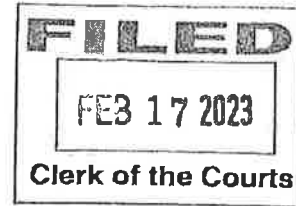


**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

IN RE: James F. Valley, Respondent Attorney
Arkansas Bar No. 96052
Case No. CPC-2022-009



FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Judge Joseph Volpe.

On August 26, 2019, a civil rights complaint was filed pro se by an inmate, Kameron Bradley, as case 2:19-cv-110 in the Eastern District of Arkansas. This case was assigned to Judge James M. Moody Jr. and Judge Joseph Volpe served as magistrate judge.

James F. Valley (Valley) represented Defendant Thomas and entered his appearance on November 12, 2019, by filing an Answer to the Complaint and a Motion to Dismiss.

On two occasions, Bradley filed Interrogatories that Valley did not respond to. On September 1, 2020, Bradley filed a Motion to Compel Discovery. Judge Volpe granted Bradley's motion and ordered Valley to respond to the Interrogatories within fourteen (14) days, or sufficiently state why a response should not be required under the Federal Rules of Civil Procedure. Valley did not answer the Interrogatories or respond with an objection within fourteen (14) days, as ordered by Judge Volpe. Between Judge Volpe's Order on September 21, 2020, and Bradley's Motion for Summary Judgment on December 8, 2020, nothing was filed with the court by either party.

On December 8, 2020, Bradley filed a Motion for Summary Judgment. On December 10, 2020, Judge Volpe's law clerk emailed Valley, telling him that a response to the Motion for Summary Judgment would be helpful, and Valley replied that he would respond. Valley's response was due no later than December 28, 2020. Valley's deadline passed and Judge Volpe filed a Proposed Finding and

Recommendation on December 29, 2020. In the recommendation, Judge Volpe found that Valley did not file a timely response to create a genuine issue of material fact, and that Bradley's Motion should be granted. This recommendation allowed Valley fourteen (14) days from the date of the findings to file an objection.

On January 12, 2021, the last day available to file an objection to the Proposed Findings and Recommendation, Valley filed a belated Response to Bradley's Motion for Summary Judgment with a Brief in Support. Along with the Response to Summary Judgment, Valley filed a Response to Bradley's Statement of Undisputed Material Facts, the Declaration of Defendant, and an Objection to the Proposed Findings and Recommendation.

On February 9, 2021, Judge Moody entered an Order approving and adopting Judge Volpe's recommendation. In response to Valley's objections, "[t]he Court finds that this does not demonstrate excusable neglect such as would justify the Court's acceptance of Defendant's untimely response to the motion for summary judgment." A judgment was entered in favor of Bradley.

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

1. That Valley's conduct violated Rule 1.3 when Valley disregarded multiple deadlines required under the Federal Rules of Civil Procedure, resulting in an adverse ruling. Rule 1.3 provides that a lawyer shall act with reasonable diligence and promptness in representing a client.
2. That Valley's conduct violated Rule 3.4(d) when he failed to comply with discovery requests and the Court's Order to provide discovery. Rule 3.4(d) provides that a lawyer

shall not fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party.

3. That Valley's conduct violated Rule 8.4(d) when Valley did not meet his obligations to his client or to the Court. The Judge was required to make a finding without the opportunity to hear from the Defendant and was not compelled by Valley's reason for delay. Rule 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

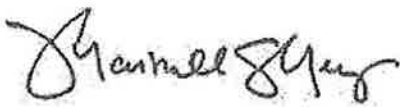
WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that James Valley, Arkansas Bar Number 96052, be, and hereby is, **SUSPENDED** for two (2) months for his conduct in this matter, assessed costs of \$150.00, and \$300.00 for court reporter services. In assessing the sanction, Valley's prior disciplinary record was a factor.

The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

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.

IT IS SO ORDERED

ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT

By: 

Marshall Ney, Chair, Panel A

Date: February 17, 2023