

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

**PANEL A**

**IN RE: STEPHEN GREGORY HOUGH**

Arkansas Bar ID # 84077

CPC Docket No. 2005-154

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by United State Bankruptcy Judge Richard D. Taylor on December 1, 2005. The information related to the representation of Maggie E. King in Bankruptcy No. 04-bk-72657 in 2005 by Respondent Stephen Gregory Hough, an attorney practicing primarily in Fort Smith, Sebastian County, Arkansas. On December 21, 2005, Respondent was served with a formal complaint, supported by Judge Taylor's referral letter and selected documents from the King bankruptcy file. 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. Hough represented Maggie King in bankruptcy case No. 04-bk-72657, assigned to Judge Richard D. Taylor of Fayetteville. Hearings in the case were set by Judge Taylor's Orders filed March 22, 2005, for hearing on April 27, 2005; April 28, 2005, for hearing on June 1, 2005; June 2, 2005, for hearing on July 7, 2005; and July 8, 2005, for both a hearing on a client matter and for "show cause for contempt" hearing on August 3, 2005. Copies of all these hearing orders were mailed to Hough by the court clerk at his regular office mailing address of P. O. Box 2127, Fort Smith, AR 72902-2127. He failed to appear at all of these hearings. On September 13, 2005, Judge Taylor entered his Order and Judgment finding Hough in contempt for these failures to appear at these scheduled hearings and sanctioned him \$1,000.00, to be paid within ten days. The docket for the King case does not reflect that Hough had paid the \$1,000.00 contempt sanction at the time this Complaint was prepared.

Upon consideration of the formal complaint and attached exhibit materials 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 Rule 1.3, in that he was not diligent in representing his client Maggie King in Bankruptcy Court when he failed, without notice or cause given, to appear at scheduled hearings in her case on April 27, 2005, June 1, 2005, July 7, 2005, and August 3, 2005. Rule 1.3 provides that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. Mr. Hough's conduct violated Rule 3.4(c), in that, without any notice or cause being provided by him to the Court, on April 27, 2005, he failed to appear at a hearing in Bankruptcy Court in Fort Smith in Case No.04-bk-72657, a hearing that had been set by order filed March 22, 2005, and mailed to him at his regular office mail address. Without any notice or cause being provided by him to the Court, on June 1, 2005, he failed to appear at a hearing in Bankruptcy Court in Fort Smith in Case No.04-bk-72657, a hearing that had been set by order filed April 28, 2005, and mailed to him at his regular office mail address. Without any notice or cause being provided by him to the Court, on July 7, 2005, he failed to appear at a hearing in Bankruptcy Court in Fort Smith in Case No.04-bk-72657, a hearing that had been set by order filed June 2, 2005, and mailed to him at his regular office mail address. Without any notice or cause being provided by him to the Court, on August 3, 2005, he failed to appear at a hearing in Bankruptcy Court in Fort Smith in Case No.04-bk-72657, a hearing that had been set by order filed July 8, 2005, and mailed to him at his regular office mail address. He has failed to comply with Judge Taylor's Order and Judgment by not paying, within ten days of entry of the Order and Judgment, the \$1,000.00 sanction Judge Taylor imposed on him on September 13, 2005. Rule 3.4(c) provides that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

C. Mr. Hough's conduct violated Rule 8.4(d), in that by failing to appear without any notice or cause being provided by him to the Court at a hearing in Bankruptcy Court in Fort Smith in Case No.04-bk-72657, on

April 27, 2005, a hearing that had been set by order filed March 22, 2005, and mailed to him at his regular office mail address, he caused the Court to have to expend extra and unnecessary time and resources in the case. By failing to appear without any notice or cause being provided by him to the Court at a hearing in Bankruptcy Court in Fort Smith in Case No.04-bk-72657, on June 1, 2005, a hearing that had been set by order filed April 28, 2005, and mailed to him at his regular office mail address, he caused the Court to have to expend extra and unnecessary time and resources in the case. By failing to appear without any notice or cause being provided by him to the Court at a hearing in Bankruptcy Court in Fort Smith in Case No.04-bk-72657, on July 7, 2005, a hearing that had been set by order filed June 2, 2005, and mailed to him at his regular office mail address, he caused the Court to have to expend extra and unnecessary time and resources in the case. By failing to appear without any notice or cause being provided by him to the Court at a “show cause” hearing in Bankruptcy Court in Fort Smith in Case No.04-bk-72657, on August 3, 2005, a hearing that had been set by order filed July 8, 2005, and mailed to him at his regular office mail address, he caused the Court to have to expend extra and unnecessary time and resources in the case. Rule 8.4(d) provides 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 the Arkansas law license of **STEPHEN GREGORY HOUGH**, Arkansas Bar ID# 84077, be, and hereby is, **SUSPENDED FOR TWENTY-FOUR (24) MONTHS** for his conduct in this matter, and he is assessed \$50.00 Committee costs. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court, and shall be concurrent with any other pending suspensions being served by Respondent at the time this suspension becomes effective. The 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. Mr. Hough is also additionally reprimanded for his failure to file a response to the Complaint.

ARKANSAS SUPREME COURT COMMITTEE ON  
PROFESSIONAL CONDUCT - PANEL A

By: \_\_\_\_\_

Phillip D. Hout, Chair, Panel A

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