

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

**PANEL B**

IN RE:           ROBERT A. NEWCOMB, Respondent  
                  Arkansas Bar ID#73087  
                  CPC Docket No. 2005-087

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Robert A. Newcomb in a self-referral on May 10, 2005. The information related to the representation of Charles Lawrence by Respondent in 2005.

On June 28, 2005, Respondent was served with a formal complaint, supported by pleadings from the Arkansas Court of Appeals case of *Charles Lawrence v. City of Texarkana, AR & Texarkana Fire Dept.*, No. CA 05-00310. After the time for response had expired the matter proceeded to ballot vote pursuant to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law.

The information before the Committee reflected that Robert A. Newcomb, an attorney practicing primarily in Pulaski County, Arkansas, represented Charles Lawrence in his civil appeal to the Arkansas Court of Appeals. Mr. Newcomb lodged the record for Mr. Lawrence on March 18, 2005. After lodging the record, Mr. Newcomb was put on notice that the brief was due to be filed on April 26, 2005. Thereafter, Mr. Newcomb received an extension of time to file the brief until May 7, 2005. The brief on Mr. Lawrence's behalf was not filed on that date.

On May 10, 2005, Mr. Newcomb filed a Motion to File Belated Brief with the Court of Appeals. On that same date, Mr. Newcomb self-reported his conduct to the Office of Professional Conduct. In his Motion, Mr. Newcomb explained that the brief was ready to be timely filed but that he forgot to do so on the due date. Mr. Newcomb apologized to the Court in his Motion for the inconvenience he may have caused. On May 25, 2005, the Court of Appeals granted the Motion and allowed the brief to be filed on Mr. Lawrence's behalf.

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

1. That Mr. Newcomb's conduct violated Model Rule 1.3 when he failed to file a timely brief on Mr. Lawrence's behalf after being notified by the Clerk of the Court as to the date the brief was due to be filed. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Newcomb's conduct violated Model Rule 8.4(d) because his failure to timely file a brief on his client's behalf created the need for additional proceedings before the Court in order to have the brief accepted. Model Rule 8.4(d) requires that a lawyer 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 B, that ROBERT NEWCOMB, Arkansas Bar ID# 73087, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures, Mr. Newcomb is assessed the costs of this proceeding in the amount 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: \_\_\_\_\_

