BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

FILED
AUG 0 4 2009
LESLIE W. STEEN
CLERK

IN RE: JOHN ALBERT LEWRIGHT
ARKANSAS BAR ID No. 2002054
CPC DOCKET NO. 2009-050

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee from a referral of the Office of Chief Disciplinary Counsel of the Supreme Court of Missouri. The information related to the representation of Timmy Davis by John Albert Lewright in 2007.

John Albert Lewright is a Missouri lawyer licensed to practice law in the State of Arkansas. Mr. Lewright undertook representation of Timmy Davis in the case of United States v. Timmy Davis, United States Court of Appeals for the Eighth Circuit, Case No. 07-2687. The case arose from an appeal of the decision by the Honorable Jimm Larry Hendren of the United States District Court for the Western District of Arkansas, Fayetteville Division. A brief was due to be filed with the Court of Appeals on Mr. Davis' behalf on August 16, 2007. No brief was filed.

On September 4, 2007, the United States Court of Appeals for the Eighth Circuit issued an Order to Show Cause directing Mr. Lewright to state to the Court within fifteen days of the date of the Order why Mr. Davis' appeal should not be dismissed for failure to prosecute. Mr. Lewright failed to respond to the Order.

On October 3, 2007, the United States Court of Appeals for the Eighth Circuit issued an Order directing Mr. Lewright to respond to the September 4, 2007, Order or file the brief on Mr.

Davis' behalf. Mr. Lewright was ordered to show cause, within fifteen (15) days of the date of the Order why he should not be personally disciplined for failing to prosecute the appeal. Mr. Lewright failed to respond to the Order.

On November 8, 2007, the United States Court of Appeals for the Eighth Circuit issued an Order stating that Mr. Lewright had failed to respond to the September 4, 2007, Order and the October 3, 2007, Order. As a result of his failure to respond to the previous orders of the court, Mr. Lewright was removed from the case and the court referred the matter to the Office of Chief Disciplinary Counsel of the Supreme Court of Missouri. The Court also noted that Mr. Lewright was not admitted to the Bar of the United States Court of Appeals for the Eighth Circuit.

On November 27, 2007, the Missouri Region XV Disciplinary Committee Special Representative wrote Mr. Lewright and demanded a written response to the Missouri disciplinary complaint. Mr. Lewright failed to respond.

On March 10, 2008, the Missouri Region XV Disciplinary Special Committee Representative wrote Mr. Lewright and requested that he appear at a March 19, 2008 meeting of the Region XV Disciplinary Committee. Mr. Lewright failed to appear.

On June 27, 2008, an Information was filed by the Missouri Supreme Court Advisory Committee alleging that Mr. Lewright violated Missouri Supreme Court Rule 4-1.1 when he failed to provide competent representation to a client; Missouri Supreme Court Rule 4-1.3 when he failed to act with reasonable diligence and promptness in filing a brief on behalf of Mr. Davis, his client; and Missouri Supreme Court Rule 4-8.1 when he knowingly failed to respond to a lawful demand for information from a disciplinary authority.

On September 26, 2008, a Joint Stipulation of Facts, Joint Proposed Conclusions of Law,

and Joint Recommended Discipline was entered into and sent to the Missouri Disciplinary Hearing Panel. In the Joint Stipulation, Mr. Lewright admitted that he violated Missouri Supreme Court Rule 4-1.3 when he failed to act with reasonable diligence and promptness in responding to the Orders of the United States Court of Appeals for the Eighth Circuit.

On October 22, 2008, the Missouri Disciplinary Hearing Panel accepted the Joint Stipulation of Facts, Proposed Conclusions of Law and Recommended Discipline. The matter was then submitted to the Supreme Court of Missouri and the Court entered an Order on December 11, 2008, wherein Mr. Lewright was Reprimanded and assessed a fee in the amount of Seven Hundred Fifty ($750.00).

An annual license fee is required of every attorney actively licensed to practice law in the State of Arkansas. The license fee is to be paid annually to the Clerk of the Arkansas Supreme Court and is to be paid no later than March 1 of each year. Mr. Lewright, as of the date of the formal complaint in this matter, had not paid his license fees for the calendar year 2009.

On April 21, 2009, John A. Lewright was served with a formal compliant along with a copy of all exhibits, by U.S. Postal Service, certified, restricted delivery, return receipt requested. Mr. Lewright failed to file a response to the complaint and the failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constituted an admission of the factual allegations of the formal complaint and extinguished his right to a public hearing.

Upon consideration of the formal complaint and attached exhibit materials, the failure to respond and the deemed admission to the factual allegations, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. John A. Lewright's conduct violated Rule 1.3 when he failed to file an appellant's brief with the United States Court of Appeals for the Eighth Circuit on behalf of his client on or before August 16, 2007. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. John A. Lewright's conduct violated Rule 3.4(c) when he failed to respond to a September 4, 2007, Order of the United States Court of Appeals for the Eighth Circuit directing him to show cause why the appeal of his client, Timmy Davis, should not be dismissed for failure to prosecute; when he failed to respond to a October 3, 2007, Order of the United States Court of Appeals for the Eighth Circuit directing him to show cause why he should not be personally disciplined for failure to prosecute an appeal on behalf of his client, Timmy Davis; and, when he failed to pay his 2009 Arkansas license fee as required by Rule VII of the Arkansas Rules Governing Admission to the Bar. Rule 3.4(c) requires that a lawyer not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

3. John A. Lewright's conduct violated Rule 5.5(a) when he was not authorized to practice before the United States Court of Appeals for the Eighth Circuit when he undertook the representation of his client, Timmy Davis, and that he did not obtain authorization to practice before the United States Court of Appeals for the Eighth Circuit during the representation of his client, Timmy Davis. Rule 5.5(a) states that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction.

4. John A. Lewright's conduct violated Rule 8.1(b) when he failed to respond to a November 27, 2007, demand from the Missouri Region XV Disciplinary Committee Special

Representative for a written response to a Missouri disciplinary complaint, and when he failed to appear on March 19, 2008, before the Missouri Region XV Disciplinary Committee as requested by the Missouri Region XV Disciplinary Committee. Rule 8.1(b) requires, in part, that a lawyer in connection with a disciplinary matter not knowingly fail to respond to a lawful demand for information from a disciplinary authority.

5. John A. Lewright's conduct violated Rule 8.4(d) when his conduct resulted in unnecessary delay in the case of United States v. Timmy Davis, United States Court of Appeals for the Eighth Circuit, Case No. 07-2687, and when his conduct required the United States Court of Appeals for the Eighth Circuit to expend additional time and effort which would not have been necessary otherwise to address Mr. Lewright's failure to represent his 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 A. LEWRIGHT Arkansas Bar No. 2002054, be, and hereby is, REPRIMANDED; fined the sum of ONE THOUSAND DOLLARS ($1,000.00); and assessed costs in the amount of FIFTY DOLLARS ($50.00) for his conduct in this matter. For his failure to respond to the formal complaint, a separate sanction is imposed pursuant to Section 9.C(3) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Arkansas of Attorneys at Law. JOHN A. LEWRIGHT, Bar No. 2002054 is hereby CAUTIONED for his failure to respond and fined the sum of FIVE HUNDRED ($500.00) for his conduct in that matter. All fines and 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 L. Kelly
Valerie Kelly, Chair, Panel B

Date: June 30, 2009.