

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

**IN RE: JOSH QUINCY HURST
ARKANSAS BAR ID NO. 2004-016
CPC DOCKET NO. 2006-036**

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 the complaint of Melvin Mayweather. The action complained of arose in the matter of State of Arkansas v. Melvin Mayweather, Pulaski County Circuit Court Case No. CR 2003-1305.

Melvin Mayweather was found guilty of possession of marijuana and possession of cocaine and sentenced on December 8, 2004, as an habitual offender to a term of 180 months in the Arkansas Department of Correction. On December 20, 2004, Josh Quincy Hurst, Attorney at Law, Hot Springs, Arkansas, filed a timely Notice of Appeal.

On March 17, 2005, Mr. Hurst timely filed the record with the Arkansas Supreme Court Clerk. The Clerk thereafter set a briefing schedule in Melvin Mayweather v. State of Arkansas, CACR 05-300. A brief on Mr. Mayweather's behalf was due to be filed on or before April 26, 2005. No brief was filed on Mr. Mayweather's behalf by Mr. Hurst and no request for extension of time to file a brief was requested.

On June 13, 2005, the State of Arkansas filed a Motion to Dismiss Appeal as no brief had been filed. Mr. Mayweather thereafter employed new counsel who filed a Motion to Substitute Counsel and a Response to the Motion to Dismiss Appeal. The Arkansas Court of Appeals granted the motions and reset the briefing schedule. The matter then proceeded pursuant to usual appellate procedures.

Mr. Hurst stated in his response that he did represent Mr. Mayweather in his appeal from the judgment in Pulaski County Circuit Court. Mr. Hurst believed that Mr. Mayweather had employed other counsel prior to the deadline for the filing of the brief on Mr. Mayweather's behalf based upon conversations with the new counsel.

Mr. Hurst and the Executive Director negotiated a discipline by consent proposal which was submitted to this Panel.

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. Josh Quincy Hurst failed to timely file with the Arkansas Supreme Court Clerk a brief on behalf of his client, Melvin Mayweather. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that JOSH QUINCY HURST, Arkansas Bar ID No. 2004-016, be, and hereby is, CAUTIONED for his conduct in this matter; fined the sum of TWO HUNDRED FIFTY DOLLARS (\$250.00); 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: _____
Harry Truman Moore, Chair

Date: _____