

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: LARRY JOE STEELE

Arkansas Bar ID #78146

CPC Docket No. 2005-033

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Findings and Order is based arose from information provided to the Committee by Barbara Batiste and from court records. The information related to the representation of various clients by Respondent Steele in 2004-2005.

Respondent was served with a formal complaint, supported by an affidavit and exhibits. Respondent filed a timely response to the complaint. Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct conducted a ballot vote on the case. Respondent timely requested a public hearing before Panel B.

The annual Arkansas law license renewal fee is due and payable not later than March 1 of each year to the Clerk of the Arkansas Supreme Court. If an Arkansas attorney does not timely pay this fee, his or her Arkansas law license is automatically administratively suspended until such time as the annual fee, \$175 in this case, plus the late fee is paid. While a law license is in this suspended status, the attorney is not eligible to practice law in Arkansas. Prior to January 27, 2005, Mr. Steele last paid his annual license fee on May 2, 2003, for calendar 2003. His Arkansas law license was therefore automatically suspended from March 2, 2004, until January 27, 2005, when he paid a total of \$435.00 for 2004 and 2005. He practiced law in Arkansas while knowing his license to practice was suspended by handling at least two appeals before the Arkansas Court of Appeals, *Foushee v. Pilgrim's Pride*, No. E-04-161, and *Thompson et al. v. Director of Arkansas ESD*, No. E-03-127, and one case in the United States District Court for the Eastern District of Arkansas, *Hoag et al. v.*

Arkansas State Highway and Transportation Dept., et al., No. 3:02CV287GH. He engaged in the unauthorized practice of law. On or about June 10, 2004, by the filing and service on Mr. Steele of a motion in the federal case, he was put on notice that his 2004 Arkansas law license renewal fee had not been paid. He did not pay his 2004 license fee. He continued to file pleadings in that case late in 2004. On January 19, 2005, the Office of Professional Conduct mailed Mr. Steele a letter about his license status. On January 27, 2005, he paid his 2004 and 2005 license fees and 2004 late fees, and restored his Arkansas law license to good standing.

From the Complaint, consent document, and other matters before it, Panel B now finds:

A. Mr. Steele's conduct violated Model Rule 3.4(c) in that it was a Rule by Order of the Arkansas Supreme Court at all times during 2003-2005 that an Arkansas attorney was required to pay an annual fee not later than March 1 each year to maintain his or her law license in good standing. See Rule VII, A-C, Rules Governing Admission to the Bar (Rev. 2001). He knew of this rule, had complied with it as late as May 2, 2003, and failed to comply with it thereafter until January 27, 2005. Model Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists, and he did so by failing to timely pay his annual Arkansas license renewal fee as required by the Arkansas Supreme Court in its orders.

B. Mr. Steele's conduct violated Model Rule 5.5(a) in that his Arkansas law license was in suspended status from March 2, 2004, until January 27, 2005, yet he continued to practice law in at least two courts during that time period, while knowing his license fees were not paid and knowing, or being charged with notice, that his license fees were required to be paid or his law license would be automatically suspended. Model Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction, by failing to timely pay his annual Arkansas license renewal fee as set out by the Arkansas Supreme Court in its orders.

C. Mr. Steele's conduct violated Model Rule 8.4(d) in that he represented at least three (3) clients in court proceedings at times when his Arkansas law license was in suspended status, thereby denying them the services of an attorney in good standing and potentially jeopardizing their cases.

Model Rule 8.4(d) requires that a lawyer shall not engage in conduct that is prejudicial to the administration of justice, by failing to timely pay his annual Arkansas license renewal fee as set out by the Arkansas Supreme Court in its orders.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that Larry Joe Steele, Arkansas Bar ID# 78146, be, and hereby is, **cautioned** for his conduct in this matter, assessed costs of \$50.00, and fined \$250.00. The fine and 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 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 B

By: _____

J. Michael Cogbill, Chair, Panel B

Date: _____