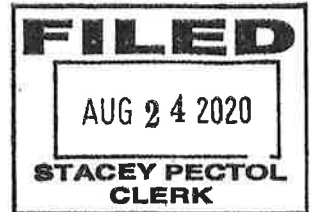


BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B



IN RE: DAVID FRANKLYN MOREHEAD
Arkansas Bar ID #89143
CPC Docket No. 2020-004

FINDINGS AND ORDER

The formal charges of misconduct against David Morehead, an attorney practicing primarily in White Hall, Arkansas are based upon a complaint filed by Talesha Callaway.

On April 26, 2015, Morehead filed a Chapter 13 Bankruptcy for Talesha Callaway in U.S. Bankruptcy Court for the Eastern District of Arkansas, case number 5:15-bk-12025. In 2018, Callaway communicated with Wells Fargo relating to modifying her mortgage. Morehead provided Wells Fargo with authorization to communicate directly with Callaway. On April 30, 2019, the Court entered a Chapter 13 Order to Modify Chapter 13 Plan. This order stated that the Debtor, Callaway, was to file a modification to her bankruptcy plan within 28 days. On June 3, 2019, the Trustee filed Motion to Dismiss stating that the Trustee has not received modification as required pursuant to the Order entered on April 30, 2019. On July 3, 2019, the Court entered a Chapter 13 Order Withdrawing Trustee's Motion to Dismiss Upon Conditions with the condition being the Debtor Callaway modifying her plan within 14 days. Morehead did not file a modification. On August 1, 2019, the Court entered an Order of Dismissal for Failure to Modify. Morehead did not inform Callaway that her bankruptcy case had been dismissed.

In September 2019, Callaway received a check from the Bankruptcy Trustee refunding some of the money she paid. Callaway attempted to contact Morehead about the calls and letters she was receiving from her creditors as well as the check she received from the bankruptcy

Trustee. When Callaway was able to reach Morehead, Morehead told Callaway not to worry that he was going to take care of things.

Callaway retained a new attorney who on November 12, 2019, filed a Motion to Reopen Case. On November 21, 2019, the bankruptcy court entered an Order granting the motion to reopen Callaway's bankruptcy case. On November 22, 2019, Callaway's new attorney filed a Motion to Substitute Counsel, and the Trustee filed a Motion to Withdraw Chapter 13 Final Report and Account. On November 25, 2019, the bankruptcy court entered an order replacing Morehead with Callaway's new attorney.

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 B of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. David Morehead's conduct violated Arkansas Rule 1.3, by Morehead failing to file modification paperwork on behalf of his client, Talesha Callaway, with the U. S. Bankruptcy court resulting in Callaway's bankruptcy being dismissed. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. David Morehead's conduct violated Arkansas Rule 1.4(a)(3) by Morehead failing to inform his client Talesha Callaway that her bankruptcy case had been dismissed. Arkansas Rule 1.4(a)(3) requires that a lawyer shall keep a client reasonably informed about the status of a matter.

C. David Morehead's conduct violated Arkansas Rule 8.4(d), by (1) Morehead's failing to file modification paperwork on behalf of his client, Talesha Callaway, with the U. S. Bankruptcy court resulting in Callaway's bankruptcy being dismissed, and (2) Callaway retained a new attorney and was able to have her bankruptcy case reopened. Arkansas Rule 8.4(d)

requires that a lawyer shall 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 David Morehead, Arkansas Bar ID# 89143 be, and hereby is, **REPRIMANDED**, fined \$500.00, and assessed \$50.00 costs. The fine and costs assessed, totaling \$550.00, 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. In assessing a sanction, the attorney's prior disciplinary record was a factor.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL B



Steve Crane, Chair, Panel B

Date: 6-22-20