

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: JIMMY RAY BAXTER

ARKANSAS BAR ID #78012

CPC DOCKET No. 2001-040

**FINDINGS AND ORDER**

The formal charges of misconduct arose from information brought to the attention of the Committee on Professional Conduct by the Special Prosecuting Attorney for the Twenty-Second Judicial District, Lona Horn McCastlain.

Jimmy Ray Baxter, an attorney practicing law in Benton, Saline County, Arkansas, represented William K. Hill, who was charged with the offenses of Driving While Intoxicated, Refusal to Submit to Test, and Careless or Prohibited Driving. On January 6, 2000, Mr. Hill and Mr. Baxter appeared before the Municipal Court of Bryant, Arkansas. Mr. Hill entered a plea of *nolo contendere* to all charges and was found guilty of the charges. Following the entry of the *nolo contendere* plea, Mr. Hill was sentenced on the charge of Driving While Intoxicated to one day jail, with credit for time served; fined in the sum of \$650.00, plus costs, and his driver's license suspended pursuant to Department of Finance and Administration regulations. Mr. Hill was placed on suspended imposition of sentence for six months for the refusal to submit to testing and the careless or prohibited driving. On January 7, 2000, the Clerk of the Bryant Municipal Court, certified the proceedings of the Bryant Municipal Court. Mr. Hill requested Mr. Baxter to appeal the matter to Saline County Circuit Court. On January 27, 2000, Mr. Baxter mailed a Notice of Appeal and Designation of Record to the Prosecuting Attorney. The Notice of Appeal was filed with the Bryant Municipal Court Clerk on February 1, 2000. The Transcript, Notice of Appeal and Designation of Record were filed with the Saline County Circuit Clerk on February 9, 2000, thirty-three days after the entry of the Municipal Court Judgment. On March 1, 2000, the Saline County Prosecuting Attorney filed a Motion to Dismiss the appeal as more than thirty days had elapsed since sentencing. Mr. Baxter stated that it had been the practice of the Bryant Municipal Court to impose sentence one week after trial date and it was his belief that, even though the court determined Mr. Hill's guilt on January 6, sentencing had not occurred until January 13, 2000.

On March 17, 2000, the Saline County Circuit Court dismissed Mr. Hill's appeal from the Bryant Municipal Court as the appeal was not properly perfected within thirty days after January 6, 2000.

Upon consideration of the formal complaint, the response herein, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Baxter's conduct violated Model Rule 1.3 when he failed to timely perfect an appeal on behalf of his client, William Hill, from the Bryant Municipal Court to the Saline County Circuit Court. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that JIMMY RAY BAXTER, Arkansas Bar ID No. 78012, be, and hereby is, REPRIMANDED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT

By:

Bart Virden

Chairman

Date: