

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: Charles Darwin Davidson, Sr., Respondent
Arkansas Bar ID# 73026
CPC Docket No. 2004-041

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by the Court of Appeals for the Sixth Appellate District in the State of Texas on February 20, 2004. The information related to the representation of Charles William Richardson by Respondent around January 2004.

On April 19, 2004, Respondent was served with a formal complaint. Respondent filed a timely Answer on May 26, 2004.

The facts giving rise to the Complaint are that Mr. Davidson filed a motion on January 13, 2004, with the Court of Appeals for the Sixth Appellate District in the State of Texas, to appear *pro hac vice* to represent Charles William Richardson. Mr. Davidson stated in that motion that he is a member in good standing with the State Bar of Arkansas and that he had not been the subject of any disciplinary action by the bar or the courts of said state during the last five years. However, pursuant to records with the Arkansas Committee on Professional Conduct, Mr. Davidson was Cautioned on August 5, 2003, for violating the Arkansas Rules of Professional Conduct. Mr. Davidson stated in his Response that he did not specifically recall the certificate of good standing and that he did not read the document, but that he believes he signed it. He further stated that the situation is no one's fault but his own and acknowledged his error.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, 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. Davidson's conduct violated Model Rule 4.1(a) when in the course of representing Charles William Richardson he filed a motion with the Texas Court of Appeals stating he had not been the subject of any disciplinary action when in fact he was Cautioned by the Committee on Professional Conduct on August 5, 2004. Model Rule 4.1(a) requires that in the course of representing a client, a lawyer shall not knowingly make a false statement of material fact of law to a third person.
2. That Mr. Davidson's conduct violated Model Rule 8.4(a) when though he had been disciplined by the Committee on Professional Conduct, he filed a Motion stating otherwise. Model Rule 8.4(a) requires, in pertinent, part that a lawyer not violate or attempt to violate the rules of professional conduct.
3. That Mr. Davidson's conduct violated Model Rule 8.4(c) when he filed a motion with the Texas Court of Appeals stating he had not been the subject of any disciplinary action when in fact he had. Model Rule 8.4(c) requires that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
4. That Mr. Davidson's conduct violated Model Rule 8.4(d) when he filed a motion falsely claiming he had not been disciplined by the Bar or Courts of Arkansas thereby causing the Texas Court of Appeals to report his behavior to the Arkansas Office of Professional Conduct. Model Rule 8.4(d) provides that a lawyer shall 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 CHARLES DARWIN DAVIDSON, SR., Arkansas Bar ID# 73026, be, and hereby is, REPRIMANDED for his conduct in this matter, FINED \$2,000 in accordance with Section 18.B. of the Procedures and ordered to pay \$50 costs.

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: _____

J. Michael Cogbill, Chair, Panel B

Date: _____