

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

IN RE: Robert David Klock, Respondent Attorney
Arkansas Bar No. 76066
Case No. CPC-2023-017

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Nery Abisai Ramos De Leon (Ramos) on January 30, 2023. The information related to the representation of Ramos by Respondent from April, 2021, through December, 2022.

I. INTRODUCTION.

A *de novo* hearing in this matter was scheduled for February 16, 2024, before a Panel of the Committee on Professional Conduct.

II. PLEA OFFER.

Prior to the hearing, Respondent and his attorney, David W. Sterling, submitted a plea to the Panel. The plea consisted of Mr. Klock's admission to violation of certain rules in this matter, which included the following rules: 1.1, 1.3, 1.4(a)(3), and 8.4(d). In exchange for the admission to the violations of the rules listed above, Mr. Klock would be suspended for a period of six (6) months, with the suspension stayed, and would be placed on probation for a period of six (6) months. Conditions for the six-month probationary period would include, among other things, that Mr. Klock make payment of all costs, fines, and restitution currently due and owing to the Office of Professional Conduct; and that Mr. Klock obtain a lawyer to supervise, monitor, and assist him to fulfill the conditions of probation.

The Panel took the matter under consideration to deliberate on the plea submitted. Following deliberation, the Panel announced its decision to accept the plea as submitted.

III. FACTS AND RULE VIOLATIONS.

1. On June 12, 2023, Respondent was served with a formal complaint, supported by an affidavit from Ramos, which alleged the following:

2. Ramos is originally from Guatemala, but moved to the United States in February, 2001, at the age of 19. After living in California for six (6) years, Ramos moved to Missouri, where he has primarily resided since that time.

3. In April, 2021, Ramos met with Klock to represent him for the purpose of obtaining a work permit.

4. Klock advised Ramos that he was ineligible for Deferred Action for Childhood Arrivals (DACA), but could apply for a work permit because Ramos had been in the United States for more than ten (10) years.

5. About a week later, Ramos received a letter from Klock, which instructed him to sign a form and pay Klock \$1,000.00.

6. On or about May 3, 2021, Ramos sent Klock the signed form and a check for \$1,000.00.

7. Several weeks later, Ramos received a letter from the office of the U.S. Citizenship and Immigration Services to appear for an appointment to have his fingerprints taken.

8. Over the next several months, Ramos heard nothing from Klock, and Klock did not respond to his calls or messages.

9. In February, 2022, Klock texted Ramos to advise that it was time to apply for the work permit and stated again that Ramos was eligible for the work permit due to the more than ten (10) years of residency in the United States.

10. Klock then sent another letter, which instructed Ramos to sign a form and pay Klock \$700.00.

11. On or about June 6, 2022, Ramos sent Klock the signed form and a check for \$700.00.

12. In June, 2022, Ramos received a rejection notice from the office of the U.S. Citizenship and Immigration Services that the application/petition was filed on an outdated version of the form and needed to be resubmitted.

13. In July, 2022, Ramos received a rejection notice from the office of the U.S. Citizenship and Immigration Services that the application was being returned again for incomplete information.

14. On or about July 27, 2022, Ramos' work permit was approved and, in October, 2022, Ramos received his work permit and Social Security card.

15. Ramos then contacted Klock for information going forward. Since October, 2022, Klock failed or refused to contact Ramos or return his calls and messages.

16. When Klock ceased communication, Ramos searched online for additional information. Ramos then discovered the work permit issued to him, as a result of Klock's filing, was a category (c)(8) [or C08] work permit associated with asylum.

17. In December, 2022, Ramos reached out to other attorneys for legal advice, guidance, and/or representation. Ramos was advised that the application for asylum needed to be withdrawn immediately, as it may expose Ramos to deportation proceedings. Ramos was also advised that he was not eligible for asylum as he had been in the United States for more than one (1) year.

18. Klock's conduct violated **Rule 1.1 Competence**, in that Klock knew or should have known the paperwork he caused to be filed for his client was not appropriate or applicable to his client's immigration status. Further, Klock knew or should have known that filing erroneous immigration documents could result in deportation proceedings for his client. 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.

19. Klock's conduct violated **Rule 8.4(d) Prejudicial Conduct** when Klock filed immigration documents that could expose his client to deportation proceedings. 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.

IV. SANCTION.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel, that Robert David Klock, Arkansas Bar Number 76066, be, and hereby is, **SUSPENDED for SIX (6) MONTHS, STAYED**. In addition, Klock shall be placed on **SIX (6) MONTHS OF SUPERVISED PROBATION**, subject to monthly reports and other conditions as set forth in a separate order, for his conduct in this matter.

Mr. Klock is ordered to pay a fine of ONE THOUSAND DOLLARS AND NO CENTS **(\$1,000.00)**, costs of ONE HUNDRED FIFTY DOLLARS AND NO CENTS **(\$150.00)** and restitution to Ramos in the amount of ONE THOUSAND SEVEN HUNDRED DOLLARS AND NO CENTS **(\$1,700.00)**

The stayed suspension and probation shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

Pursuant to Section 19.A of the Procedures, the Panel considered Respondent's prior disciplinary record as a factor in consideration of its sanctions in this matter.


The fine, restitution, and costs assessed herein totaling TWO THOUSAND EIGHT HUNDRED FIFTY DOLLARS AND NO CENTS **(\$2,850.00)** shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of

Professional Conduct 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



IveAnne P. Burch, Panel Chair



Date