BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: MALCOLM ANGELA SIMMONS
ARKANSAS BAR ID NO. 91243
CPC DOCKET NO. 2008-096

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information referred to the Committee by the Honorable Randall W. Morley, North Little Rock District Court, Second Division. The information related to representations made by Malcolm Angela Simmons, Attorney at Law, Little Rock, Arkansas in the course of representing Donnie McCuien, his client.

On May 28, 2008, Malcolm A. Simmons appeared in North Little Rock District Court, Second Division, on behalf of Donnie McCuien. As of March 2, 2008, and continuing through May 28, 2008, Mr. Simmons' license to practice law was suspended for failure to pay his 2008 attorney license fees. Mr. Simmons was also suspended from the practice of the law on March 10, 2007, for failure to comply with CLE requirements. While in the North Little Rock District Court, Mr. Simmons submitted a letter of representation to the court.

William Brown, Assistant City Attorney for the City of North Little Rock, informed Judge Morley that he had reason to believe Mr. Simmons' law license was suspended. Judge Morley asked Mr. Simmons whether his license was suspended and Mr. Simmons replied that his license had been suspended but was now reinstated.

Judge Morley was provided a copy of the letter sent by Mr. Brown to the Office of Professional Conduct for his comments about what transpired in his courtroom concerning Mr.

FILED
APR 26 2010
LESLIE W. STEEN
CLERK

Simmons. Judge Morley responded with his letter dated August 5, 2008.

Following service of the formal complaint, Malcolm Angela Simmons entered into discussion with the Executive Director which resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. Malcolm Angela Simmons violated Rule 3.4(c) when he failed to comply with Rule VII.A of the Arkansas Rules Governing Admission To The Bar by failing to pay his annual license fee by March 2, 2007; when he failed to comply with Rule VII.A of the Arkansas Rules Governing Admission To The Bar by failing to pay his annual license fee by March 2, 2008; when he failed to comply with Rule VII.C of the Arkansas Rules Governing Admission To The Bar, which 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, by appearing in North Little Rock District Court on behalf of Donnie McCuien; and when he failed to comply with Rule 3(A) of the Rules for Minimum Continuing Legal Education which requires that every member of the Bar of Arkansas shall complete 12 hours of approved continuing legal education during each reporting period as defined by Rule 5(A). Rule 3.4(c) requires that a lawyer not knowingly disobey an obligation under the rules of a tribunal.

2. Malcolm Angela Simmons violated Rule 5.5(a) when he was prohibited from practicing law in the State of Arkansas while his license was suspended for failure to pay his annual license fee

by March 2, 2007, yet he entered his appearance in North Little Rock District Court on May 28, 2008; when he was prohibited from practicing law in the State of Arkansas while his license was suspended for failure to pay his annual license fee by March 2, 2008, yet he entered his appearance in North Little Rock District Court on May 28, 2008; and when he was prohibited from practicing law in the State of Arkansas while his license was suspended for failure to maintain CLE requirements, yet he entered his appearance in North Little Rock District Court on May 29, 2008. 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, or assist another in doing so.

3. Malcolm Angela Simmons violated Rule 8.4(c) when asked the Honorable Randall Morley, North Little Rock District Court Judge, whether his license was suspended, he stated that his license had been suspended but had since been reinstated which was dishonest, deceitful, or a misrepresentation. Rule 8.4(c) requires that a lawyer not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that MALCOLM ANGELA SIMMONS, Arkansas Bar ID No. 91243, be, and hereby is, SUSPENDED for a period of SIX MONTHS, effective on the date of the filing of this Findings and Order, and ordered to pay administrative costs in the amount of Fifty Dollars ($50.00). 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.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL B

By: Steve R. Crane
Steve R. Crane, Chair, Panel B

Date: 4-16-10