

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

IN RE: STEPHEN KYLE HUNTER

ARKANSAS BAR ID #85077

CPC Docket No. 2002-097

FINDINGS & CONSENT ORDER OF DISCIPLINE

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Stephen Kyle Hunter of Jefferson County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by the Per Curiam Order of the Arkansas Supreme Court delivered June 6, 2002, in the matter of Lenzy McCullough v. State of Arkansas, CR 1994-113.

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, the approval of Panel C of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Hunter 's conduct violated Model Rule 1.3 when he failed to file in a timely manner with the Arkansas Supreme Court the record of the lower court proceedings on behalf of Lenzy McCullough, his client. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That Mr. Hunter 's conduct violated Model Rule 3.4(c) when, knowing that Rule 16 of the Rules of Appellate Procedure-Criminal provides that trial counsel, whether retained or court appointed, shall continue to represent a convicted defendant throughout any appeal, unless permitted by the trial court or the appellate court to withdraw in the interest of justice or for other sufficient cause, he failed to pursue the appeal of his client, Lenzy McCullough. Model Rule 3.4(c) requires that a lawyer 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.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Hunter and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent Stephen Kyle Hunter, Arkansas Bar No. 85077, be, and hereby is, CAUTIONED for his conduct in this matter.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT - PANEL C

By _____

Robert D. Trammell, Panel C Vice-Chairperson

Date _____