

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

FILED

JUN 22 2010

**LESLIE W. STEEN
CLERK**

IN RE: CLARENCE W. CASH, Respondent
Arkansas Bar ID#73017
CPC Docket No. 2009-144

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Allan Sealy in an Affidavit dated December 29, 2009. The information related to the representation of Mr. Sealy by Respondent in 2009.

On or about January 7, 2010, Respondent was served with a formal complaint, supported by affidavit from Mr. Sealy. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Committee reflected that during June 2009, Allan Sealy hired Clarence W. Cash, an attorney practicing primarily in Little Rock, to represent him in a bankruptcy proceeding. Mr. Cash was paid the fee he requested. Mr. Sealy participated in credit counseling as required too. Mr. Cash was aware that Mr. Sealy's home was scheduled to be sold at a foreclosure sale and that Mr. Sealy needed the bankruptcy filed in enough time to stop that event from occurring. On July 10, 2009, Mr. Cash wrote a letter setting out that he failed to file the Chapter 13 proceeding resulting in the foreclosure sale taking place. Mr. Cash acknowledged that Mr. Sealy had completed counseling and provided all the necessary information for the bankruptcy filing to take place. However, he did not file it.

Mr. Cash contacted the bank to see if he could pay the amount past due on the loan in order to have the loan reinstated but the bank would not agree. The bank wanted the full loan

paid off since the home had been sold at foreclosure sale. Mr. Cash's efforts made have been in good faith but they would not have been necessary but for his failure to file for bankruptcy protection on Mr. Sealy's behalf as he had been hired to do.

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

1. That Mr. Cash's conduct violated Rule 1.3 when he failed to file Mr. Sealy's bankruptcy proceeding, which allowed the foreclosure sale to take place with regard to Mr. Sealy's home on June 18, 2009. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That Mr. Cash's conduct violated Rule 8.4(d) because his failure to file a bankruptcy proceeding for Mr. Sealy, in spite of Mr. Sealy having completed credit counseling and having provided Mr. Cash all the necessary information to file, resulted in the foreclosure sale of Mr. Sealy's home taking place on June 18, 2009. 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 B, that CLARENCE W. CASH, Arkansas Bar ID# 73017, be, and hereby is, REPRIMANDED for his conduct in this matter. In addition, pursuant to Section 18.A. of the Procedures, Mr. Cash is ordered to pay the costs of this proceeding in the amount of \$100. 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 B

By: 
Steve Crane, Chair, Panel B

Date: 6-18-10

(13.M, Rev.1-1-02)