

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

IN RE: **CHARLES BRIAN WILLIAMS**
 ARKANSAS BAR ID #83180
 CPC Docket No. 2014-032

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Chief Judge Robert J. Gladwin of the Arkansas Court of Appeals. The information is related to Charles Brian Williams' representation of several Appellants in criminal appeals. Williams is an Arkansas licensed attorney practicing primarily in Crittenden County, Arkansas, and is a part-time public defender in that county.

A. *Alfonzo Green v. State of Arkansas, CR 14-53*. Green was convicted of aggravated assault and sentenced to twenty-four months imprisonment. Green's brief was due February 25, 2014. On April 10, 2014, the State filed a Motion to Dismiss for failure of Williams to file a brief.

Williams did not file Green's brief or a response to the Motion to Dismiss. On April 30, 2014, the Court of Appeals denied the motion, removed Williams as counsel, and appointed another attorney to represent Green.

B. *Christopher C. Cory v. State of Arkansas, CR 13-180*. In August 2012, a petition to revoke Cory's probation was filed, and Williams represented Cory in his revocation hearing. Cory's probation was revoked and he received twenty-four months imprisonment and five year suspended imposition of sentence. On April 1, 2013, Williams filed a no-merit brief and a Motion to Withdraw as counsel. On January 15, 2014, the court delivered its opinion, finding that William's no-merit brief was deficient for several reasons, including that the abstract contained portions that were irrelevant to this appeal and were from an entirely different case.

The court denied the Motion to Withdraw and ordered rebriefing, due by January 30, 2014.

Williams filed a Motion for Extension of Time, which was granted the motion making the brief due on March 3, 2014. No brief was filed. On March 4, 2014, Williams filed a second Motion for Extension of Time to File, which was granted as a final extension to April 17, 2014. No brief was filed. The State filed a Motion to Dismiss the appeal for Williams' failure to file a brief. On May 14, 2014, the court entered its order denying the Motion to Dismiss, removed Williams as counsel, appointed new counsel, and referred Williams to the Office of Professional Conduct.

C. In the matter of Ismeal Leal v. State of Arkansas, CR 13-557. In January 2011, a petition to revoke Leal's probation was filed, and Williams represented Leal in his revocation hearing. Probation was revoked and Leal received thirty-six months imprisonment. On July 23, 2013, Williams filed a Motion for Extension of Time, which was granted to September 3, 2013. On July 31, 2013, Williams filed a no-merit brief and a Motion to Withdraw as counsel. On January 15, 2014, the court found Williams' no-merit brief was deficient, among other things, in that the argument section of counsel's brief was deficient, pointing to the lack of reference to Rule 4-3(k), and a lack of an adequate discussion or explanation as to why each of the two adverse rulings lacked merit. The court denied the Motion to Withdraw and ordered rebriefing, due by January 30, 2014. On January 29, 2014, Williams filed a Motion for Extension of Time, which was granted making the brief was due on March 3, 2014. No brief was filed. On March 4, 2014, Williams filed a third Motion for Extension of Time, which was granted with a final extension due on April 17, 2014. No brief was filed. The State filed a Motion to Dismiss the appeal for failure of Williams to file a brief. On May 14, 2014, the court denied the Motion to Dismiss, removed Williams as counsel, appointed new counsel, and referred Williams to the Office of Professional Conduct.

D. In the matter of Marcus A. Rimmer v. State of Arkansas, CR 13-222. In April 2012, a

petition to revoke Rimmer's probation was filed, and Williams represented Rimmer in his revocation hearing. Probation was revoked and he was sentenced to three years imprisonment. On April 16, 2013, a seven day clerk's brief extension was granted. On April 26, 2013, Williams filed a no-merit brief and a Motion to Withdraw as counsel. A second no-merit brief was filed on May 3, 2013. On January 15, 2014, the court found William's no-merit brief was deficient, among other things, in that counsel failed to cite *Anders v. California*, 386 U.S. 738 (1967), and the standard of review applicable to *Anders* briefs. The court denied the Motion to Withdraw and ordered rebriefing, due by January 30, 2014. On January 29, 2014, Williams filed a Motion for Extension of Time, which was granted with the brief due March 3, 2014. No brief was filed. On March 4, 2014, Williams filed another Motion for Extension of Time, which was granted with a final extension to April 17, 2014. No brief was filed. The State filed a Motion to Dismiss the appeal for failure of Williams to file a brief. On May 14, 2014, the court entered its order denying the Motion to Dismiss, removed Williams as counsel, appointed new counsel, and referred Williams to the Office of Professional Conduct.

E. In the matter of James Mitchell Green v. State of Arkansas, CR 13-1090. Williams was counsel for Green in his appeal. Green's brief was due on January 20, 2014. On January 17, 2014, Williams filed a Motion for Extension of Time, which was granted with a new due date of February 19, 2014. No brief was submitted. On February 18, 2014, Williams filed another Motion for Extension of Time, which was granted as a final extension due on March 21, 2014. No brief was filed. The State filed a Motion to Dismiss the appeal for failure of Williams to file a brief. On May 9, 2014, Williams filed a Motion for Rule on the Clerk, admitting his failure to file the brief by March 21, 2014. On May 21, 2014, the court denied the State's Motion to Dismiss and granted Williams' motion, treating it as a Motion to File Belated Brief, and noted he filed Appellant's brief with his motion. Williams was referred to the Office of Professional

Conduct.

F. In the matter of Rodrigo Cantu v. State of Arkansas, CR 13-1091. Williams was counsel for Cantu in his appeal. The brief was due on January 20, 2014. On January 17, 2014, Williams filed a Motion for Extension of Time, which was granted to February 19, 2014. No brief was submitted. On February 18, 2014, Williams filed another Motion for Extension of Time, which was granted as a final extension to March 21, 2014. No brief was filed. The State filed a Motion to Dismiss the appeal for Williams' failure to file the brief. Williams filed a Motion for Rule on the Clerk, admitting his failure to file the brief by March 21, 2014. On May 21, 2014, the court denied the Motion to Dismiss, granted Williams' motion, treating it as a Motion to File Belated Brief, and noted he filed Appellant's brief with his motion. Williams was referred to the Office of Professional Conduct.

G. In the matter of Roy Maurice Harris v. State of Arkansas, CR 13-130. In January 2011, a petition to revoke Harris' probation was filed, and Williams represented Harris in his revocation hearing. Probation was revoked and Harris was sentenced to seven years' imprisonment. Williams received a seven day clerk's extension for filing. On March 28, 2013, Williams filed a no-merit brief and a Motion to Withdraw as counsel. On January 8, 2014, the court found Williams' no-merit brief was deficient, among other things, in that Williams failed to follow the "framework" for no-merit appeals or to cite Rule 4-3 in his brief, it cited the incorrect sections of Rule 4-3, and the brief failed to meet the requirements of Rule 4-2. The court denied the Motion to Withdraw and ordered rebriefing, due by January 23, 2014. Williams filed a Motion for Extension of Time, which the court granted making the brief due on February 24, 2014. No brief was filed. On April 3, 2014, Williams filed another Motion for Extension of Time and a Motion for Rule on the Clerk. The court granted the motions, treating them as a Motion to File Belated

Brief. The brief was then due on May 23, 2014. No brief was filed. On May 15, 2014, Williams filed a third Motion for Extension of Time to File. On June 18, 2014, the court removed Williams as counsel, appointed new counsel, and referred Williams to the Office of Professional Conduct.

H. In the matter of Jason E. Dove v. State of Arkansas, CR 13-159. In May 2012, a petition to revoke Dove's probation was filed, and Williams represented Dove in his revocation hearing. Probation was revoked and Dove was sentenced to ten years imprisonment in each case to run concurrently. On April 1, 2013, Williams filed a Motion for Extension of Time, which was granted to May 8, 2013. On May 2, 2013, Williams filed a second Motion for Extension of Time, which was granted to May 28, 2013. On May 13, 2013, Williams filed a no-merit brief and a Motion to Withdraw as counsel. On January 15, 2014, the court found Williams' no-merit brief was deficient, among other things, in that counsel failed address all adverse rulings and failed to abstract certain testimony, denied the Motion to Withdraw and ordered rebriefing, due by January 30, 2014. On January 29, 2014, Williams filed a Motion for Extension of Time, which was granted to March 3, 2014. No brief was filed. On March 4, 2014, Williams filed another Motion for Extension of Time, which the court granted as a final extension to April 17, 2014. No brief was filed. On May 15, 2014, Williams filed a third Motion for Extension of Time and a Motion for Rule on the Clerk. On June 18, 2014, the court removed Williams as counsel, appointed new counsel, and referred Williams to the Office of Professional Conduct.

I. In the matter of Timothy Smith v. State of Arkansas, CR 13-945. Williams represented Smith on appeal and received a seven day clerk's extension to December 9, 2013. No brief was filed. On December 18, 2013, Williams filed a Motion for Extension of Time and a Motion for Rule on the Clerk. The court treated the motions a Motion to File Belated Brief and made the

brief due on February 14, 2014. No brief was filed. On February 10, 2014, Williams filed a second Motion for Extension of Time, which was granted to March 17, 2014. No brief was submitted. On April 3, 2014, Williams filed a third Motion for Extension of Time and a second Motion for Rule on the Clerk. The court granted the motions but treated them as a Motion to File Belated Brief, making the brief due on May 23, 2014. No brief was filed. Williams filed a fourth Motion for Extension of Time. On June 18, 2014, the court removed Williams as counsel, appointed new counsel, and referred Williams to the Office of Professional Conduct.

J. In the matter of Jermaine D. Hicks v. State of Arkansas, CR 13-1010. Williams represented Hicks in his appeal and the brief was due on December 24, 2013. On December 20, 2013, Williams filed a Motion for Extension of Time, which was granted to January 23, 2014. On January 9, 2014, Williams filed a second Motion for Extension of Time, which was granted to February 22, 2014. No brief was filed. On March 31, 2014, the State filed a Motion to Dismiss for failure of Williams to file appellant's brief. On April 3, 2014, Williams filed a third Motion for Extension of Time and a Motion for Rule on the Clerk. On April 16, 2014, the court denied the States's Motion to Dismiss, treated Williams' motions as a Motion to File Belated Brief, and granted an extension until May 1, 2014. No brief was filed. On May 15, 2014, Williams filed a fourth Motion for Extension of Time and a second Motion for Rule on the Clerk. On June 18, 2014, the court removed Williams as counsel, appointed new counsel, and referred Williams to the Office of Professional Conduct.

K. In the matter of Jennifer L. Schiffer v. State of Arkansas, CR 14-149 Williams represented Schiffer in her appeal, where the brief was due on March 26, 2014. On March 19, 2014, Williams filed a Motion for Extension of Time, which was granted to April 25, 2014. No brief was filed. On May 15, 2014, Williams filed a second Motion for Extension of Time and a Motion for Rule on the Clerk. On June 18, 2014, the court removed Williams as counsel,

appointed new counsel, and referred Williams to the Office of Professional Conduct..

L. In the matter of John L. Johnson v. State of Arkansas, CR 14-254 Williams represented Johnson in his appeal, with the brief due on April 28, 2014. No brief was filed. On June 3, 2014, the State filed a Motion to Dismiss for failure of Williams to file appellant's brief. On June 16, 2014, Williams filed a Motion for Extension of Time, Motion for Rule on the Clerk, and a Response to Motion to Dismiss. On June 18, 2014, the court denied the State's Motion to Dismiss, removed Williams as counsel, appointed new counsel, and referred Williams to the Office of Professional Conduct.

Upon consideration of the formal complaint and attached exhibit materials, the response, the consent proposal, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds: 1. That Charles Brian Williams' conduct violated Rule 1.1 when he failed to prepare the appellate briefs on behalf of his clients Alfonzo Green, Timothy Smith, Jermaine Hicks, Jennifer Schiffer, and John Johnson. Arkansas Rule 1.1 states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

2. That Charles Brian Williams' conduct violated Rule 1.3(b) when he (i) filed for extensions after the due dates for filing of the briefs on behalf of his clients Christopher Cory, Ismeal Leal, Marcus Rimmer, James Mitchell Green, Rodrigo Cantu, Roy Maurice Harris, and Jason E. Dove, and (ii) failed to timely file the briefs on behalf of his clients Alfonzo Green, Timothy Smith, Jermaine D. Hicks, Jennifer L. Schiffer, and John L. Johnson. Arkansas Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Charles Brian Williams' conduct violated Rule 3.4(c) when he (I) failed to

prepare the briefs for his clients Alfonzo Green and John L. Johnson within the time frame required by the Rules of the Supreme Court, and (ii) despite being granted several extensions by the court, Mr. Williams failed to prepare the briefs for his clients Timothy Smith, Jermaine D. Hicks, Jennifer L. Schiffer, and Roy Maurice Harris, within the time frame required by the Rules of the Supreme Court. Arkansas Rule 3.4(c) states that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

4. That Charles Brian Williams' conduct violated Rule 8.4(d) when he (I) failed to timely file the briefs on behalf of his clients Alfonzo Green, Christopher Cory, Ismeal Leal, Marcus Rimmer, James Mitchell Green, Rodrigo Cantu, Roy Maurice Harris, Jason E. Dove, Timothy Smith, Jermaine D. Hicks, Jennifer L. Schiffer, and John L. Johnson, which resulted in a delay in the orderly and timely resolution of appellate proceedings, and (ii) when Mr. Williams' failure to timely file the briefs on behalf of his clients required the appellate court to relieve Mr. Williams, appoint new counsel, and expend additional time and effort which would not have been otherwise necessary. Arkansas 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 A, that Charles Brian Williams, Arkansas Bar ID#83180, be and hereby is, **CAUTIONED** for his conduct in this matter. Pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2011). Mr. Bennett is assessed the costs of this proceeding in the amount of FIFTY DOLLARS (\$50.00). The costs OF \$50.00 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: Danyelle J. Walker, Chair, Panel A

Date: September 19, 2014

Original filed with the Arkansas Supreme Court
Clerk on September 19, 2014.