

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: Gary Joe Morpew, Respondent
Arkansas Bar ID#79216
CPC Docket No. 2004-095

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Odell Voice in an Affidavit dated May 22, 2004. The information related to the representation of Mr. Voice by Respondent beginning in February 2003.

On May 28, 2004, Respondent was served with a formal complaint, supported by affidavits from Odell Voice and Beau Pederson, Investigator, Office of Professional Conduct. Respondent filed a timely response and the matter proceeded to ballot vote pursuant to the provisions of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002).

The information before the Panel revealed that on February 6, 2003, Mr. Voice and his wife, Marilyn, hired Gary Joe Morpew, an attorney practicing primarily in Little Rock, Pulaski County, Arkansas, to represent Mr. Voice in a matter involving the sale of timber from property which had belonged to Mr. Voice's father. Mr. Voice's father died in November 1952. The timber had been sold by Mr. Voice's nephew without Odell Voice's approval. According to Mr. Voice, and substantiated by the receipt given him by Mr. Morpew, he paid Mr. Morpew \$750 to undertake the representation in the matter. Following payment of the \$750, Mr. Voice reported that he and his wife were unable to make contact with Mr. Morpew.

Mr. Voice advised that he trusted Mr. Morpew to assist him in obtaining his portion of the proceeds from the sale of the timber. Yet, he had heard nothing from Mr. Morpew which caused him to believe that Mr. Morpew had not undertaken any action on his behalf. It was Mr. Voice's statement that he had called Mr. Morpew several times. Mr. Morpew was not available to speak with him nor did he return the messages left for him from Mr. Voice. After writing Mr. Morpew to attempt to obtain some contact, Mr. Voice contacted

the Office of Professional Conduct about the matter and the problems he was experiencing with Mr. Morpew. A letter was sent to Mr. Morpew by the staff of the Office of Professional Conduct setting out the concerns of Mr. Voice and notifying him that Mr. Voice wished to discuss his matter with him. Mr. Morpew did not respond to Mr. Voice or the staff of the Office of Professional Conduct following the mailing of that correspondence.

Mr. Morpew denied that he failed to keep Mr. Voice aware of his efforts. According to Mr. Morpew, he kept Mr. Voice informed of the work he performed throughout the period of representation. Further, Mr. Morpew advised that he supplied information to Mr. Voice as the same became available to him. Mr. Morpew acknowledged that he received the August 19, 2003, letter from the Office of Professional Conduct and that he did not respond because it was not a directive for anyone to take action. He expressed that he hoped the matter would proceed no further and therefore he did not respond. Mr. Morpew apologized for that lack of response.

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

- (1) That Mr. Morpew's conduct violated Model Rule 1.4(a) when he failed to keep Mr. Voice aware of the efforts, if any, he was undertaking on his behalf after he was hired to assist with the legal matter; when he failed to respond to Mr. Voice's requests for information related to his legal matter following receipt of the requested fee payment from him; and, when he failed to advise Mr. Voice when he apparently decided not to assist him with his legal matter. Model Rule 1.4(a) requires that a lawyer keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that GARY JOE MORPHEW, Arkansas Bar ID# 79216, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.A of the

Procedures, Mr. Morpew 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.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL A

By: _____

Gwendolyn D. Hodge, Chair, Panel A

Date: _____