

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: DONALD WARREN, SR., Respondent
Arkansas Bar ID#99007
CPC Docket No. 2003-198

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by referral from the Arkansas Supreme Court on December 11, 2003. The information related to the representation of Eddie Lee Patrick by Respondent in Mr. Patrick's appeal of his criminal conviction.

On or about January 6, 2004, Respondent was served with a formal complaint, supported by the Orders of the Arkansas Supreme Court. Respondent filed a timely response to the formal disciplinary complaint on January 9, 2004.

The information before the Committee reflected that on November 24, 2003, Donald Warren, Sr., an attorney practicing in primarily in Pine Bluff, Arkansas, filed a Motion for Rule on the Clerk with the Arkansas Supreme Court. The Motion for Rule on the Clerk contained Mr. Warren's admission of fault for the failure to timely file the transcript on appeal. Mr. Warren had failed to obtain a timely Order from the lower court extending the time to file the record on appeal for his client, Mr. Patrick. According to the Motion for Rule on the Clerk, the transcript was filed late due to a clerical error in the Order. Mr. Warren admitted all of the allegations of the Model Rule violations in his response to the Committee.

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

1. That Mr. Warren's conduct violated Model Rule 1.3 when he failed to undertake the necessary steps to obtain a timely Order extending the time to file the record on appeal for his client, Eddie

Lee Patrick and when he failed to file in a timely manner with the Arkansas Supreme Court the record of the lower court proceedings on behalf of his client, Eddie Lee Patrick. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That Mr. Warren's conduct violated Model Rule 8.4(d) because his failure to file the record with the Clerk of the Supreme Court in a timely manner resulted in a delay in the orderly and timely resolution of appellate proceedings and because 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, acting through its authorized Panel B, that DONALD WARREN, SR., Arkansas Bar ID# 99007, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Mr. Warren is assessed the costs of this proceeding in the amount of \$50. 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 within 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 B

By: _____

J. Michael Cogbill, Chair, Panel B

Date: _____

