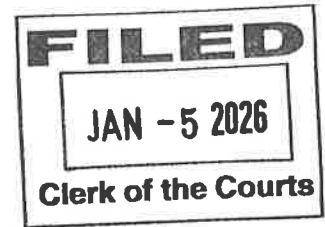


**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL D**

**IN RE:           PETER EDWARD GIARDINO  
                  ARKANSAS BAR NO. 2012300  
                  CPC Docket No. 2025-013**



**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by the Arkansas Court of Appeals. The information is related to Peter Giardino’s (“Giardino”) representation of Victor Hugo Alvarez-Real (“Alvarez-Real”). Peter Edward Giardino is licensed by the Supreme Court of Arkansas and has been assigned Arkansas Bar No. 2012300.

1. Following a jury trial, Alvarez-Real was convicted of two counts of Sexual Assault in the Second Degree and sentenced to a total of 312 months in the Arkansas Department of Corrections with a fine of \$30,000. The Sentencing Order was entered on April 2, 2018.
2. Alvarez-Real, through his trial attorney, filed a timely notice of appeal on April 17, 2018. An amended notice of appeal was filed on April 26, 2018.
3. The record was lodged on June 25, 2018, by Alvarez-Real’s trial attorney, and an original due date for the appellate brief was set for August 4, 2018.
4. Alvarez-Real filed a Motion to Substitute Counsel for Appellant on June 28, 2018.
5. On July 18, 2018, Alvarez-Real’s trial attorney was allowed to withdraw from the case, and Giardino was appointed. The new due date for the brief was August 27, 2018.
6. On August 24, 2018, Giardino filed a letter asking for a 7-day brief extension, which made the appellate brief due September 3, 2018.
7. On August 30, 2018, Giardino filed a Motion for Extension of Time to File Brief. It was granted with a brief due date of October 3, 2018.

8. On October 2, 2018, Giardino filed a second Motion for Extension of Time to File Brief. It was granted with a brief due date of November 2, 2018.

9. On November 1, 2018, Giardino filed a third Motion for Extension of Time to File Brief. A final extension was granted with a brief due date of December 2, 2018.

10. On January 17, 2019, the Chief Deputy Clerk emailed Giardino outlining her attempts to contact him, including a detailed voice message on December 18, 2018, and a detailed message with his secretary on January 7, 2019. He was notified that the Clerk's next step would be to alert the Court of Appeals that the brief was overdue.

11. In response to the email, Giardino called the Chief Deputy Clerk's direct line. The Clerk advised Giardino to simultaneously file a motion for belated brief and the belated appellant's brief as soon as possible, and he assured her that he would. Neither the motion nor the brief was ever filed or tendered to the Court of Appeals.

12. The State filed a Motion to Dismiss Appeal on January 28, 2019, due to Giardino's failure to pursue his client's appeal. The appeal was dismissed on February 20, 2019, and the Court of Appeals referred Giardino to the Arkansas Supreme Court on Professional Conduct.

13. Alvarez-Real filed a *pro se* Response to Motion to Dismiss on February 21, 2019. Alvarez-Real alleged that he retained Giardino to appeal his conviction, but he could never contact him. Alvarez-Real requested the Court to appoint another appeals attorney to file an appellate brief on his behalf. The Court did not rule on the motion.

14. On April 10, 2019, Alvarez-Real filed a Rule 37 Petition against his trial attorney and Giardino in his circuit court case. Regarding Giardino, Alvarez-Real alleged that he was denied his right to appeal due to his counsel's failure to file the appellate brief (ground one) and that he had ineffective assistance of counsel because counsel failed to file a timely brief (ground four). The Court entered an order on March 5, 2020, denying Alvarez-Real's request for relief as

to grounds one and four. The Court found that it did not have jurisdiction over appeals or attorney ethics and all requests for relief against Giardino were dismissed.

15. On April 14, 2023, Alvarez-Real filed a pro se Motion to Reinstate Appeal and File Belated Brief; a pro se Motion for Appointment of Counsel; and a pro se Motion for Copy of Record on Appeal at State's Expense.

16. The Court of Appeals denied the Motion to Reinstate Appeal and File Belated Brief. The Motion for Appointment of Counsel and Motion for Copy of Record on Appeal at State's Expense were declared moot.

Upon consideration of the formal complaint with attached exhibit materials, Giardino's response, and the Arkansas Rules of Professional Conduct, Panel D of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. That Giardino's conduct violated Rule 1.3 when he failed to file the appellate brief after the Court of Appeals granted the third and final extension; when he failed to respond to the Chief Deputy Clerk's attempts to contact him about filing the brief; when he failed to file a motion to file a belated brief along with a tendered brief as advised by the Chief Deputy Clerk; and when he failed to file a response to the Motion to Dismiss submitted by the State. Arkansas Rule 1.3 states a lawyer shall act with reasonable diligence and promptness in representing a client.

B. That Giardino's conduct violated Rule 3.2 when failed to take any action on Alvarez-Real's appeal after the final extension to file a brief was granted. Arkansas Rule 3.2 states a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

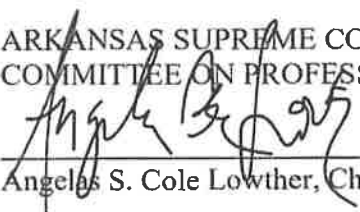
C. That Giardino's conduct violated Rule 8.4(d) he failed to file the appellate brief or take any action on behalf of his client following the FINAL extension to file a brief. His inaction resulted in the Chief Deputy Clerk attempting to contact him three (3) times to advise him to

immediately submit a motion to file a belated brief on behalf of his client. His failure to file a brief, a motion to file a belated brief or a response to the State's Motion to Dismiss, resulted in the denial of Alvarez-Real's right to appeal his convictions. Arkansas Rule 8.4(d) states that it is professional misconduct for a lawyer to 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 D, that Peter E. Giardino, Arkansas Bar Number 2012300, be, and hereby is **CAUTIONED** for his conduct in this matter. This sanction was based, in part, on the attorney's lack of any prior disciplinary record.

The Panel further assesses costs in the amount of ONE HUNDRED FIFTY DOLLARS AND NO CENTS (**\$150.00**) in accordance with Section 18.A of the Procedures and orders that Giardino shall pay restitution in the amount of FOUR THOUSAND DOLLARS AND NO CENTS (**\$4,000.00**) for client fees paid for the appeal in accordance with Section 18.C of the Procedures.

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  
  
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Angelas S. Cole Lowther, Chair, Panel D  
**12-15-2025**  
\_\_\_\_\_  
Date