

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

IN RE: **JAMES BRUCE BENNETT**
ARKANSAS BAR ID #81014
CPC Docket No. 2013-062

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Ms. Doris Johnson. The information is related to the representation of Ms. Johnson's daughter on criminal charges. Mr. James Bruce Bennett is an Arkansas licensed attorney practicing primarily in Union County, Arkansas.

On or about March 27, 2012, Ms. Johnson hired Mr. Bennett to represent her daughter in a criminal matter. Ms. Johnson paid Mr. Bennett \$1,500.00 for his services. A warrant had been issued for the daughter out of Conway, Arkansas. Apparently, the daughter had been previously on probation and the daughter was charged with probation revocation.

Mr. Bennett failed to enter an appearance in the daughter's case, or file any other pleadings in the case. Neither Ms. Johnson nor her daughter were able to speak with Mr. Bennett about the case after hiring him. Ms. Johnson attempted to call Mr. Bennett several times, but she was never able to speak with him. Mr. Bennett was contacted by the Office of Professional Conduct ("OPC") during its investigation of Ms. Johnson's complaint. The OPC received a written response from Mr. Bennett's on March 26, 2013. In his written response to the OPC investigation, Mr. Bennett admits that he did not enter an appearance in the daughter's case, nor did he file a Motion for Discovery in the case. Mr. Bennett also acknowledges that he had not spoken with Ms. Johnson until the beginning of 2013. Mr. Bennett failed to follow through on the case.

After not hearing anything from Mr. Bennett, Ms. Johnson hired another attorney to

represent her daughter in the matter. The new attorney was able to get the daughter's probation reinstated based upon the previously stated terms and the revocation petition dismissed. Mr. Bennett and Ms. Johnson both acknowledge that Mr. Bennett refunded Ms. Johnson the \$1,500.00 fee she paid him following her filing of a complaint against him with the OPC.

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

1. That James Bruce Bennett's conduct violated Rule 1.3 when he (a) failed to enter

an appearance in Ms. Johnson's daughter's criminal case after being hired to represent her on or about March 27, 2012, and (b) failed to take any action in Ms. Johnson's daughter's criminal case after being hired on or about March 27, 2012. Arkansas Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

2. That James Bruce Bennett's conduct violated Rule 1.4(a)(3) when he failed to contact Ms. Johnson or her daughter after being hired to represent the daughter on or about March 27, 2012, to advise about the status of the case. Mr. Bennett did not speak with Ms. Johnson after being hired until the beginning of 2013. Arkansas Rule 1.4(a)(3) states a lawyer shall keep the client reasonably informed about the status of the matter.

3. That James Bruce Bennett's conduct violated Rule 8.4(d) when (a) his failure to act caused Ms. Johnson and her daughter to have to employ another attorney, and (b) his failure to act risked the daughter having her probation revoked, and a prison sentence of up to sixty (60) months being imposed. Arkansas Rule 8.4(d) states it is professional misconduct for a lawyer to 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 James Bruce Bennett, Arkansas Bar ID#81014, be and hereby is, **CAUTIONED** for his conduct in this matter.

Pursuant to Section 18.A of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2011). Mr. Bennett is assessed the costs of this proceeding in the amount of FIFTY DOLLARS (\$50.00). The costs OF \$50.00 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 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 A

By: /s/ Danyelle J. Walker, Chair, Panel A

Date: January 10, 2014

Original filed with the Arkansas Supreme Court on January 14, 2014.