

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: DANA A. REECE
ARKANSAS BAR ID No. 87142
CPC Docket No. 2012-051

FILED

NOV 28 2012

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information obtained from the records of the Arkansas Supreme Court Clerk. The conduct related to the representation of Cristobal Mancia in a post-conviction criminal appeal from a denial by the Benton County Circuit Court of a Petition for Rule 37 Post-Conviction Relief.

Dana A. Reece is an attorney licensed in Arkansas to practice law in the State of Arkansas and assigned Arkansas Bar Number 87142. Cristobal Mancia, an inmate at the Arkansas Department of Correction, filed a Petition for Rule 37 Post-Conviction Relief in Benton County Circuit Court and the petition was denied on March 7, 2011. Mr. Mancia wished to appeal and informed his attorney, Ms. Reece, of his request for an appeal and she filed a notice of appeal on March 7, 2011

The record was timely filed with the Arkansas Supreme Court Clerk on May 31, 2011. Rule 4-3 of the Arkansas Rules of Supreme Court provides that an appellant shall file 17 copies of a brief with the Arkansas Supreme Court Clerk within forty days from the date the record is filed. A brief was due to be filed with the Arkansas Supreme Court Clerk on July 10, 2011.

On July 8, 2011, Ms. Reece filed a Motion for Extension of Time to File Brief. The motion was granted and the extended deadline for filing a brief for Mr. Mancia was set for August 10, 2011. On August 10, 2011, Ms. Reece tendered a second Motion for Extension of

Time to File Brief. The second motion was granted, the deadline for filing the brief was set for August 25, 2011, and the extension was denoted as a final extension. No brief was filed on Mr. Mancía's behalf by the end of business on August 25, 2011.

On October 5, 2011, the State of Arkansas filed a Motion to Dismiss Mr. Mancía's appeal. No response to the motion was filed by Ms. Reece. On October 27, 2011, the Arkansas State Supreme Court granted the State's motion.

On November 4, 2011, Ms. Reece filed a Motion to Reconsider Dismissal and Reinstate Appeal and Motion to File Belated Brief. The Arkansas Supreme Court granted the motion and reinstated the appeal on December 1, 2011.

Ms. Reece admitted in her response that she failed to meet the August 25, 2011, deadline but that the failure to file the brief was inadvertent and unintentional. Ms. Reece admitted that her failure to file a response to the Motion to Dismiss Appeal was inadvertent as well. Ms. Reece contested the implication that her failure to comply with court deadlines in her prior disciplinary matters formed a pattern of intentionally missing court deadlines. Ms. Reece stated that the previous disciplinary matters simply involved error, omission or oversight.

Upon consideration of the formal complaint and attached exhibit materials, Ms. Reece's timely response, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Dana A. Reece's conduct violated Rule 1.1 when she failed to file on behalf of her client, Cristobal Mancía, a brief on or before August 25, 2011; and, when she failed to file a response in opposition to the State's Motion to Dismiss Appeal which resulted in Mr. Mancía's appeal being dismissed. Rule 1.1 requires that a lawyer provide competent representation to a

client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

2. Dana A. Reece's conduct violated Rule 1.3 when she failed to file on behalf of her client, Cristobal Mancía, a timely brief on or before August 25, 2011, and, when she failed to file a timely response to the State's Motion to Dismiss Appeal. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. Dana A. Reece's conduct violated Rule 8.4(d) when her failure to file a timely brief on behalf of her client, Cristobal Mancía, on or before August 25, 2011, and her failure to file a timely response to the State's Motion to Dismiss, both resulted in the denial of the right of her client to an appeal. 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 DANA A. REECE, Arkansas Bar No. 87142, be, and hereby is assessed costs in the amount of FIFTY DOLLARS (\$50.00) and SUSPENDED for a period of Thirty Six Months from representing clients before the Arkansas Supreme Court or the Arkansas Court of Appeals. The period of suspension in this matter shall be effective from April 24, 2012, the date of the filing of the Findings and Order in the case of *In Re: Dana A. Reece*, CPC Docket No. 2011-085, and run concurrently with the suspension in that matter. The suspension is a result of Ms. Reece having been sanctioned previously in six other disciplinary matters involving appeals to the Arkansas Supreme Court and Court of Appeals. All fines, costs, and restitution assessed herein, totaling FIFTY DOLLARS (\$50.00) 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: 
Barry Deacon, Chairman

Date: Oct. 24, 2012