

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

IN RE: **NORMAN DAVID ANGELERI**
Arkansas Bar ID # 2002-040
CPC Docket No. 2006-164

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 Angela Segan of Russellville and United States Bankruptcy Judge James Mixon.

Angela Segan employed Mr. Angeleri on September 3, 2005, to file for her both a divorce in Pope County and a Chapter 7 bankruptcy petition. She paid Mr. Angeleri \$700.00 on that date, \$175 on September 15, and \$175 on October 6, for total payments of legal fees and costs of \$1,050. The total for the divorce was a legal fee of \$350 and estimated costs of about \$140. The total for the bankruptcy was a legal fee of \$350 and a filing fee of \$209.

Mr. Angeleri never filed a divorce action for Ms. Segan. Her estranged husband finally got tired of waiting, and he engaged an attorney and filed the divorce on March 28, 2006, as Pope Circuit No. DR-2006-225. Her husband paid all costs and fees associated with the uncontested divorce, and a decree was filed April 27, 2006.

Mr. Angeleri filed the Chapter 7 petition for Ms. Segan on October 16, 2005, as No. 05-bk-28543. Even though by that date she had paid Mr. Angeleri his full legal fee and the full filing fee, he filed an application to pay her filing fee in installments, in violation of Bankruptcy General Rule 1006(b). The Statement Pursuant to Rule 2016(b) Mr. Angeleri filed for her on

October 16, 2005, falsely stated to the Court that “\$0.00 of the filing fee in this case has been paid.” Mr. Angeleri paid the filing fee on November 20, 2005. Ms. Segan received a discharge on May 2, 2006.

This matter was brought to the attention of the Office of Professional Conduct (OPC) when United States Bankruptcy Judge James Mixon sent OPC the transcript of certain proceedings on April 14, 2006, in the Segan case. The Office of Professional Conduct sent Mr. Angeleri a letter on August 26, 2006, with an October 1, 2006, response due date, asking him about Ms. Segan’s matters. On October 5, 2006, Mr. Angeleri sent Ms. Segan a \$490 refund by money order for the fee and costs of her divorce he did not file. Mr. Angeleri contends that their initial agreement was that he would not file for her divorce until after her bankruptcy was completed.

Following Respondent Attorney’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:

A. Mr. Angeleri’s conduct violated Rule 1.2(a) in that it was an objective of Angela Segan in her employment of Mr. Angeleri in September 2005, that Mr. Angeleri file a divorce action for her, and she paid him in full for this legal service. Mr. Angeleri never filed a divorce action for her. In late March 2006, her husband finally had to obtain and pay for the services of

another attorney to accomplish this objective for the parties. Arkansas Rule 1.2 (a) requires that a lawyer shall abide by a client's decisions concerning the objectives of representation.

B. Mr. Angeleri's conduct violated Rule 1.3 in that in September 2005, Angela Segan employed him to file an uncontested divorce action for her, and she paid him in full for this legal service. Mr. Angeleri never filed a divorce action for her. In late March 2006, her husband finally had to obtain and pay for the services of another attorney to accomplish this objective for the parties. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. Mr. Angeleri's conduct violated Rule 1.16(d) in that upon the end of his representation of Angela Segan, which was not later than May 2, 2006, when she received her discharge in the bankruptcy case he also handled for her, Mr. Angeleri failed to timely refund to her the unearned \$490 representing the fees and costs she paid to him to file a divorce action which he never filed. Another lawyer filed the divorce action for her husband on March 28, 2006, and obtained a decree of divorce on April 27, 2006. Arkansas Rule 1.16(d) requires that, upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.

D. Mr. Angeleri's conduct violated Rule 3.3(a) in that he knowingly filed a false statement with the bankruptcy court in Angela Segan's case, No. 05-bk-28543, on October 16, 2005, when he filed her Application to Pay Filing Fee in Installments, stating thereon (No. 2) "I [Ms. Segan] certify that I am unable to pay the Filing Fee except in installments." She had

already paid Mr. Angeleri the full legal fee and the full filing fee before Mr. Angeleri filed her petition. Mr. Angeleri knowingly filed a false statement with the bankruptcy court in Angela Segan's case on October 16, 2005, when he filed her Application to Pay Filing Fee in Installments, stating thereon (No. 3) "I [Ms. Segan] further certify that 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 or transfer any property for services in connection with this case until the filing fee is paid in full." She had already paid Mr. Angeleri his full legal fee and the full filing fee before Mr. Angeleri filed her petition. Mr. Angeleri knowingly filed a false statement with the bankruptcy court in Angela Segan's case on October 16, 2005, when Mr. Angeleri filed her Statement Pursuant to Rule 2016(b), stating thereon (No. 3) "\$0.00 of the filing fee in this case has been paid." She had already paid him the full legal fee and the full filing fee before Mr. Angeleri filed her petition. Arkansas Rule 3.3(a) requires that a lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal.

E. Mr. Angeleri's conduct violated Rule 8.4(c) in that he engaged in conduct involving dishonesty, fraud, deceit or misrepresentation by his knowing failure to provide correct information, or he knowingly providing false information, to the bankruptcy court in filings he prepared and made for Angela Segan regarding information about her payments, or non-payments, to him, on or before October 16, 2005, of funds for her bankruptcy filing fee. Arkansas Rule 8.4(c) provides that it is professional misconduct for a lawyer to 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 Respondent **NORMAN DAVID ANGELERI**, Arkansas Bar No. 2002040, be, and hereby is, **REPRIMANDED** for his conduct in this matter, and he is ordered to pay \$50.00 Committee case costs. 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 _____