

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

IN RE: **EDWARD NILES COE, JR.**
 Arkansas Bar ID #98049
 CPC Docket No. 2004-150

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Edward N. Coe, Jr., then of Russellville, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by Circuit Judge Harold Erwin in 2004. Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011). Mr. Coe was not in Arkansas from about 2006-2016 and communications with him during that period were minimal. He now seeks reinstatement after an administrative suspension of more than three years and contacted OPC as part of that process.

1. Jerry and Bridget Kirkpatrick hired Coe in early 2003 to represent them in criminal charges filed in Randolph County Circuit Court and paid him a total of \$6,000.00, being a flat fee of \$5,000.00 and \$1,000.00 for a handwriting expert, if needed. At the time Coe was associated in some manner with a law firm in Russellville, Arkansas. Coe entered his appearance for both Kirkpatricks on February 28, 2003.

2. After a suppression hearing and an adverse ruling issued June 30, 2003, the Kirkpatricks claimed they had difficulty contacting Coe. From court documents, it appears Coe's last court appearance for them was around November 4, 2003, when he either appeared and

moved for or filed a motion for continuance from a trial set for that date.

3. Their jury trials were reset for March 1, 2004, and Coe allegedly failed to notify them of this court date and Coe failed to appear for court that date. The Kirkpatricks also failed to appear for trial March 1, 2004, and both were later arrested for failure to appear. The court appointed new counsel for each Kirkpatrick. Coe claimed the Kirkpatricks were absconders during this period.

4. Coe retained Conway handwriting expert Linda Taylor for the Kirkpatrick case. She provided services and rendered a report. Her invoice for \$600 was not paid. She sued Coe in district court in Conway and obtained a judgment for \$698.00, which was never paid. As part of this agreement, Coe has agreed to pay Taylor \$750.00 as restitution for her services and judgment.

Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. The conduct of Edward Coe, Jr. violated Model Rule 1.4(a) in that he failed to keep his Kirkpatrick clients informed of the status of their case and failed to respond to repeated efforts by them or their representatives to contact them about their case. Model Rule 1.4(a) requires that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

B. The conduct of Edward Coe, Jr. violated Model Rule 1.16(d) in that Jerry and Bridget Kirkpatrick paid Coe \$6,000.00 in 2003 to represent them in criminal charges in Randolph

County, with \$1,000.00 of the funds to be used to hire a handwriting expert, if needed. On June 26, 2003, several days before trial, Coe obtained the services of handwriting expert Linda L. Taylor of Conway, Arkansas, in the Kirkpatrick case, received a report from Taylor, but failed to pay Taylor for her services to your clients. The \$1,000.00 delivered to Coe by the Kirkpatricks for his use in obtaining the handwriting expert was not used to pay Taylor nor refunded to the Kirkpatricks when Coe effectively terminated his representation of them. Model Rule 1.16(d) requires that upon termination of representation, an attorney shall take steps to the extent reasonably practicable to protect the 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 advanced payment of fee that has not been earned.

C. The conduct of Edward Coe, Jr. violated Model Rule, 3.4(c) in that he agreed to and signed an order of Continuance and Scheduling Order in CR-2002-187 agreeing to be present in court with court client Jerry Kirkpatrick on plea day on January 20, 2004, and for jury trial on March 1, 2004, yet Coe failed to appear in court on those dates without being excused by the court. 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.

D. The conduct of Edward Coe, Jr. violated Model Rule 8.4(d) in that he failed to appear in court with his clients in violation of an order for appearance by him and them, causing a delay in the progress of their cases and the need for the court to appoint new counsel for each client, Roy Meeks for Bridget Kirkpatrick and David Throesch for Jerry Kirkpatrick. Model Rule 8.4(d) requires that a lawyer shall not engage in conduct that is prejudicial to the administration of

justice.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Coe and the Executive Director, it is the decision and order of Panel B of the Arkansas Supreme Court Committee on Professional Conduct that Respondent **EDWARD NILES COE, JR.**, Arkansas Bar No. 98049, be, and hereby is, **REPRIMANDED, ORDERED TO PAY \$750.00 RESTITUTION TO LINDA TAYLOR, & ASSESSED \$100.00 CASE COSTS** for his conduct in this matter.

The restitution 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 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 - PANEL B

By: /s/Niki T. Cung, Chairperson, Panel B

Date: June 17, 2016

Original filed with the Arkansas Supreme Court
Clerk on June 17, 2016.