

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A

**FILED**

IN RE: PHILLIP A. MOON, Respondent  
Arkansas Bar ID#84109  
CPC Docket No. 2005-142

MAR 14 2006

**LESLIE W. STEEN  
CLERK**

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Bonnie Streeper in an Affidavit dated May 31, 2005. The information related to the representation of Bonnie Streeper by Respondent beginning in 2002.

On or about December 5, 2005, Respondent was served with a formal complaint, supported by affidavits from Josephine Perry and W. Blair Brady, attorney at law. Respondent filed a timely response. The matter thereafter proceeded to ballot vote pursuant to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002).

The information before the Committee reflected that after Ms. Streeper was served with a Summons and Complaint for Boone County Circuit Court case number CV-02-222-4, *Union Standard Insurance Company v. Bonnie F. Streeper*, she contacted Phillip A. Moon, an attorney practicing in Harrison, to represent her in the matter. Mr. Moon filed an Answer on Ms. Streeper's behalf. According to Ms. Streeper, she heard nothing from Mr. Moon after he filed the Answer on her behalf. She did call his office from time to time. Ms. Streeper reported that the last time she called Mr. Moon's office and spoke with him was during May 2003. At that time, Mr. Moon advised her that nothing was going on in the lawsuit.

During December 2003, Ms. Streeper learned that a Judgment had been entered against

her on July 9, 2003. Ms. Streeper then contacted Mr. McHughes' office and learned that Mr. Moon never took any other action on her behalf except to file the Answer. Discovery which was served on Mr. Moon was never responded to nor was Ms. Streeper aware of the filing of the same. Mr. Moon never told Ms. Streeper about the pleadings nor did he ever consult with her about them. Other pleadings were filed to which Mr. Moon did not respond or inform Ms. Streeper. On July 9, 2003, a Summary Judgment was entered against Ms. Streeper. There were certain requirements which were to be met by Ms. Streeper in the Summary Judgment but she was unable to comply with them in a timely fashion as she was not aware that the Summary Judgment was entered against her.

At a later date, Ms. Streeper spoke with Mr. Moon about the Judgment. He told Ms. Streeper that she had dropped the matter with him. Ms. Streeper disputed this fact. The Docket Sheet for the litigation demonstrates that Mr. Moon was never relieved from representing Ms. Streeper. Because Mr. Moon remained Ms. Streeper's attorney of record, he received all notices and pleadings. Ms. Streeper never received any of them at or near the time of filing.

In responding to the formal disciplinary complaint, Mr. Moon admitted that he violated Model Rules 1.1, 1.3, 1.4(a), and 3.4(c). Mr. Moon provided information explaining that he had represented Ms. Streeper in the Municipal Court matters related to the accident in which Ms. Streeper was involved. He pointed out that he was not paid for his services. Mr. Moon stated that when Ms. Streeper was sued as a result of the accident, he filed the Answer for her as a favor and to provide her opportunity to file for bankruptcy relief. Mr. Moon acknowledged that after filing the Answer, he did not do anything else. His reason was that Ms. Streeper had informed him that she was at fault in the accident, that she was going to file bankruptcy and that she had no

defense to the claim.

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:

1. That Mr. Moon's conduct violated Model Rule 1.1 because he was not thorough enough in his representation of Bonnie Streeper to be certain that he responded to the Requests for Admission served on him by counsel for Union Standard Insurance Company, to be certain that he responded to the Interrogatories served on him by Union Standard Insurance Company, to be certain that he responded to the Motion to have the Requests for Admission deemed admitted, and to be certain that he responded to the Motion for Summary Judgment filed against Ms. Streeper. Model Rule 1.1 requires that a lawyer provide competent representation to a client, including the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. That Mr. Moon's conduct violated Model Rule 1.3 when in his representation of Ms. Streeper, he took no action on her behalf which was diligent or prompt other than filing the initial Answer on her behalf; when he did not timely advise Ms. Streeper of the Judgment which had been entered against her in July 2003; when he did not respond to the Requests for Admission served on him in Ms. Streeper's legal matter; when he did not respond to the other discovery propounded to him in Ms. Streeper's legal matter; when he did not respond to the Motion to have the Requests for Admission deemed admitted; and, when he did not respond to the Motion for Summary Judgment filed against Ms. Streeper. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

3. That Mr. Moon's conduct violated Model Rule 1.4(a) when he failed to keep Ms. Streeper informed of the status of her legal matter in which she entrusted him to defend her; when he failed to advise Ms. Streeper when the Summary Judgment was entered against her; and when he failed to advise Ms. Streeper or explain to her that there were certain duties required of her after the Summary Judgment was granted against her. 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.

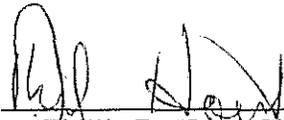
4. That Mr. Moon's conduct violated Model Rule 3.4(c) when he failed to comply with the Arkansas Rules of Civil Procedure with regard to responding to properly served discovery requests. Model Rule 3.4(c) requires that a lawyer not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

5. That Mr. Moon's conduct violated Model Rule 8.4(d) because his failure to advise Streeper of the Judgment entered against her prevented her from complying with the requirements set forth therein about filing the schedules of her property. Model Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that PHILLIP ASHLEY MOON, Arkansas Bar ID# 84109, be, and hereby is, REPRIMANDED for his conduct in this matter. In addition, Mr. Moon is assessed the cost of this proceeding in the amount of \$50 pursuant to Section 18.A. of the Procedures. Mr. Moon is also fined in the amount of \$1,000.00 pursuant to Section 18.B. of the Procedures. The cost assessed and fine imposed herein, totaling \$1,050.00,

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:   
Phillip D. Hout, Chair, Panel A

Date: January 30, 2006