

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

FILED

FEB 21 2011

**LESLIE W. STEEN
CLERK**

IN RE: STUART C. VESS
ARKANSAS BAR ID NO. 73124
CPC DOCKET NO. 2010-105

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information contained in the records of the Arkansas Supreme Court Clerk. The information related to the representation of Bob's Bail Bonds, Inc., in an appeal from an administrative decision of the Arkansas Professional Bail Bond Licensing Board and from the judicial review by the Pulaski County Circuit Court.

On September 12, 2008, a hearing was held before the Arkansas Professional Bail Bondsman Licensing Board. Following the hearing, the Board found that Bob's Bail Bonds, and specifically Kerry Pope, had violated certain provisions of the Arkansas Code Annotated which pertained to the bail bonding business, resulting in suspension of the bail bond license of Bob's Bail Bonds for a period of twelve months, with all but thirty days suspended on the condition that Mr. Pope have no affiliation with

Bob's Bail Bonds, Inc., thereafter employed Stuart C. Vess, Attorney at Law, North Little Rock, Arkansas, to seek judicial review in Pulaski County Circuit Court. Following the submission of briefs and a hearing, the Pulaski County Circuit Court entered an order dated December 17, 2009, affirming the decision of the Bail Bond Licensing Board. Mr. Vess filed a timely notice of appeal on December 23, 2009.

On February 11, 2010, the record of the lower court proceedings was filed with the Arkansas

Supreme Court Clerk. The time for filing the brief and abstract commenced and a brief was to be filed on or before March 23, 2010. On March 22, 2010, Mr. Vess requested a one-week clerk's extension and the request was granted. The brief was then due on March 30, 2010. On March 30, 2010, Mr. Vess filed a Motion for Extension of Time to File Abstract, Brief and Addendum. In the motion, Mr. Vess stated that his workload included numerous court appearances and the appeal had complexity issues. Mr. Vess stated that he needed an additional thirty days. The Court granted the motion and brief was due on or before April 30, 2010.

On April 29, 2010, Mr. Vess filed a motion with the Arkansas Supreme Court for a stay of briefing schedule as he discovered that the order of the Bail Bond Licensing Board had not been included in the record submitted to the Pulaski County Circuit Court. The motion was granted and the briefing schedule was stayed and the record was to be supplemented on or before June 4, 2010. In its Order, the Arkansas Supreme Court stated that the brief was due to be filed fifteen days after the supplement to the record was filed. The record was supplemented on June 3, 2010. Pursuant to the Court's order, the brief was due to be filed on or before June 18, 2010. No brief was filed on or before June 18, 2010. Mr. Vess stated that the due date for filing the brief was inadvertently left off his calendar and the brief was not filed by the due date. Mr. Vess stated that the only explanation for the failure to file the brief in a timely manner was that as the order did not have an exact due date and there was no additional scheduling order, the due date was not docketed onto his calendar.

On September 30, 2010, the State of Arkansas filed a Motion to Dismiss Appeal as no brief had been filed by Mr. Vess. Mr. Vess filed a Response to Motion to Dismiss and a Motion to File a Belated Brief. On October 28, 2010, the Arkansas Supreme Court granted the State's Motion to Dismiss.

Mr. Vess offered in his response that he kept his client fully informed about the entire process and that his client was involved in all decisions. Though his client made the decision to appeal the Bail Bond Board Licensing Board decision, his client was not upset about the resulting dismissal. According to Mr. Vess, the likelihood of success on the appeal was minimal and there was no prejudice to his client.

Following service of the formal complaint, Stuart Vess entered into discussion with the Executive Director which 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). 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 Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. Stuart C. Vess failed to file a brief on behalf of his client, Bob's Bail Bonds, Inc., on or before June 18, 2010. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

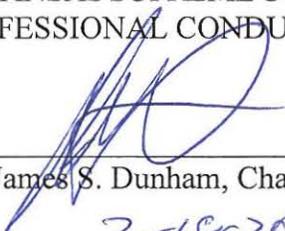
2. Stuart C. Vess failed to file a brief on behalf of his client, Bob's Bail Bonds, Inc., which resulted in his client's request to have the adverse decision of the Arkansas Professional Bail Bond Licensing Board from not being heard by the Arkansas Court of Appeals or Arkansas Supreme Court. Rule 8.4(d) 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 STUART C. VESS, Arkansas Bar

ID No. 73124, be, and hereby is, CAUTIONED and ordered to pay administrative 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.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL B

By:  _____
James S. Dunham, Chair, Panel B

Date: 2-18-2011 _____