

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

IN RE: Charles R. Padgham, Respondent

Arkansas Bar ID# 83008

CPC Docket No. 2002-016

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Rina Miller on May 17, 2001. The information related to the representation of Rina Miller by Respondent from April 1999 through June 2000.

On February 22, 2002, Respondent was served with a formal complaint, supported by an affidavit from Rina Miller. On August 10, 1999, Ms. Miller was a passenger in a vehicle driven by Mr. Eric Charles and she was injured when they had an automobile accident. Both Mr. Charles and Ms. Miller contacted Mr. Padgham about representing them. Ms. Miller stated that she asked Mr. Padgham would she have a claim against Mr. Charles' insurance company but that Mr. Padgham told her no. Ms. Miller stated that Mr. Padgham never explained that there was a possible conflict of interest in him representing both Mr. Charles and Ms. Miller. In his response Mr. Padgham states that he did inform Ms. Miller of the possible conflict, but that both parties nevertheless consented. Mr. Padgham had nothing in written form which demonstrated consent, informed or otherwise, to the dual representation.

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

- That Mr. Padgham's conduct violated Model Rule 1.7(b) when he represented

both the driver and the passenger in a personal injury claim against the tortfeasor yet failed to explain to either of his clients the possible conflict of interest. Model Rule 1.7 provides that a lawyer shall not represent a client if the representation of that client will be directly adverse to another client unless, the lawyer reasonably believes the representation will not adversely affect the relationship with the other client, and each client consents after consultation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that Charles R. Padgham, Arkansas Bar ID# 83008, be, and hereby is, CAUTIONED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT - PANEL B

By: _____

Richard F. Hatfield, Chair, Panel B

Date: _____