

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: John R. VanWinkle, Respondent
 Arkansas Bar ID# 80154
 CPC Docket No. 2005-076

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information contained in a Per Curiam issued by the Arkansas Supreme Court on June 10, 2004, in case # CR04-583. The information related to the representation of Helen Marie Gately in an appellate matter by Respondent in 2004.

On May 17, 2005, Respondent was served with a formal complaint.. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The facts upon which this complaint is based are that on May 19, 2004, Mr. VanWinkle filed a Motion for Rule on the Clerk wherein he admitted that due to a mistake on his part, the transcript was not lodged in a timely manner. The Arkansas Supreme Court granted the motion and sent Mr. VanWinkle a notice that the appellant's brief would be due July 20, 2004. Mr. VanWinkle filed for five extensions of time to file the appellant's brief, each of which was granted. The Honorable Wendell Griffen wrote a Dissenting Opinion to the fifth order granting an extension of time and stated that Mr. VanWinkle's handling of the appeal was non-diligent since its inception.

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

1. That Mr. VanWinkle's conduct violated Arkansas Rule of Professional Conduct 1.3 when he tendered the record late in CR 04-583 and when he filed for five extensions of time to file appellant's brief. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that John R. VanWinkle, Arkansas Bar ID# 80154, be, and hereby is, CAUTIONED for his conduct in this matter and ordered to pay costs of \$50. 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 B

By: _____

J. Michael Cogbill, Chair, Panel B

Date: _____