

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

IN RE: Richard L. Hughes, Respondent

Arkansas Bar ID# 82081

CPC Docket No. 2001-119

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Robert A. Newcomb on July 20, 2001. The information related to the representation of Mrs. Barbara Monroe by Respondent beginning June 2000.

On November 9, 2001, Respondent was served with a formal complaint, supported by an affidavit from Robert A. Newcomb, attorney at law, pursuant to Model Rule 8.3. Respondent filed a response to the complaint on November 30, 2001.

Mrs. Barbara Monroe contacted Mr. Newcomb and asked him to represent her in a discrimination case under the Americans with Disabilities Act. She originally hired Richard Hughes to represent her, and Mr. Hughes filed a complaint on June 29, 2000, in the United States District Court, Eastern District of Arkansas. The defendants therein filed a motion for summary judgment. The Honorable George Howard granted the motion filed by Mr. Hughes for an extension of time and gave him until June 28, 2001, to file a response to the motion for summary judgment. Mr. Hughes never filed his response and on July 10, 2001, the defendants therein filed a motion to dismiss for failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure. The Court entered an order on July 18, 2001, granting the defendants' motion to dismiss for failure to prosecute. Additionally, according to the court's order of July 18, 2001, Mr. Hughes never filed the pre-trial conference information sheet and he never filed a response to a motion in limine filed by the defendants. Mr. Newcomb stated in his affidavit that it is his reasoned belief that Mr. Hughes failed to respond to the motions and pleadings on behalf of Ms. Monroe, due to suffering from alcoholism and remaining in an intoxicated state throughout the pertinent periods.

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:

- That Mr. Hughes' conduct violated Model Rule 1.1 when he filed a complaint for

Mrs. Monroe in the United States District Court but he failed to respond to various motions filed by the defendants including a motion for summary judgment, a motion in limine, and a motion to dismiss for failure to prosecute. Mr. Hughes actions caused the dismissal of the complaint pursuant to Rule 41 of the Federal Rules of Civil Procedure.

- That Mr. Hughes' conduct violated Model Rule 1.1 when he filed a motion for

extension of time to respond to the defendants' motion for summary judgment, the district court granted that motion, and Mr. Hughes' failed to file his response. Model Rule 1.1 provides that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

- That Mr. Hughes' conduct violated Model Rule 1.3 when he filed a complaint for

Mrs. Monroe in the United States District Court, but he failed to respond to various motions filed by the defendants including a motion for summary judgment, a motion in limine, and a motion to dismiss for failure to prosecute. Mr. Hughes actions caused the dismissal of the complaint pursuant to Rule 41 of the Federal Rules of Civil Procedure.

- That Mr. Hughes' conduct violated Model Rule 1.3 when he filed a motion for

extension of time to respond to the defendants' motion for summary judgment, the district court granted that motion, and Mr. Hughes' failed to file his response. Model Rule 1.3 provides that a lawyer shall act with reasonable diligence and promptness in representing a client.

- That Mr. Hughes' conduct violated Model Rule 3.2 when he filed a complaint for

Mrs. Monroe in the United States District Court but he failed to respond to various motions filed by the defendants including a motion for summary judgment, a motion in limine, and a motion to dismiss for failure to prosecute. Mr. Hughes actions caused the dismissal of the complaint pursuant to Rule 41 of the Federal Rules of Civil Procedure.

- That Mr. Hughes' conduct violated Model Rule 3.2 when he filed a motion for

extension of time to respond to the defendants' motion for summary judgment, the district court granted that motion, and Mr. Hughes' failed to file his response. Model Rule 3.2 provides that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

- That Mr. Hughes' conduct violated Model Rule 8.4(d) when he filed a complaint

for Mrs. Monroe in the United States District Court but he failed to respond to various motions filed by the defendants including a motion for summary judgment, a motion in limine, and a motion to dismiss for failure to prosecute. Mr. Hughes actions caused the dismissal of the complaint pursuant to Rule 41 of the Federal Rules of Civil Procedure.

- That Mr. Hughes' conduct violated Model Rule 8.4(d) when he filed a motion for

extension of time to respond to the defendants' motion for summary judgment, the district court granted that motion, and Mr. Hughes' failed to file his response. Model Rule 8.4(d) provides that it is professional misconduct for a lawyer to 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 Richard L. Hughes, Arkansas Bar ID# 82081, be, and hereby is, REPRIMANDED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT - PANEL B

By: _____

Richard F. Hatfield, Chair, Panel B

Date: _____