

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

**PANEL B**

**IN RE: OSCAR STILLEY**

Arkansas Bar ID #91096

CPC Docket No. 2002-077

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information referred to the Committee by the Arkansas Supreme Court by Per Curiam Order on May 17, 2002, in No. 02-284, *Robert White v. Sharon Priest et al.*. The information related to the representation of Robert White by Respondent Oscar Stilley of Fort Smith in 2002. In the Per Curiam Order the Court struck the entire seventy-page brief Mr. Stilley had filed in the case in response to a “show cause” order the Court issued against him. The Per Curiam Order cited twelve (12) specific examples of remarks that the Court found to be strident, disrespectful, intemperate, and distasteful language, and also cited his repeated refusal to recognize and adhere to precedent.

Respondent was served with a formal complaint, supported by the Per Curiam Order of May 17, 2002, and filed his response. After a ballot vote by Panel A in November 2002, Respondent requested a public hearing. After various motions and efforts at discovery, which included his attempt to subpoena the members of the Court for depositions, Mr. Stilley filed suit December 8, 2003, No. 03-CV-695, against the Court seeking relief in federal court. The federal court dismissed his complaint on March 23, 2004. He appealed a dismissal of his action to the Eighth Circuit Court of Appeals, in No. 04-2172, which affirmed the trial court in January 2005. Mr. Stilley’s petition for certiorari to the United States Supreme Court, No. 04-1521, was denied in October 2005.

Mr. Stilley denied his brief was disrespectful of the Court or that he had improperly argued for the over-ruling of precedent. He presented affidavits with his response and at the hearing from his client, Mr. White, that White was fully informed of Stilley’s action in filing the brief in question and that White concurred

then in filing the brief and still held that position at the time of the hearing.

The public hearing was conducted April 21, 2006, before Committee Panel B. Reserve Committee attorney member Joe Polk of Little Rock substituted for regular Panel B attorney member Michael Cogbill of Fort Smith who recused on the case.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, exhibits introduced into the record (there were no witnesses presented), and arguments of counsel, 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. Mr. Stilley's conduct did not violate Model Rule 1.1.
2. Mr. Stilley's conduct did not violate Model Rule 1.2(a).
3. Mr. Stilley's conduct did not violate Model Rule 1.4(b).

4. By a unanimous vote that Mr. Stilley's conduct violated Model Rule 1.7(b) when he stated in his offending brief his belief that over a ten year period the Court had ruled against him five times, and that he was entitled to an opportunity to confront and interrogate the Court about its perceived hostility toward him, possibly as part of an effort by him to get the justices to recuse from this case and maybe future ones. By his conduct, he placed his own interests as an attorney in conflict with the interests of his client in this matter. Model Rule 1.7(b) provides that a lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless: (1) the lawyer reasonably believes the representation will not be adversely affected; and (2) the client consents after consultation.

5. By a unanimous vote that Mr. Stilley's conduct violated Model Rule 3.1, in that the Arkansas Supreme Court found his brief to be a clear violation of Ark. R. App. P. - Civ. 11, in that it showed his dissatisfaction with earlier opinions of the Court with which he disagreed, and that his brief, in revisiting these prior cases, offered nothing new showing the precedential value of those opinions should be reversed. Model Rule 3.1 provides that a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein,

unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.

6. By a unanimous vote that Mr. Stilley's conduct violated Model Rule 3.4(c), in that

1. The Court found his conduct, in filing this brief with its intemperate and disrespectful contents to the Court, to constitute a breach of the obligation of his oath of office as an attorney-at-law, due to his general tone of disrespect for the code of ethics.

2. The Court found his brief to be a clear violation of Ark. R. App. P. - Civ. 11, in that it showed his dissatisfaction with earlier opinions of the Court with which he disagreed, and that his brief, in revisiting these prior cases, offered nothing new showing the precedential value of those opinions should be reversed.

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.

7. By a unanimous vote that Mr. Stilley's conduct violated Model Rule 8.4(d) in that his conduct caused his client's brief to be entirely stricken from the record, delaying proper and full consideration of his client's cause, and causing the Court to expend additional resources and time in considering his brief and then entering an order striking it from the record of the case. Model Rule 8.4(d) requires that a lawyer shall 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 the privilege to practice law of Oscar Stilley, Arkansas Bar ID# 91096, by a vote of 4-3, be, and hereby is, suspended for six (6) months for his conduct in this matter. He is also ordered to pay Committee case costs of \$50.00 and a court reporter's fee for the hearing of \$100.00, totaling \$150.00, in this matter. Panel members Moore, Hodges, Orton, and Polk voted for the suspension. Panel members Kelly, Rush, and Word voted for a reprimand. The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court. The costs of \$150.00 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. At the conclusion of the hearing, Respondent was advised by the Executive Director of his right to appeal this decision to the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE ON  
PROFESSIONAL CONDUCT - PANEL B

By: \_\_\_\_\_

Harry Truman Moore, Chair, Panel B

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

