

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL C

IN RE: JAMES SCOTT ADAMS

ARKANSAS BAR ID #81001

CPC DOCKET NO. 2002-078

FINDINGS AND CONSENT ORDER OF DISCIPLINE

The formal charges of misconduct upon which this Order is premised arose from an Arkansas Supreme Court Contempt Order dated May 23, 2002, in the case of Robert Wayne Grady v. State of Arkansas. The Court forwarded a copy of the order to the Arkansas Supreme Court Committee on Professional Conduct concerning James Scott Adams, an attorney practicing law in Morrilton, Arkansas.

Mr. Adams represented Robert Wayne Grady in an appeal from the Perry County Circuit Court. Mr. Adams requested three Motions for Extension of Time to file a brief on behalf of his client. On February 13, 2002, Mr. Adams was notified that his request for an extension of time to file his client's brief was granted and that the brief was due on or before April 11, 2002. The notice from the Arkansas Supreme Court Clerk informed Mr. Adams that the extension was a final extension. No brief was filed by Mr. Adams on behalf of his client on or before April 11, 2002.

Mr. Adams filed a Motion for Extension of Time on April 11, 2002. The Arkansas Supreme Court issued an Order to Show Cause to Mr. Adams and directed him to appear before the Court on May 16, 2002. Mr. Adams appeared before the Court and entered a plea of guilty for his failure to file a brief on behalf of his client prior to the expiration of the final extension. The Arkansas Supreme Court accepted Mr. Adams's plea of guilty, fined him the sum of \$250.00, and directed him to file the brief within seven (7) days of the entry of the Contempt Order. The Contempt Order was entered on May 23, 2002 and the brief was filed on May 30, 2002.

Upon receipt of the referral from the Arkansas Supreme Court, the Office of Professional Conduct prepared a Formal Complaint alleging that Mr. Adams's conduct in the representation of Robert Wayne Grady, violated the Model Rules of Professional Conduct, specifically, Model Rules 1.3, 3.4(c), and 8.4(d). Mr. Adams, pursuant to Section 20B of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, tendered an offer of discipline by consent wherein he conditionally acknowledged violation of Model Rules 1.3, 3.4(c), and 8.4(d) in exchange for the issuance of a sanction of caution.

Upon consideration of the formal complaint, Mr. Adams's conditional discipline by consent, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Adams's conduct violated Model Rule 1.3 when he failed to file in a timely manner a brief on behalf of Robert Wayne Grady prior to the expiration of the final extension. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Adams's conduct violated Model Rule 3.4(c) when he was granted a final extension by the Arkansas Supreme Court of April 11, 2002, to file a brief on behalf of his client. Model Rule 3.4(c) requires, in pertinent part, that a lawyer not knowingly disobey an obligation under the rules of a tribunal.
3. That Mr. Adams's conduct violated Model Rule 8.4(d) when his failure to file a brief in a timely manner resulted in a delay in the orderly and timely resolution of appellate proceedings and when his failure to file a brief on behalf of his client required the Arkansas Supreme Court to expend additional time and effort which would not have been necessary otherwise.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Adams, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that JAMES SCOTT ADAMS, Arkansas Bar ID #81001, be, and hereby is, CAUTIONED for his conduct in this matter.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT

PANEL C

By:

David Newbern

Chair

Date: