

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

IN RE: RONALD E. BUMPASS, Respondent
Arkansas Bar ID#74020
CPC Docket No. 2011-030

FILED

AUG 19 2011

CONSENT FINDINGS AND ORDER

**LESLIE W. STEEN
CLERK**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Ronald Lay in an Affidavit dated April 2, 2011. The information related to the representation of Mr. Lay by Respondent beginning in August 2007.

On April 15, 2011, Respondent was served with a formal complaint, supported by affidavit from Mr. Lay. A response was filed. The Respondent, through counsel, and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Panel reflected that Ronald Lay was involved in an accident in the Northwest Arkansas airport on June 22, 2007. He had been on his way home to New York when the accident occurred and as a result of the accident was required to delay his return home. He had medical expenses and other travel related expenses because of the additional amount of time required to be in Arkansas.

In August 2007, after returning home, Mr. Lay contacted Ronald Bumpass, an attorney practicing primarily in Fayetteville, Arkansas, to discuss his legal claim and to see if Mr. Bumpass would agree to represent him. Mr. Lay had never met Mr. Bumpass but had obtained his telephone number from a telephone book. Mr. Bumpass agreed to represent Mr. Lay and sent

him a contract and a form for release of information to his home. Mr. Lay signed the documents and returned them to Mr. Bumpass on September 11, 2007.

On September 24, 2007, Mr. Bumpass sent a letter on Mr. Lay's behalf to Brett Barber of TSA providing details of the accident. On October 23, 2007, Mr. Lay completed a claim form and returned it to Mr. Bumpass. Several months later, Mr. Lay sent all medical bills, hotel receipts and other expenses for items he had needed during his extended stay in Arkansas because of the accident. As all of this was taking place, Mr. Lay called Mr. Bumpass several times to ask questions about the claim. Mr. Lay was assured by Mr. Bumpass that Mr. Bumpass was waiting on all medical information and then he would send it to TSA for Mr. Lay.

In the latter part of 2009, Mr. Bumpass contacted Mr. Lay to discuss settlement amounts with him. After the discussion, Mr. Lay was advised to wait and Mr. Bumpass would be in touch as soon as he had a settlement offer to relay. Mr. Lay waited and waited. He heard nothing back from Mr. Bumpass for weeks and even months.

As it became close to the three (3) year anniversary of Mr. Lay's accident, Mr. Lay called Mr. Bumpass to inquire about the status of his claim. Mr. Bumpass explained that he had been very ill and out of the office for an extended period of time. He also assured Mr. Lay that he had sent a "thick" file to Mr. Barber at TSA.

Mr. Lay was not satisfied with the information Mr. Bumpass provided so he began to make telephone calls himself. First, he called the airport and the airport's insurance company. The insurance company had no record of any claim being submitted on Mr. Lay's behalf with regard to the June 2007 accident. Mr. Lay was instructed to call TSA.

Upon contacting TSA, Mr. Lay learned that his claim was denied because Mr. Bumpass

had not submitted the required claim information in a timely fashion. According to the information, Mr. Lay was provided, Mr. Bumpass did not submit the required claim information on Mr. Lay's behalf until a letter dated December 16, 2009, which was apparently received by TSA on December 26, 2009. Mr. Lay also learned that Mr. Bumpass had been sent notification of the denial in February 2010. Mr. Lay was not notified of the denial of the claim by anyone.

After learning this information, Mr. Lay contacted Mr. Bumpass again. Mr. Bumpass asserted that he had sent in the claim application long before then. Finally, Mr. Bumpass advised Mr. Lay that he was going to send in a request for reconsideration to TSA to appeal their decision. The e-mail which sent the request is dated July 28, 2010, more than five months after the denial. Then on September 14, 2010, Mr. Bumpass was mailed notice of the denial of the request for reconsideration. Mr. Lay terminated Mr. Bumpass' representation before Mr. Bumpass could attempt to have the matter reconsidered in United States District Court for Mr. Lay.

Mr. Lay depended on Mr. Bumpass to assist him with his claim in a timely and effective manner. He did not receive that type of representation.

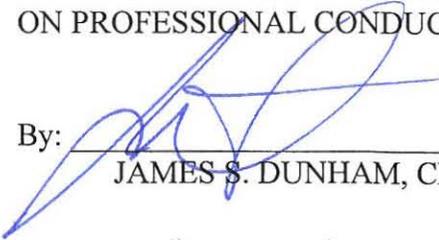
Upon consideration of the formal complaint and attached exhibit materials, the response, the consent proposal, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Mr. Bumpass' conduct violated Rule 1.3, because Mr. Bumpass did not timely submit Mr. Lay's claim to TSA, which caused the denial of Mr. Lay's claim and when Mr. Bumpass did not timely advise Mr. Lay when his claim was first denied by TSA. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. Mr. Bumpass' conduct violated Rule 8.4(d) because his failure to timely and adequately pursue Mr. Lay's claim before TSA caused the claim to be denied for the failure to have it submitted within two (2) years of the date of Mr. Lay's accident, although Mr. Bumpass was hired in ample time to have submitted the claim timely. Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that RONALD E. BUMPASS, Arkansas Bar ID# 74020, be, and hereby is, CAUTIONED for his conduct in this matter. Mr. Bumpass is also assessed the costs of this matter in the amount of \$50 pursuant to Section 18.A. of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law. Mr. Bumpass is also assessed a fine in the amount of \$250 pursuant to Section 18.B of the Procedures. The fine and costs assessed herein, totaling \$300, 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: 
JAMES S. DUNHAM, Chair, Panel B

Date: August 19, 2011

(13.M, Rev.1-1-02)