SUPREME COURT OF ARKANSAS
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BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: BRUCE J. BENNETT, Respondent
Arkansas Bar ID#92140
CPC Docket No. 2009-072

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from a referral to the Committee by the Arkansas Supreme Court by Per Curiam. The information related to the representation of Cristobal Mancia by Respondent.

On June 17, 2009, Bennett was served with a formal complaint. Bennett failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, constitutes an admission of the factual allegations of the formal complaint and extinguishes Bennett's right to a public hearing.

On August 11, 2008, Bennett filed the first Motion for Extension of Time to File Brief. The Arkansas Court of Appeals granted the request and a letter went out from the Office of the Clerk advising Bennett that the time for filing Appellant's brief had been extended to October 10, 2008. However, Bennett failed to file the brief and on October 10, 2008, he filed a second Motion for Extension of Time to File Brief. As Bennett had failed to file the brief by the October 10, 2008, deadline, the case was transferred from the Arkansas Court of Appeals to the Arkansas Supreme Court. The Supreme Court granted the second Motion and extended the time to file the brief an additional forty-five (45) days which made it due on or before November 24, 2008. He again did not file the brief as required, and on November 24, 2008, Bennett filed a third Motion for Extension of Time to File Brief. The Court denied the third Motion.

On April 16, 2009, the Arkansas Supreme Court issued a Per Curiam Order directing

Bennett to appear before it on May 7, 2009, to show cause why he should not be held in contempt for failing to file his client's brief on or before November 24, 2008, as previously ordered. In addition, on April 16, 2009, Cristobal Mancia, Bennett's client, filed a pro se Motion for Dismissal and Appointment of Counsel. Bennett appeared before the Supreme Court on May 7, 2009, and entered a plea of guilty to the contempt charge.

The Arkansas Supreme Court issued a Contempt Order accepting Bennett's guilty plea finding him in contempt on May 14, 2009, and fining him $250.00.

Upon consideration of the formal complaint and attached exhibit materials and the Arkansas Model Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Bruce J. Bennett's conduct violated Rule 1.3 when he failed to file the brief on behalf of his client in a timely manner, after twice being granted an extension to do so.

2. That Bruce J. Bennett's conduct violated Rule 3.4(c) when he failed to comply with the Order of the Court directing him to file a brief on behalf of his client on or before October 10, 2008.

3. That Bruce J. Bennett's conduct violated Rule 3.4(c) when he failed to comply with the Order of the Court directing him to file a brief on behalf of his client on or before November 24, 2008.

4. That Bruce J. Bennett's conduct violated Rule 3.4(c) when he was found in contempt of court on May 14, 2009, for failure to file a brief on behalf of his client.

5. That Bruce J. Bennett's conduct violated Rule 8.4(d) because his failure to timely file the brief with the Arkansas Court of Appeals and Arkansas Supreme Court resulted in a delay in the orderly and timely resolution of appellate proceedings.

6. That Bruce J. Bennett's conduct violated Rule 8.4(d) because his failure to timely file the brief with the Arkansas Court of Appeals and Arkansas Supreme Court required the Courts to expend additional time and effort which would have not been necessary otherwise.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that the Arkansas law license of BRUCE J. BENNETT, Arkansas Bar ID #92140, be, and hereby is, SUSPENDED FOR A PERIOD OF THREE (3) MONTHS for his conduct in this matter. The suspension in this matter shall become effective immediately upon the filing of this Findings and Order with the Clerk of the Arkansas Supreme Court. For failing to respond to the formal complaint pursuant to Section 9C(3), the Committee imposes a separate sanction of a REPRIMAND and a fine of $500.00 pursuant to Section 18(B) of the Procedures. Bruce J. Bennett shall also pay costs in the amount of $50.00 in accordance with Section 18.A. of the Procedures. The fine and costs assessed herein, totaling $550.00, 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 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: Steven Shults
Steven Shults, Chair, Panel A

Date: August 12, 2009