

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

**IN RE: Q. BYRUM HURST, JR.  
ARKANSAS BAR ID No. 74082  
CPC Docket No. 2015-056**

**CONSENT FINDINGS AND ORDER**

Q. Byrum Hurst, Jr. is an attorney from Hot Springs, Arkansas, licensed in 1974 to practice law in the State of Arkansas, and assigned Arkansas Bar Number 74082. The basis for the formal complaint arose from a grievance filed by Vickie Devore concerning the representation of George DeVore and Vickie Braud DeVore in two civil matters filed in Sevier County Circuit Court.

In January 2008, George and Vickie DeVore employed Q. Byrum Hurst, Jr., of the Hurst, Morrissey & Hurst Law Firm (referred throughout as Hurst Law Firm) to represent them in a civil matter involving their daughter, a student at Beacon Hill Adventist Junior Academy, and, additionally, in a civil matter involving termination of Ms. DeVore's employment with Beacon Hill Adventist Junior Academy.

On April 7, 2008, a lawsuit was filed in Sevier County Circuit Court by Q. Byrum Hurst, Jr. on behalf of the DeVores. At some point thereafter, the case was transferred to Justin Hurst, a member of the Hurst Law Firm. On April 5, 2010, the court sent a notice pursuant to Rule 41(b) of the Arkansas Rules of Civil Procedure that the case would be dismissed unless some action were taken. The notice was sent to Justin B. Hurst and Edwin Lowther and Jane Kim of the Wright, Lindsey & Jennings Law Firm. No response to the 41(b) notice was received by the court from Hurst Law Firm and on April 30, 2010, the court signed an order to dismiss the lawsuit. The order was filed of record with the Sevier County Circuit Court Clerk on May 3,

2010. On May 5, 2010, Hurst Law Firm filed a Motion for Reconsideration on behalf of the DeVores. The court did not rule on the motion.

On December 6, 2010, Justin Hurst of the Hurst Law Firm filed a new lawsuit in Sevier County Circuit Court on behalf of the DeVores. On February 10, 2012, a scheduling Order was entered by the presiding judge resetting the trial for August 20-22, 2012 beginning at 9:00 a.m. Pre-trial was set for July 19, 2012, at 9:00 a.m. The Scheduling Order stated that the attorneys who will try the case must be present at the pre-trial. Further, the order stated in all capital letters "FAILURE TO COMPLY WITH THIS ORDER IN ITS ENTIRETY MAY RESULT IN THE EXCLUSION OF EVIDENCE, ASSESSMENT OF COSTS AND/OR OTHER SANCTIONS." The Scheduling Order directed each party to submit certain information to the court and opposing counsel no later than two (2) days prior to the pre-trial hearing. Justin Hurst did not provide a pre-trial report on behalf of the DeVores to the court or to opposing counsel.

On July 19, 2012, defendants and their counsel appeared in Sevier County Circuit Court for pre-trial. Neither Plaintiffs George DeVore, Vickie DeVore, nor a member of the Hurst Law Firm appear in court. Following a request by the defendants for the matter to be dismissed for failure to comply with the court's scheduling order and for failure to appear at the pre-trial conference, the court granted the motion and the lawsuit was dismissed with prejudice by order filed on July 19, 2012. On August 17, 2012, Justin Hurst filed on behalf of the DeVores a Motion To Vacate Order. On October 1, 2012, the court entered an order denying the Motion to Vacate.

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 B of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. Q. Byrum Hurst, Jr.'s conduct violated Rule 1.3 when he failed to act with reasonable diligence and promptness in response to a April 5, 2010, Rule 41(b) notice from the Sevier County Circuit Court in the case of *George DeVore, et al v. Beverly Peugh, et al.*, Sevier County Circuit Court Case No. CV-2008-33-2, resulting in the dismissal of the lawsuit. Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

2. Q. Byrum Hurst, Jr.'s conduct violated Rule 8.4(d) when he failed to respond to the February 10, 2012, Scheduling Order from the Sevier County Circuit Court in the case of *George DeVore, et al v. Arkansas Louisiana Conference of Seventh-Day Adventist, et al.*, Sevier County Circuit Court Case No. CV-2010-127-2, resulting in the dismissal of the lawsuit and prevented the DeVores from having their matter heard. Rule 8.4(d) states that it is professional misconduct for a lawyer to 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 B, that Q. Byrum Hurst, Jr., Arkansas Bar No. 74082, be, and hereby is, **CAUTIONED**, ordered to pay a fine in the amount of FIVE HUNDRED DOLLARS (\$500.00) and costs in the amount of FIFTY DOLLARS (\$50.00). All fines, restitution or costs, if any, 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, 2100 Riverfront Drive, Suite 200, Little Rock, Arkansas, 72202, within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

It is so ordered.

ARKANSAS SUPREME COURT COMMITTEE  
ON PROFESSIONAL CONDUCT - PANEL B

By: Niki Cung, Chairperson

Date: December 11, 2015

Original filed in the Arkansas Supreme Court  
Clerk's office on December 11, 2015.