

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

IN RE: RONALD CAREY NICHOLS, RESPONDENT

ARKANSAS BAR ID# 90009

CPC DOCKET NO. 2003-004

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by the Arkansas Supreme Court on January 16, 2003. The information related to the representation of Charles Dugger by Ronald Carey Nichols ("Respondent" herein), Attorney at Law, Carlisle, Arkansas, during the years 2001, 2002, and 2003.

In February 2001, Charles Dugger was represented at trial by Respondent and was found guilty of delivery of a controlled substance. Mr. Dugger was sentenced to sixty years in the Arkansas Department of Correction. A Judgment and Commitment Order was entered on February 28, 2001. A timely Notice of Appeal was filed on March 14, 2001; the appeal was not perfected, however. Dugger filed a *pro se* Motion for Belated Appeal which the Court treated as a Motion for Rule on the Clerk. As Respondent had not been relieved as counsel of record, he was directed by an October 10, 2002, Per Curiam Order to lodge the record on Mr. Dugger's behalf. Respondent failed to comply with the Court's October 10, 2002 Order and Dugger filed a *pro se* Motion to Relieve Respondent as Counsel of Record. The Arkansas Supreme Court stayed the *pro se* Motion and issued a Show Cause Order on December 19, 2002, directing Respondent to appear on January 9, 2003 to show why he should not be held in contempt for his failure to act.

On January 9, 2003, Respondent appeared before the Arkansas Supreme Court and entered a plea of guilty to the contempt charge. The Arkansas Supreme Court imposed a fine of \$250.00 and referred the matter to the Office of Professional Conduct.

Respondent offered that when he went to the Lonoke County Circuit Clerk's office to pick up the transcripts he was informed that they had been picked up by some unidentified lady. According to Respondent, Dugger had the lady pick up the documents. Respondent stated that he attempted to locate the unidentified lady but could not locate her. Respondent stated that Dugger owed him over \$3,000 and cost him \$250 for the fine imposed by the Arkansas Supreme Court.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, 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. Nichols' conduct violated Model Rule 3.2 when, for over a year, he failed to take proper action to perfect an appeal on behalf of his client, Charles Dugger, after filing a timely Notice of Appeal on his behalf. Model Rule 3.2 requires that a lawyer make reasonable efforts to expedite litigation consistent with the interests of the client.
2. That Mr. Nichols' conduct violated Model Rule 8.4(d) when, despite being directed to lodge an appeal on behalf of his client, Charles Dugger, Mr. Nichols failed to comply with the order of the Arkansas Supreme Court and was found to be in contempt of the Court's Order. 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 RONALD CAREY NICHOLS, Arkansas Bar ID# 90009, be, and hereby is, REPRIMANDED for his conduct in this matter; fined the sum of Two Hundred and Fifty Dollars (\$250); and assessed costs in the amount of Fifty Dollars (\$50). 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.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT - PANEL B

By: _____

John Rush, Chair, Panel B

Date: _____