

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

IN RE: **ROBERT BRENT CREWS**  
Arkansas Bar ID # 91237  
CPC Docket No. 2011-067

**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by the United States District Court and others. The information related to the representation of Heath Michael Gephart in 2009-2010 by Respondent Robert Brent Crews, an attorney practicing primarily in Jonesboro and Walnut Ridge, Arkansas. Respondent was served with a formal complaint, supported by the affidavit of Mr. Gephart and document from Gephart's state and federal cases.

In 2009 and thereafter, Robert Brent Crews was the City Attorney and city criminal prosecutor for Walnut Ridge, in Lawrence County, Arkansas. He also had a private law practice with offices in Jonesboro and Walnut Ridge.

On July 20, 2009, Heath Michael Gephart was piloting a small plane which landed at the Walnut Ridge Airport. Walnut Ridge city police, at the request of federal officials who were tracking the plane, arrested Gephart and his passenger, Mark David Sweigart, after discovery of a large quantity of marijuana in the plane. Gephart eventually was charged in both state and federal courts with felony drug possession with intent to deliver or similar charges. While Gephart was a local prisoner in the jail in Walnut Ridge, Crews went to the jail and directly solicited Gephart as a client. Gephart and his mother paid Crews \$15,000 for

legal representation on the drug charges.

In September 2009, Gephart and Sweigart were charged in federal court in Little Rock. Crews appeared with Gephart at his arraignment on September 22, 2009. Gephart's federal jury trial was set and then reset for September 21, 2010. Gephart states Crews then became hard to contact. Around August 2010, while on the internet, Gephart discovered that Crews was involved with the law enforcement officers who had arrested Gephart, through Crews' position as Walnut Ridge City Attorney, which would make Crews the primary legal advisor to the Walnut Ridge Police Department. Gephart communicated this information to the federal judge (Honorable Bill Wilson), who called for a conference, which took place on August 2, 2010, and which Mr. Crews attended. Mr. Gephart obtained and substituted in new counsel, Christopher Nolen. The judge then set a hearing in Little Rock on September 28, 2010, on the issue of the attorney's fee paid by Gephart to Crews. Mr. Crews appeared on November 18, 2010, Mr. Gephart participated by conference call from his home in Pennsylvania. Judge Wilson ordered Crews to refund Gephart \$12,500 of the \$15,000 fee. Crews paid the refund on time.

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

A. The conduct of Robert Brent Crews violated Rule 1.7(a), in that Mr. Crews

represented Heath Gephart on felony drug charges in Lawrence County Circuit Court in a criminal case, No. CR-2009-115, in which the primary State's witnesses against Gephart would be officers of the Walnut Ridge Police Department, an agency and officers Crews regularly represented and advised as Walnut Ridge City Attorney. Under these facts Crews could not concurrently represent both the City of Walnut Ridge and its Police Department and officers and Mr. Gephart because their interests were directly adverse in the criminal case and Mr. Crews would be materially limited in his representation of Gephart by his responsibilities to his Walnut Ridge police clients, whom he would have to work with and advise on other cases in that jurisdiction. Arkansas Rule 1.7(a) requires that, except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (1) the representation of one client will be directly adverse to another clients; or (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer,

B. The conduct of Robert Brent Crews violated Rule 7.3(a), in that in late July-early August 2009, while Mr. Gephart was a prisoner in the jail in Walnut Ridge, Mr. Crews directly solicited the legal representation of Mr. Gephart on drug charges occurring and to be charged in Lawrence County, Arkansas, under circumstances where Mr. Crews had no family or prior professional relationship with Mr. Gephart, who was from Pennsylvania, and when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain through the substantial fee Crews was to receive from or on behalf of Gephart. Arkansas Rule 7.3(a) provides that a lawyer shall not solicit, by any form of direct contact, in-person or otherwise,

professional employment from a prospective client with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain.

**WHEREFORE**, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **ROBERT BRENT CREWS**, Arkansas Bar ID# 91237, be, and hereby is, **REPRIMANDED and FINED \$2,500.00** for his conduct in this matter, and assessed case costs of \$50.00. In assessing the appropriate sanction to impose, the prior disciplinary record of Mr. Crews was a factor. The fine and costs, totaling \$2,550.00, 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 B

By:/s/James S. Dunham, Chair, Panel B

Date: October 27, 2011

Original filed with the Arkansas Supreme Court on  
July 2, 2013.