



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

IN RE: James Coyne, Respondent
Arkansas Bar No. 2018133
Docket No. CPC-2021-028

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 Chris Carnahan on May 18, 2021. The information related to the representation of Robert Fraser by Respondent from 2019 forward.

Coyne is a licensed Arkansas attorney, admitted to the Bar on September 10, 2018. In mid-2019, Coyne became involved in Fraser's court cases. Since the beginning of Coyne's representation, Fraser has paid more than \$10,000.00 in attorney fees.

1. Robert W. Fraser is a seventy-seven (77) year-old resident of Faulkner County, Arkansas, who owns three (3) properties located at 217, 225 and 233 Davis Street in Conway, Arkansas. Fraser and his wife, Mary, reside at 233 Davis Street. Coyne has represented Fraser since 2019 in several code enforcement matters involving the City of Conway.

2. Since 2014, the City of Conway has filed approximately twenty-eight (28) cases for more than two hundred (200) citations of alleged violations of the City of Conway's Nuisance Abatement Code.

3. On or about April 16, 2019 the City of Conway Code Enforcement executed a search warrant and entered onto Fraser's properties to assess the extent of the problems and plan for a professional clean-up of Fraser's properties to remove the dilapidated structures and hazardous materials.

4. On or about May 13, 2019, Paladino Construction was paid by the City of Conway for the professional removal of the dilapidated structures and hazardous materials. The contracted

clean-up included approximately thirty-two (32) dump trucks and three (3) long, flat-bed trailers materials removed from Fraser's property.

5. On September 26, 2019, Coyne entered his appearance to represent Fraser in the appeal in Case No. 23CR-19-470.

6. On December 3, 2019, Coyne filed a Motion to Disqualify the Prosecutor, to Dismiss, and for Sanctions.

7. On January 31, 2020, the Court entered an Order in Case No. 23CR-19-470, wherein Coyne's Motion to Disqualify was denied and the Court admonished Coyne for his conduct. The Court further delineated Coyne's misunderstanding and misapplication of the law and rules of evidence throughout the course of his representation of Fraser in his pleadings and during the trial.

8. On May 13, 2020, Coyne filed a civil lawsuit against the City of Conway and several other named and unnamed defendants in Faulkner County Circuit Court, Case No. 23CV-20-587.

9. Coyne's Complaint alleged the intentional torts of damage, destruction, or illegal taking of personal property, inverse condemnation, malicious prosecution, civil conspiracy, and legal fees in conjunction with defending his clients in Judge Carnahan's Court.

10. Coyne's Complaint alleged that Charles E. Clawson, Jr., former 2nd Division Faulkner County Circuit Court Judge; Charles E. Clawson, III, former City Attorney; and Spencer Clawson, Director of Conway Code Enforcement worked in concert as agents of the City of Conway and in collusion with other "agents" of the City of Conway to deprive Fraser of his property without due process.

11. Coyne's Complaint alleged that the City of Conway compelled Fraser to pay Paladino Construction approximately \$6,000.00 for what Coyne alleged to be the reckless and

malicious theft and destruction of Fraser's property, rather than the lawful and necessary removal of refuse and hazardous materials.

12. Coyne's Complaint alleged Constitutional violations, civil conspiracy, corruption, malicious prosecution, theft, and destruction of property by the City of Conway and its "agents".

13. On or about November 5, 2020, the City of Conway was forced to return to Fraser's properties and remove the left-over debris from the May 2019 clean-up. This included approximately three (3) more long, flat-bed trailers filled with refuse and debris.

14. On May 11, 2021, in Case No. 23CV-20-587, Coyne filed a Notice to the City in Anticipation of Further Litigation, with an eight (8) page letter to the Mayor of Conway, which contained multiple allegations of judicial, prosecutorial, and agency collusion and misconduct.

15. On September 27, 2021, Coyne sent an email to OPC alleging Defendant's counsel was "too cowardly to even file" interrogatories and requests for production in the civil matter. Ark. R. Civ. P. 5(c) provides, in part, that interrogatories and requests for production shall not be filed unless ordered by the court.

16. In that same email, Coyne attached a copy of his discovery responses to the City in the civil matter, wherein Coyne objected to all twenty-seven (27) interrogatories and twenty-four (24) requests for production without good cause.

17. For almost two (2) years, Coyne continuously and publicly levied serious allegations of corruption, theft, dishonesty, collusion, and misconduct against the court, judges, attorneys, and public officials, without providing any evidence to substantiate the allegations. Further, a simple review of the evidence regarding the code violations on these properties illustrates Fraser was maintaining hazardous properties and the City of Conway rightfully razed and cleaned the properties. No usable or valuable property was removed during the clean-up.

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:

A. **Arkansas Rule 3.1** requires that a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

The conduct of James Coyne, as set forth in the attached Exhibits, violated Rule 3.1, in that Coyne filed pleadings and documents in Case No. 23CR-19-470, which contained frivolous claims not based in law and fact, and was admonished by the Honorable H.G. Foster in Faulkner County Circuit Court for doing so.

B. **Arkansas Rule 1.1** requires that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

The conduct of James Coyne, as set forth in the attached Exhibits, violated Rule 1.1, in that Coyne filed multiple pleadings and appeals without having the proper legal knowledge to understand the city ordinances and violations to competently represent his client. Coyne further demonstrated his misunderstanding of the law and rules of evidence during Fraser's jury trial. In addition, Coyne demonstrated his lack of knowledge of the rules of civil procedure regarding discovery.

C. **Arkansas Rule 3.4(e)** requires that a lawyer shall not, in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible

evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused.

The conduct of James Coyne, as set forth in the attached Exhibits, violated Rule 3.4(e) when Coyne filed pleadings and documents, which alluded to improper conduct by the City of Conway without basis in law and fact and not supported by admissible or actual evidence.

D. **Arkansas Rule 8.2(a)** provides that a lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

The conduct of James Coyne, as set forth in the attached Exhibits, violated Rule 8.2(a), in that Coyne filed a civil action against the City of Conway *et al*, wherein he submitted a public letter to the Mayor accusing Judge Chris Carnahan of repeatedly violating the Rules of Criminal Procedure and asserting collusion and corruption involving Judge Carnahan and the “Clawson organization”. Coyne made multiple allegations without basis in law or fact and provided no evidence to substantiate his claims.

E. **Arkansas Rule 8.4(c)** provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

The conduct of James Coyne, as set forth in the attached Exhibits, violated Rule 8.4(c), in that the pleadings Coyne filed contain misrepresentations of the underlying allegations in the civil litigation. Coyne attempted to paint a picture that Fraser was the target of some conspiratorial corruption, rather than a client who refused to comply with City ordinances and suffered the consequences.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **JAMES COYNE**, Arkansas Bar Number 2018133, be, and hereby is, **REPRIMANDED** for his conduct in this matter.

Mr. Coyne shall pay a fine of one thousand five hundred dollars and no cents (\$1,500.00); OPC costs of one hundred fifty dollars and no cents (\$150.00); and Court Reporter costs of two hundred fifty dollars and no cents (\$250.00).

The fine and costs assessed herein totaling one thousand nine hundred dollars and no cents (**\$1,900.00**) 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 A

Marshall S. Ney

Marshall S. Ney, Panel A Chair

December 22, 2022

Date