

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: DAVID MARK GUNTER

ARKANSAS BAR ID #94004

CPC Docket No. 2002-134

FINDINGS & CONSENT ORDER OF DISCIPLINE

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney David Mark Gunter of Hope, Hempstead County, Arkansas, arose from a referral by Per Curiam Order of the Arkansas Supreme Court filed September 5, 2002, in Rufus A. Box v. State of Arkansas, No. 202-751.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has 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 C of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Gunter's conduct violated Model Rule 1.3 when he failed to file a timely Notice of Appeal on behalf of Rufus A. Box, his client, following the entry of judgment of conviction in the lower court. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Gunter's conduct violated Model Rule 8.4(d) when his failure to file a timely Notice of Appeal resulted in a delay in the orderly and timely resolution of appellate proceedings, and his failure to file a timely Notice of Appeal 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, in accordance with the consent to discipline presented by Mr. Gunter and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent David Mark Gunter, Arkansas Bar No. 94004, be, and he hereby is, REPRIMANDED for his conduct in this matter, and ordered to pay costs of \$50.00 within thirty (30) days of the filing of this order.

ARKANSAS SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT - PANEL C

By _____

David Newbern, Panel C Chairperson

Date _____