

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: B. DALE WEST
ARKANSAS BAR ID NO. 89192
CPC DOCKET NO. 2011-032

FILED

JUN 17 2011

**LESLIE W. STEEN
CLERK**

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information contained in the records of the Arkansas Supreme Court Clerk. The information related to the representation of Ronald Deron Green in an appeal from a conviction in the Desha County Circuit Court.

On September 9, 2010, a Judgment and Commitment Order was entered in the case of *State of Arkansas v. Ronald Deron Green*, Desha County Circuit Court Case No. CR 2010-18-1. A timely notice of appeal was filed on October 8, 2010.

On December 20, 2010, Mr. West tendered the record to the Clerk of the Court. The record tendered to the Clerk, however, was incomplete. The Clerk notified Mr. West that Volume 4 and the circuit clerk's certification were absent from the tendered record. On March 8, 2011, Mr. West filed Volume 4 and the circuit clerk's certification but was informed that a Motion for Rule on the Clerk needed to be filed.

On March 11, 2011, Mr. West filed a Motion for Rule on the Clerk. In the motion, Mr. West stated that he tendered the record to the Clerk of the Court who informed Mr. West that Volume 4 was still present in the Circuit Clerk's office. Mr. West stated that he never received Volume 4 from the Circuit Clerk. On April 7, 2011, the Arkansas Supreme Court granted the Motion for Rule on the Clerk and referred the matter to the Committee on Professional Conduct.

Following service of the formal complaint, Mr. West entered into discussion with the Executive Director which resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. B. Dale West failed to file a complete record of the lower court proceedings with the Arkansas Supreme Court on behalf of his client, Ronald Deron Green. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

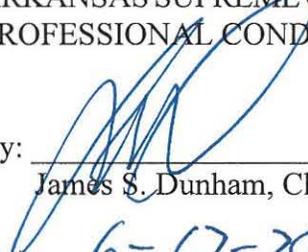
2. B. Dale West failure to file a complete record on behalf of his client, Ronald Deron Green within ninety days following the filing of a notice of appeal resulted in a delay in the orderly and timely resolution of appellate proceedings. Rule 8.4(d) requires that a lawyer not engage in conduct that 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 B. DALE WEST, Arkansas Bar ID No. 89192, be, and hereby is, CAUTIONED, fined the sum of FIVE HUNDRED DOLLARS (\$500.00) and ordered to pay administrative 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 B

By: 

James S. Dunham, Chair, Panel B

Date:

6-17-2011