

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

IN RE: **NORMAN DAVID ANGELERI**  
Arkansas Bar ID # 2002040  
CPC Docket No. 2006-066

**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 in May 2006, and thereafter supplemented by Dionne Ersery of Hot Springs.

Dionne Ersery hired Mr. Angeleri on or about September 15, 2005, to file a Chapter 7 bankruptcy petition for her. By check she paid him a total of \$559.00 on September 15, 2005, which included \$209 for her filing fee and \$350 for his attorney's fee, per his Attorney Fee Agreement with her of that date. On October 16, 2005, he filed her Chapter 7 petition, which did not contain her signature on the petition, as required by Bankruptcy law and regulation. Mr. Angeleri has not produced an original petition signed by her from his file. On October 16, 2005, he filed for her a Statement Pursuant to Rule 2016(B), stating he had received \$350 from her as his legal fee, but nothing on her filing fee. The statement about having received nothing from her on the \$209 filing fee was a knowing, false statement by Mr. Angeleri, as he had received the \$209 for the filing fee in her check on September 15, 2005.

Even after a notice of non-payment to him by the Clerk in the Order Regarding Deficiencies dated October 20, 2005, Mr. Angeleri failed to pay her filing fee, resulting in the

dismissal of her case by Order on December 12, 2005. On December 22, 2005, Mr. Angeleri filed a motion to reinstate her case, claiming her filing fee was by then paid. Her motion to reinstate was to be heard on February 7, 2006, but Mr. Angeleri and she failed to appear and the Court denied the motion. A letter from Ms. Ersery was received by Judge Mixon on February 24, 2006, outlining problems she had with Mr. Angeleri and her case, and informing him of her payment history with Mr. Angeleri. On February 28, 2006, her new counsel, the Dickerson Law Firm, filed a motion to reinstate her case and a motion for Mr. Angeleri to disgorge attorney's fees. At a hearing conducted on April 12, 2006, at which Ms. Ersery testified, resulted in the entry of two Orders. On April 18, 2006, an Order was entered granting Ms. Ersery her Chapter 7 discharge in bankruptcy. By Order entered April 17, 2006, Mr. Angeleri was ordered to paid Ms. Ersery a total of \$1,200 in various fees, which he did by two checks issued to her in April 2006.

Judge Mixon then conducted another hearing on May 8, 2006, at which Mr. Angeleri testified about the *Ersery* matter. Mr. Angeleri made false statements to the Court in filings in the *Ersery* case with regard to the payment status of her filing fee. Mr. Angeleri's testimony at the May 8, 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 having 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. He 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 Dionne Ersery 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 Mr. Angeleri the full \$209 on September 15, 2005. After filing the false statement on October 16, 2005, that Dionne Ersery was presently unable to pay her filing fee of \$209, and being reminded by the Court's Order Regarding Deficiencies filed October 20, 2005, approving payment of the filing fee in installments, Item No. 6 on the case docket, that Mr. Angeleri's 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 legal fee and a filing fee of \$209 from the client, he 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 Dionne Ersery 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 the time of her first meeting of creditors (the 341(a) meeting), when in fact she had paid him the full \$209 for her filing fee on September 15, 2005. Mr. Angeleri engaged in conduct involving dishonesty, fraud, deceit or misrepresentation when, after filing the false statement on October 16, 2005, that Dionne Ersery was unable to pay her filing fee of \$209, and being reminded by the Court Order filed October 20, 2005, approving payment of the filing fee in installments, Item No. 6 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. Ersery's 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. Ersery'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 hearings on April 12 and May 8, 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 \_\_\_\_\_