

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A

IN RE: GEORGE MICHAEL DELOACHE, Respondent  
Arkansas Bar ID#90210  
CPC Docket No. 2005-156

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 Hugh Steimel in an Affidavit dated November 29, 2005. The information related to the advertisement sent to a family member of Mr. Steimel on June 6, 2005 by Mr. DeLoache and his law partner, Michael E. Crawley, Jr.

On December 6, 2005, Respondent was served with a formal complaint, supported by affidavit from Mr. Steimel, along with certain docket sheets from Randolph County. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Committee reflects that on June 6, 2005, Mr. DeLoache, an attorney practicing primarily in Jonesboro, Arkansas, sent an advertising (solicitation) letter to Terresa Steimel. In the letter, Mr. DeLoache referred to a lawsuit with case number CV-2005-68 having been filed against Ms. Steimel. Mr. DeLoache advised Ms. Steimel to contact her local District Court to find out the details of the lawsuit. The docket sheets for both the Randolph County District Court and the Randolph County Circuit Court for that case number do not reflect that Terresa Steimel is the defendant therein or even has anything to do with the cases. As such, Ms. Steimel was not in need of legal services in the particular matter which Mr. DeLoache referred to in his letter of advertisement. Ms. Steimel could not have been known to be in need of legal services in that particular matter.

Further, the advertisement sent by Mr. DeLoache failed to comply with Model Rule 7.3 in various respects. Model Rule 7.3 was amended in 1999 to require very specific information in specific form be in any advertising (solicitation) letters sent by Arkansas attorneys. Various of these requirements were not met by Mr. DeLoache in the correspondence sent to Ms. Steimel in June 2005. The term "Advertisement" was not in the correspondence sent to Ms. Steimel. The correspondence does not begin with the sentence "If you have already retained a lawyer, please disregard this letter." The statement "Any complaints about this letter or the representation of any lawyer may be directed to the Supreme Court Committee on Professional Conduct, C/O Clerk, Arkansas Supreme Court, 625 Marshall Street, Little Rock, Arkansas 72201" in capital letters as required by the applicable provision of the Model Rules. The correspondence to Ms. Steimel does not disclose how the information prompting the communication was obtained.

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

1. That Mr. DeLoache's conduct violated Model Rule 7.3(b) because he sent an advertisement to Terresa Steimel an individual who was not in need of legal services in a particular matter, i.e. Lawsuit #CV-2005-68, as she is not the defendant in that matter in either the District Court or Circuit Court where she resides. Model Rule 7.3(b) requires, in pertinent part, that a lawyer may solicit professional employment from a prospective client known to be in need of legal services in a particular matter by written communication.
2. That Mr. DeLoache's conduct violated Model Rule 7.3(b)(4) because his advertising material sent to Mrs. Steimel does not contain the term "Advertisement" as required. Model Rule 7.3(b)(4) requires that notwithstanding the prohibitions described in Paragraph (a), a lawyer may solicit professional employment from a prospective client known to be in need of legal services in a particular matter by written communication. Such written communication shall plainly state in capital letters "ADVERTISEMENT" on each page of the written communication.
3. That Mr. DeLoache's conduct violated Model Rule 7.3(b)(5) in that his advertising material sent to Mrs. Steimel does not begin with the sentence "If you have already retained a lawyer, please disregard this letter". The statement is the third sentence of the letter not the beginning sentence. Model Rule 7.3(b)(5) requires that notwithstanding the prohibitions described in Paragraph (a), a lawyer may solicit professional employment from a prospective client known to be in need of legal services in a particular matter by written communication. Such written communication shall begin with the statement that "If you have already retained a lawyer, please disregard this letter".
4. That Mr. DeLoache's conduct violated Model Rule 7.3(b)(6) because although his Advertising Material sent to Mrs. Steimel contains the statement that "Any complaints about this letter or the representation of any lawyer may be directed to the Supreme Court Committee on Professional Conduct, C/O Clerk, Arkansas Supreme Court, 625 Marshall Street, Little Rock, Arkansas 72201", the statement is not in capital letter. Model Rule 7.3(b)(6) requires that notwithstanding the prohibitions described in Paragraph (a), a lawyer may solicit professional employment from a prospective client known to be in need of legal services in a particular matter by written communication. Such written communication shall include the following statement in capital letters: "ANY COMPLAINTS ABOUT THIS LETTER OR THE REPRESENTATION OF ANY LAWYER MAY BE DIRECTED TO THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT, C/O CLERK, ARKANSAS SUPREME COURT, 625 MARSHALL STREET, LITTLE ROCK, ARKANSAS 72201".
5. That Mr. DeLoache's conduct violated Model Rule 7.3(d) in that his letter of solicitation (Advertisement) does not disclose how the information prompting the communication was obtained. Model Rule 7.3(d) requires that any written communication prompted by a specific occurrence involving or affecting the intended recipient of the communication or a family member shall disclose how the lawyer obtained the information prompting the communication.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that GEORGE MICHAEL DELOACHE, Arkansas Bar ID# 90210, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Mr. DeLoache is assessed the costs of this proceeding in the amount of \$50. The 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 within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

By: \_\_\_\_\_

Phil Hout, Chair, Panel A

Date: \_\_\_\_\_