

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

IN RE: **BRUCE J. BENNETT**
Arkansas Bar ID # 92-140
CPC Docket No. 2006-091

FINDINGS & ORDER OF DISCIPLINE

The formal charges of misconduct upon which this Findings and Order is premised arose from information brought to the attention of the Committee on Professional Conduct by Ms. Rosa Elena Cortez. The information related to the representation of Ms. Cortez by Bruce J. Bennett.

Ms. Cortez, who is not very fluent in English, hired Bennett in November 2004 to appeal an adverse decision of the Arkansas Workers' Compensation Commission. Her daughter, Nathaly, occasionally accompanied her to visits with Bennett and served as translator. Cortez obtained, for Bennett's review, the file from her previous attorney. When Bennett received the file, he realized that there was limited time in which to file the notice of appeal. Although he drafted the notice of appeal, Bennett placed it into the Cortez file, but he did not file it. Subsequently, Nathaly called Bennett's office for the status on her mother's case, and Bennett mistakenly advised Nathaly that the notice had been filed. However, after Nathaly determined through her own investigation that the notice of appeal had not been filed, she contacted Bennett again. Bennett then informed Nathaly that he would attempt to take care of it, but Bennett was unable to do so.

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

1. Bruce J. Bennett violated Rule 1.2(a) when he failed to abide by his client's objective in appealing the adverse decision of the Arkansas Workers' Compensation Commission. Rule 1.2 (a)

requires that a lawyer abide by a client's decisions concerning the objectives of representation.

2. Bruce J. Bennett violated Rule 1.3 when he failed to perfect an appeal on behalf of Rosa Cortez, thereby precluding her from seeking appellate review of the adverse decision. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. Bruce J. Bennett violated Rule 8.4(d) because his failure to timely file the notice of appeal on behalf of Ms. Cortez as she desired caused her to not have the opportunity to have appellate review of the adverse decision of the Arkansas Workers' Compensation Commission. 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 BRUCE J. BENNETT, Arkansas Bar No. 92140, be, and hereby is, REPRIMANDED and assessed Committee costs in the amount of FIFTY DOLLARS (\$50.00) for his conduct in this matter. For his failure to file a timely response to the formal complaint, BRUCE J. BENNETT, Arkansas Bar No. 92140, pursuant to Section 9.C(1) and (3), has extinguished his right to a public hearing. 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 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 A

By: _____
Phillip D. Hout, Chairman, Panel A

Date : _____