

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

**PANEL B**

IN RE: G.B. COLVIN, III, Respondent  
Arkansas Bar ID#66014  
CPC Docket No. 2006-132

**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 the Arkansas Supreme Court in a Per Curiam delivered on September 28, 2006. The information related to the representation of Robert Earl Thompson by Respondent in 2006.

On or about October 12, 2006, Respondent was served with a formal complaint, supported by the Per Curiam delivered September 28, 2006. A response was filed. The Respondent and the Deputy Director, acting on behalf of the Executive Director, who recused in this matter, negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Panel reflected that on September 28, 2006, the Arkansas Supreme Court referred a matter to the Committee on Professional Conduct involving the case of Robert Earl Thompson v. State of Arkansas, CR06-1014. G.B. Colvin, III, an attorney practicing primarily in Monticello, Drew County, Arkansas, is the attorney who filed the Notice of Appeal on Mr. Thompson's behalf following his conviction in Drew County Circuit Court. Mr. Colvin failed to file the Notice of Appeal in a timely fashion. His failure in timely doing so resulted in the Supreme Court of Arkansas referring his conduct to the Committee on Professional Conduct for consideration and action.

Mr. Thompson was convicted in Drew County Circuit Court on February 22, 2006. The Judgment and Commitment Order was filed with the Clerk on that date. On March 28, 2006, Mr. Colvin filed the Notice of Appeal on Mr. Thompson's behalf. Pursuant to Rule 2 of the Rules of Appellate Procedure - Criminal, the Notice of Appeal was to be filed within thirty (30) days of the date of entry of the Judgment. The Notice of Appeal should have been filed no later than Friday, March 24, 2006, in order to be timely.

When Mr. Colvin tendered the record to the Clerk of the Court on September 6, 2006, he was notified that the Notice of Appeal was not timely and that a Motion for Rule on the Clerk would be necessary. On September 8, 2006, Mr. Colvin filed his Motion for Rule on the Clerk. On September 28, 2006, the Supreme Court granted the Motion.

In responding to the disciplinary matter, Mr. Colvin admitted that there was negligence on his part in not getting the Notice of Appeal filed on time. He explained that he was home taking care of his wife, who had broken her leg, when the deadline for filing the appeal passed. Mr. Colvin had spent the first ten to fifteen days after the conviction attempting to find someone to replace him as appellate counsel because of his heavy caseload and number of death penalty cases pending at the time, but was unsuccessful in doing so.

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 B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Colvin's conduct violated Rule 1.1, because he was not thorough enough in his representation of Mr. Thompson to be certain that he filed the Notice of Appeal on Mr.

Thompson's behalf in a timely manner and in accordance with Rule 2 of the Arkansas Rules of Appellate Procedure - Criminal. Rule 1.1 requires that a lawyer provide competent representation to a client, including the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. That Mr. Colvin's conduct violated Rule 1.3, when he failed to file the Notice of Appeal on Mr. Thompson's behalf within thirty (30) days of entry of the Judgment and Commitment Order. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Mr. Colvin's conduct violated Rule 8.4(d) because his failure to file the Notice of Appeal in a timely fashion on behalf of his client delayed the process of his client's appeal until a Motion for Rule on the Clerk could be considered and because his failure to timely file a Notice of Appeal for Mr. Thompson resulted in a delay in the orderly and timely resolution of appellate proceedings. 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 B, that G.B. Colvin, III, Arkansas Bar ID#66014, be, and hereby is, REPRIMANDED for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Mr. Colvin is assessed the cost of this proceeding in the amount of \$100. 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 B

By: \_\_\_\_\_  
Harry Truman Moore, Chair, Panel B

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

(13.M, Rev.1-1-02)