

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

IN RE: DALE WINSTON FINLEY

ARKANSAS BAR ID #67017

CPC DOCKET No. 2001-090

FINDINGS AND ORDER

The formal charges of misconduct arose from the Arkansas Supreme Court case of Kevin Brasel v. State of Arkansas, CR 2001-1014. Dale Winston Finley, an attorney practicing law in Russellville, Arkansas, represented Mr. Brasel on appeal. Mr. Finley filed a timely Notice of Appeal in the Newton County Circuit Court. The time for lodging the transcript with the Arkansas Supreme Court was extended to September 14, 2001. Mr. Finley's wife became seriously ill and was taken to Houston, Texas for treatment. Mr. Finley failed to note the date the transcript was due to be lodged. On September 18, 2001, a Motion for Rule on the Clerk was filed by Mr. Finley on behalf of his client. On October 11, 2001, the Arkansas Supreme Court granted the Motion for Rule on the Clerk and forwarded a copy of the opinion to the Office of Professional Conduct.

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

1. That Mr. Finley's conduct violated Model Rule 1.3 when he failed to timely file with the Arkansas Supreme Court a record of the lower court proceedings on behalf of Keven Brasel, his client. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Finley's conduct violated Model Rule 8.4(d) when his failure to file the record with the Supreme Court in a timely manner resulted in a delay in the orderly and timely resolution of appellate proceedings and when his failure to timely file his client's record with the Supreme Court 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 DALE WINSTON FINLEY, Arkansas Bar ID No.67017, be, and hereby is, CAUTIONED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT - PANEL A

By: _____

Win A. Trafford, Chair - Panel A

Date: _____