

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: JOE KELLY HARDIN

ARKANSAS BAR ID #78065

CPC DOCKET No. 2002-080

**FINDINGS AND ORDER**

The formal charges of misconduct arose from the Arkansas Supreme Court case of Marvin W. Tull v. State of Arkansas, CR 2002-509. Joe Kelly Hardin, an attorney practicing law in Benton, Arkansas, represented Marvin W. Tull in a criminal matter wherein Mr. Tull was found guilty of Violation of a Minor, First Degree, and sentenced to imprisonment of 72 months in the Arkansas Department of Correction. Following the filing of a timely Notice of Appeal, the appeal was not perfected.

On May 17, 2002, Mr. Hardin filed a Motion for Rule on the Clerk. The Arkansas Supreme Court issued a Per Curiam Order on June 6, 2002, granting the Motion for Rule on the Clerk. The Arkansas Supreme Court thereafter referred the Motion to the Committee on Professional Conduct.

Mr. Hardin admitted that he failed to file the record of the lower court proceedings with the Arkansas Supreme Court Clerk prior to the expiration of the time for filing the record; that his failure to file the record resulted in a delay to the orderly and timely resolution of appellate proceedings; and that his failure to file the record required the court to expend additional time and effort which would not have been necessary otherwise.

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

1. That Mr. Hardin's conduct violated Model Rule 1.3 when he failed to timely file with the Arkansas Supreme Court a record of the lower court proceedings on behalf of Marvin W. Tull, his client. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Hardin's conduct violated Model Rule 8.4(d) when his failure to perfect an appeal on his client's behalf delayed the orderly and timely resolution of appellate proceedings and when his failure to perfect an appeal on his client's behalf 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 JOE KELLY HARDIN, Arkansas Bar ID No.78065, be, and hereby is, CAUTIONED for his conduct in this matter and is fined the sum of \$750.00 pursuant to Section 18B of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. Said fine is to be paid within thirty (30) days of the filing of this Order with the Arkansas Supreme Court Clerk.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT

By: \_\_\_\_\_

Richard F. Hatfield

Chairman, Panel B

Date: \_\_\_\_\_