

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

IN RE:           WILLIAM MCNOVA HOWARD, JR., Respondent  
                  Arkansas Bar ID#87087  
                  CPC Docket No. 2007-029

**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 *Ricky Reese v. State of Arkansas*, CR2007-112, on February 22, 2007. The information related to the representation of Ricky Reese by Mr. Howard in the appeal of Mr. Reese's conviction from Chicot County Circuit Court.

On April 6, 2007, Respondent was served with a formal complaint, supported by Motion and Order filed in the matter of *Ricky Reese v. State of Arkansas*. 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 William McNova Howard, Jr., an attorney practicing primarily in Pine Bluff, tendered the record in Mr. Reese's appeal to the Arkansas Supreme Court on December 20, 2006. Mr. Howard had not complied with all the requirements of Rule 5 of the Rules of Appellate Procedure - Civil in obtaining the extension of time for filing the record on appeal. Because of this noncompliance, Mr. Howard was required to file a Motion for Rule on the Clerk so that the appeal for Mr. Reese could proceed.

Mr. Howard filed his Motion for Rule on the Clerk on February 2, 2007. In the Motion, Mr. Howard admitted responsibility for failing to have a hearing with regard to the Motion for

Extension of Time to file the record on appeal so that opposing counsel would have an opportunity to object. The Supreme Court granted the Motion in a Per Curiam dated February 22, 2007. In the Per Curiam, the Court referred the matter to the Committee on Professional Conduct. In his submission to the Committee Panel, Mr. Howard offered that it was inadvertent when he overlooked the requirement to request a hearing on the motion for extension of time to allow the prosecuting attorney an opportunity to respond or object.

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 request a hearing to obtain an Order extending the time to file the record on appeal beyond the initial ninety (90) day limit. 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 request a hearing on the Motion for Extension of Time to file the record on appeal resulted in a delay in the orderly and timely resolution of appellate proceedings and required the Court to expend additional time and effort which would not have been necessary otherwise. 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, CAUTIONED 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 (2002), 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)