

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: G.B. "BING" COLVIN

ARKANSAS BAR ID #66014

CPC DOCKET No. 2002-137

FINDINGS AND ORDER

The formal charges of misconduct arose from the Arkansas Supreme Court case of Ross Lamar Burnett v. State of Arkansas, CR 2002-336. G.B. "Bing" Colvin, an attorney practicing law in Monticello, Arkansas, represented Rosslamar Burnett on appeal from a conviction wherein Burnett was found guilty of Capital Murder and was sentenced to life without parole in the Arkansas Department of Correction. Following the filing of a timely Notice of Appeal, no brief on behalf of Burnett was filed.

On August 21, 2002, Colvin filed a Motion for New Briefing Schedule. Colvin stated in his Motion that his brief was due to have been filed with the Arkansas Supreme Court Clerk on or before July 14, 2002 but had failed to notice on his suspense board calendar the due date. Colvin stated that the matter was brought to his attention after the State of Arkansas filed its Motion to dismiss Burnett's appeal. The Arkansas Supreme Court granted the Motion for New Briefing Schedule in a Per Curiam Order delivered on September 5, 2002. The Arkansas Supreme Court thereafter referred the matter to the Office on Professional Conduct.

Colvin admitted that he violated each and every allegation in the Formal Complaint prepared by the Office on Professional Conduct and offered mitigation. Colvin stated that he is the managing attorney for the Tenth Judicial District Public Defender's Office; that his office is responsible for appeals in a five county district; that his office is overloaded with cases and appeals; and that he has insufficient staff for the amount of work required.

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. Colvin's conduct violated Model Rule 1.3 when he failed to file in a timely manner with the Arkansas Supreme Court a brief on behalf of Ross Lamar Burnett, his client. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Colvin's conduct violated Model Rule 8.4(d) when he failed to file a brief with the Arkansas Supreme Court in a timely which resulted in a delay to the orderly and timely resolution of appellate proceedings and when he failed to timely file his client's brief with the Arkansas Supreme Court which 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 G.B. "Bing" Colvin, Arkansas Bar ID No.66014, be, and hereby is, REPRIMANDED for his conduct in this matter and assessed costs in the amount of \$50.00. The costs 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 with 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 A

By: _____

Gwendolyn D. Hodge, Chair, Panel A

Date: _____