BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

FILED
NOV 20 2009
LESLIE W. STEEN
CLERK

IN RE: LAWRENCE C. HONEYCUTT, Respondent
Arkansas Bar ID#78074
CPC Docket No. 2009-109

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 the Orders of the Arkansas Supreme Court denying the Motion for Rule on the Clerk in the matter of *Andy Worley et ux v. Theodore Patin et ux,* 09-860. The information related to the representation of Andy & Carol Worley by Respondent, Lawrence C. Honeycutt, an attorney practicing primarily in Hot Springs, in the attempt to appeal a lower court decision adverse to them.

On October 2, 2009, Respondent was served with a formal complaint, supported by pleadings and Orders from the aforementioned appellate matter. 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 on January 2, 2009, an Order was entered which was adverse to Mr. Honeycutt's clients in Garland County Circuit Court. A Motion for Reconsideration was filed on January 12, 2009, by Mr. Honeycutt on behalf of his client. Circuit Judge Lynn Williams sent notice in a letter dated January 14, 2009, that the Motion for Reconsideration was denied. An Order was entered on January 29, 2009. Thereafter, on February 27, 2009, Mr. Honeycutt filed a timely Notice of Appeal. An Order was entered extending the time to file the record on appeal from May 12, 2009, until July 27, 2009. Mr.

Honeycutt did not tender the record on appeal until July 28, 2009.

A Motion for Rule on the Clerk was filed on the day after the record was tendered. In the Motion, Mr. Honeycutt attached a copy of his calendar demonstrating that the calendar had a listing of July 28, 2009, for the "Worley appeal". Mr. Honeycutt assumed responsibility for the trial transcript being lodged untimely, and explained it was due to a miscalculation of time, clerical error, and to his neglect. A Response to the Motion was tendered by counsel for the appellees on August 14, 2009. In the Response, it is pointed out that Mr. Honeycutt was notified on July 2, 2009, that the transcript was available but did not pick it up until July 24, 2009.

On September 10, 2009, the Court denied the Motion for Rule on the Clerk. The result of the Court's ruling is that Mr. Honeycutt's clients are without the opportunity for appellate review of the Circuit Court's Order to which they took exception.

Upon consideration of the formal complaint and attached exhibit materials, the consent proposal, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Honeycutt's conduct violated Rule 1.1, because he was not thorough enough in his representation of Andy Worley and Carol Worley to be certain that he timely filed the record on appeal. Rule 1.1 requires that a lawyer provide competent representation to a client, including the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. That Mr. Honeycutt's conduct violated Rule 1.3, when he failed to file the record on appeal within the time granted him in the Order Extending the Time to File the Record, i.e., by July 27, 2009. Rule 1.3 requires that a lawyer shall act with reasonable diligence and

promptness in representing a client.

3. That Mr. Honeycutt's conduct violated Rule 8.4(d), because his failure to timely file the record on appeal resulted in his clients being denied the opportunity to appellate review of the Garland County Circuit Court's decision adverse to them. 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, acting through its authorized Panel A, that LAWRENCE C. HONEYCUTT, Arkansas Bar ID#78084, be, and hereby is, CAUTIONED for his conduct in this matter. Mr. Honeycutt is also assessed the costs of this proceeding in the amount of $100, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. 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 A

By: Steven Shults
Steven Shults, Chair, Panel A

Date: November 20, 2009

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