BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

FILED
APR 22 2009
LESLIE W. STEEN
CLERK

IN RE: JOHN W. SETTLE, Respondent
Arkansas Bar ID#77123
CPC Docket No. 2009-004

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee in a Per Curiam Order from the Arkansas Supreme Court on December 4, 2008. The information related to Mr. Settle's representation of Terrance Quartez Jarrett in the appeal of his conviction from Sebastian County Circuit Court.

On January 23, 2009, Respondent was served with a formal complaint, supported by the records of the Arkansas Supreme Court in the matter of Terrance Quartez Jarrett v. State, CR08-1295. 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 John Settle represented Terrance Quartez Jarrett in Sebastian County Circuit Case Nos. CR-2003-305, 2003-382, 2003-383, and 2003-384, *State of Arkansas v. Terrance Quartez Jarrett.* The trial court entered the judgment and commitment order on July 8, 2008. Mr. Settle filed the notice of appeal on July 9, 2008. The record in this matter was thus due to be filed by October 7, 2008. The clerk refused to accept the record when it was untimely tendered on November 5, 2008.

As a result, Mr. Settle filed a Motion for Rule on Clerk. In the Motion for Rule on the Clerk, Mr. Settle explained that the Court Reporter filed the trial transcript with the Circuit Clerk on October 6, 2008, but did not advise him that it was prepared. Mr. Settle did not receive the

transcript until later. By Per Curiam Order dated December 4, 2008, the Court granted the Motion for Rule on Clerk and specifically set out that it was plain from the Motion that there was error on Mr. Settle's part. The Court also forwarded a copy of its decision to the Committee on Professional Conduct.

Upon consideration of the formal complaint and attached exhibit materials, the response, the consent proposal, 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. Settle's conduct violated Rule 1.3 when he failed to timely lodge the record on behalf of his client from the convictions in Case Nos. CR2003-305, 2003-382, 2003-383 and 2003-384, *State of Arkansas v. Terrance Quartez Jarrett*. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that JOHN W. SETTLE, Arkansas Bar ID#77123, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18. A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, Mr. Settle is assessed the costs of this proceeding in the amount of $50. 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: Valerie Kelly
Valerie Kelly, Chair, Panel B

Date: April 22, 2009

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