

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

IN RE: **TIMOTHY ALAN GINN**  
Arkansas Bar ID # 93108  
CPC Docket No. 2007-032

**CONSENT FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee on February 28, 2007, by R. Jeffery Kelsey, Managing Director of the Litigation Department at Federal Express Corporation. The information related to the conduct of Respondent Timothy Alan Ginn, Marion, Crittenden County, Arkansas.

Timothy Alan Ginn was hired by Federal Express to represent it in commercial lawsuits. On October 31, 2006, his employment with Federal Express was terminated when he proffered, and Federal Express accepted, his resignation. Ginn resigned because his Arkansas attorney's license was administratively suspended on November 23, 2004, due to his failure to obtain the required hours of continuing legal education and because he failed to report this to the supervising attorneys at Federal Express until October 25, 2006.

Further investigation by the Office of Professional Conduct revealed that Ginn's annual law license fee to the Arkansas Supreme Court, due by March 1 each year, was not paid for 2001 until June 15, 2001. Ginn practiced law in Arkansas during this time period when his Arkansas law license was administratively suspended for failure to timely pay the license fee as required by Court rule and order. Ginn was one of defendant's counsels of record in the case docketed as United States District Court - Southern District of Texas, Case No. 4:00-CV-04085, styled *NF Smith & Associates LLP v. Federal Express Corporation*. On April 6, 2001, he filed an Agreed Motion to admit himself

as attorney-in-charge for the defendant. The court granted the Motion on April 12, 2001.

Ginn's annual license fee to the Arkansas Supreme Court for 2003 was not paid until April 1, 2003, one month past the March 1 due date, and he has not paid his annual license fee since that time. On October 14, 2004, Ginn filed an answer on behalf of Federal Express in *Sports Cards Plus, Inc., v. Federal Express Corp.*, Pulaski County Circuit Court, Seventeenth Division. On November 23, 2004, Ginn's Arkansas law license was administratively suspended for his failure to obtain the minimally-required continuing legal education (CLE) credits. On November 28, 2005, in United States District Court - Southern District of New York Case No. 03-CV-7384, styled *Sysco Food Servs. of Hampton Roads, Inc., v. Maersk Logistics, Inc., et al.*, Ginn signed an affidavit in support of a motion to be admitted *pro hac vice* that attested Ginn was an officer of the Arkansas court in good standing.

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, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Mr. Ginn's conduct violated Rule 3.4(c) in that he failed to pay his 2001, 2004, 2005, 2006, and 2007 Arkansas bar license fees by March 1 of each year, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar. Mr. Ginn also failed to obtain the minimum educational requirements of twelve hours of approved continuing legal education for 2003,

as required by Arkansas Supreme Court Rule 3, Rules for Minimum Continuing Legal Education. Rule 3.4(c) requires that a lawyer 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.

B. Mr. Ginn's conduct violated Rule 5.5(a) in that Ginn continued to practice law at a time when doing so violated the regulation of the legal profession by (1) failing to pay his 2001 Arkansas bar license fee until June 15, 2001; (2) failing to pay his 2004-2007 Arkansas bar license fees due by March 1 of each year; and (3) failing to obtain the minimum educational requirements for 2003. Rule 5.5(a) provides that a lawyer not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

C. Mr. Ginn's conduct violated Rule 8.4(a) in that he failed to cease the practice of law at a time when his law license was administratively suspended for failure to pay his license fee by March 1 of each year in (1) 2001 and (2) 2004 thru 2007. Likewise, Mr. Ginn failed to cease the practice of law at a time when his license was suspended by the CLE Board. Rule 8.4(a) requires that a lawyer shall not violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another.

D. Mr. Ginn's conduct violated Rule 8.4(c) in that his conduct of presenting himself, in the following courts, as an officer of the Arkansas court in good standing at a time when his law license was administratively suspended involved dishonesty and misrepresentation: (1) the United States District Court - Southern District of Texas on April 6, 2001; (2) the Pulaski County Circuit Court-Seventeenth Division on October 14, 2004; and (3) the United States District Court - Southern District of New York on November 28, 2005. Rule 8.4(c) requires that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **TIMOTHY ALAN GINN**, Arkansas Bar ID# 93108, be, and hereby is, **SUSPENDED FOR SIX (6) MONTHS** for his conduct in this matter and assessed 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 within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court. Mr. Ginn shall not be eligible for reinstatement or readmission until such time as all of his Arkansas license fees and CLE requirements are fulfilled.

ARKANSAS SUPREME COURT COMMITTEE ON  
PROFESSIONAL CONDUCT - PANEL B

By: \_\_\_\_\_  
Valerie Kelly, Vice-Chair, Panel B

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