

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

IN RE: **RICHARD JARBOE**
Arkansas Bar ID # 69038
CPC Docket No. 2007-022

CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Richard Jarboe, Walnut Ridge, Arkansas, arose from a Supreme Court Per Curiam. 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).

Mr. Jarboe filed a notice of appeal for his client, John Otto Downing, Jr., in the case of *John Otto Downing, Jr. vs. State of Arkansas*, Case No. CACR06-727. The notice of appeal, however, was from the April 6, 2006, conditional plea of guilty rather than from the April 6, 2006, judgment and commitment order, as required by Ark. R. Crim. P. 24.3(b) (2006). Following the State's Motion to Dismiss, Jarboe filed a Motion for Belated Appeal with the Supreme Court, which was granted on March 1, 2007. The matter was thereafter referred to the Office of Professional Conduct.

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 B of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Mr. Jarboe's conduct violated Rule 1.1 in that he was not thorough enough in his representation of John Downing, Jr. to be certain that his notice of appeal referenced the proper order

from which to appeal his client's case. Arkansas 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. Jarboe violated Rule 8.4(d) in that his failure to appeal from the proper order resulted in the Arkansas Supreme Court having to expend its limited time and resources dealing with a Motion for Belated Appeal, an effort by the court that would not have been necessary but for the error. Arkansas 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 Richard Jarboe and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent **RICHARD JARBOE**, Arkansas Bar No. 69038, be, and hereby is, **REPRIMANDED** for his conduct in this matter and assessed Committee costs of \$50.00. 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 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 _____
Henry Hodges, Chairperson

Date _____