BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: DANA A. REECE
ARKANSAS BAR ID NO. 87142
CPC DOCKET NO. 2009-082

FILED
DEC 11 2009
LESLIE W. STEEN
CLERK

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information the Committee obtained from files maintained by the Arkansas Supreme Court Clerk. The information related to the representation of Michael Estes, by Dana A. Reece, Attorney at Law, Little Rock, Arkansas, in the case of *Michael Estes v. Amber Hunt*, Arkansas Supreme Court Case No. 2009-328

Ms. Reece represented Mr. Estes in a domestic relations matter filed in Pulaski County Circuit Court. On September 25, 2008, the court entered an Order modifying Mr. Estes' visitation and ordering Mr. Estes to pay attorney's fees in the amount of $2,500.

On October 24, 2008, Ms. Reece filed a Notice of Appeal. The record was due to be filed with the Arkansas Supreme Court Clerk on or before January 22, 2009. On January 17, the court reporter informed Ms. Reece that the record would not be ready by January 22, the due date. Ms. Reece then filed a Motion for Extension of Time on January 21 and an Order was sent to the Court. The Order was entered and filed with the Clerk.

On March 4, 2009, Ms. Reece tendered the record to the Arkansas Supreme Court Clerk. On March 5, the Clerk sent Ms. Reece a letter stating that the extension order filed on January 21 was not in compliance with Rule 5 of the Rules of Appellate Procedure and that a Motion for Rule on the Clerk would need to be filed on or before March 11, 2009. On March 20, 2009, Ms. Reece

tendered a Motion for Rule on the Clerk. The motion was tendered and not filed as Ms. Reece had not paid her annual license prior to the March 1 deadline. Upon payment of her license fee on March 31, 2009, the motion was filed. On April 23, 2009, the Arkansas Supreme Court denied the Motion for Rule on the Clerk.

An annual license fee is required of every attorney actively licensed to practice law in the State of Arkansas pursuant to Rule VII.A of the Rules Governing Admission to the Bar. 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. Rule VII.C states that "Failure to pay the annual license fee provided in subsection A of this Section shall automatically suspend the delinquent lawyer from the practice of law in Arkansas." Further, Rule VII.C(1) states that "Delinquency in a given year dates from March 2 of the year in which the fees are due." Denise Parks, Deputy Clerk of the Arkansas Supreme Court, maintains the roll of attorneys licensed to practice law. According to Ms. Parks, Ms. Reece did not pay her license fees for calendar year 2009 until March 31, 2009. Ms. Reece's license to practice law was, therefore, administratively suspended on March 2, 2009, pursuant to Rule VII.C.

Ms. Reece was charged with violations of the Arkansas Rules of Professional Conduct as a result of her conduct set forth above. She approached the Office of Professional Conduct and undertook good faith discussion of a discipline by consent proposal. Ms. Reece conditionally acknowledged violation of Rules 1.3 and 8.4(d) of the Arkansas Rules of Professional Conduct in exchange for the disciplinary sanction of Caution, a fine of Five Hundred Dollars ($500.00), restitution in the amount of Five Hundred Forty Eight Dollars and Thirty Cents ($548.30)for the cost of the transcript and One Hundred Fifty Dollars ($150.00), and administrative costs in the amount of Fifty Dollars ($50.00), totaling One Thousand Two Hundred Forty-Eight Dollars and Thirty Cents

($1,248.30).

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

1. Dana A. Reece violated Rule 1.3 when she failed to undertake the necessary and proper steps to obtain an Order extending the time to file the record on appeal beyond the initial ninety (90) day limit which complied with Rule 5 of the Arkansas Rules of Appellate Procedure–Civil. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. Dana A. Reece violated Rule 8.4(d) when her failure to obtain an Order for Extension of Time in compliance with Rule 5(b) of the Rules of Appellate Procedure–Civil, resulted in the appeal of her client, Michael Estes, being dismissed. 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 DANA A. REECE, Arkansas Bar ID No. 87142, be, and hereby is, CAUTIONED, fined the sum of Five Hundred Dollars ($500.00), directed to pay restitution in the amount of Five Hundred Forty Eight Dollars and Thirty Cents ($548.30) for the cost of the transcript and One Hundred Fifty Dollars ($150.00), and ordered to pay administrative costs in the amount of Fifty Dollars ($50.00). The fine, restitution and costs assessed herein totaling One Thousand Two Hundred Forty-Eight Dollars and Thirty Cents ($1,248.30), 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.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL B

By: Valerie L. Kelly
Valerie Kelly, Chair, Panel B

Date: 12/11/09