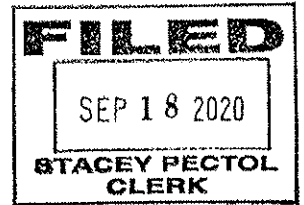


BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A



IN RE: JOSHUA LANDES POTTER
Arkansas Bar ID #2011143
CPC Docket No. 2020-015

CONSENT FINDINGS AND ORDER

The formal charges of misconduct against Joshua Potter upon which this Findings and Order is based arose from a grievance filed by Antwon Wheaton. Potter is an attorney practicing in Texarkana, Arkansas. Following Mr. Potter's receipt of the formal complaint, Mr. Potter entered in to discussion with the Executive Director which resulted in an agreement by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011).

Potter represented defendant Antwon Wheaton as private counsel in Miller County 46CR-2019-144. On or about September 5, 2019, a jury trial took place with Potter representing Wheaton, and the jury convicted Wheaton of Domestic Battering in the 3rd Degree, Class D Felony, with a sentence of 144 months in the Arkansas Department of Correction ("ADC"). On or about September 10, 2019, Wheaton, while represented by the Public Defender, entered a negotiated plea in a separate case, Miller County CR-19-294, and received a sentence of 144 months ADC. On September 19, 2019, the Sentencing Order for 46CR-2019-144 was filed. On September 25, 2019, the Sentencing Order for 46CR-2019-294 was filed.

On October 15, 2019, Potter filed a Motion for New Trial in 46CR-2019-144. On November 1, 2019, Potter sent Wheaton a letter asking whether Wheaton wished to appeal from the jury trial conviction. Potter questioned the appeal as Wheaton entered a negotiated guilty

plea in a separate case for the identical sentence of 144 months ADC. In response, in November 2019, Wheaton sent Potter a handwritten letter in which he informed Potter that he did wish to appeal. Potter failed to file a Notice of Appeal on behalf of Wheaton. Wheaton filed a pro se Notice of Appeal on April 28, 2020. On June 11, 2020, Potter filed a Motion to Withdraw and to Appoint Appellate Counsel. In the Motion, Potter acknowledged that he assumed Wheaton did not wish to appeal, but he later learned that Wheaton did wish to appeal and had sent him a letter so stating.

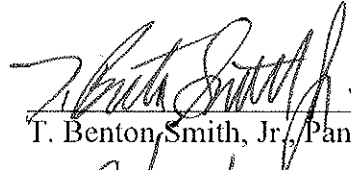
Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Joshua Landes Potter violated Arkansas Rule 1.3 by failing to timely file a Notice of Appeal on behalf of his client, Antwon Wheaton, in Miller County CR-2019-144. Arkansas Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.
2. Joshua Landes Potter violated Arkansas Rule 1.4(a)(3) by failing to keep his client, Antwon Wheaton, informed about the status of his case, the appeal of 46CR-19-144. Arkansas Rule 1.4(a)(3) requires that a lawyer shall keep a client reasonably informed about the status of a matter.
3. Joshua Landes Potter violated Arkansas Rule 1.4(a)(4) by failing to respond to requests for information from his client, Antwon Wheaton, relating to the appeal of 46CR-19-144. Arkansas Rule 1.4(a)(4) requires that a lawyer shall promptly comply with reasonable requests for information.

4. Joshua Landes Potter violated Arkansas Rule 8.4(d) by failing to file the Notice of Appeal his client, Antwon Wheaton, requested was prejudicial to the administration of justice. Arkansas Rule 8.4(d) requires that a lawyer shall 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 Joshua Landes Potter, Arkansas Bar ID# 2011143 be, and hereby is, **CAUTIONED** for his conduct in this matter, and ordered to pay \$50.00 Costs. 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



T. Benton Smith, Jr., Panel A Chair

9/18/20

Date