

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: **REUBEN CONWAY “JAY” PINKSTON, JR.**

ARKANSAS BAR ID #83145

CPC Docket No. 2004-185

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information obtained by the Committee from orders of the Arkansas Court of Appeals in the matter of *David W. Scoggins v. The Estate of Evelyn Streff, Deceased*, No. CA-04-802. The information related to the representation of Appellant David W. Scroggins by Respondent Pinkston, an attorney practicing primarily in Bryant, Saline County, Arkansas, in 2004. Respondent was served with a formal complaint, and filed a timely response.

The Appellee’s Motion to Dismiss Appeal, filed on September 30, 2004, with the Arkansas Court of Appeals reveals that Pinkston filed the Notice of Appeal in this matter on April 26, 2004, and lodged the record on appeal on July 26, 2004. His brief was due to be filed not later than September 6, 2004, however no brief was filed nor did he obtain an Order from the Court of Appeals extending the time within which he could file the required appellant’s brief for his client. No response to the Motion to Dismiss Appeal was filed by Pinkston. After consideration of the pleadings filed with the Clerk, the Arkansas Court of Appeals granted Appellee’s Motion to Dismiss Appeal on October 27, 2004. In his response, Mr. Pinkston alluded to personal and physical problems during the period, and stated he was probably ending his practice of law in the very near future.

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

A. Mr. Pinkston’s conduct violated Model Rule 1.2(a) in that in spite the fact that his client, Mr. Scoggins wished to pursue an appeal of the lower court’s decision, Pinkston failed to comply with all the procedural rules to do so and therefore denied his client the right to an appeal of the lower court’s decision. Model Rule 1.2(a) requires that a lawyer abide by a client’s decisions concerning the objectives of representation, subject to paragraphs (c), (d), and (e), and

consult with the client as to the means by which they are to be pursued.

B. Mr. Pinkston's conduct violated Model Rule 1.3 in that he failed to file the required appellant's brief in a timely manner, or obtain an order from the appellate court extending the time to file his client's brief. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

C. Mr. Pinkston's conduct violated Model Rule 8.4(d) in that his failure to file his client's required brief resulted in his client being denied his right to appellate review of the Circuit Court's decision dismissing his case. 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, acting through its authorized Panel A, that the privilege to practice law and the Arkansas law license of Reuben Conway "Jay" Pinkston, Jr., Arkansas Bar ID# 83145, be, and hereby are, suspended for three (3) months for his conduct in this matter and he is assessed \$50.00 costs. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court. The 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 with 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 - PANEL A

By: _____

Bart F. Virden, Chair, Panel A

Date: _____