

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: TAMMY L. HARRIS

Arkansas Bar ID #91195

CPC Docket No. 2003-052

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by United States District Judge George Howard, Jr. by letter of March 7, 2003. The information related to the representation of Mark Edwin Freeman by Respondent Tammy Harris in a criminal case in federal court. On June 5, 2003, Respondent was served with the formal complaint and she filed a timely response.

Upon consideration of the formal complaint, the response, and rebuttal from the complainant, and the Arkansas Model Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. Ms. Harris' conduct violated Model Rule 1.3, in that after being given proper and timely notice of the March 7, 2003, sentencing hearing for her client, she failed to appear with him at that hearing, thereby failing to provide him the timely legal representation to which he was entitled from her. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

B. Ms. Harris' conduct violated Model Rule 3.4(c), in that she was given proper written notice on or about February 19, 2003, by the court clerk of the setting of her client's sentencing hearing on March 7, 2003, yet she failed to appear in response to that order of the court, without giving any advance notice or any reason why she would not be present, or, afterwards, any reason why she was not present. 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.

C. Ms. Harris' conduct violated Model Rule 8.4(d), in that her failure to appear March 7, 2003, at her client's sentencing hearing caused delay in the administration of justice and her client's case because sentencing had to be postponed and reset, and new counsel had to be appointed for her former client. 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 Tammy L. Harris, Arkansas Bar ID No. 91195, 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 within thirty (30) days of the date this Findings and Order is filed for record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE

ON PROFESSIONAL CONDUCT - PANEL B

By: _____

John Rush, Chair, Panel B

Date: _____