

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

**PANEL A**

**IN RE: JAMES BAXTER SHARP, III**

Arkansas Bar ID #92114

CPC Docket No. 2006-045

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Preston Earl Heddon on January 10, 2006. The information related to the representation of Shirley Heddon (now Coburn) in 2005 in Monroe County Circuit No. DR-91-203-4 by Respondent James Baxter Sharp, III, an attorney practicing primarily in Brinkley, Monroe County, Arkansas. On May 10, 2006, Respondent was served with a formal complaint, supported by an affidavit from Preston Earl Heddon, a transcript of a court proceeding in the Heddon case on September 6, 2005, and other related materials.

Mr. Sharp represented Shirley Heddon (Coburn) in a child support matter in Monroe County Circuit Court in 2005. Just prior to a hearing on September 6, 2005, David Carruth, counsel for Preston Heddon, and Mr. Sharp agreed on the terms of a settlement, including an attorney's fee of \$70.00 to Sharp. The terms were reduced to writing in an Agreed Decree that was then presented to Judge Kathleen Bell and approved by her. Mr. Sharp took the signed Agreed Decree to the clerk's office, filed it, and then gave Mr. Carruth a copy. Mr. Carruth noticed the attorney's fee amount on his copy filed was \$700.00 and brought the alteration to the judge's attention. A hearing followed which appeared to establish that Mr. Sharp may have been the only person with an opportunity to alter the amount of the attorney's fee that would be payable to him. Mr. Sharp denied making an alteration to the Agreed Decree. Mr. Heddon filed a grievance, and Mr. Carruth and Judge Bell provided information to the Committee, pursuant to their obligations as attorneys.

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:

A. Mr. Sharp's conduct violated Rule 8.4(c), in that after the Circuit Judge had approved and signed the Heddon Agreed Decree in Monroe County Circuit No. DR-91-203-4, on September 6, 2005, Mr. Sharp altered or caused to be altered the amount of attorney's fees to him in the Agreed Decree from \$70.00 to \$700.00, a act that involved dishonesty, fraud, deceit or misrepresentation. Arkansas Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

B. Mr. Sharp's conduct violated Rule 8.4(d) in that his conduct in altering an approved decree from the Monroe County Circuit Court resulted in the necessity for that court to expend additional time and resources conducting a hearing into the circumstances surrounding the alteration to its order and having to prepare a transcript of the hearing for submission to the Committee. Arkansas Rule 8.4(d) provides that it is professional misconduct for a lawyer to 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 **JAMES BAXTER SHARP, III**, Arkansas Bar ID# 92114, be, and hereby is, **REPRIMANDED** for his conduct in this matter, and ordered to pay Committee 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 A

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

Phillip D. Hout, Chair, Panel A

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

