

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

**IN RE: LARRY JOE STEELE
ARKANSAS BAR ID No. 78146
CPC Docket No. 2015-033**

FINDINGS AND ORDER

Larry Joe Steele is an attorney licensed in 1978 to practice law in the State of Arkansas and assigned Arkansas Bar Number 78146. Tabby Butler (“Butler”) was an employee of the Crittenden County Sheriff’s Office in West Memphis, Arkansas, from 2000 through 2008, when her employment was terminated. She initially filed a *pro se* claim with the United States Equal Employment Opportunity Commission (EEOC). Steele admits that he met with Butler during the pendency of her EEOC matter but his calendar does not reflect the date and that Butler paid a consultation fee. On September 25, 2009, the EEOC notified Butler by a Dismissal and Notice of Rights Letter that the EEOC would not pursue the matter.

On June 10, 2010, Butler employed Steele to represent her in the matter. In July 2010, Steele filed a lawsuit on behalf of Butler in the United States District Court for the Eastern District of Arkansas, Jonesboro Division, wherein Steele alleged violation of federal and state laws. On March 29, 2012, the United States District dismissed the federal claims with prejudice and dismissed the state claims without prejudice. Steele filed a Notice of Appeal of the District Court’s decision and, on March 5, 2013, the United States Court of Appeals for the Eighth Circuit affirmed the summary judgment.

On March 26, 2014, Steele filed a state lawsuit, *Tabby Butler v. Crittenden County, Arkansas, et al.*, Crittenden County Circuit Court Case No. CV2014-101. The lawsuit alleged violation of the Arkansas Civil Rights Act of 1993. The defendants in the case filed a Motion to Dismiss and Steele filed a Response to the Motion. On September 5, 2014, a hearing was held in

Blytheville and the circuit court took the matter under advisement. On September 15, 2014, Steele underwent bilateral knee replacement and remained in the hospital until September 29 or 30. During his hospitalization, Steele was prescribed oxycodone which he took through the middle or end of October. During the period when Steele was medicated, on September 17, 2014, the court entered an order granting the dismissal of Butler's lawsuit.

On October 22, 2014, Steele filed a notice of appeal to the Arkansas Supreme Court. The record was lodged with the clerk on January 8, 2015. The clerk notified Steele that Rule 4 of the Arkansas Rules of Appellate Procedure required a notice of appeal to be filed within 30 days of the order being appealed which, in this case, was filed on September 17, 2014. A notice of appeal had to be filed on or before October 17, 2014, and that did not happen. The clerk informed Steele he would need to file a Motion for Rule on Clerk. On January 23, 2015, Steele filed a Motion for Rule on Clerk. On March 5, 2015, the Arkansas Supreme Court denied Steele's Motion for Rule on Clerk.

Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent to discipline proposal, the approval of Panel A of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. Larry Joe Steele failed to file a notice of appeal within thirty days of the entry of the September 17, 2014, order granting the dismissal of the lawsuit in the case of *Tabby Butler v. Crittenden County, Arkansas, et al.*, Crittenden County Circuit Court Case No. CV2014-101. Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.
2. Larry Joe Steele's failure to file a timely notice of appeal in the case of *Tabby Butler v. Crittenden County, Arkansas, et al.*, Crittenden County Circuit Court Case No. CV2014-101

required a Motion for Rule on Clerk which was denied by the Arkansas Supreme Court on January 23, 2015, resulting in Butler's appeal being dismissed. Rule 8.4(d) states that a lawyer shall 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 LARRY JOE STEELE, Arkansas Bar No. 78146, be, and hereby is, **CAUTIONED** for his conduct in this matter. In reaching its decision, Steele's prior disciplinary record was considered in determining the appropriate sanction.

It is so ordered.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL A

By: /s/ Michael W. Boyd, Chairperson

Date: January 19, 2016

Original filed with the Arkansas Supreme Court
Clerk on February 22, 2016.