

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A**

IN RE: HEATHER PATRICE HOGROBROOKS

Arkansas Bar ID# 92029

CPC Docket No. 2003-006

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Robert Lee Davis in 2002. The information related to the representation of Mr. Lee by Respondent in 1995 and 1996.

Robert Lee Davis was charged with two counts of possession of a controlled substance with intent to deliver. Mr. Davis was represented at all times herein by Heather Patrice Hogrobrooks, Attorney at Law, Forrest City, Arkansas. At the conclusion of trial, Mr. Davis was found guilty and sentenced to thirty-three (33) years of imprisonment at the Arkansas Department of Correction. Ms. Hogrobrooks filed a notice of appeal and prepared an abstract and appeal brief on behalf of Mr. Davis.

The only issue on appeal pursued by Ms. Hogrobrooks was whether Mr. Davis was denied a speedy trial. On June 10, 1996, the Arkansas Supreme Court issued an opinion which stated as follows:

"Mr. Davis's abstract shows he was arrested January 13, 1993, and admitted to bail the following day. He was tried on May 24, 1995, which was obviously more than the time permitted by Rule 28.1 [of the Rules of Criminal Procedure] for bringing him to trial. We have, however, no way of knowing if the Trial Court properly found that a sufficient number of days were excluded from that time in accordance with Rule 28.3.

"Although the abstract indicates Mr. Davis moved to dismiss for lack of a speedy trial on March 14, 1995, the substance of the motion is not abstracted. The Trial Court's ruling on the motion is not abstracted. The abstract indicates that there were motions for continuances by Mr. Davis which apparently were granted. Neither the grounds asserted for the continuance nor the Trial Court's orders in response to those motions are abstracted."

"Apparently a hearing was held on September 12, 1994, concerning the speedy trial motion. The hearing has not been abstracted. The abstract refers to a motion for reconsideration, apparently of an order denying the motion to dismiss, but the substance of the motion is not abstracted. The abstract does not contain the Trial Court's ruling on the motion. The abstract does not contain the jury verdict, the judgment and commitment order, or Mr. Davis's notice of appeal."

...

"When an abstract is so deficient that we cannot discern what happened in the Trial Court, we must affirm."

Mr. Davis' appeal was, as a result, affirmed based on the failure of Ms. Hogrobrooks to abstract relevant portions of the record for the Court.

Ms. Hogrobrooks stated in her response that she clearly showed to the court that Mr. Davis' trial commenced after the time required by Rule 28.1 of the Rules of Criminal Procedure and did all that was in her power to settle the record but that it was the Court that chose to improperly place the burden on Mr. Davis to show that the delay was due to his conduct. According to Ms. Hogrobrooks, all the information necessary to resolve the speedy trial issue was contained in the record. None of the facts set out in either of Mr. Davis' challenges on the speedy trial question were contradicted by the State and, therefore, according to Ms. Hogrobrooks, the record did not need to be reviewed to settle an undisputed fact. Every fact that needed to be relied upon in addressing the question and applying the facts to the applicable law was contained in the actual briefs, according to Ms. Hogrobrooks. Ms. Hogrobrooks stated that she had no control over the appellate court and that she fulfilled her duty to Mr. Davis by bringing the pertinent and material facts to the Court's attention. Ms. Hogrobrooks asserted that she meant no harm to her client.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Ms. Hogrobrooks violated Model Rule 1.1 when she failed to properly abstract pertinent matters of the record on appeal which resulted in the appeal of her client, Robert Lee Davis, being affirmed without the merits of the case being addressed. Model Rule 1.1 requires that a lawyer provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
2. Ms. Hogrobrooks violated Model Rule 8.4(d) when she failed to properly abstract pertinent matters of the record which required the court to expend additional time and effort which would not have been necessary otherwise. Model Rule 8.4(d) requires that an attorney 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, acting through its authorized Panel A, that HEATHER PATRICE HOGROBROOKS, Arkansas Bar ID# 92029, be, and hereby is, REPRIMANDED for her conduct in this matter. Ms. Hogrobrooks is hereby assessed costs in this matter in the amount of Fifty (\$50.00) Dollars. 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: \_\_\_\_\_