

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: ROBERT N. JEFFREY

ARKANSAS BAR ID# 89110

CPC DOCKET NO. 2005-136

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by the Arkansas Supreme Court on September 29, 2005. The information related to the representation of Kentrell L. Hill by Attorney Robert N. Jeffrey, Attorney at Law, Camden, Arkansas.

Robert N. Jeffrey represented Kentrell Hill in Ouachita County Circuit Court. Mr. Hill was found guilty of Delivery of a Controlled Substance; Possession of a Controlled Substance; and Possession of Drug Paraphernalia, and sentenced to a term of One Hundred Thirty Five (135) years in the Arkansas Department of Correction on February 1, 2005.

Mr. Jeffrey filed a timely Notice of Appeal on February 14, 2005. Mr. Jeffrey then filed a Motion for Extension of Time to File the Record. The Motion was granted and the time to file the record was extended to September 1, 2005. On August 31, 2005, a second order was entered extending the time to file the record to September 14, 2005. Even though the order extended the time for filing to September 14, 2005, Rule 5(b)(2) of the Rules of Appellate Procedure—Civil states that in no event shall the time be extended more than seven (7) months from the date of the entry of the judgment. Mr. Jeffrey tendered the record to the Arkansas Supreme Court Clerk on September 8, 2005, and the record was refused by the Clerk.

On September 13, 2005, Mr. Jeffrey filed a Motion for Rule on the Clerk and admitted responsibility for the failure to lodge the record in a timely manner. The Arkansas Supreme Court granted the Motion and referred the matter to the Office of 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 A of the Arkansas Supreme

Court Committee on Professional Conduct finds:

1. That ROBERT N. JEFFREY violated Model Rule 1.3 when he failed to file in a timely manner the record of the lower court proceedings with the Arkansas Supreme Court on behalf of his client, Kentrell L. Hill. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That ROBERT N. JEFFREY violated Model Rule 8.4(d) when his failure to file in a timely manner the record with the Arkansas Supreme Court resulted in a delay in the orderly and timely resolution of appellate proceedings and when his failure to file in a timely manner his client's record resulted in the Court expending 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 A, that ROBERT N. JEFFREY, Arkansas Bar ID# 89110, be, and hereby is, CAUTIONED for his conduct in this matter and assessed 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.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL A

By: _____

Bart Virden, Panel A

Date: _____

