

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

IN RE: JIMMY DOYLE

Arkansas Bar ID#2000-013

CPC Docket No. 2003-082

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information referred from the Arkansas Court of Appeals on April 30, 2003. The information related to the representation of David Wayne Fulmer by Respondent in 2002 and 2003 in the case of David Wayne Fulmer v. State of Arkansas, CACR 2002-932.

Jimmy Doyle, an attorney practicing law primarily in Searcy, White County, Arkansas, represented David Wayne Fulmer on an appeal from the White County Circuit Court. Doyle lodged the trial court record on September 9, 2002, and a briefing schedule was commenced. Doyle failed to file a brief on behalf of Fulmer in the time required. The State of Arkansas, through the Office of the Attorney General, filed a Motion to Dismiss. On December 18, 2002, the Arkansas Court of Appeals denied the State's motion and directed Doyle to file a brief on Fulmer's behalf within thirty (30) days. Doyle failed to timely file a brief on Fulmer's behalf.

On February 10, 2003, the State filed a second Motion to Dismiss. On March 12, 2003, the Arkansas Court of Appeal directed Doyle to appear before the Court on April 9, 2003, to show cause why he should not be held in contempt for failing to comply with the Court's December 18, 2002, Order. Doyle appeared before the Court on April 9, 2003, and entered a plea of guilty to the charge of contempt and offered no mitigation other than a heavy work load. Doyle indicated to the Court that the brief would be filed on April 14, 2003. Doyle filed the brief on behalf of Fulmer on April 14, 2003.

Doyle was found by the Arkansas Court of Appeals to be in wilful contempt of court for his failure to file a brief on behalf of his client as ordered and additionally found that he purged himself of the contempt by filing the brief. The Court thereafter referred the matter to the Office of Professional Conduct.

On June 17, 2003, Doyle was served with a formal complaint, supported by attached Exhibits. Doyle admitted that he violated Model Rules 1.3, 3.4(c), and 8.4(d), but denied that he should be fined or assessed costs.

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:

Mr. Doyle failed to undertake the necessary steps to obtain an Order extending the time for filing a brief on behalf of his client, David Fulmer, and failed to file, in a timely manner, a brief on behalf of his client. Model Rule 1.3 requires that a lawyer act with reasonable diligences and promptness in representing a client.

Mr. Doyle failed to comply with the December 18, 2002, Order of the Arkansas Court of Appeals directing him to file a brief on behalf of his client, David Fulmer within thirty days of the Court's Order, and was found to be in wilful contempt of court on April 30, 2003. Model Rule 3.4(c) requires that a lawyer not to knowingly disobey an obligation under the rules of a tribunal.

Mr. Doyle failed to file a brief with the Court of Appeals in a timely manner which resulted in a delay in the orderly and timely resolution of appellate proceedings and failed to timely file his client's brief with the Court of Appeals which required the Court to expend additional time and effort which should 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 JIMMY DOYLE, Arkansas Bar ID# 2000-013, be, and hereby is, REPRIMANDED for his conduct in this matter and assessed costs in the amount of FIFTY DOLLARS (\$50.00). 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 - PANELB

By: _____

John L. Rush, Chair, Panel B

Date: _____

