

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

IN RE: ROBERT L. DEPPER, JR., Respondent
Arkansas Bar ID#81046
CPC Docket No.2014-009

HEARING FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information obtained from the records of the Arkansas Supreme Court Clerk. The information related to the representation of Brandy Wilson by Respondent in 2013. Mr. Depper is an Arkansas licensed attorney practicing primarily in El Dorado, Arkansas. On February 4, 2014, Respondent Depper was served with a formal complaint, to which he filed a timely response. After a ballot vote decision by Panel B, Mr. Depper requested a public hearing which was conducted before Panel A on September 19, 2014, in Little Rock. The hearing Panel consisted of Danyelle Walker (Chair), Steven Shults, Karolyn Jones, Elaine Dumas, T. Benton Smith, regular Panel A members, and Laura Partlow and Richard Downing of Panel C substituting for Michael Boyd who recused and Jerry Pinson who was not available. Caroline Bednar represented the Office of Professional Conduct. Mr. Depper appeared pro se. Witnesses testifying were Rebecca Haygood and Mr. Depper.

The proof and testimony at the hearing indicates that:

1. Mr. Depper was retained counsel and represented Ms. Wilson in Columbia County Circuit Court DR-2011-92.
2. On May 17, 2013, Mr. Depper filed a timely motion of appeal and designation of the record, and the deadline to lodge the record was August 15, 2013.

3. On August 12, 2013, Mr. Depper and his paralegal, Ms. Haygood, learned from the court reporter via telephone that additional time was necessary for the transcript to be completed. Mr. Depper prepared a Motion for Extension of Time to Lodge Record.

4. On August 13, 2013, Ms. Haygood, faxed the Motion for Extension of Time to Lodge Record to the Columbia County Circuit Clerk.

5. On August 14, 2013, Mr. Depper's Motion for Extension of Time to Lodge Record was filemarked.

6. Between August 12 - 14, 2013, attempts were made by the Depper Law Firm to contact opposing counsel for approval on wording for a proposed order to submit for the Judge to sign if granting the motion to extend the time to lodge record.

7. On August 14, 2013, after hearing back with approval from opposing counsel, Ms. Haygood emailed the Judge's case coordinator with a copy of the proposed order.

8. On August 15, 2013, the case coordinator emailed Ms. Haygood back with information that the Judge was in a different county for the day but would return to the office the following day. Ms. Haygood replied indicating "the due date for the transcript is August 16[.]"

9. On August 16, 2013, the Judge signed the order granting Mr. Depper's Motion to Extend Time to Lodge Record and filed it with the Court. This was one day beyond the deadline.

10. Upon filing the record with the Court in December 2013, Mr. Depper learned that the record was not accepted as the August 16 order was filed late and had no effect.

11. On December 26, 2013, Mr. Depper filed a Motion for Rule on the Clerk.

12. On January 16, 2014, the Arkansas Supreme Court denied the Motion for Rule on the

Clerk.

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

A. By a 4-3 vote, the Panel found there was no violation of Arkansas Rule 1.3 (diligence). Voting in the majority: Danyelle Walker, T. Benton Smith, Steven Shults, and Karolyn Jones. Voting in the minority were Elaine Dumas, Laura Partlow, and Richard Downing.

B. By a 6-1 vote, Mr. Depper's conduct was found to have violated Rule 8.4(d) (conduct that is prejudicial to the administration of justice). Voting in the majority were Danyelle Walker, T. Benton Smith, Laura Partlow, Karolyn Jones, Elaine Dumas, and Richard Downing. Voting in the minority was Steven Shults.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, by a 6-1 vote of its Panel A, that Robert L. Depper, Jr., Arkansas Bar ID# 81046, be, and hereby is, **CAUTIONED** for his conduct in this matter and assessed minimum \$50 costs plus the court reporter's \$150 hearing appearance fee for a total of **\$200**. 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 A

By: /s/ Danyelle J. Walker, Chair - Panel A

Date: October 15, 2014

Original filed with the Arkansas Supreme Court
Clerk on October 15, 2014.