

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
IN RE: WALTER CRAIG LAMBERT
ARKANSAS BAR ID No. 87100
CPC Docket No. 2010-010

FILED

MAY 20 2011

FINDINGS AND ORDER

LESLIE W. STEEN
CLERK

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee from a referral from the Arkansas Supreme Court in the case of *Brian K. Heard v. State of Arkansas*, Case No. CR10-108.

Walter Craig Lambert, Attorney at Law, Little Rock, Arkansas, represented Brian K. Heard in a Rule 37 matter filed in 2009. On April 2, 2010, the Calhoun County Circuit Court filed an order denying Mr. Heard's Petition for Rule 37 Relief. Mr. Lambert filed a timely notice of appeal and timely lodged the record with the Arkansas Supreme Court Clerk on August 2, 2010.

Rule 4-3(a) of the Rules of the Arkansas Supreme Court require that an appellant's brief be filed within forty days from the date the transcript is lodged with the Arkansas Supreme Court Clerk. As the transcript was filed on August 2, 2010, Mr. Heard's brief was due to be filed on or before September 13, 2010. On September 13, 2010, Mr. Lambert requested a seven-day Clerk's extension and the brief was due to be filed by September 20, 2010. Mr. Lambert filed a Motion for Brief Time requesting an extension to October 28, 2010, to file the brief. The motion was granted. On October 27, 2010, Mr. Lambert filed a Motion for Brief Time requesting an extension to November 27, 2010, to file the brief. The October 27, 2010, motion was denied by the Arkansas Supreme Court on October 27, 2010. No brief was filed on Mr. Heard's behalf by the deadline of October 28, 2010.

On December 15, 2010, the State of Arkansas filed a Motion to Dismiss Appeal. Mr. Lambert filed a Response to the Motion to Dismiss on December 27, 2010. Mr. Lambert also filed a Motion for Belated Appeal on December 27, 2010. On January 20, 2011, the Arkansas Supreme Court issued a *Per Curiam* Order denying the State's Motion to Dismiss, granting Mr. Lambert's Motion for Belated Appeal, and referred the matter to the Committee of Professional Conduct.

Mr. Lambert filed a timely response to the formal complaint and stated that he denied the accusations and that if the Committee on Professional found him guilty he would accept the a non-public warning.

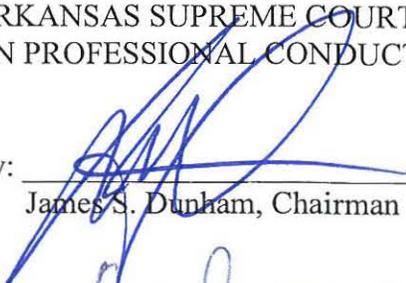
Upon consideration of the formal complaint and attached exhibit materials, the response, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Walter Craig Lambert violated Rule 1.3 when, after receiving two extensions of time, he failed to file an appeal brief on behalf of his client, Brian K. Heard, on or before the deadline of October 28, 2010. 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 WALTER CRAIG LAMBERT, Arkansas Bar No. 87100, be, and hereby is, CAUTIONED, fined the sum on FIVE HUNDRED DOLLARS (\$500.00), and assessed costs in the amount of FIFTY DOLLARS (\$50.00) for his conduct in this matter. Mr. Lambert's prior disciplinary record was a factor considered in determining the sanction imposed herein as permitted under Section 19.L. All fines 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 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: 
James S. Dunham, Chairman

Date: April 22, 2011