

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: DONALD ERIC WARREN

ARKANSAS BAR ID#99007

CPC DOCKET NO. 2004-011

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 referral from the Honorable Barry A. Sims, Pulaski County Circuit Judge, on November 13, 2003. The information related to the representation of Steven Mark Curtis by Mr. Warren in 2003.

Donald Eric Warren, Attorney at Law, Pine Bluff, Arkansas, represented Steven Mark Curtis in the case of State of Arkansas v. Steven Mark Curtis, CR 2002-3719. Mr. Curtis was found guilty and sentenced to a term of seven years in the Arkansas Department of Correction on May 23, 2003. On June 13, 2003, Mr. Warren filed a timely notice of appeal on Mr. Curtis' behalf.

The court reporter prepared a transcript and delivered it to the Pulaski County Circuit Clerk's office for Mr. Warren to pick up. Mr. Warren failed to pick the transcript up from the Clerk's office.

Judge Sims set hearing dates of August 4, 2003, and September 9, 2003, for status reports. Mr. Warren failed to appear at either of the hearings. A third report date was set for November 3, 2003. At the November 3, 2003, hearing, Attorney Danny Williams appeared and informed the court that there was no 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 B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Warren's conduct violated Model Rule 1.1 in that his failure to perfect an appeal on behalf of his client, Steven Mark Curtis, following the filing of a timely notice of appeal, demonstrates a lack of competent representation. Model Rule 1.1 requires that a lawyer provide competent representation to a client.

Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. That Mr. Warren's conduct violated Model Rule 1.2(a) in that his failure to perfect an appeal on behalf of his client, Steven Mark Curtis, following the filing of a timely notice of appeal, demonstrated a failure to abide by a client's decision concerning the objectives of the representation, chiefly an appeal of the conviction from the Pulaski County Circuit Court. Model Rule 1.2(a) requires, in pertinent part, that a lawyer abide by a client's decisions concerning the objectives of representation.

3. That Mr. Warren's conduct violated Model Rule 1.3 in that his failure to file the transcript of the proceedings from the Pulaski County Circuit Court with the Arkansas Supreme Court within the time limitations of Rule 5 of the Rules of Appellate Procedure–Civil, demonstrated a lack of diligence and promptness in the representation of his client, Steven Mark Curtis. Model Rule 1.3 requires a lawyer to act with reasonable diligence and promptness in representing a client.

4. That Mr. Warren's conduct violated Model Rule 3.2 in that his failure to file the transcript of the proceedings from the Pulaski County Circuit Court with the Arkansas Supreme Court within the time limitations of Rule 5 of the Rules of Appellate Procedure–Civil, resulted in delay in the administration of court proceedings and judgments. Model Rule 3.2 requires that a lawyer make reasonable efforts to expedite litigation consistent with the interests of the client.

5. That Mr. Warren conduct violated Model Rule 3.4(c) in that his failed to file a transcript of the proceedings from the Pulaski County Circuit Court with the Arkansas Supreme Court within the time limitations of Rule 5 of the Rules of Appellate Procedure–Civil; failed to appear at a status report hearing set for August 4, 2003; failed to appear at a status report hearing set for September 9, 2003; failed to appear at a status report set for November 3, 2003; and failed to comply with Rule 16(a) of the Rules of Appellate Procedure–Criminal which requires trial counsel to represent a convicted defendant throughout any appeal to the Arkansas Supreme Court or Court of Appeals. Model Rule 3.4(c) requires, in pertinent part, that a lawyer not knowingly disobey an obligation under the rules of a tribunal.

6. That Mr. Warren's conduct violated Model Rule 8.4(d) in that his failure to timely file his client's record with the Arkansas Supreme Court Clerk required the Pulaski County Circuit Court to expend additional time and effort to monitor the matter 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 B, that DONALD ERIC WARREN, Arkansas Bar ID# 99007, be, and hereby is, CAUTIONED for his conduct in this matter; fined the sum of One Thousand Dollars (\$1,000.00); 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 B

By: _____

Michael Cogbill, Chair

Date: _____