGELERI**  
Arkansas Bar ID # 2002040  
CPC Docket No. 2006-043

**CONSENT FINDINGS & ORDER**

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Norman David Angeleri of Conway, Faulkner County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by United States Bankruptcy Chief Judge Audrey Evans in April 2006.

As a fairly newly-licensed (2004) and inexperienced attorney, Mr. Angeleri accepted employment in 150 new bankruptcy cases in a two week period prior to October 17, 2005, including approximately 107 new cases the weekend before October 17, 2005, all to be filed before the new bankruptcy law went into effect on October 17, 2005. He did not have staff sufficient to properly handle the intake, preparation, and filing of these cases, or the proper and timely maintenance of these cases after filing. As a result, major problems occurred in many of his new cases. The bankruptcy clerk's office and the trustee's office were required to spend much time and effort trying to help him get his cases properly filed, often without success. Several of his clients had their cases dismissed due to problems he caused. Several almost lost their right to seek protection under the bankruptcy law and to obtain a discharge of eligible debts.

Judge Evans determined it was necessary to conduct a hearing on February 6, 2006, to review the status of and problems in eight (8) of Mr. Angeleri's many pending cases. Narratives describing deficiencies for each of these eight cases are in the hearing transcript included in the

Complaint. Judge Evans found that Mr. Angeleri violated Bankruptcy Rule 1006(b) by accepting payment of attorney's fees from clients prior to paying the filing fees and by making false statements in his petition filings as to whether he had accepted payment for services at the time. As a result of her examination of these cases, Judge Evans ordered Mr. Angeleri to disgorge to the Chapter 7 trustees all legal fees paid to him in these eight cases.

Mr. Angeleri responded to this complaint, and others arising from similar circumstances, that he accepted full responsibility for his actions and the results, that he was experiencing personal health problems during this time, that he was unaware at the time of his filing of the many bankruptcy petitions that the first funds he received from a client had to be applied to the bankruptcy filing fees, and that he had made restitution as ordered to his affected clients.

Following Respondent Angeleri's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds on February 16, 2007:

A. Mr. Angeleri's conduct violated Rule 1.1, in that during October 2005 Mr. Angeleri accepted far more new bankruptcy clients and cases to be filed prior to October 17, 2005, than he had either staff or the personal ability to properly and thoroughly intake, prepare, and file. Arkansas Rule 1.1 requires that a lawyer shall provide competent representation to a

client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

B. Mr. Angeleri's conduct violated Rule 3.2 in that Judge Evans found his actions, or failure to act, caused substantial delay in the progress of his bankruptcy client cases that were considered by her in her hearing. She found the average time from filing to granting of a discharge of all cases filed just before October 17, 2005, was about ninety (90) days. In Mr. Angeleri's eight cases she considered, the discharge date was from 116 - 230 days after filing. Arkansas Rule 3.2 requires that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

C. Mr. Angeleri's conduct violated Rule 3.4(c) in that Bankruptcy Rule 1006(b) requires that an attorney not accept legal fees from a new bankruptcy client before paying the filing fee. In six of these eight cases, Mr. Angeleri filed documents in the case indicating he received fees prior to payment of the filing fee. Arkansas Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

D. Mr. Angeleri's conduct violated Rule 8.4(c) in that in each of these eight cases he filed an *Application to Pay Filing Fee in Installments* with each respective debtor's electronic signature, as well as his own signature, which included the statement: "I further certify that I have not paid any money or transferred any property to an attorney for services in connection with this case and that I will neither make any payment nor transfer any property for services in connection with this case until the filing fee is paid in full." These signed applications are in direct conflict with the Attorney Disclosures of Compensation he filed and are also in conflict with his hearing

testimony that he always took at least \$175 to start the paperwork for a client who was considering filing bankruptcy. He placed debtor's signatures, as well as his own, on documents which Mr. Angeleri knew contained false statements. Arkansas Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

E. Mr. Angeleri's conduct violated Rule 8.4(d) in that his inability or unwillingness to timely and properly correct material deficiencies either made known to him by court personnel, or that should have reasonably been known to him, caused the Bankruptcy Court and the Court staff, clerk, and trustees to have to devote unnecessary additional time and resources to correcting these problems in cases that he filed for Mary Bost (No. 05-bk-28537), Lisa Ellis (No. 05-bk-28569), Danielle Freeman (No. 05-bk-28274), Lindsey Hambrick (No. 05-bk-28500), Kristen Hardcastle (No. 05-bk-28229), Karry Dean and Deanna Carol Kelly (No. 05-bk-28435), Myreon Slater (05-bk-28451), and Janice Tittle (No. 05-bk-18863). Arkansas Rule 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Angeleri and the Executive Director, it is the decision and order of Panel B of the Arkansas Supreme Court Committee on Professional Conduct that the Arkansas law license of Respondent **NORMAN DAVID ANGELERI**, Arkansas Bar No. 2002040, be, and hereby is, **SUSPENDED FOR TWELVE (12) MONTHS** for his conduct in this matter, and he is ordered to pay \$50.00 Committee case costs. This license suspension shall run concurrently with any other license suspensions imposed by the Committee at this time as part of these several approved disciplines

by consent. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court, which shall be on April 2, 2007.

As additional conditions upon Respondent in any petition for reinstatement, he shall present proof satisfactory to the Panel that he does not then suffer from any mental, physical or emotional condition or defect which will prevent him from performing his duties as an attorney.

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 \_\_\_\_\_  
Henry Hodges, Chairperson, Panel B

Date \_\_\_\_\_