

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL B

IN RE: JAMES W. STANLEY, JR.  
ARKANSAS BAR ID # 75124  
CPC Docket No. 2006-006

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information obtained by the Committee from the order of the Arkansas Supreme Court issued April 22, 2004, denying Mr. Stanley's Motion for Rule on the Clerk on behalf of his client Jose Lugo in the matter of Mary Lugo v. Jose M. Lugo, Arkansas Supreme Court No. 04-329. The information related to the representation of Jose Lugo in 2004 by Respondent Stanley, an attorney practicing primarily in North Little Rock, Pulaski County, Arkansas. On January 26, 2006, Respondent was served with a formal complaint, and he filed a timely response.

Mr. Stanley filed a timely notice of appeal for his client, Jose Lugo, and the record was due to be filed with the clerk by February 10, 2004. He stated the court reporter did not provide him the record until after the filing due date. He stated the court reporter did not obtain an extension of time within which to file the record, an act he called a "clerical misprison." His Motion for Rule on the Clerk was denied April 22, 2004, ending his client's appeal.

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

A. Mr. Stanley's conduct violated Model Rule 1.3 in that he failed to undertake the necessary steps, including obtaining an extension of time to lodge the record, to be certain that the record on appeal in the Lugo matter was filed with the clerk of the Arkansas Supreme Court within ninety (90) days, or any extended period granted by court order, of the filing of the notice of appeal. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

B. Mr. Stanley's conduct violated Model Rule 8.4(d) in that his failure to timely file the appellate record in his client's civil appeal has resulted in his client being denied the opportunity to have his appeal heard on the merits. Model 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 B, with the Panel B Chairman recusing in this matter, that JAMES W. STANLEY, JR., Arkansas Bar ID# 75124, be, and hereby is, CAUTIONED, fined \$1,500.00, and assessed Committee costs of \$50.00 for his conduct in this matter. The fine 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 with 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: \_\_\_\_\_  
John L. Rush, Vice Chair, Panel B

Date: \_\_\_\_\_