

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

IN RE: JOHNNY E. GROSS, RESPONDENT

ARKANSAS BAR No. 95156

CPC Docket No. 2002-150

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information referred to the Committee by the Arkansas Supreme Court on September 26, 2002. The information related to the representation of Roger Dale Barrett by Respondent in 2002.

On December 12, 2002, Respondent was served with a formal complaint, supported by attached Exhibits. Respondent failed to file a response to the complaint, which, pursuant to Section 9.C(1) of the Procedures, constitutes separate and distinct grounds for the imposition of sanctions notwithstanding the merits of the underlying, substantive allegations of the complaint. His failure to respond also extinguishes his right to a public hearing pursuant to Section 9.C(4) of the Procedures.

Upon consideration of the failure to respond to the formal complaint, the failure to respond to it, and the Arkansas Model Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Gross was served with a Formal Complaint on July 12, 2002 by certified mail, restricted delivery.
2. Gross was provided notice that he had twenty (20) days from the receipt of the Formal Complaint to respond to the allegations in the Formal Complaint.
3. Gross failed to file a timely Response to the Formal Complaint within the twenty (20) day time period.
4. Section 9.C(1) provides that an attorney's failure to provide, in the prescribed time and manner, a written response to a formal complaint served in compliance with Section 9.A(2) shall constitute separate and distinct grounds for the imposition of sanctions notwithstanding the merits of the underlying, substantive allegations of the complaint.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that JOHNNY E. GROSS, Arkansas Bar ID #95156, be, and hereby is, REPRIMANDED for his conduct in this matter; fined the sum of One Thousand (\$1,000) Dollars; and assessed costs in the amount of Fifty (\$50) Dollars. 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 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 B

By: _____

John L. Rush, Chair, Panel B

Date: _____

