

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

IN RE: DANA A. REECE, RESPONDENT

ARKANSAS BAR ID# 87142

CPC DOCKET NO. 2002-176

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information referred from the Arkansas Supreme Court on October 31, 2002. The information related to the representation of Albert Bell by Respondent in the case of Albert Bell v. State of Arkansas, Arkansas Supreme Court Case No. 02-1071.

On March 6, 2002, a Judgment and Commitment Order was filed of record with the Arkansas County Circuit Clerk. A timely Notice of Appeal was filed on April 4, 2002. On June 5, 2002, Reece filed a motion for extension of time to prepare the record for appeal. No order was entered granting the motion to extend the time to file the record with the Arkansas Supreme Court Clerk. The transcript was tendered to the Arkansas Supreme Court Clerk on October 8, 2002. Pursuant to Ark. R. App. P. - Civ. 5(b), the record on appeal must be filed with the Supreme Court Clerk within ninety days from the filing of the first notice of appeal. The time for filing the record may be extended, provided that an order of extension is issued within the ninety-day period. No order was extension was entered within the ninety-day period.

Reece filed a Motion for Rule on the Clerk on October 8, 2002, admitted responsibility for failing to timely file the record and requested that the Motion for Rule on the Clerk be granted. On October 31, 2002, the Arkansas Supreme Court granted the Motion and referred the matter to the Office on Professional Conduct.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, 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. Ms. Reece violated Model Rule 1.3 when she failed to timely file, on behalf of her client, Albert Bell, the record of the lower court proceedings with the Arkansas Supreme Court. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. Ms. Reece violated Model Rule 8.4(d) when she failed to file the record of the lower court proceedings with the Arkansas Supreme Court which resulted in a delay in 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, acting through its authorized Panel B, that DANA A. REECE, Arkansas Bar ID# 87142, be, and hereby is, CAUTIONED for her conduct in this matter and assessed costs in the amount of fifty (\$50) dollars. 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 B

By: _____

John L. Rush, Chair, Panel B

Date: _____