

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: B. DALE WEST, Respondent
 Arkansas Bar ID#89192
 CPC Docket No. 2003-187

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee through the Orders of the Arkansas Court of Appeals in the matter of *Kenyon Lekiel Glenn v. State of Arkansas*, CACR 03-00903. The information related to the representation of Mr. Glenn by Respondent in 2003.

On December 16, 2003, Respondent was served with a formal complaint, supported by the Orders of the Arkansas Court of Appeals. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The facts before the Panel reflect that on August 11, 2003, B. Dale West, an attorney practicing primarily in Monticello, Arkansas, submitted to the Clerk of the Court the record to be filed in the matter involving Mr. Glenn. Mr. West was notified that the brief on behalf of Mr. Glenn was due to be filed on or before September 22, 2003. Mr. West did not file a brief by that date. Further, he did not request an extension of time for filing a brief on Mr. Glenn's behalf. Thereafter, on October 21, 2003, David R. Raupp, Assistant Attorney General, filed a Motion to Dismiss appeal. Mr. West failed to file a response to the Motion. Following review of the Motion, the Arkansas Court of Appeals delivered an Order granting the Motion to Dismiss the Appeal. Mr. West did not seek to have the appeal reinstated until he had received the formal disciplinary complaint in this matter. The Motion to Reinstate the Appeal was granted and the matter is now proceeding through the briefing process.

Upon consideration of the formal complaint and attached exhibit materials, the response, the consent proposal, 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. West's conduct violated Model Rule 1.3 when he failed to file a brief in the appeal he initiated on behalf of Kenyon Lekiel Glenn with the Arkansas Court of Appeals thereby causing the same to be dismissed; when he failed to request an extension of time to allow him to file the brief for Mr. Glenn when the time for filing his brief was upon Mr. West; and when he failed to file a response to the Motion to Dismiss filed on behalf of the State of Arkansas in the appeal involving Kenyon Glenn. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. West's conduct violated Model Rule 8.4(d) because his failure to initially file a brief for his client resulted in the State's Motion to Dismiss being granted and his client suffering from an unnecessary delay in the appellate review of the Desha County Circuit Court's decision in *State of Arkansas v. Kenyon Lekiel Glenn*, Case #2002-174-4. 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 B, that B. DALE WEST, Arkansas Bar ID# 89192, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, Mr. West is assessed the costs of this proceeding in the amount of \$50. In addition, Mr. West is ordered to pay a fine in the amount of \$100 pursuant to Section 18.C. of the Procedures. The costs and fine 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: _____

J. Michael Cogbill, Chair, Panel B

Date: _____

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