

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

IN RE:           WILLIAM MCNOVA HOWARD, JR., Respondent  
                  Arkansas Bar ID#87087  
                  CPC Docket No. 2007-002

**CONSENT FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee in a referral from the Arkansas Supreme Court in the matter of *Leeotis Sims v. State of Arkansas*, CR2006-1389, on January 4, 2007. The information related to the representation of Leeotis Sims by Respondent in the appeal of his conviction from Clark County Circuit Court.

On January 11, 2007, Respondent was served with a formal complaint, supported by Motion and Order filed in the appeal of *Leeotis Sims v. State of Arkansas*, CR2006-1389. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Panel reflected that on September 20, 2006, William McNova Howard, Jr., an attorney practicing primarily in Pine Bluff, tendered the record on appeal for Leeotis Sims to the Clerk of the Arkansas Supreme Court. The record was tendered on the ninety-eighth (98<sup>th</sup>) day following the filing of the Notice of Appeal. The record did not contain an Order extending the time to file the record on appeal. As a result, Mr. Howard was required to file a Motion for Rule on the Clerk because the record had not been filed within ninety (90) days from the filing of the Notice of Appeal.

Although he was notified of the need to file a Motion for Rule on the Clerk in September

2006, Mr. Howard did not do so until December 4, 2006. There was no reason given for the delay in filing the Motion. In the Motion, Mr. Howard admitted responsibility for failing to timely file the record. On January 4, 2007, the Arkansas Supreme Court granted the Motion for Rule on the Clerk. In the Per Curiam granting the Motion, the Court referred the matter to the Committee on Professional Conduct.

Upon consideration of the formal complaint and attached exhibit materials, the consent proposal, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Howard's conduct violated Rule 1.3 when he failed to undertake the necessary steps to obtain an Order extending the time to file the record on appeal beyond the initial ninety (90) day limit; when he failed to file in a timely manner with the Arkansas Supreme Court the record of the lower court proceedings on behalf of Leeotis Sims, his client; and, when he failed to file a Motion for Rule on the Clerk in a timely fashion to allow the case to proceed. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That Mr. Howard's conduct violated Rule 8.4(d) because his failure to file the record with the Supreme Court in a timely manner resulted in a delay in the orderly and timely resolution of appellate proceedings; because his failure to timely file his client's record with the Supreme Court required the Court to expend additional time and effort which would not have been necessary otherwise; and, because his failure to file a timely Motion for Rule on the Clerk following the late tendering of the record on September 20, 2006, added further delay in the orderly and timely resolution of appellate proceedings. 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 B, that WILLIAM MCNOVA HOWARD, JR., Arkansas Bar ID# 87087, be, and hereby is, REPRIMANDED for his conduct in this matter. Pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (Procedures), Mr. Howard is assessed the costs of this proceeding in the amount of \$100. Further, pursuant to Section 18.B. of the Procedures, Mr. Howard is ordered to pay a fine in the amount of \$500. The costs and fine assessed herein, totaling \$600, 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: \_\_\_\_\_  
Valerie Kelly, Vice-Chair, Panel B

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

(13.M, Rev.1-1-02)