

**BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

IN RE: **MICHAEL J. KING**, Respondent
Arkansas Bar ID # 88124
CPC Docket No. 2013-065

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Diane Dodd on October 8, 2013. The information related to the representation of Dodd in 2013 by Respondent Michael J. King, an attorney practicing primarily in Hot Springs, Garland County, Arkansas. On January 6, 2014, Respondent was served with a formal complaint, supported by the affidavit of Diane Dodd.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, Panel A of the Arkansas Supreme Court Committee on Professional Conduct makes the following findings of fact:

1. On July 1, 2013, Dodd employed King to represent her in a child support termination matter in Garland County Circuit Court, and paid him his requested full fee of \$1,500.00 by check.

2. Dodd and King went to court for a short hearing on July 15, 2013. Judge Hearnberger directed each party to complete financial disclosure forms and reset the hearing for November 4, 2013.

3. From court on July 15 into late October 2013, Dodd had substantial difficulty contacting King about her case and approaching hearing.

4. As Dodd's hearing approached, she was finally able to contact King's wife by telephone and was assured King was going to represent Dodd at the November 4 hearing.

5. Closer to the hearing, Dodd needed firm confirmation King would be there, or Dodd needed to employ another attorney. Dodd needed her fee money back, or at least a substantial refund from King, to be able to employ a new attorney.

6. Dodd employed Hot Springs attorney Ben Bancroft to represent her at the November 4 hearing and paid him a \$750 retainer. Bancroft entered his appearance for Dodd on October 21, 2013.

7. Shortly before the hearing, Dodd was finally able to contact King. He informed her he was unable to give her any fee refund, even if he wanted to, due to his present financial circumstances.

8. Dodd gave King an opportunity to still represent her. King was asked to call Dodd the next day but did not do so. Dodd proceeded on with Mr. Bancroft.

9. Dodd paid Bancroft a total of \$1,100 for Bancroft to finish her case.

10. Since the November 4 hearing, Dodd has not been contacted by King, nor has King provided her any refund of unearned fee.

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

A. The conduct of Michael J. King violated Rule 1.4(a)(4) in that from July 15 into

October, 2013, King failed to respond to Dodd's many requests of him or his office for information about the status of her legal matter, set for hearing November 4, 2013. Arkansas Rule 1.4(a)(4) requires that a lawyer shall promptly comply with reasonable requests for information.

B. The conduct of Michael J. King violated Rule 1.16(d) in that after being paid his full fee of \$1,500 to represent Dodd in her child support termination matter, and failing to perform for her to conclusion of the matter, King owed Dodd a refund of the unearned portion of the full fee she had paid him, and King failed to make any fee refund, after demand for a refund by Dodd. 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. The lawyer may retain papers relating to the client to the extent permitted by other law.

C. The conduct of Michael J. King violated Rule 8.4(d) in that after being paid his full fee, King abandoned his client Dodd shortly before her hearing on November 4, 2013, forcing her to employ new counsel and expend an additional \$1,100 in legal fees. 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, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **MICHAEL J. KING**, Arkansas Bar ID# 88124, be, and hereby is, **CAUTIONED, ORDERED TO MAKE \$1,000.00 RESTITUTION** to Diane Dodd, and

assessed minimum case costs of \$50.00 for his conduct in this matter. The \$1,000.00 restitution and \$50.00 costs assessed herein, totaling \$1,050.00, shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct with 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 A

By:/s/ Danyelle J. Walker, Chair, Panel A

Date: March 25, 2014

Original filed with the Arkansas Supreme Court Clerk
on April 22, 2014.