

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

IN RE: GARFIELD W. BLOODMAN, Respondent
Arkansas Bar ID#97053
CPC Docket No. 2009-049

FILED

OCT 21 2009

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee from records before the Arkansas Supreme Court in the matter of *Edward C. Grays and Linda W. Grays, Husband and Wife v. Floyd's Sawmill, Inc.*, 08-1348. The information related to the representation of Mr. and Mrs. Grays by Respondent Garfield W. Bloodman in 2008.

On June 2009, Respondent was served with a formal complaint, supported by records from the appellate matter listed in the preceding paragraph. Mr. Bloodman filed a timely response to the formal disciplinary complaint. Thereafter, the matter proceeded to ballot vote pursuant to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law.

The information before the Committee reflected that during May 2006, Mr. Bloodman filed an Amended Complaint in the Circuit Court of Lincoln County, Arkansas, on behalf of his clients, Edward C. Grays and Linda W. Grays. After pleadings were filed by both parties, the Court entered an Order and Dismissal with Prejudice. On June 26, 2008, Mr. Bloodman filed a timely Notice of Appeal from the Order.

After filing the Notice of Appeal, Mr. Bloodman took no further action on the matter to perfect the appeal. The record on appeal was due to be filed no later than 90 days from the filing

of the first Notice of Appeal. The record was not filed nor was an extension of time sought for filing.

The defendants' counsel filed a Motion to Dismiss Appeal on November 18, 2008, to which Mr. Bloodman filed no response. On December 11, 2008, the Supreme Court dismissed the appeal.

It appeared the defendants incurred additional attorney fees based on the filing of the Notice of Appeal which was not pursued. One concern with such a delay is that it calls into question the legal process and administration of justice which can affect the integrity of the judicial process.

After receiving notice of the dismissed civil appeal, the Office of Professional Conduct contacted Mr. Bloodman to obtain information about this matter. He was written on January 9, 2009. The letter was sent to him at his address of record maintained by the Clerk's office. No response was received from him. A second letter was sent to the last known street address the Office of Professional Conduct had for Mr. Bloodman. This letter was returned as "not deliverable as addressed / unable to forward". A final letter was sent to Mr. Bloodman on March 11, 2009, which was not returned to the Office of Professional Conduct. There was no response from Mr. Bloodman to the two requests for information in the disciplinary process.

In responding to the formal disciplinary complaint, Mr. Bloodman admitted to not pursuing the appeal on behalf of his clients. He explained that he was never provided the funds to pursue an appeal after he filed the Notice of Appeal. According to Mr. Bloodman, he intended to notify Mr. and Mrs. Grays that he needed to find someone else to represent them but he neglected to do so. Mr. Bloodman also asserted that the lack of response to the Motion to

Dismiss and to the requests for information from the Office of Professional Conduct was because he never received the documents since he has closed his office and had someone collecting his mail but they did not do as requested.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Mr. Bloodman's conduct violated Rule 3.2, when he failed to pursue the appeal on behalf of his clients, Edward C. Grays and Linda W. Grays, after filing a Notice of Appeal in Lincoln County Circuit Court. Rule 3.2 requires that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

2. Mr. Bloodman's conduct violated Rule 8.4(d), because his failure to follow through with the appeal in the Grays matter after filing a Notice of Appeal created an unnecessary delay in the final conclusion of the matter brought against Floyd's Sawmill, Inc. 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 GARFIELD W. BLOODMAN, Arkansas Bar ID# 97053, be, and hereby is, CAUTIONED for his conduct in this matter. Pursuant to Section 18.A. of the Procedures, Mr. Bloodman is assessed the costs of this proceeding in the amount of FIFTY DOLLARS (\$50). 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: Steven Shults
Steven Shults, Chair, Panel A

Date: August 12, 2009