

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A

IN RE: STEPHEN GREGORY HOUGH

Arkansas Bar ID # 84077

CPC Docket No. 2005-111

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Rosanna Lea Hayward in June 2005. The information related to the representation of Ms. Hayward in 2005 by Respondent Stephen Gregory Hough, an attorney practicing primarily in Fort Smith, Sebastian County, Arkansas. In September 2005 Respondent was served with a formal complaint, supported by affidavits from Ms. Hayward and Denise Parks.

By Supreme Court Rule, Mr. Hough's 2005 law license fee was due payable by March 1, 2005. He failed to pay this fee until August 10, 2005, resulting in his Arkansas law license being automatically suspended on March 2, 2005, and remaining in that status until August 10, 2005.

While his license was suspended, he accepted employment and a \$425 fee from Rosanna Lea Hayward on March 14, 2005, to represent her in defending a divorce proceeding in Logan County. He failed to respond to her inquiries for information about court settings in her case. On March 31, 2005, Hough was involved in an hours-long "stand-off with the police" incident in a Fort Smith motel which resulted in his being hospitalized for mental health reasons. Ms. Hayward learned of this incident and asked for a refund of her fee and a copy of her file so she could hire another attorney. Hough set up an appointment for her on May 11 for this purpose but he failed to appear. Her October 18, 2005, court date was set by court notice mailed to Hough on May 17, 2005, but he failed to inform her of this court date.

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 finds:

A. Mr. Hough's conduct violated Model Rule 1.4(a), in that from April 18, 2005, he failed to respond to frequent requests from his client Rosanna Hayward for status information about her legal matter entrusted to his care. 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. Mr. Hough's conduct violated Model Rule 1.4(b), in that if he had advised Rosanna Hayward on March 14, 2005, that circumstances and situations not involving her, such as the suspended status of his law license and his fragile mental state might cause him to be ineligible or unable to represent her in her divorce proceeding, the client would have had an opportunity to consider employing other counsel to represent the client in the case and possibly receive the representation and relief the client sought. Model Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

C. Mr. Hough's conduct violated Model Rule 1.16(d), in that he failed to take reasonable and timely steps on and after May 11, 2005, to provide Rosanna Hayward with a copy of her case file and return to her any unearned funds he held from her \$425 paid him to handle her case, as he had told her he would when he made the appointment with her for May 11. 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.

D. Mr. Hough's conduct violated Model Rule 3.4(c), in that he failed to pay his 2005 Arkansas bar license fee by March 1, 2005, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar. 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.

E. Mr. Hough's conduct violated Model Rule 5.5(a), in that he failed to pay his 2005 Arkansas Bar license fee by March 1, 2005, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar, resulting in the automatic suspension of his Arkansas law license until August 10, 2005, when he paid his 2005 license fee. He practiced law, including on Rosanna Hayward's matter, while his law license was suspended during this period. 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.

F. Mr. Hough's conduct violated Model Rule 8.4(c), in that he engaged in conduct that was deceitful and a misrepresentation to Rosanna Hayward when he made an appointment to meet her on May 11, 2005, for the stated purpose of providing her a copy of her divorce file and a fee refund of some amount and then has failed since that date to meet with her or provide these items to her. Model Rule 8.4(c) requires that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Stephen Gregory Hough, Arkansas Bar ID# 84077, be and he hereby is, reprimanded for his conduct in this matter. He is ordered to pay \$425.00 restitution for the benefit of Rosanna Lea Hayward. He is ordered to pay Committee costs of \$50.00. Respondent is also referred to, ordered to report within thirty (30) days to, and ordered to participate in the Arkansas Lawyer Assistance Program (ArLAP), and to authorize ArLAP to provide to the Committee, through the Office of Professional Conduct, all information in his ArLAP file. Failure to comply with the ArLAP referral order and the ArLAP program designed for Respondent may be treated as a contempt of this Committee Order and of the Supreme Court under Section 27 of the Supreme Court's Procedures Regulating Professional Conduct of Attorneys at Law. The costs and restitution 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.

By: \_\_\_\_\_  
Phillip D. Hout, Chair, Panel A

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