

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: ROBERT L. RICKARD
ARKANSAS BAR ID No. 2001065
CPC Docket No. 2007-135

FILED

MAR 18 2011

**LESLIE W. STEEN
CLERK**

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Robert L. Rickard of Bentonville, Benton County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by the dismissal of a civil appeal in Case No. 07-936 in October 2007. 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).

Robert L. Rickard represented Midd Development, LLC, in a civil suit in Benton County Circuit Court, Case No. CV-2006-535-5. Following an adverse judgment of \$63,000, on May 30, 2007, Midd Development, LLC, timely filed its notice of appeal. Rule 5(a) of the Rules of Appellate Procedure—Civil, requires that the record on appeal be filed with the clerk of the Arkansas Supreme Court and docketed therein within 90 days from the filing of the first notice of appeal, unless the time is extended by order of the circuit court. On August 31, 2007, Mr. Rickard tendered the record to the Arkansas Supreme Court Clerk, and the Clerk refused to accept the record as it was not timely received.

On September 11, 2007, Mr. Rickard filed a Motion for Rule on Clerk, stating that the record was not tendered timely because of error by Donald Court Reporting in forwarding its portion of the completed record to another court reporter, rather than to Rickard. The record was eventually

tendered to the appellate clerk three days after the deadline. On October 4, 2007, the Arkansas Supreme Court issued a letter order denying Mr. Richard's Motion for Rule on Clerk, and the appeal was ended. MIDD funds paid for the \$150.00 filing fee and the \$1,054.70 cost of the appeal transcript.

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 A of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

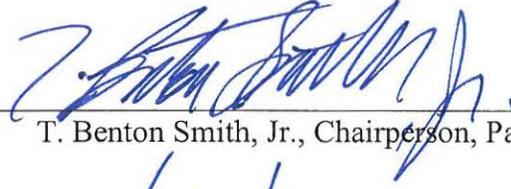
A. Robert L. Rickard's conduct violated Rule 1.3, in that he failed to timely file the record of the lower court proceedings on behalf of his client, Midd Development, LLC, in the case of Bonds Excavating v. Midd Development, LLC, Benton County Circuit Court Case No. CV-2006-535-5. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

B. Robert L. Rickard's conduct violated Rule 8.4(d) in that (1) his failure to timely file the record of the lower court proceedings on behalf of his client, Midd Development, LLC, resulted in his client's appeal being dismissed, and (2) his failure to timely file the record of the lower court proceedings on behalf of his client, Midd Development, LLC, required the Court to expend additional time and effort which would not have been necessary otherwise. 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. Rickard and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent **ROBERT L. RICKARD**, Arkansas Bar No. 2001065, be, and he hereby is, **CAUTIONED** for his conduct in this matter and ordered to pay \$1,204.70

restitution for the benefit of MIDD Development, LLC, and \$100.00 Committee costs. The restitution and costs assessed herein, totaling \$1,304.70, shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct with 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 A

By 
T. Benton Smith, Jr., Chairperson, Panel A

Date 3/18/11