

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

IN RE: JOHN MARSHALL MAY, Respondent
Arkansas Bar ID#2000039
CPC Docket No.2014-004

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 information related to the representation of Troy McCulley by Respondent in 2013. Mr. May is an Arkansas licensed attorney practicing primarily in Poinsett County, Arkansas.

Mr. May represented Mr. McCulley as retained counsel in Poinsett County Circuit Court CR-12-50. A jury convicted Mr. McCulley on February 22, 2013, and Mr. May filed a timely notice of appeal and designation of record on March 12, 2013. Mr. May requested no extension prior to the expiration of the ninety days on or around June 10, 2013, and the record was not lodged with the Clerk. On August 15, 2013, a new attorney representing McCulley filed a Motion for Rule on Clerk. The Arkansas Supreme Court remanded the matter back to Poinsett County Court to determine if John May was asked to perfect the appeal. Poinsett County Circuit Court held a hearing and found that John May had been requested to file the appeal. The Arkansas Supreme Court granted the Motion for Rule on Clerk, and the per curiam stated that “failure to perfect this appeal appears to lie with McCulley’s trial counsel, Attorney John May.”

Upon consideration of the formal complaint and attached exhibit materials, the response to it, 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. Mr. May’s conduct violated Rule 1.3 in that he failed to timely file the transcript on

behalf of his client by the deadline. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

B. Mr. May's conduct violated Rule 8.4(d) in that his failure to file the transcript on behalf of his client resulted in a delay in the orderly and timely resolution of appellate proceedings. 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 John Marshall May, Arkansas Bar ID# 2000039, be, and hereby is, CAUTIONED for his conduct in this matter, and assessed \$50 costs. In assessing a sanction, the attorney's prior disciplinary record was a factor. 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:/s/Steve Crane, Chair, Panel B

Date: April 28, 2014

Original filed with the Arkansas Supreme Court
Clerk on May 27, 2014.