

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

IN RE: **NORMAN DAVID ANGELERI**
Arkansas Bar ID # 2002040
CPC Docket No. 2006-065

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 Judge James Mixon and supplemented by information from Lisa Binns of Little Rock.

Lisa Binns hired Mr. Angeleri on or about October 13, 2005, to file a Chapter 7 bankruptcy petition for her. By check she had paid him a total of \$559.00 by October 14, 2005, included \$209 for her filing fee and \$350 for his attorney's fee. He filed her Chapter 7 petition on October 16, 2005, and filed for her an Application to Pay Filing Fee in Installments, falsely stating she was presently unable to pay the \$209 filing fee, although she had paid him the full filing fee several days earlier. Even after a notice of non-payment to Mr. Angeleri by the Clerk, he failed to pay her filing fee by the time of her first meeting of creditors on November 28, 2005, resulting in the dismissal of her case that date for failure to pay the filing fee. On December 9, 2005, he filed a motion to reinstate her case and paid her \$209 filing fee by December 12, 2005. Her case was reinstated and on March 16, 2006, an Order was entered granting Ms. Binns her Chapter 7 discharge in bankruptcy. She thereafter wrote Judge Mixon about her case, causing him to file an Order April 12, 2006, to reopen her case, when questions were raised about Mr.

Angeleri's conduct in representing Ms. Binns. A hearing was conducted April 21, 2006, at which Ms. Binns and Mr. Angeleri testified. Judge Mixon's Order from the hearing addressed Mr. Angeleri's conduct, including finding that he made a false statement to the Court in filings in the *Binns* case with regard to the payment status of her filing fee. His testimony at the April 21, 2006, hearing indicated he did not use proper trust accounting procedures for his attorney trust account, having no documentation by which he could track payments made by specific clients that were deposited into his trust account, and no ledger sheets, or equivalent documentation, by which he could accurately determine the status of any individual client's funds held in his trust account.

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 on February 16, 2007, finds:

A. Mr. Angeleri's conduct violated Rule 1.15(a)(4) in that he did not maintain records of his client trust account in accordance with generally accepted accounting practice so that he could readily trace payments made by clients to him and related deposits of individual client funds into his trust account. Mr. Angeleri did not maintain records of his client trust account in accordance with generally accepted accounting practice, by failing to set up and maintain

individual client ledger accounts, so that he could readily determine the status of any client's funds held by him in trust. Arkansas Rule 1.15(a)(4) requires that a lawyer shall maintain on a current basis books and records in accordance with generally accepted accounting practice and comply with any record keeping rules established by law, rule, or court order.

B. Mr. Angeleri's conduct violated Rule 3.3(a)(1) in that in his case filings for Lisa Binns on October 16, 2005, he falsely stated to the Court that she was presently unable to pay her bankruptcy filing fee of \$209, and needed permission to pay it in installments by November 4, 2005, when in fact she had paid him the full \$209 by October 14, 2005. After filing the false statement on October 16, 2005, that Lisa Binns was presently unable to pay her filing fee of \$209, and being reminded by the Court Order filed October 16, 2005, approving payment of the filing fee in installments, Item No. 4 on the case docket, that his client could pay no money for services in connection with her case, which included any legal fee to him, and knowing he had already collected his full \$350 fee and a filing fee of \$209 from the client, Mr. Angeleri failed to correct his previous false statement of material fact to the Court. Arkansas Rule 3.3(a) requires that a lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal, or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

C. Mr. Angeleri's conduct violated Rule 8.4(c) in that he engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in his case filings for Lisa Binns when, on October 16, 2005, he falsely stated to the Court that she was unable to pay her bankruptcy filing fee of \$209, and needed permission to pay it in installments by November 4, 2005, when in fact she had paid him the full \$209 for her filing fee by October 14, 2005. Mr. Angeleri engaged in conduct involving dishonesty, fraud, deceit or misrepresentation when, after filing the false statement on

October 16, 2005, that Lisa Binns was unable to pay her filing fee of \$209, and being reminded by the Court Order filed October 16, 2005, approving payment of the filing fee in installments, Item No. 4 on the case docket, that his client could pay no money for services in connection with her case, which included any legal fee to him , and knowing he had already collected his \$350 fee and her full filing fee of \$209 from the client, he failed to correct his previous false statement of material fact to the Court. Arkansas Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

D. Mr. Angeleri's conduct violated Rule 8.4(d) in that his action in failing to timely pay Ms. Binns' filing fee on her bankruptcy petition resulted in her case being dismissed and having to be reinstated by motion and order, causing additional and unnecessary use of court time and resources. Mr. Angeleri's action in making a false statement on Ms. Binn's bankruptcy petition as to the status of payment of her filing fee caused the Court to have to expend unnecessary extra time and resources conducting a hearing April 21, 2006, on the matter and the "show cause" order that was issued to Mr. Angeleri as a result. 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 SIX (6) 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 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 _____