



BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: JUSTIN BYRUM HURST
ARKANSAS BAR ID #2005021
CPC Docket No. 2022-017

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from a grievance filed by Mr. Darren Magness. Mr. Justin Byrum Hurst is an Arkansas licensed attorney practicing primarily in Hot Springs, AR.

1. Magness hired Hurst in April 2017, for litigation related to a contract dispute.
2. On April 18, 2017, Magness signed a fee agreement with Hurst with a fee of \$5,000.00 up front fee to cover expenses and 30% contingency on the backend of whatever is recovered. Magness paid the \$5,000.00 fee by check.
3. Hurst was aware that arbitration was an issue as he addressed what his strategy would be to attempt to get around the arbitration issue. Hurst filed a civil complaint on October 27, 2017.
4. On January 30, 2018, the defendants filed a Motion to Compel Arbitration as required under the Operating Agreement, which had no statute of limitations.
5. On July 6, 2018, the court entered its Order finding that the parties agreed to arbitrate claims under the terms of the Operating Agreement and are mutually bound to arbitrate the claims and dismissed the Complaint. Hurst discussed the dismissal with Magness and advised Magness that he would attempt to appeal the court's ruling.
6. The last communication Magness had with Hurst was October 12, 2018. In the October 12 email, Hurst acknowledged his communication responses with Magness were lacking. Hurst

advised Magness he researched the issue of appealing the trial court's ruling on the arbitration issue and concluded that they would not prevail on appeal.

7. Hurst advised that there were other pending issues such as consolidation of Magness's case with another client of Hurst's but that he was researching arbitrators and would have all the issues resolved within 60 days.

8. With no communication from Hurst since the October 12 email, Magness again attempted contact with Hurst through email. Magness sent emails to Hurst, with no response from Hurst, between February 13, 2019, and July 10, 2019.

9. When attempts at contacting Hurst failed, Magness filed a grievance with the Office of Professional Conduct in July 2019. After contact from former Deputy Director in November 2019, according to Hurst, he reached out to Magness and met with him to discuss his case and moving forward with arbitration.

10. Hurst has taken no action to set the matter for arbitration in the approximately four years since the trial court directed the parties to arbitration pursuant to the Operating Agreement.

11. Magness has had no contact with Hurst since April 2020. Magness texted Hurst in March 2022 but did not receive a response from Hurst.

Upon consideration of the formal complaint and attached exhibit materials and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Hurst's conduct violated Rule 1.3 when he failed to take any action in the approximate four years since July 2018 when the trial court directed the parties to arbitration pursuant to the Operating Agreement and dismissed the civil case. Arkansas Rule 1.3 states a lawyer shall act with reasonable diligence and promptness in representing a client.

2. That Hurst's conduct violated Rule 1.4(a)(3) when he failed to advise Mr. Magness on the status of his case and whether arbitration had been scheduled. Arkansas Rule 1.4(a)(3) states a lawyer shall keep the client reasonably informed about the status of the matter.

3. That Hurst's conduct violated Rule 1.4(a)(4) when he failed to respond to Mr. Magness's several attempts to contact him regarding the status of Mr. Magness's case. Arkansas Rule 1.4(a)(4) states a lawyer shall promptly comply with reasonable requests for information.

4. That Hurst's conduct violated Rule 3.2 when he failed to take any action in the approximate four years since July 2018 when the trial court directed the parties to arbitration pursuant to the Operating Agreement and dismissed the civil case. Arkansas Rule 3.2 states a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

5. Hurst was personally served with the Complaint on June 14, 2022 and failed to file a response.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **JUSTIN BYRUM HURST**, Arkansas Bar ID #2005021, be, and hereby is, **Suspended for a period of two (2) months** for his conduct in this matter. Hurst shall pay restitution in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)** in accordance with Section 18.C of the Procedures. Hurst shall also pay costs in the amount of **ONE HUNDRED FIFTY DOLLARS (\$150.00)** in accordance with Section 18.A of the Procedures. In addition, §9.C(1) of the Procedures provides that the failure to provide a written response to a formal complaint may result in the separate imposition of sanctions less than a suspension of license. The Panel imposes a separate sanction

of **REPRIMAND** for Hurst's failure to respond to the formal complaint. The restitution and cost assessed herein totaling FIVE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$5,150.00) 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



Michael W. Boyd, Vice-Chair, Panel A

Date: 12-2-22