

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: OSCAR JEROME GREEN

ARKANSAS BAR ID NO. 85062

CPC DOCKET NO. 2005-074

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 referral from the Arkansas Supreme Court. The information related to the representation of Teresa Edwards by Respondent in 2004.

On December 2, 2004, Oscar Jerome Green, Attorney at Law, Maumelle, Arkansas, appeared before the Arkansas Supreme Court on failing to perfect an appeal in *Edwards v. State*, Arkansas Supreme Court Case No. 2004-1127, and for failing to pay bar dues for the years of 2003 and 2004. Prior to the December hearing, Mr. Green tendered to the court bar dues for the years 2003 and 2004. The Court accepted Mr. Green's guilty plea and ordered him to make payment of Two Hundred Fifty Dollars (\$250.00) within thirty days of the December 9, 2004 Order. The court then referred the matter to the Office of Professional Conduct for discipline in a Per Curiam Order dated December 9, 2004. The referral was treated as a formal complaint in *In Re: Oscar Jerome Green*, CPC Docket No. 2005-005.

The check Mr. Green presented to the Arkansas Supreme Court Clerk for delinquent bar dues was returned for insufficient funds and the fine was not paid within thirty days of the December 9, 2004, Order. The Arkansas Supreme Court issued an order to show cause on March 10, 2005, as to why he should not be held in contempt for attempting to pay his delinquent bar dues with a check returned for insufficient funds and for failing to pay the Two Hundred Fifty Dollar (\$250.00) fine.

On March 10, 2005, Mr. Green and his attorney, Sheila Campbell, appeared before the Arkansas Supreme Court. Mr. Green entered a plea of guilty and offered a statement of mitigation. Mr. Green stated that the Internal Revenue Service placed a lien on his bank account in August 2004. In September 2004, Mr.

Green's wife became ill and could not return to work until late November 2004. The lien on Mr. Green's checking account was released on February 2, 2005, when Mr. Green and his wife filed for Chapter 13 bankruptcy protection. Mr. Green tendered a cashier's check to the Arkansas Supreme Court on February 28, 2005, for the delinquent bar dues and fine. On March 6, 2005, Mr. Green enrolled into the Arkansas Lawyer Assistance Program. The Arkansas Supreme Court accepted Mr. Green's guilty plea and referred the matter to the Office of Professional Conduct in a Per Curiam Order dated March 31, 2005.

On May 5, 2005, Mr. Green was served with a formal complaint from the referral by the Arkansas Supreme Court. A response was filed. Mr. Green and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

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. That OSCAR JEROME GREEN violated Model Rule 3.4(c) when he failed to pay a fine of Two Hundred Fifty Dollars (\$250.00) within thirty (30) days as directed by a December 9, 2004 Order of the Arkansas Supreme Court. Model Rule 3.4(c) requires that a lawyer not knowingly disobey an obligation under the rules of a tribunal.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that OSCAR JEROME GREEN, Arkansas Bar ID No. 85062, be, and hereby is, REPRIMANDED for his conduct in this matter; assessed a fine in the amount of One Hundred Dollars (\$100.00 and costs in the amount of Fifty Dollars (\$50.00). The fine and 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 within 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 B

By: _____

J. Michael Cogbill, Chair, Panel B

Date: _____