

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

IN RE:           **ROBERT L. DEPPER, JR.**  
                    Arkansas Bar ID #81046  
                    CPC Docket No. 2004-186

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information obtained by the Committee from pleadings and orders of the Arkansas Court of Appeals in No. CA-04-819, *James H. Goffin v. Wackenhut Corporation*. The information related to the representation of James Goffin by Respondent Robert L. Depper, Jr., an attorney practicing primarily in El Dorado, Union County, Arkansas, in 2004.

On October 6, 2004, the Arkansas Court of Appeals granted the adverse party's motion to dismiss Mr. Depper's client's appeal in the matter of *James H. Goffin v. Wackenhut Corporation*, No. CA-04-819, an appeal of the decision of the Arkansas Workers Compensation Commission in Case No. E211324 denying him benefits. Mr. Depper checked out the appeal transcript on August 16, 2004. On September 7, 2004, he was granted a Clerk's "seven day" extension on his brief, making it due to be filed by September 15, 2004. The Appellee's Motion to Dismiss Appeal was filed on September 21, 2004, with the Arkansas Court of Appeals, claiming Mr. Depper had failed to file the required appellant's brief. His brief was due to be filed not later than September 15, 2004, however no brief was filed nor did he obtain an Order from the Court of Appeals further extending the time within which he could file the required appellant's brief for his client. No response to the Motion to Dismiss Appeal was docketed as filed by Mr. Depper. After consideration of the pleadings filed with the Clerk, the Arkansas Court of Appeals granted Appellee's Motion to Dismiss Appeal on October 6, 2004.

On or about January 18, 2005, Respondent was served with a formal complaint. He filed a response. 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. Depper's conduct violated Model Rule 1.2(a) in that despite the fact that his client, Mr. Goffin, wished to pursue an appeal of the Workers Compensation Commission's decision, Mr. Depper failed to comply with all the procedural rules to do so and therefore denied him the right to an appeal

of the lower court's decision. Model Rule 1.2(a) requires that a lawyer abide by a client's decisions concerning the objectives of representation, subject to paragraphs (c), (d), and (e), and consult with the client as to the means by which they are to be pursued.

B. Mr. Depper's conduct violated Model Rule 1.3 in that he failed to file the required appellant's brief in a timely manner, or obtain an order from the appellate court further extending the time to file his client's brief. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

C. Mr. Depper's conduct violated Model Rule 8.4(d) in that his failure to file his client's required brief resulted in his client being denied his right to appellate review of the Workers Compensation Commission's decision dismissing his case. Model 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 ROBERT L. DEPPER JR., Arkansas Bar ID# 81046, be, and hereby is, CAUTIONED for his conduct in this matter, FINED \$250.00, and assessed \$50.00 costs. 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: \_\_\_\_\_

J. Michael Cogbill, Chair, Panel B

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

