BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

FILED
JUL 16 2010
LESLIE W. STEEN
CLERK

IN RE: **JOSEPH D. HUGHES**, Respondent
Arkansas Bar ID #97021
CPC Docket No. 2009-140

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Consent Findings and Order is based were developed from information provided to the Committee by the Per Curiam Order of the Arkansas Supreme Court issued December 10, 2009, referring this matter to the Committee. The information related to the representation of James Montgomery in Case No. CR 09-1259 by Respondent Joseph D. Hughes, an attorney practicing primarily in Paragould, Greene County, Arkansas. Mr. Hughes filed a Response to the Complaint, and the matter was submitted for ballot vote on February 19, 2010.

On June 26, 2008, a felony judgment of conviction was entered against James Montgomery. Mr. Hughes entered his appearance as Montgomery's new counsel and filed a Notice of Appeal on August 3, 2008. The record was tendered to the Arkansas Supreme Court Clerk on November 18, 2009, seventeen days late. Mr. Hughes filed a Motion for Rule on the Clerk with the Arkansas Supreme Court in No. CR 09-1259, in behalf of his client Montgomery, setting forth the relevant history of this appeal case, and accepting responsibility for Hughes' late filing of the record. On December 10, 2009, the Court issued its Per Curiam granting the Motion, allowed the appeal to continue, and forwarded a copy of the Per Curiam opinion to the Committee.

During 2007-2009, Mr. Hughes failed to pay his Arkansas law license renewal fee on time each of those three years, and failed to pay it at all for 2008 until May 2009. As a result, for part or all of those years he was practicing law on a license that was in suspended status.

Respondent Attorney entered into discussion with the Executive Director which has 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 A of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Mr. Hughes' conduct violated Rule 1.3 in that he failed to act with reasonable diligence and promptness in representing James Montgomery when he filed the client's appeal record seventeen (17) days late, without good cause, and without filing for an extension of time to file the record. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

B. Mr. Hughes' conduct violated Rule 3.4(c) in that (1) he failed to pay his 2007 Arkansas bar license fee by March 1, 2007; (2) he failed to pay his 2008 Arkansas bar license fee by March 1, 2008; and (3) he failed to pay his 2009 Arkansas bar license fee by March 1, 2009, each as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar, paying his 2009 license fee on May 15, 2009. Arkansas Rule 3.4(c) requires that a lawyer shall 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.

C. Mr. Hughes' conduct violated Rule 5.5(a) in that (1) he failed to pay his 2007 Arkansas Bar license fee by March 1, 2007, resulting in the automatic suspension of his Arkansas law license until June 7, 2007, when he paid his 2007 license fee, and he practiced law while his law license was suspended during this period; (2) he failed to pay his 2008 Arkansas Bar license fee by March 1, 2008, resulting in the automatic suspension of his Arkansas law license until May 15, 2009, when

he paid his 2008 license fee, and he practiced law while his law license was suspended during this period; and (3) he failed to pay his 2009 Arkansas Bar license fee by March 1, 2009, resulting in the automatic suspension of his Arkansas law license until May 15, 2009, when he paid his 2009 license fee, and he practiced law while his law license was suspended during this period, all in violation of the requirements of Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar. Arkansas Rule 5.5(a) provides 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.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **JOSEPH D. HUGHES**, Arkansas Bar ID# 97021, be, and hereby is, **REPRIMANDED** for his conduct in this matter, he is **FINED $1,000.00**, and assessed costs of $50.00. The fine and costs totaling $1,050.00 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. In assessing the sanction in this case, the Respondent's prior disciplinary record was a material factor.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL A

By: _____
Gwendolyn D. Hodge, Vice Chair, Panel A

Date: 7-16-10