

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: KATHERINE SANDERSON STREETT

Arkansas Bar No. 91245

CPC Docket No. 2004-133

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Corey Sanders. The information related to the representation of Mr. Sanders by Katherine Sanderson Streett, Attorney at Law, El Dorado, Arkansas from 2000 through 2002.

Corey Sanders was convicted of two counts of capital murder and sentenced by the Columbia County Circuit Court to two terms of life imprisonment without parole. Mr. Sanders' conviction was affirmed on direct appeal to the Arkansas Supreme Court on January 19, 2000.

On March 10, 2000, Mr. Sanders filed a Rule 37 Petition for Post-Conviction Relief and requested the court to appoint counsel to represent him. On July 26, 2000, the Columbia County Circuit Court appointed Katherine Sanderson Streett to represent him in the post-conviction proceedings.

A hearing on the Rule 37 Petition was held on November 2, 2001. On April 8, 2002, the Columbia County Circuit Court denied Sanders the relief he requested. A Supplemental Order was issued on June 4, 2002. Mr. Sanders wanted to have the denial of the post-conviction relief appealed to the Arkansas Supreme Court. Ms. Streett did not file a notice of appeal on Mr. Sanders' behalf. Mr. Sanders filed a *pro se* notice of appeal.

Mr. Sanders prepared his own appeal brief and reply to the State's brief. The Arkansas Supreme Court issued an Opinion on October 16, 2003, affirming the Columbia County Circuit Court decision.

Ms. Streett admitted in her response that she did not file a Notice of Appeal on behalf of her client, Corey Sanders, following the denial of the Rule 37 Post-Conviction Petition. Ms. Streett admitted in her response that she was not relieved as counsel of record by the Columbia County Circuit Court or the Arkansas

Supreme Court following the hearing on the Rule 37 Petition. Ms. Streett admitted in her response that her failure to comply with Rule 37.3(b) prevented Corey Sanders from having legal counsel to assist him and pursue his appeal.

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 A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Katherine Sanderson Streett violated Model Rule 1.3 when she failed to file a timely Notice of Appeal on behalf of her client, Corey Sanders, following the denial of his Rule 37 Post-Conviction Petition. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That Katherine Sanderson Streett violated Model Rule 3.4(c) when she failed to comply with Rule 37.3(b) of the Rules of Criminal Procedure which requires that “[i]f a petition on which the petition was represented by counsel is denied, counsel shall continue to represent the petitioner for an appeal to the Supreme Court, unless relieved as counsel by the circuit court or the Supreme Court.” Model Rule 3.4(c) requires, in pertinent part, that a lawyer not knowingly disobey an obligation under the rules of a tribunal.

3. That Katherine Sanderson Streett violated Model Rule 8.4(d) when her failure to comply with Rule 37.3(b) of the Rules of Criminal Procedure prevented her client, Corey Sanders, from having adequate legal counsel to assist and pursue an appeal from the Columbia County Circuit Court. Model Rule 8.4(d) requires that an attorney 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 A, that KATHERINE SANDERSON STREETT, Arkansas Bar No. 91245, be, and hereby is, CAUTIONED for her conduct in this matter; and assessed costs in the amount of FIFTY DOLLARS (\$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 of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL A

By: _____

Gwendolyn D. Hodge, Chair, Panel A

Date: _____