

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL A

IN RE: PAUL D. BUDD

ARKANSAS BAR No. 94048

CPC DOCKET NO. 2004-062

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee from Huey Bobo. The information related to the representation of Mr. Bobo in a criminal matter.

Paul D. Budd, Attorney at Law, Little Rock, Arkansas, represented Huey Bobo in a criminal matter where Bobo was charged with two criminal offenses, Possession of a Controlled Substance - Methamphetamine, and Possession of a Controlled Substance - Marijuana, in the Pulaski County Circuit Court Case of State of Arkansas v. Huey Bobo, Pulaski Circuit Court Case No. CR 2002-2868. Bobo was tried before a jury on March 6, 2003, and was found guilty of both charges. Bobo was sentenced to the Arkansas Department of Correction for a period of fifty-four (54) months on the Possession of Methamphetamine charge. Bobo was fined the sum of \$5,000 and his drivers license was suspended for six (6) months on the Possession of Marijuana charge. Following the trial and sentencing, Bobo requested that Budd appeal.

On April 15, 2003, Budd filed a Notice of Appeal on behalf of his client, Bobo. According to Budd, Bobo was not able to pay attorney's fees or the deposit required to have the record prepared. Budd stated that Bobo was going to pursue his appeal as a pauper.

The record on appeal was due to be filed with the Arkansas Supreme Court within ninety (90) days of the filing of the first notice of appeal which would make the record due on or before July 14, 2004. Budd stated that prior to the expiration of the ninety (90) day period for filing the record, he learned that Bobo had not paid the court reporter the one hundred (\$100) dollar deposit. On July 14, 2004, Budd filed a Motion To Extend Time For Filing Record on Appeal with the Pulaski County Circuit Court. The Motion was not granted and no

Order was filed. Budd then took an Order to the Pulaski County Circuit Judge for signature. The Pulaski County Circuit Judge declined to sign the request as he understood the rules to require a portion of the record to be certified and filed with the Arkansas Supreme Court Clerk. Budd stated that it was late in the afternoon on the last day allowed for the filing of the record and he did not believe that he had enough time to get the record certified at the Pulaski County Circuit Clerk's office, over to the Arkansas Supreme Court Clerk's office, and then back to the Judge for signature and filing.

Budd relocated to Minnesota during the end of 2003. No appeal has been pursued on Bobo's behalf although Bobo requested his attorney to pursue the appeal.

Upon consideration of the formal complaint and attached exhibit materials, the response, the consent proposal, 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 Mr. Budd's conduct violated Model Rule 1.3 in that he failed to undertake the necessary steps to obtain an Order extending the time to file the record on appeal beyond the initial ninety (90) day limit and he failed to file, in a timely manner, the record of the lower court proceedings with the Arkansas Supreme Court on behalf of his client, Huey Bobo. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That Mr. Budd's conduct violated Model Rule 8.4(d) in that his failure to file the record with the Supreme Court in a timely manner resulted in a delay in the orderly and timely resolution of appellate proceedings and his failure to timely file his client's record with the Supreme Court required the Court to expend additional time and effort which would not have been necessary otherwise. Model Rule 8.4(d) requires that a lawyer 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 PAUL D. BUDD, Arkansas Bar ID# 94048, be, and hereby is, CAUTIONED for his conduct in this matter and assessed costs in the amount of Fifty Dollars (\$50.00). The fine and 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:
