

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: JONATHAN T. LANE, Respondent
Arkansas Bar ID# 98172
CPC Docket No. 2012-010

FILED

APR 25 2012

**LESLIE W. STEEN
CLERK**

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Self-referral and Per Curiam of the Arkansas Supreme Court. The information is related to the representation of Terry Lemmond on an appeal in a criminal matter by Mr. Jonathan Lane.

Mr. Lane filed the Notice of Appeal in Mr. Lemmond's criminal case on August 4, 2011, making the time to lodge the record with the Arkansas appellate court due on November 2, 2011. Mr. Lane did not file the record until November 3, 2011. Pursuant to Rule 4 of the Arkansas Rules of Appellate Procedure, the record of the Circuit Court proceedings was due ninety (90) days after the Notice of Appeal, which Mr. Lane admitted he failed to tender in the appropriate time.

On December 8, 2011, the Arkansas Supreme Court granted Mr. Lane's Motion for Rule on the Clerk., in accordance with *McDonald v. State*, 356 Ark. 106, 146 S.W.3rd 883 (2004). After obtaining an extension, Mr. Lane filed his client's brief on February 23, 2012.

Upon consideration of the formal complaint and attached exhibit materials, the response, 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. Lane's conduct violated Rule 1.3 when he failed to submit the record of the

Circuit Court proceedings, on behalf of his client, Terry Lemmond, in a timely manner. Arkansas Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That Mr. Lane's conduct violated Rule 8.4(d) when (a) his failure to submit the record in the Circuit Court proceedings to the Arkansas Court of Appeals in a timely manner resulted in a delay in the orderly and timely resolution of appellate proceedings, and (b) when his failure to timely submit the record of the Circuit Court proceedings on behalf of his client with the Arkansas Court of Appeals required the Court to expend additional time and effort which would not have been necessary otherwise. Arkansas 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 JONATHAN T. LANE, Arkansas Bar ID# 98172, be and hereby is, CAUTIONED for his conduct in this matter. Pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2011), Mr. Lane is assessed the costs of this proceeding in the amount of \$50.00. The cost assessed herein, totally \$50.00, 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 Consent 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: Barry Deacon
Barry Deacon, Chair

Date: Apr. 25, 2012