BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

FILED
OCT 15 2010
LESLIE W. STEEN
CLERK

IN RE: DENNIS R. MOLOCK, Respondent
Arkansas Bar ID#79211
CPC Docket No. 2010-072

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 a Per Curiam delivered by the Arkansas Supreme Court on August 6, 2010. The information related to the representation of Terry Pennister by Respondent.

On September 10, 2010, Respondent was served with a formal complaint, supported by information from case number CR10-579, *Terry Pennister v. State of Arkansas*. 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 Dennis R. Molock, an attorney practicing primarily in Stuttgart, Arkansas County, Arkansas, represented Terry Pennister in his criminal proceeding in the lower court and caused the Notice of Appeal on Mr. Pennister's behalf following his Conditional Plea of Guilty in Arkansas County Circuit Court to be filed. The Notice of Appeal was not filed in a timely fashion. Mr. Molock's failure in timely filing the Notice of Appeal resulted in the Supreme Court of Arkansas referring the conduct to the Committee on Professional Conduct for consideration and action.

On September 4, 2009, Mr. Pennister's Motion to Suppress was denied in Arkansas County Circuit Court. On September 10, 2009, Mr. Pennister entered a Conditional Plea of

Guilty to the charge of Theft of Property. An appeal was to be taken from the conditional plea of guilty. The Judgment was filed on September 15, 2009. Mr. Molock, although the attorney of record for Mr. Pennister, did not file a Notice of Appeal within thirty (30) days of the date of Judgment.

On February 17, 2010, Mr. Molock filed a Motion for Belated Appeal and a Notice of Appeal. The Order granting the Motion for Belated Appeal allowing the belated appeal was entered by the Circuit Court on that same date.

Mr. Molock tendered the record to the Arkansas Supreme Court Clerk on June 8, 2010. A Motion for Rule on the Clerk was filed that same date. In the Motion, Mr. Molock accepted full responsibility for failing to timely process Mr. Pennister's appeal. On August 6, 2010, the Court granted the Motion and directed the Clerk to file the record.

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

1. That Mr. Molock's conduct violated Rule 1.1, when he was not thorough enough in his representation of Mr. Pennister to be certain that he filed the Notice of Appeal within thirty (30) days after entry of the Judgment following the Conditional Plea of Guilty entered by Mr. Pennister. Rule 1.1 required 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. Molock's conduct violated Rule 1.3, because Mr. Molock filed the Notice of Appeal one hundred eleven (111) days after the Judgment was entered following Mr.

Pennister's Conditional Plea of Guilty. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Mr. Molock's conduct violated Rule 8.4(d) because Mr. Molock's failure to file a Notice of Appeal for Mr. Pennister within thirty (30) days following entry of the Judgment delayed the process of his client's appeal until a Motion for Rule on the Clerk could be considered. 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 B, that DENNIS R. MOLOCK, Arkansas Bar ID# 79211, be, and hereby is, CAUTIONED for his conduct in this matter. In addition, pursuant to Section 18.A. of the Procedures, Mr. Molock is assessed the costs of this proceeding in the amount of $100. Mr. Molock is also ordered to pay a fine in the amount of $400 pursuant to Section 18.B of the Procedures. The fine and costs assessed herein, totaling $500, 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 B

By: Steve Crane
Steve Crane, Chair, Panel B

Date: 10-15-10