

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: JAMES PROCTOR MASSIE, Respondent

Arkansas Bar ID#75084

CPC Docket No. 2001-082

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Judge John Plegge on June 13, 2001. The information related to the representation of Kervin Dunhoo by Respondent in 2001.

On or about September 13, 2001, Respondent was served with a formal complaint, supported by a letter from Judge Plegge and Mr. Dunhoo's affidavit. A response was filed. Prior to a public hearing, the Respondent, his counsel and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel as a package.

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

1. Mr. Massie has acknowledged a violation of Model Rule 8.4(d) on June 12, 2001, and offered to accept a reprimand. The consent offer is approved.
2. Mr. Massie has concurrently filed a petition for transfer voluntary inactive status, based on personal health reasons stated therein. The voluntary inactive status petition is approved, with the following conditions, which were part of the proposal and accepted by Respondent.

A. Respondent Massie shall not file a petition for reinstatement to active status until at least six (6) months after the effective date of his transfer to inactive status by the filing of this order. If any petition for reinstatement he should file in the future should not be approved, he shall not file further petitions for reinstatement more frequently than each six (6) months thereafter.

B. If Respondent Massie applies for future reinstatement to active status, he understands and agrees that it shall be his burden to present to the Committee medical evidence satisfactory to it that his acuity/acumen and health problems existing at the time inactive status was granted to him have been resolved to the point where he is fit to resume law practice. The Committee shall have the right to obtain an independent medical examination of Mr. Massie, if it so chooses, as part of any petition for reinstatement.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that JAMES PROCTOR MASSIE, Arkansas Bar ID# 75084, be, and hereby is, REPRIMANDED for his conduct in this matter. The Committee also recommends to the Supreme Court of Arkansas that Respondent be transferred to voluntary inactive status.

ARKANSAS SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT - PANEL B

By: _____

Richard F. Hatfield, Chair, Panel B

Date: _____