

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: RONALD L. DAVIS, JR, Respondent
Arkansas Bar ID#98016
CPC Docket No. 2010-074

FILED

FEB 21 2011

**LESLIE W. STEEN
CLERK**

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based from information developed from the appeal matter of *McCastle v. State*, CACR09-00933. Ronald L. Davis, Jr., is the attorney representing Mr. McCastle in the appellate matter.

During September 2010, Respondent was served with a formal complaint, setting out the circumstances of the dismissal of the appeal Respondent was handling for Mr. McCastle. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Panel reflected that the record for Mr. McCastle's appeal was lodged with the Clerk on August 17, 2009. Mr. Davis is listed as appellant's attorney. A briefing schedule was issued following the lodging of the record. The brief for appellant was due to be filed on or before September 28, 2009. On September 16, 2009, Mr. Davis filed a Motion for Extension of Time. The Court granted the request for extension and allowed Mr. Davis until November 12, 2009, to file the brief for Mr. McCastle. On that date, Mr. Davis did not file a brief but filed another Motion for Extension of Time to File Appellant's Brief. Based upon his Motion, the Court granted Mr. Davis until December 27, 2009, to file an appellant's brief in the matter. December 27, 2009, was a Sunday. On Monday, December 28, 2009, Mr. Davis filed a Petition for Writ of Certiorari to Complete the Record. There was a pre-trial hearing which had

been conducted on September 3, 2008, but the transcript of that hearing was not included in the record.

On January 20, 2010, the Court granted the Motion and issued Certiorari signed by Leslie W. Steen, Clerk, which directed that Stacy Sebree Simpson, Court Reporter, prepare the remaining portion of the record and that it was returnable on February 19, 2010. Mr. Davis was sent notice of this Certiorari. Mr. Davis' brief was due thirty (30) days after the record was completed and returned.

Nothing was filed by Mr. Davis thereafter in Mr. McCastle's appeal. On August 2, 2010, a Motion to Dismiss was filed by the Appellee, State of Arkansas, by the Attorney General. Mr. Davis did not respond to the Motion to Dismiss. Contact was made by the Clerk's staff requesting information from the Court Reporter. The information provided demonstrated that the record was completed and supplied to Mr. Davis who paid the costs for the same on February 22, 2010. On September 1, 2010, Mr. McCastle's appeal was dismissed.

After the formal disciplinary complaint was served, Mr. Davis filed a Motion to Reinstate Mr. McCastle's appeal. The Motion was granted and the appeal is being pursued through the appellate process.

Upon consideration of the formal complaint and attached exhibit materials, the consent proposal, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Davis' conduct violated Rule 1.1, when he was not thorough enough in his representation of Mr. McCastle to be certain he filed the record of the additional proceeding that he requested to have completed with the Supreme Court Clerk after the record was provided

to him by the Court Reporter from Arkansas County. Rule 1.1 requires that a lawyer provide competent representation to a client, including the thoroughness and preparation reasonably necessary for the representation.

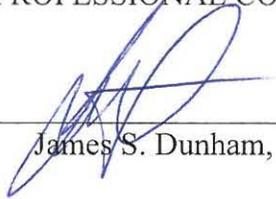
2. That Mr. Davis' conduct violated Rule 1.3, when he failed to take action to file the record of the additional proceedings he requested be prepared, and which the Court of Appeals ordered, after the record was returned to him by the Court Reporter in February 2010, and when he failed to respond to the Motion to Dismiss filed by the State of Arkansas, appellee, in the appeal he filed on Mr. McCastle's behalf from his conviction out of Arkansas County Circuit Court, Northern Division. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Mr. Davis' conduct violated Rule 8.4(d), because his failure to act after the Court Reporter returned the record to him in Mr. McCastle's appeal proceeding caused Mr. McCastle's appeal to be delayed. 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 RONALD L. DAVIS, JR., Arkansas Bar ID# 98016, be, and hereby is, CAUTIONED for his conduct in this matter. In addition, Mr. Davis is assessed the costs of this proceeding in the amount of \$50, pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. 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 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:  _____

James S. Dunham, Chair, Panel B

Date: 2-18-2011 _____

(13.M, Rev.1-1-02)