

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

IN RE: Q. BYRUM HURST, JR.

ARKANSAS BAR ID #74082

CPC DOCKET No. 2001-127

FINDINGS AND ORDER

The formal charges of misconduct arose from the Arkansas Supreme Court case of Jacinto Henderson v. State of Arkansas, CR 2001-616. Mr. Henderson was convicted of Capital Murder and sentenced to life in prison without parole in Craighead County, Arkansas. Henderson's conviction had been appealed and affirmed by the Arkansas Supreme Court. Q. Byrum Hurst, an attorney practicing law in Hot Springs, Arkansas, represented Mr. Henderson in a post-conviction criminal matter. Mr. Hurst filed a Petition for Post-Conviction Relief in the Craighead County Circuit Court. On August 10, 2000, a hearing was conducted in the Craighead County Circuit Court and, following presentation of evidence and argument, the Court took the matter under advisement. On October 27, 2000, the Craighead County Circuit Court entered an Order denying the Petition for Post-Conviction Relief. Mr. Hurst filed a timely Notice of Appeal on November 21, 2000. The time for lodging the transcript with the Arkansas Supreme Court expired before Mr. Hurst obtained an order to extend the time for lodging the transcript.

On June 4, 2001, a Motion for Rule on the Clerk was filed by Mr. Hurst on behalf of his client. The Motion was denied on June 21, 2001. On October 9, 2001, Mr. Hurst filed a second Motion for Rule on the Clerk and accepted responsibility for the miscalculation of time. On October 25, 2001, the Arkansas Supreme Court granted the Motion for Rule on the Clerk and forwarded a copy of the opinion to the Office of Professional Conduct.

Upon consideration of the formal complaint, Mr. Hurst's response, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Hurst's conduct violated Model Rule 1.3 when he failed to timely file with the Arkansas Supreme Court a record of the lower court proceedings on behalf of Jacinto Henderson, his client. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Hurst's conduct violated Model Rule 8.4(d) when his failure to file the record with the Supreme Court in a timely manner resulted in a delay in the orderly and timely resolution of appellate proceedings and when his failure to timely file his client's record with the Supreme Court 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, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Q. BYRUM HURST, JR., Arkansas Bar ID No.74082, be, and hereby is, CAUTIONED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT - PANEL A

By: _____

Win A. Trafford, Chair - Panel A

Date: _____