

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: RICKEY H. HICKS, Respondent
Arkansas Bar ID#89235
CPC Docket No. 2009-137

FILED

MAR 31 2010

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee in a referral by the Arkansas Supreme Court in a Per Curiam dated November 19, 2009. The information related to the representation of James Clemons by Respondent in an appeal to the Arkansas Supreme Court with case number CR2009-1182.

On December 2, 2009, Respondent was served with a formal complaint, supported by the Per Curiam from the Supreme Court. Respondent Hicks filed a timely response to the Formal Complaint. The matter then proceeded to ballot vote before Panel B of the Committee in accordance with the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law. This Findings and Order reflects the decision of Panel B at their meeting on February 19, 2010.

The information before the Panel reflected that on November 19, 2009, the Supreme Court of Arkansas granted the Motion for Rule on the Clerk in the matter of *James E. Clemons v. State of Arkansas*, CR09-1182. Rickey H. Hicks, an attorney practicing primarily in Little Rock, Arkansas, represents Mr. Clemons in the appeal to the Arkansas Supreme Court from his conviction in Union County Circuit Court.

The factual background present in the record before the Arkansas Supreme Court was that

a timely Notice of Appeal in the Circuit Court matter involving Mr. Clemons' conviction was filed on April 17, 2009. An Order was entered extending the time to file the record with the Clerk of the Arkansas Supreme Court to October 26, 2009. Mr. Hicks did not tender the record to the Clerk until October 27, 2009. Mr. Hicks admitted that he failed to timely file the record.

Based upon Mr. Hicks' admission of fault for failing to timely file the record for his client, the Court delivered a Per Curiam granting the Motion. The Court also forwarded the Opinion to the Committee.

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

1. That Mr. Hicks' conduct violated Rule 1.3, when he failed to file the record on appeal for Mr. Clemons' appeal in a timely manner. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that RICKEY H. HICKS, Arkansas Bar ID# 89235, be, and hereby is, REPRIMANDED for his conduct in this matter. Mr. Hicks is also assessed the costs of this proceeding in the amount of \$50 pursuant to Section 18.A of the Procedures. In addition, pursuant to Section 18.B of the Procedures, Mr. Hicks is fined in the amount of \$500. The fine imposed and the costs assessed herein, totaling \$550, 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: 
Steve R. Crane, Chair, Panel B

Date: March 5, 2010