

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

IN RE: Michael L. Allison, Respondent

Arkansas Bar ID#87003

CPC Docket No. 2003-065

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by referral from the Arkansas Supreme Court on April 3, 2003. The information related to the representation of Jason McConnell by Respondent in 2002 and 2003.

Respondent, an attorney practicing law in Morrilton, Conway County, Arkansas, represented Jason McConnell in the Conway County Circuit Court. McConnell was found guilty on or about September 5, 2002. Respondent filed a Notice of Appeal on September 23, 2002. The Judgment and Commitment Order was entered on November 4, 2002. Respondent filed a Motion for Extension of Time to lodge the record with the Arkansas Supreme Court Clerk. An Order was entered on January 10, 2003 by the Conway County Circuit Court extending the time to file the record which was 98 days after the filing of the Notice of Appeal filed on September 23, 2002. The Circuit Court's Order extending the time to file the record was, therefore, ineffective. Respondent filed a Motion for Rule on the Clerk on March 10, 2003. On April 3, 2003, the Arkansas Supreme Court issued a Per Curiam Order granting the Motion for Rule on the Clerk and referred the matter to the Office on Professional Conduct.

On May 14, 2003, Respondent was served with a formal complaint. A response was filed on May 21, 2003. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

Upon consideration of the formal complaint and attached exhibit materials, the response, the consent proposal, 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:

1. That Mr. Allison violated Model Rule 1.3 when he failed to undertake the necessary steps to obtain an effective Order extending the time to file the record on appeal beyond the ninety (90) day limit contained in Rule 5(a) of the Rules of Appellate Procedure-Civil, and when he failed to file in a timely manner the record of the lower court proceedings on behalf of Jason McConnell, his client. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Allison violated Model Rule 8.4(d) when he failed to file the record with the Arkansas Supreme Court in a timely manner which resulted in a delay in the orderly and timely resolution of appellate proceedings and which also required the Court to expend additional time and effort which would not have been necessary otherwise. Model Rule 8.4(d) requires that a lawyer 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 MICHAEL L. ALLISON, Arkansas Bar ID# 87003, be, and hereby is, CAUTIONED; fine the sum of ONE HUNDRED DOLLARS (\$100.00); and, assessed costs in the amount of FIFTY DOLLARS (\$50.00), all for his conduct in this matter. The fine and 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.

ARKANSAS SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT - PANEL A

By: _____

Gwendolyn D. Hodge, Chair, Panel A

Date: _____