

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: Q. BYRUM HURST, JR.

ARKANSAS BAR ID# 74082

CPC DOCKET NO. 2004-153

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by the Arkansas Supreme Court on September 9, 2004. The information related to the representation of Milton Morris by Attorney Q. Byrum Hurst, Jr., Attorney at Law, Hot Springs, Arkansas. The *de novo* hearing was set to begin at 10:00 a.m. on Friday, July 15, 2005. Immediately, upon the commencement of the hearing, Mr. Hurst made a plea offer to Panel A in an effort to conclude the matter.

The facts presented in the disciplinary complaint showed that Q. Byrum Hurst, Jr. represented Milton Morris in Sevier County Circuit Court. Morris was found guilty of Murder, Second Degree, and sentenced to a term of twenty (20) years in the Arkansas Department of Correction on August 5, 2003. Following trial, Morris informed Hurst that he no longer desired to have Hurst represent him. Hurst protected the appeal rights of Morris when he filed a Notice of Appeal on August 18, 2003. Hurst advised Morris that he must obtain counsel in order to ensure that the record was prepared and perfected. Morris informed Hurst that he employed Darrell F. Brown, Sr., Attorney at Law, Little Rock, Arkansas, to represent him on appeal. Brown filed a Motion for Extension of Time to file the record on November 5, 2003. An Order was entered on November 7, 2003, extending the time to June 14, 2004, to lodge the transcript with the Arkansas Supreme Court. On July 28, 2004, a Motion for Rule on the Clerk was filed jointly by Hurst and Brown. On September 9, 2004, the Arkansas Supreme Court issued a per curiam opinion granting the Motion for Rule on the Clerk and referred the matter to the Office of Professional Conduct. At no time prior to September 9, 2004, did Attorney Q. Byrum Hurst, Jr., file a Motion to Withdraw.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, the plea, 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:

1. That Q. Byrum Hurst, Jr., violated Model Rule 1.3 when he failed, after receiving an extension of time, to file a record of the lower court proceedings with the Arkansas Supreme Court within seven (7) months from the date of the entry of judgment as required by Rule 5E(2) of the Rules of Appellate Procedure–Civil. Model 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 A, that Q. BYRUM HURST, JR., Arkansas Bar ID# 74082, be, and hereby is, CAUTIONED for his conduct in this matter; fined the sum of ONE THOUSAND DOLLARS (\$1,000); and assessed costs in the amount of FIFTY DOLLARS (\$50.00). The fine and 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.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL A

By: _____

Phil Hout, Acting Chair, Panel A

Date: _____

