

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: ROLAND E. DARROW, II - Respondent Attorney

Arkansas Bar ID # 93003

CPC Docket No. 2004-131

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Roland E. Darrow, II, practicing primarily in Pulaski County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by Sandy Durham.

Respondent was served with a formal complaint on September 13, 2004, supported by the affidavit from Sandy Durham. A response was filed September 30, 2004.

The information before the Committee reflected that on February 1, 2002, Ms. Durham hired Mr. Darrow to represent her in a child support case. A hearing was held on April 16, 2002, and the Judge ordered Mr. Darrow to prepare the Order setting the amount of the child support and awarding Ms. Durham her attorney's fees. Mr. Darrow failed to prepare the order and failed to keep his client informed regarding the status of the Order. As of September 2004, no Order had been prepared and submitted to the Judge. After being served with the formal complaint by the Office of Professional Conduct, Mr. Darrow filed a timely answer. Mr. Darrow subsequently prepared an Order which was signed by the Judge and entered on September 29, 2004.

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, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That Mr. Darrow's conduct violated Model Rule 1.3 when he failed to prepare the order in a matter heard on April 16, 2002, until September 29, 2004. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That Mr. Darrow's conduct violated Model Rule 1.4(a) when he failed to keep his client informed as to the status of the preparation of the Order in her case. Model Rule 1.4(a) requires that a lawyer keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

3. That Mr. Darrow's conduct violated Model Rule 3.2 when he failed to prepare and submit the Order in Ms. Durham's child support case in a timely manner. Model Rule 3.2 requires that a lawyer make reasonable efforts to expedite litigation consistent with the interests of his client.

5. That Mr. Darrow's conduct violated Model Rule 8.4(a) when he knew he was to prepare the Order and to keep Ms. Durham advised on the status of the Order but he failed to do so. Model Rule 8.4(a) provides, in pertinent part, that a lawyer not violate or attempt to violate the rules of professional conduct.

6. That Mr. Darrow's conduct violated Model Rule 8.4(d) when he prepared the Order over two years late. Model Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Darrow and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent, Roland E. Darrow, II, Arkansas Bar No. 93003, be, and hereby is, CAUTIONED and ordered to pay \$50 in costs for his conduct in this matter.

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, Chairperson

Date _____