

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

IN RE: DENNIS R. MOLOCK, Respondent
Arkansas Bar ID#79211
CPC Docket No. 2006-116

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee in a referral by the Arkansas Supreme Court on September 7, 2006. The information related to the representation of Steve Hill by Respondent in 2006.

On September 26, 2006, Respondent was served with a formal complaint, supported by Per Curiam of the Arkansas Supreme Court. Respondent filed a timely response. The matter then proceeded to ballot vote before Panel B of the Committee pursuant to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. (2002).

The information before the Committee reflected that on September 7, 2006, the Arkansas Supreme Court referred a matter to the Committee on Professional Conduct involving the case of Steve Hill v. State of Arkansas, CR06-686. Dennis R. Molock, an attorney practicing primarily in Stuttgart, Arkansas County, Arkansas, is the attorney who represented Mr. Hill in the lower court proceedings and caused the Notice of Appeal to be filed on Mr. Hill's behalf following his conviction in Arkansas County Circuit Court. Mr. Molock thereafter failed to secure a timely Order extending the time for filing the record on appeal during his representation of Mr. Hill. Mr. Molock's failure in timely doing so resulted in the Supreme Court of Arkansas referring his conduct to the Committee for consideration and action.

Mr. Hill was convicted of nine (9) felony counts in Arkansas County Circuit Court on November 15, 2005. The Judgment and Commitment Order was filed with the Clerk on that date. On December 5, 2005, a Notice of Appeal was filed on Mr. Hill's behalf. Prior to the filing of the first Notice of Appeal, an Amended Judgment and Commitment Order was filed by the Circuit Court of Arkansas County. On December 9, 2005, a Notice of Appeal from the Amended Judgment and Designation of Record was filed. Thereafter, on March 7, 2006, Mr. Molock filed a Motion for Extension of Time to File Transcript. The request was for the extension to be granted for a period of seven (7) months from the date of entry of judgment in accordance with Rule 5 of the Arkansas Rules of Appellate Procedure. The Motion for Extension of Time was filed within ninety (90) days of the filing of the Notice of Appeal from the Amended Judgment but was two (2) days beyond the ninety (90) days of the filing of the first Notice of Appeal. The Order extending time was entered on March 8, 2006. The Order was three (3) days outside the time allowed by law in order to be timely and effective. When Mr. Molock sought to file the record on appeal on June 15, 2006, he was notified that a Motion for Rule on the Clerk would be necessary because of the failure to obtain the Order Extending the Time to File the Record on appeal past the original ninety (90) day time in a timely manner. On June 19, 2006, Mr. Molock filed his Motion for Rule on the Clerk with the Clerk of the Arkansas Supreme Court. In the Motion, Mr. Molock accepted responsibility for the late filing of the Order Extending Time to File the Record on Appeal. On September 7, 2006, the Court granted the Motion.

Mr. Molock explained that he did not disregard the filing deadline but through negligence he counted the time from the filing of the Notice of Appeal from the Amended Judgment rather

than from the first Notice of Appeal. Mr. Molock offered that his negligence was in failing to take the time to read the Rules and to make certain that the time was being computed correctly. Mr. Molock admitted that his negligence did result in a delay in processing Mr. Hill'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:

1. That Mr. Molock's conduct violated Rule 1.1, because he was not thorough enough in his representation of Mr. Hill to be certain that he filed the Motion for Extension of Time to File the Record on Appeal in a timely manner and he was not thorough enough in his representation of Mr. Hill to be certain that he obtained an Order for Extension of Time to File the Record on Appeal within ninety (90) days of the filing of the first Notice of Appeal.

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. Molock's conduct violated Rule 1.3, when he failed to file the Motion for Extension of Time to File the Record on Appeal on Mr. Hill's behalf within ninety (90) days of the filing of the first Notice of Appeal in his criminal proceeding and when he failed to be certain that an Order Granting the Extension of Time to File the Record on Appeal on Mr. Hill's behalf was entered within ninety (90) days of the filing of the first Notice of Appeal in Mr. Hill's criminal proceeding. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Mr. Molock's conduct violated Rule 8.4(d), because his failure to file the Motion for Extension of Time and failure to secure an Order Extending the Time to File the

Record on 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 his failure to timely file a Motion for Extension of Time and failure to secure an Order Extending the Time to File the Record on Appeal in a timely fashion for Mr. Hill 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 DENNIS R. MOLOCK, Arkansas Bar ID#79211, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures, Mr. Molock is assessed the costs of this proceeding in the amount of \$50. In addition, pursuant to Section 18.B. of the Procedures, a fine is imposed in the amount of \$250. The costs assessed and fine imposed herein, totaling \$300, 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: _____
John Rush, Vice-Chair, Panel B

Date: _____