

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

IN RE: **NORMAN DAVID ANGELERI**
Arkansas Bar ID #2002040
CPC Docket No. 2006-123

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 in November 2004 by Tommy Bates of Mansfield, Arkansas.

Mr. Angeleri was a fairly newly-licensed attorney when Tommy Bates employed him in August 2004 to represent Bates in a personal injury claim. Mr. Angeleri settled Mr. Bates' claim in November 2004 for \$7,250.00. Mr. Bates did not recall seeing or receiving a settlement sheet or accounting from Mr. Angeleri at the time, when he received his "net share" \$1,271.50 check from Mr. Angeleri, a check that did not appear to be on Mr. Angeleri's trust account. Medical bills from the collision did not get paid by Mr. Angeleri, as Mr. Bates thought was to happen. Mr. Bates consulted with another attorney and then filed a complaint against Mr. Angeleri in late November 2004. Mr. Bates was informed Mr. Angeleri's Arkansas law license was not in "good standing." Mr. Angeleri's 2004 Arkansas law license fee, due March 1, 2004, was not paid until January 27, 2005. Since his Arkansas law license was therefore automatically administratively suspended on March 2, 2004, for non-payment, Mr. Angeleri's actions for Mr. Bates in 2004 constituted the unauthorized practice of law at the time.

Mr. Angeleri issued three checks to pay Mr. Bates's bills. They were trust account check #1121 dated 1-31-05 for \$100.00 to Ft. Smith EMS, undated law firm check #1005 for \$692.50 to

Ft. Smith EMS, and undated law firm check #1006 for \$62.00 to Radiology Svcs, P.A. The identical account number on all three checks indicated they were on Mr. Angeleri's trust account, although #1005 and #1006 do not indicate on the face of each check that they are drawn on a clearly-identifiable trust account, as required by AR Model Rule 1.15(a).

After being contacted by letter dated January 18, 2006, by the Office of Professional Conduct, Mr. Angeleri responded with a Memo dated February 15, 2006, in which he offered an explanation for the events in the Bates matter. Mr. Angeleri's explanation included the statement that "the \$697 is in the trust account awaiting word from Mr. Bates as to whom it should be issued to." On April 28, 2006, Mr. Angeleri faxed the Office of Professional Conduct a Bates settlement sheet Mr. Angeleri had prepared at some date. The sheet shows \$697 due to "Sterling Insurance."

After further communication involving Mr. Bates, the Office of Professional Conduct, and Mr. Angeleri, Mr. Angeleri determined that he should send Mr. Bates a \$697 check to clear up the settlement money issue. His check #1086 to Mr. Bates dated June 14, 2006, for the \$697, on what appears to not be any trust account, was deposited twice by Mr. Bates and dishonored for insufficient funds both times. On October 5, 2006, Mr. Bates finally received the last \$697 which Mr. Angeleri admitted should have been in his trust account and have been distributed earlier to either Mr. Bates or one of his third party providers.

Following Respondent Angeleri's receipt of the formal complaint, he 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 Model Rule 1.1 in that he failed to be sufficiently thorough and prepared in his dealings with Tommy Bates to properly distribute all settlement proceeds Mr. Angeleri received in his matter. Model 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 Model Rule 1.3 in that he settled Tommy Bates's matter in November 2004, yet as late as September 2006, Mr. Angeleri still had not completed distribution of all settlement proceeds received on the Bates matter. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. Mr. Angeleri's conduct violated Model Rule 1.15(a) in that he wrote Tommy Bates his \$1,271.50 net settlement check (no number) on November 17, 2004, from an account that was not an identifiable trust account, indicating Mr. Angeleri had placed client funds in an account other than a trust account. Mr. Angeleri wrote Tommy Bates his \$697.00 final settlement check (#1086) on June 14, 2006, from an account that was not an identifiable trust account, indicating Mr. Angeleri had placed client funds in an account other than a trust account, or had insufficient funds in Mr. Angeleri's actual trust account to pay Bates the \$697.00 Mr. Angeleri stated he owed Bates at the time. Model Rule 1.15(a) requires that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds of a client shall be deposited and maintained in one or more identifiable trust

accounts in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person.

F. Mr. Angeleri's conduct violated Model Rule 1.15(b) in that he failed to promptly deliver to Tommy Bates \$697.00 Mr. Angeleri received as part of Bates's settlement in November 2004. Mr. Angeleri failed to provide Tommy Bates a full accounting of the settlement funds Mr. Angeleri received in November 2004 in the Bates matter. Model Rule 1.15(b) requires that upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

F. Mr. Angeleri's conduct violated Model Rule 3.4(c) in that he failed to pay his 2004 Arkansas law license fee by March 1, 2004, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar. Model 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.

G. Mr. Angeleri's conduct violated Model Rule 5.5(a) in that he practiced law in the Tommy Bates matter in 2004 at a time when Mr. Angeleri's Arkansas law license was suspended for failure to pay his 2004 law license fee. Model Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

H. Mr. Angeleri's conduct violated Model Rule 8.4(c) in that he engaged in conduct involving dishonesty, fraud, deceit or misrepresentation when he sent Tommy Bates his check #1086

for \$697.00 dated June 14, 2006, representing by such act that it was for good funds that were in Mr. Angeleri's trust account from his 2004 settlement. Mr. Angeleri's check was dishonored and returned unpaid both times Mr. Bates deposited it for collection. Model Rule 8.4(c) requires that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

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 THREE (3) 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 _____