

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: STEPHEN GREGORY HOUGH

Arkansas Bar ID # 84077

CPC Docket No. 2005-110

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by means of Orders of the Arkansas Supreme Court in No. CACR 05-15, Joel Mark Burroughs v. State of Arkansas, a criminal appeal in which Burroughs was represented by Respondent Stephen Gregory Hough, an attorney practicing primarily in Fort Smith, Sebastian County, Arkansas. In September 2005 Respondent was served with a formal complaint, supported by the contents of the appellate case file and the affidavit of Denise Parks.

By Supreme Court Rule, Mr. Hough's 2005 law license fee was due payable by March 1, 2005. He failed to pay this fee until August 10, 2005, resulting in his Arkansas law license being automatically suspended on March 2, 2005, and remaining in that status until August 10, 2005.

Mr. Hough timely filed the appeal record for Mr. Burroughs. On February 14, 2005, he filed a motion for extension of time to file brief. The extension was granted to March 31, 2005, however Hough failed to file any brief. On April 22, 2005, the Arkansas Attorney General's office filed a motion to dismiss Burroughs' appeal for failure to file appellant's brief. Mr. Hough failed to respond to the motion, and it was granted on May 11, 2005. On March 31, 2005, Hough was involved in an hours-long "stand-off with the police" incident in a Fort Smith motel which resulted in his being hospitalized for a time for mental health reasons.

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

A. Mr. Hough's conduct violated Model Rule 1.1, in that he failed to file the required appellate brief for his client, even after he obtained an extension of time to do so. He failed to respond to a Motion to Dismiss filed by the Attorney General in his client's appeal, thereby allowing the appeal to be dismissed. Model 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.

B. Mr. Hough's conduct violated Model Rule 1.3, in that he failed to file the required appellate brief for his client, even after he obtained an extension of time to do so. He failed to respond to a Motion to Dismiss filed by the Attorney General in his client's appeal, thereby allowing the appeal to be dismissed. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. Mr. Hough's conduct violated Model Rule 3.4(c), in that he failed to pay his 2005 Arkansas bar license fee by March 1, 2005, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar, and did not pay his 2005 license fee until August 10, 2005. Model Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

D. Mr. Hough's conduct violated Model Rule 5.5(a), in that he practiced law in the Burroughs appeal at a time when his Arkansas law license was automatically administratively suspended on March 2, 2005, due to his non-payment of his 2005 license fee by March 1, 2005. Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

E. Mr. Hough's conduct violated Model Rule 8.4(d), in that he failed to file the required appellate brief for his client, even after he obtained an extension of time to do so, thereby causing his client to lose his right to an appeal. He failed to respond to a Motion to Dismiss filed by the Attorney General in his client's appeal, thereby allowing the appeal to be dismissed. Upon the suspension of his law license on March 2, 2005, he failed to notify the Court that he could no longer practice law in the Burroughs appeal, denying the Court and Mr. Burroughs the opportunity to substitute counsel in his place to properly handle Burroughs's appeal. Model 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 Stephen Gregory Hough, Arkansas Bar ID# 84077, be and he hereby is, reprimanded for his conduct in this matter. He is ordered to pay Committee costs of \$50.00. Respondent is also referred to, ordered to report within thirty (30) days to, and ordered to participate in the Arkansas Lawyer Assistance Program (ArLAP), and to authorize ArLAP to provide to the Committee, through the Office of Professional Conduct, all information in his ArLAP file. Failure to comply with the ArLAP referral order and the ArLAP program designed for Respondent may be treated as a contempt of this Committee Order and of the Supreme Court under Section 27 of the Supreme Court's Procedures Regulating Professional Conduct of Attorneys at Law. 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 with 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

By: _____

Phillip D. Hout, Chair, Panel A

Date: _____