ARKANSAS JUDICIARY
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SECTION 3. COMMITTEE ON PROFESSIONAL CONDUCT.

A. Composition/Term of Office.
(1) The Supreme Court shall appoint the members of the Committee on Professional Conduct to assist in enforcing these Procedures. The Committee shall consist of two separate seven-member panels, designated Panel A and Panel B. Each panel will include five attorneys, one chosen from the State at large and one from each of the four Congressional Districts. Two non-attorneys will be chosen to serve on each panel, and these four lay members will be chosen from the State at large. Each appointment shall be for a term of six years, unless otherwise designated by the Supreme Court. Members may be reappointed to one successive six-year term. Terms shall be staggered. Vacancies occurring from causes other than expiration of term of office will be filled by the Supreme Court as they occur, and the person so appointed shall serve the remainder of his or her predecessor's term. If the remainder of the vacant term is less than two years, the person appointed is eligible for appointment to two successive six-year terms. Committee members shall serve until their successors are appointed and certified. The Committee shall elect one of its members as Chairperson and another as Secretary. The Committee, consistent with these Procedures, may adopt such internal operating rules and policies as may be necessary to facilitate the performance of its duties, responsibilities, and administrative functions. All such internal operating rules and policies shall be provided to all Committee members.
(2) Members shall refrain from taking part in any disciplinary proceeding in which a judge similarly situated would be required to recuse.
(3) Fourteen reserve members shall be appointed to serve as Panel C and Panel D, a pool from which replacements may be drawn in those instances in which members of the Committee are disqualified or unable to serve. Ten of the reserve members shall be lawyers with at least two from each Congressional District. Four of the reserve members shall not be lawyers and shall be selected from the State at large. In other respects, the terms of service for reserve members shall be the same as provided for the Committee. Reserve members shall possess the authority, powers, immunities, and entitlements provided for the Committee by these Procedures.
The Committee Chairperson or Executive Director shall select reserve members from a rotating

list to serve, individually or collectively, as the situation requires, in those instances in which members of a panel of the Committee consider themselves disqualified or are unable to serve. Reserve members serving as replacements shall be selected so as to maintain the appropriate lawyer/non-lawyer composition. Reserve members do not have to be selected unless the required quorum of the Committee or a panel thereof is not present. If necessary, the Supreme Court may appoint additional persons to serve as reserve members to permit the Committee to discharge its duties.

B. Quorum. A majority of the members of Panels A and B of the Committee shall constitute a quorum for the conduct of Committee business. The Committee shall not sit en banc for disciplinary proceedings.

C. Authority/Powers.

(1) The Committee, through its panels, shall have, and is hereby granted, authority to impose any sanctions deemed appropriate as provided in Section 7 (Procedure), Section 17 (Sanctions), and Section 18 (Fines, Costs, and Restitution).

(2) The Committee, through its panels, is authorized to take action by written ballot, subject to the requirements and limitations set out in Section 10 of these Procedures.

(3) The Committee, through its panels, is authorized to conduct hearings at either:

(a) The request of the panel; or

(b) The request of the respondent attorney after written ballots are taken.

(4) The Committee is authorized to hold meetings to conduct the business of the Committee, which consists of, but is not limited to, the election of officers, the determination of pending complaints, and such administrative matters as required.

(5) The Committee, acting through its Chairperson, may temporarily designate from the staff attorneys of the Office of Professional Conduct an acting Executive Director in any case in which the Executive Director or the Deputy Director (pursuant to Section 5(D)(3)) is unable to act, or recuses, or disqualifies.

(6) The Committee shall maintain a permanent office under the supervision of the Executive Director for the conduct of its business and the maintenance of the various records of the Committee.

(7) The seal heretofore adopted by the Committee shall be the official seal for its use in the performance of the duties imposed by these Procedures.

(8) The Executive Director or the Committee, through its panels, shall have the authority to issue summonses for any person(s), or subpoenas for any witness(es), including the production of documents, books, records, or other evidence, in the same manner as is provided for civil process pursuant to the Arkansas Rules of Civil Procedure, requiring the presence of any person, or the attendance of any witness before the Committee for the purpose of testimony, or in furtherance of an investigation. Such process shall be issued under the seal of the Committee provided for in subsection C(7) of this Section and be signed by the Chairperson of the Committee, the Secretary, the chair of a panel of the Committee, or the Executive Director. Any subpoenas issued herein shall clearly indicate that the subpoenas are issued in connection with a

confidential investigation under these Procedures and that it is regarded as contempt of the Supreme Court for a person subpoenaed to breach the confidentiality of the investigation. If found to be in contempt of the Supreme Court under these Procedures, a person may be punished
by incarceration, imposition of a fine, or both. In addition, it shall be grounds for discipline under these Procedures for a subpoenaed attorney to breach the confidentiality of the investigation. It shall not be regarded as a breach of confidentiality for a person subpoenaed to seek or consult with legal counsel in regard to the subpoena, nor shall the confidentiality apply to
subpoenas issued in connection with a public hearing.
(9) The Committee, through the Chairperson or a panel chair, or the Executive
Director, may seek immunity from criminal prosecution for a reluctant witness, using the procedure of Ark. Code Ann. ?? 16-43-601 to -606 (1987), as amended, and any successor or other applicable statute.
(10) The Committee may propose changes to these Procedures for promulgation
by the Supreme Court and may comment on existing and proposed Rules.
(11) The Committee shall periodically review the operation of the system with
the Supreme Court.
(12) The Committee, working with the Office of Professional Conduct, shall
inform the public about the existence and operation of the system and the disposition of each matter in which public discipline has been imposed, a lawyer has been transferred to or from disability inactive status, or a lawyer has been reinstated. Communication options should include
toll-free telephone and the Internet.
(13) The Committee shall perform administrative oversight over the Office of
Professional Conduct which shall include: reviewing the productivity and efficiency of the office; assessing caseload management; reviewing and making recommendations concerning budgetary matters; making recommendations to the Executive Director; and improving the statistical records of the office. Administrative responsibilities may be delegated to panels of the
Committee on a rotating basis, which may include an Executive Committee selected by the Committee.
(14) When so requested by a federal judge under the Uniform Federal Rules of
Disciplinary Enforcement adopted by the United States District Courts of Arkansas on May 1, 1980, or successor rules, the Committee may act as the disciplinary agency, and the Executive
Director as counsel, in a federal disciplinary action. Any additional expense incurred in the processing of a federal complaint will be paid from the funds arising from the assessments levied
pursuant to the Uniform Federal Rules and available for that purpose. When final action is taken
under a federal complaint, a report of that action will be made to the federal judge who referred the matter, and the Committee may also furnish to the federal judge any other information from its files necessary to fulfill its duties as disciplinary agency.
D. Immunity. The Committee, its individual members, its agents, the Executive Director,
and employees and agents of the Office of Professional Conduct are absolutely immune from suit
or action for their activities in discharge of their duties under these Procedures, to the full extent
of judicial immunity in Arkansas.

E. Expenses. From the funds established and appropriated by the Arkansas Supreme Court, and in accordance with budgetary limitations, members of the Committee shall be entitled
to receive their travel and hotel expenses, reimbursement for postage, stationery, communications, an attendance allowance, other incidental expenses including stenographic bills
and court costs chargeable against them, and to attend training and continuing education programs. All such items shall be paid by the Clerk by check on such funds. Accounts must be itemized and certified by the Chairperson of the Committee, the Secretary, or the Executive Director as true and correct and for the official business of the Committee or the Office of Professional Conduct.

Associated Court Rules:
Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law

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