

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

IN RE: RICHARD L. HUGHES - Respondent Attorney

Arkansas Bar ID # 82081

CPC Docket No. 2004-128

**CONSENT FINDINGS AND ORDER**

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Richard L. Hughes, practicing primarily in Pulaski County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by Debra Davis.

Respondent was served with a formal complaint on August 23, 2004, supported by the affidavit from Debra Davis. A response was filed September 10, 2004.

The information before the Committee reflected that on April 17, 2003, Mrs. Debra Davis and her husband hired Mr. Hughes to represent their friend Dottie Marshall in a custody/ guardianship/paternity action. Mr. Hughes agreed to take the case for \$400 down and \$100 every two weeks. Mrs. Davis paid Mr. Hughes a total of \$725 including a \$125 filing fee. Mr. Hughes filed a Petition to Establish Paternity in the Circuit Court of Saline County on April 21, 2003. Later the Davis' discovered that there was a simultaneous hearing being held in Van Buren County by the minor child's father and his family; the Theriots, in an attempt to gain custody. Mrs. Davis said she received a call from Mr. Hughes explaining the proceedings in Van Buren County and he told her he would get the case transferred to Saline County. Mr. Hughes explained to them that the case could not legally be heard in Van Buren County and that he had spoken with an officer from Saline County who would meet Ms. Marshall at the Van Buren Court house in May 2003, and that she would receive the child. Mrs. Davis said Mr. Hughes told her it would not be necessary for an attorney to be present. However, when Ms. Marshall arrived a hearing was held and the Theriots received custody. Mr. Hughes scheduled a hearing for June 17, 2003, on the Petition he had filed in Saline County. Mrs. Davis said Mr. Hughes did not go over anything with them prior to the hearing and he showed up only a few minutes before the hearing was to

begin. She further stated that while waiting on their case to be called Mr. Hughes spent the time sleeping on the back bench in the courtroom. When the judge called their case Mr. Hughes could not be found. Mrs. Marshall requested a continuance which was granted to August 5, 2003. Mrs. Davis said she attempted several times to contact Mr. Hughes but that he failed to return her phone calls. Mrs. Marshall finally reached him at his home number on June 25, 2003, and Mr. Hughes told her he had an anxiety attack in court and that he had left an associate to handle the case. Mrs. Davis said she requested a refund but she never heard from Mr. Hughes again. Mrs. Marshall could not afford to hire another attorney and said as a result she entered an agreement to allow the Theriots to have custody so that she could at least get visitation.

Mr. Hughes filed a response stating that he obtained temporary custody for Ms. Marshall on April 24, 2003. Mr. Hughes explained in his response that he did appear at the June 17, 2003, hearing but that he became ill while waiting on the case to be called. He said he suffers from a condition called tachycardia and that this was not the first time he had experienced this. Mr. Hughes further explained that he was traveling with a companion that day and that he believed he had asked his companion to advise the court and Ms. Marshall that he was ill. Since receiving the complaint from the Office of Professional Conduct, he said he discovered that he was mistaken. He said he later talked with Ms. Marshall and Mrs. Davis in an attempt to explain but they terminated his employment and requested a refund.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002). Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Hughes' conduct violated Model Rule 1.3 when he left the courtroom on June 17, 2003, before the case was called, thereby leaving his client without representation and causing a continuance to be granted. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a

client.

2. That Mr. Hughes' conduct violated Model Rule 1.4(a) when he left court on June 17, 2003, without notifying his client or the Judge and when he failed to respond to his client's phone calls afterwards. Model Rule 1.4(a) requires that a lawyer keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

3. That Mr. Hughes' conduct violated Model Rule 1.4(b) when after he learned that the opposing party had filed an action for guardianship/custody in Van Buren County but failed to explain the matter to his client in a manner which would allow his client to make an informed decision regarding his representation or lack thereof; and when he left the courtroom on June 17, 2003, without notifying his client of his condition. Model Rule 1.4(b) requires that a lawyer explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

4. That Mr. Hughes' conduct violated Model Rule 3.2 when after discovering a similar action had been filed in another county, he failed to take any action to either dismiss that action or consolidate the cases in order to expedite the litigation, and when he left court on June 17, 2003, without notice to his client or the judge, thereby causing the case to be continued. Model Rule 3.2 requires that a lawyer make reasonable efforts to expedite litigation consistent with the interests of his client.

5. That Mr. Hughes' conduct violated Model Rule 8.4(a) when he left the court on June 17, 2003, without notice to his client or the judge thereby causing the case to be continued. Model Rule 8.4(a) provides, in pertinent part, that a lawyer not violate or attempt to violate the rules of professional conduct.

6. That Mr. Hughes' conduct violated Model Rule 8.4(d) when he left the courtroom on June 17, 2003, without notifying his client or the judge. Model Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Hughes and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent, Richard L. Hughes, Arkansas Bar No. 82081, be, and hereby is, REPRIMANDED,

ordered to pay \$600 restitution for the benefit of Mrs. Debra Davis, to pay a \$250 fine, and to pay \$50 in costs for his conduct in this matter.

The restitution 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 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 \_\_\_\_\_

J. Michael Cogbill, Chairperson

Date \_\_\_\_\_