

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

IN RE: **DEE ANN SCRITCHFIELD**
 ARKANSAS BAR ID #99070
 CPC Docket No. 2014-012

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based from information related to Dee Ann Scritchfield's representation of the Appellant in the matter of *Marcie Treadwell vs. Arkansas Dept of Human Services*, CV 14-22 and the Per Curiam issued by the Arkansas Supreme Court in this matter. Ms. Scritchfield is an Arkansas licensed attorney practicing primarily in Benton County, Arkansas.

Marcie Treadwell's parental rights was terminated on October 3, 2013. Ms. Treadwell's notice of appeal was required to be filed no later than October 24, 2013. Ms. Scritchfield did not file the notice of appeal until October 25, 2013.

On January 7, 2014, Ms. Scritchfield filed a Motion to File A Belated Notice of Appeal. In the motion, Ms. Scritchfield also requested to be relieved as counsel for Ms. Treadwell. In the petition, Ms. Scritchfield acknowledged that she received the signed notice of appeal from her client in a timely manner, but failed to file the notice with the court in a timely manner.

The Supreme Court granted the request to file belated notice of appeal, but denied Ms. Scritchfield's request to be relieved as counsel without prejudice. On the issue of Ms. Scritchfield's request to be relieved as counsel, the court found that Ms. Scritchfield had not complied with Ark. R. Civ. P. 64, in that she had not served her client, Ms. Treadwell, or the Arkansas Public Defender's Commission with a copy of her motion. On January 30, 2014, the court issued it's Per Curiam and Final Order setting out its findings.

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 B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Dee Ann Scritchfield's conduct violated Rule 1.1 when she failed to research and follow the Rules of Civil Procedure for filing and service of her Motion to File Belated Notice of Appeal on her client and the Arkansas Public Defender's Commission. Arkansas Rule 1.1 states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

2. That Dee Ann Scritchfield's conduct violated Rule 1.3 when she failed to timely file the notice of appeal on behalf of her client Ms. Treadwell. Arkansas Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

3. That Dee Ann Scritchfield's conduct violated Rule 8.4(d) when (a) her failure to timely file the notice of appeal resulted in a delay in the orderly and timely resolution of appellate proceedings, and (b) her failure to timely file the notice of appeal required the appellate court to expend additional time and effort which would not have been necessary otherwise. Arkansas 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 Dee Ann Scritchfield Arkansas Bar ID#99070, be and hereby is, **CAUTIONED** for her 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). Ms. Scritchfield 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 B

By:/s/ Stephen R. Crane, Chair, Panel B

Date: April 18, 2014

Original filed with the Arkansas Supreme Court
Clerk on April 18, 2014.