

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A

IN RE: STEPHEN GREGORY HOUGH  
Arkansas Bar ID #84077  
CPC Docket No. 2005-113

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Gary Williams in May 2005. The information related to the representation of Gary Williams in 2003-2004 by Respondent Stephen Gregory Hough, an attorney practicing primarily in Fort Smith, Sebastian County, Arkansas. In September 2005 Respondent was served with a formal complaint, supported by affidavits from Gary Williams and William "Stan" Davis.

Gary T. Williams of Fort Smith hired Respondent in late 2003 to represent him on multiple traffic offenses Williams had pending in Fort Smith District Court. Hough advised him he could either have a trial in District Court or Hough would enter guilty pleas and appeal his cases to circuit court, where he could have a trial. Hough appeared with Williams in District Court on December 29, 2003, entered guilty pleas for him, and told him or led him to believe Hough would file appeals for him to get into circuit court. Hough failed to file any appeals. Williams' judgments and convictions became final, and he was responsible for fines and costs totaling \$2,625, which he did not know about until sometime later. As a result of Hough's failure to appeal Williams' cases from District Court, he lost the right to have any trial on the charges and he had to serve almost fifty (50) days in jail in early 2005 to work off the fines and costs, which he was unable to pay at the time.

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 A of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. Mr. Hough's conduct violated Model Rule 1.2(a), in that his client and he agreed that the objective of Hough's representation was to either try his cases in District Court or enter guilty pleas there, appeal, and get his trial in circuit court. By failing to file appeals, Hough did not abide by the client's decision. Model Rule 1.2 (a) requires that a lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (c), (d) and (e), and shall consult with the client as to the means by which they are to be pursued.

B. Mr. Hough's conduct violated Model Rule 1.3, in that he failed to timely file appeals from District Court for Mr. Williams. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. Mr. Hough's conduct violated Model Rule 1.4(a), in that he failed to respond to Mr. Williams' requests for information about the status of his cases after the December 29, 2003, court appearance. Hough told Mr. Williams around February 24, 2004, when he contacted him about the lack of any appeals being filed in his cases, that Hough would "take care of the matter," but Hough failed to do so and failed to inform him of the status of the matter thereafter. Model Rule 1.4(a) requires that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

D. Mr. Hough's conduct violated Model Rule 1.4(b), in that if he had advised Mr. Williams on December 29, 2003, that circumstances and situations not involving him might cause Hough to fail to file appeals in his cases in District Court, the client would have had an opportunity to consider employing other counsel to represent the client in the cases, get timely appeals filed, and possibly receive the relief the client sought. Model Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

E. Mr. Hough's conduct violated Model Rule 8.4(c), in that he engaged in conduct involving deceit and misrepresentation when he failed to file appeals in his client's cases after December 29, 2003, when Hough and Williams had agreed Hough would do so, and the client was depending on Hough to take that action. Model Rule 8.4(c) requires that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

F. Mr. Hough's conduct violated Model Rule 8.4(d), in that his conduct in failing to file Williams' appeals caused him to lose any right to have a trial on his charges in any court. Hough's failure to file his client's appeals caused him to have to serve almost fifty (50) days in jail working off costs and fines in the cases Hough failed to appeal for him and which he was later unable to pay. 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 A, that Stephen Gregory Hough, Arkansas Bar ID# 84077, be and he hereby is, reprimanded for his conduct in this matter. He is ordered to pay \$750.00 restitution for the benefit of Gary T. Williams. He is ordered to pay Committee costs of \$50.00. Respondent is also referred to, ordered to report within thirty (30) days to, and ordered to participate in the Arkansas Lawyer Assistance Program (ArLAP), and to authorize ArLAP to provide to the Committee, through the Office of Professional Conduct, all information in his ArLAP file. Failure to comply with the ArLAP referral order and the ArLAP program designed for Respondent may be treated as a contempt of this Committee Order and of the Supreme Court under Section 27 of the Supreme Court's Procedures Regulating Professional Conduct of Attorneys at Law. The costs and restitution 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 A

By: \_\_\_\_\_  
Phillip D. Hout, Chair, Panel A

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