

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

IN RE: **TERRY R. SMITH**
Arkansas Bar ID # 2005105
CPC Docket No. 2007-042

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney Terry R. Smith of Pulaski County, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by the Arkansas State Board of Law Examiners. Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2002).

The Professional Practicum Committee (Committee) submitted an affidavit in support of the complaint, which attested the following. Arkansas Supreme Court Administrative Order #17 requires that a newly-admitted attorney attend a one day, six-hour "Professional Practicum" within two years after his or her certification for admission to the Bar of Arkansas. In compliance with that Order, Terry R. Smith, admitted in 2005, registered and paid for the Professional Practicum, which was administered on November 2, 2006. On November 6, 2006, the Committee received an undated letter, from Mr. Smith that he had attended the Practicum. In response to this letter, the Committee wrote Mr. Smith a letter requesting that he provide evidence of his attendance. Only when the Committee requested evidence of his attendance did Mr. Smith qualify his earlier statement by letter of November 15, 2006, asserting that he had only attended "½" of the conference due to his illness. There followed correspondence from Mr. Smith that was undated and received in by the Committee

on November 17, 2006. On that same date, the Committee wrote Mr. Smith advising that it perceived his letter of November 6 to be a false representation. Mr. Smith then sent an unsigned letter, dated November 26, 2006. In the first paragraph of this final correspondence, Mr. Smith responds to the suggestion that his first letter was a misrepresentation and describes it instead as a matter of “semantics.” The Committee felt obliged to accept the assertion of illness contained in Mr. Smith’s letter of November 15, and it granted him an extension to fulfill the Practicum requirement. Nevertheless, the Committee referred the matter to the Office of Professional Conduct due to Mr. Smith’s apparent misrepresentation in the initial letter received November 6.

Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Model Rules of Professional Conduct, the Committee on Professional Conduct finds:

A. Mr. Smith’s conduct violated Model Rule 8.4(c) in that he represented to the Professional Practicum Committee that he had attended the entire Professional Practicum conference on November 2, 2006, when in fact he had not done so. Model Rule 8.4(c) provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

WHEREFORE, in accordance with the consent to discipline presented by Terry R. Smith and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct that Respondent **TERRY SMITH**, Arkansas Bar No. 2005105 be, and hereby is, **REPRIMANDED** for his conduct in this matter and assessed Committee costs of \$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 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: _____
Valerie Kelly, Vice- Chair, Panel B

Date: _____