

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

IN RE: ALVIN SCHAY

ARKANSAS BAR ID #75176

CPC DOCKET NO. 2002-019

FINDINGS AND ORDER

The formal charges of misconduct arose from the Arkansas Supreme Court case of Jimmy Don Wooten v. State of Arkansas, CR 2001-986. Alvin Schay, Attorney at Law, Little Rock, Arkansas, represented Jimmy Don Wooten on appeal to the Arkansas Supreme Court. The record from the lower court was to be filed with the Arkansas Supreme Court on or before December 13, 2001 but Mr. Schay failed to file the record in a timely manner. On December 14, 2001, Mr. Schay filed a Motion for Belated Appeal. On January 10, 2002, the Arkansas Supreme Court treated the Motion for Belated Appeal as a Motion for Rule on the Clerk, granted the motion and referred the matter to the Office of Professional Conduct.

For his response, Mr. Schay admitted that he failed to file the record in a timely manner and admitted to the allegations contained in the formal complaint.

Upon consideration of the formal complaint, Mr. Schay's response, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Schay's conduct violated Model Rule 1.3 when he failed to file in a timely manner with the Arkansas Supreme Court a transcript of the lower court proceedings on behalf of his client, Jimmy Don Wooten. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Mr. Schay's conduct violated Model Rule 8.4(d) when his failure to file a timely transcript of the lower court proceedings resulted in a delay to the orderly and timely resolution of appellate proceedings, and required the Court to expend additional time and effort which would not have been necessary otherwise. 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 that ALVIN SCHAY, Arkansas Bar ID No. 75176, be, and hereby is, CAUTIONED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT - PANEL A

By: _____

Win Trafford, Chair - Panel A

Date: _____