

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

IN RE: RANDALL WAYNE DIXON

Arkansas Bar ID #83052

CPC Docket No. 2001-136

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Circuit Judge Paul Danielson on October 29, 2001. The information related to the representation of Joe David Curtis by Respondent in 2001.

On December 17, 2001, Respondent was served with a formal complaint, supported by the written statement of Judge Danielson and court records. Respondent failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes Respondent's right to a public hearing.

Mr. Dixon was the attorney of record for Joe David Curtis in Scott County Circuit Court Case No. CR-2000-92A, in 2000-2001, as shown by the clerk's docket sheet. On April 30, 2001, the court set the case for pre-trial on July 30, 2001. At the pre-trial on July 30, 2001, the client appeared but Mr. Dixon failed to appear, as reflected in the docket entry, the court's August 8 Order to Show Cause, and the letter of October 26, 2001, from presiding judge Paul Danielson. The contempt hearing was set for November 5, 2001. On November 5, 2001, Mr. Dixon appeared, was found in contempt of court on the Order to Show Cause, for not being present in court on July 30, 2001, and was fined \$50.00, as shown by the docket entry.

Upon consideration of the formal complaint and attached exhibit materials 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. Dixon's conduct violated Model Rule 1.1 as his failure to appear, as ordered, with his client in court on July 30, 2001, demonstrated lack of legal knowledge, skill, thoroughness, and preparation in the representation of the client. Model Rule 1.1 requires 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.

B. Mr. Dixon's conduct violated Model Rule 1.3 by failing to appear with his client at all court-ordered appearances, without being excused by the court. Mr. Dixon failed, without excuse, to appear with his client as ordered on July 30, 2001, before Judge Danielson, who later found Dixon in contempt for his failure to appear. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. Mr. Dixon's conduct violated Model Rule 3.4(c) when, on April 30, 2001, the court set a pre-trial hearing for July 30 in his client's case and Mr. Dixon failed to appear in court with his client on that date, as ordered by the court and memorialized on the docket. On November 5, 2001, the court found Mr. Dixon in contempt for failure to appear on July 30 and fined him \$50.00. Model Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under

the rules of a tribunal.

D. Mr. Dixon's conduct violated Model Rule 8.4(d) because his failing to be in court as ordered with his client for pre-trial would have required the court to reset his pre-trial and expend additional court time and resources in the client's case, except for the fact that Mr. Dixon's client was able to obtain the services of another attorney present that day and negotiate a misdemeanor plea. The court was required to expend additional court time and resources holding a contempt hearing for Mr. Dixon on November 5, 2001. Model Rule 8.4(d) requires that a lawyer shall 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 **RANDALL WAYNE DIXON**, Arkansas Bar ID# 83052, be, and hereby is, **SUSPENDED FOR SIX (6) MONTHS** for his conduct in this matter. The suspension shall become effective on 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: \_\_\_\_\_

Richard F. Hatfield, Chair, Panel B

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