

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: GEORGE VAN HOOK, JR., Respondent
 Arkansas Bar ID#73123
 CPC Docket No. 2004-066

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information obtained through the Orders of the Arkansas Supreme Court. The information related to the representation of Lou Ella Benton and others by Respondent in 2003 and 2004.

On April 23, 2004, Respondent was served with a formal complaint, supported by Orders of the Arkansas Supreme Court. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Panel revealed that George Van Hook, Jr., an attorney practicing primarily in El Dorado, Union County, Arkansas, represented Lou Ella Benton in an attempt to appeal the decision in the lower court matter from the Union County Circuit Court Case No. CIV 2002-463.

A final Judgment was entered in the Circuit Court of Union County on August 6, 2003. Mr. Van Hook was one of two attorneys who represented Ms. Benton and five (5) other plaintiffs at the trial court level in Union County. Mr. Van Hook filed a Notice of Appeal for the plaintiffs on September 4, 2003. The transcript was delivered to the Circuit Clerk by the Court Reporter on November 30, 2003. Mr. Van Hook was notified by letter, dated November 30, 2003, that the deposit which had been made was insufficient to cover the cost of transcription. Thereafter, on December 5, 2003, the balance due was paid in full along with the costs owed to the Circuit Court Clerk. According to Mr. Van Hook, he and his co-counsel both became ill with the flu at or around this same time.

The record was required to be filed with the Clerk of the Arkansas Supreme Court on or before December 3, 2003. At no time did Mr. Van Hook, nor his co-counsel, seek an extension of time in which to file

the record. Mr. Van Hook did not take any steps to be certain that the record was filed in a timely manner. The record was not tendered to the Clerk of the Court until sixteen (16) days past the deadline for filing the same. On December 19, 2003, Mr. Van Hook filed a Motion for Rule on the Clerk. The Motion was denied by the Supreme Court on January 15, 2004.

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 A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Van Hook's conduct violated Model Rule 1.3 when he failed to be certain that the record on appeal for his clients, Ms. Benton and others, was filed with the Clerk of the Court within ninety (90) days of the first Notice of Appeal filed in the lower court and when he failed to seek an extension of time within which to file the record on appeal in Ms. Benton's matter. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Van Hook's conduct violated Model Rule 8.4(d) because his failure to be certain that the record on appeal in his clients' matter was timely filed with the Clerk of the Court resulted in his clients being denied an opportunity to appellate review of the Union County Circuit Court's decision in *Lou Ella Benton, etal v. Vickie McHenry, etal*, Case #CV-2002-463. 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 A, that GEORGE VAN HOOK, JR., Arkansas Bar ID# 73123, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Mr. Van Hook is assessed the costs of this proceeding in the amount of \$50. 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 A

By: _____
Gwendolyn D. Hodge, Chair, Panel A

Date: _____

(13.M, Rev.1-1-02)