

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: REGINALD SHELTON MCCULLOUGH
ARKANSAS BAR ID #85102
CPC DOCKET No. 2001-073

FINDINGS AND ORDER

The formal charges of misconduct arose from the Arkansas Supreme Court case of Mark Latta v. State of Arkansas, CR 2001-679. Reginald Shelton McCullough, an attorney practicing law in Little Rock, Arkansas, represented Mark Latta on two separate criminal charges in two different counties. Following conviction in the first matter, McCullough filed a Notice of Appeal. Following conviction on the second criminal charge, a timely Notice of Appeal was also filed. Extensions for time to prepare the record were requested in each of the appeals. McCullough failed to file the record with the Arkansas Supreme Court prior to the expiration of the time for lodging the record. On June 19, 2001, McCullough filed a Motion for Rule on the Clerk wherein he stated that he got the deadlines schedules wrong which resulted in the error. The Arkansas Supreme Court issued a Per Curiam Order on July 9, 2001 wherein the Court granted the Motion for Rule on the Clerk and referred the matter to the Office of Professional Conduct. McCullough admitted in his response to the Formal Complaint that he submitted the record to the Arkansas Supreme Court late and that he accepted responsibility for the matter.

Upon consideration of the formal complaint, McCullough's response, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. McCullough's conduct violated Model Rule 1.3 when he failed to file with the Arkansas Supreme Court a record of the lower court proceedings on behalf of Mark Latta, his client. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. McCullough's conduct violated Model Rule 8.4(d) when his failure to file the record with the Supreme Court in a timely manner resulted in a delay in the orderly and timely resolution of appellate proceedings and when his failure to timely file his client's record with the Supreme Court required the Court to expend additional time and effort which would not have been necessary otherwise. Model 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 that REGINALD SHELTON MCCULLOUGH, Arkansas Bar ID No.85102, be, and hereby is, CAUTIONED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT

By: _____
Bart Virden
Chairman

Date: _____