

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: CLAUDELL WOODS

ARKANSAS BAR ID #83188

CPC DOCKET No. 2002-177

FINDINGS AND ORDER

The formal charges of misconduct arose from the Arkansas Supreme Court case of James Neal v. State of Arkansas, CR 2002-177. Claudell Woods, an attorney practicing law in Magnolia, Arkansas, represented James Neal on appeal from a conviction wherein Neal was found guilty of Rape and was sentenced to fourteen (14) years in the Arkansas Department of Correction. Following the filing of a timely Notice of Appeal, the record was tendered to the Arkansas Supreme Court late due to a mistake on Woods' part.

On February 11, 2002, a Judgment and Commitment Order was filed reflecting the findings and sentence. On March 1, 2002, a timely Notice of Appeal and Designation of Record was filed by Woods. Pursuant to Rule 5 of the Rules of Appellate Procedure-Civil, which applies in criminal appeals, the record on appeal shall be filed with the clerk of the Arkansas Supreme Court and docketed therein within 90 days from the filing of the first notice of appeal, unless the time is extended by order of the circuit court. On July 3, 2002, an Order granting a requested extension of time to file the record was filed with the Ouachita County Circuit Clerk's Office which extended the time for filing the record to September 11, 2002. On September 26, 2002, Woods tendered to the Arkansas Supreme Court Clerk the record in the Neal appeal. As the record was tendered late, Woods filed a Motion for Rule on the Clerk on October 7, 2002.

In his Motion for Rule on the Clerk, Woods stated that he tendered the record late as there was a delay in obtaining an affidavit of indigency from Neal and that the trial court, the court reporter and he miscalculated the maximum time the court reporter had to prepare the transcript.

The Arkansas Supreme Court granted the Motion for Rule on the Clerk in a Per Curiam Order delivered on October 31, 2002. The Arkansas Supreme Court thereafter referred the matter to the Office on Professional Conduct.

Woods denied that he violated the allegations contained in the Formal Complaint prepared by the Office on Professional Conduct and requested that sanctions not be imposed.

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. Woods' conduct violated Model Rule 1.3 when he failed to file in a timely manner with the Arkansas Supreme Court Clerk the record of the lower court proceedings on behalf of James Neal, his client. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Woods' conduct violated Model Rule 8.4(d) when he failed to file the record with the Arkansas Supreme Court Clerk in a timely manner which resulted in a delay in the orderly and timely resolution of appellate proceedings and 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 Claudell Woods, Arkansas Bar ID No.83188, be, and hereby is, CAUTIONED for his conduct in this matter, fined the amount of five hundred dollars (\$500) and assessed costs in the amount of fifty dollars (\$50.00). The fine and 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