

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

**PANEL B**

**IN RE: TONA M. DEMERS**

Arkansas Bar ID #91024

CPC Docket No. 2003-120

**FINDINGS & CONSENT ORDER OF DISCIPLINE**

The formal charges of misconduct upon which this Consent Order involving Respondent Attorney Tona M. DeMers, now a resident of Pensacola Beach, Florida, is premised, arose from information referred to the Committee on Professional Conduct by the Arkansas Supreme Court Per Curiam Order of May 16, 2002, in the case of *Mervin Jenkins v. State of Arkansas*, No. CR01-081.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002). Upon consideration of the formal complaint and attached exhibits, admissions made by the Respondent Attorney, the terms of the written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Ms. DeMer's conduct violated Model Rule 3.4(c) twice in that on September 6, 2001, and January 10, 2002, the Arkansas Supreme Court entered its Orders granting the State's two motions to direct her to comply with Supreme Court Rules Rule 4-2(a)(6) and 4-3(h) regarding proper abstracting of the appellate record in a case where a life sentence was given. She failed to comply with the Court's Orders, as shown by the Court's May 16, 2002, opinion which referred Respondent to the Committee and which sets out her two separate failures to properly abstract the record. The State later had to prepare and file a substantial supplemental abstract in its brief. Model Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

2. That Ms. DeMer's conduct violated Model Rule 8.4(d) in that her failure to properly abstract the record in this case, after being twice ordered by the Court to do so, caused numerous delays in the appeal being considered and acted upon by the Court and required the Court to expend time and energy dealing with it twice on motions when she failed to prepare a proper abstract. Model Rule 8.4(d) requires that a lawyer shall not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, in accordance with the consent to discipline presented by Ms. DeMers and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, by its Panel B, that Respondent Tona M. DeMers, Arkansas Bar No. 91024, be, and she hereby is, CAUTIONED for her conduct in this matter and ordered to pay costs of \$50.00. The 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 B

By \_\_\_\_\_  
J. Michael Cogbill, Chairperson

Date \_\_\_\_\_