

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

IN RE: **JOHN ROBERT IRWIN**
 ARKANSAS BAR ID #95151
 CPC Docket No. 2014-058

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Consent Findings and Order is based arose from Mr. Irwin's representation of the Appellant in the matter of Michael E. Childers vs. State of Arkansas, CR 14-761. Mr. John Robert Irwin is an Arkansas licensed attorney practicing primarily in Conway County, Arkansas. Following Mr. Irwin's receipt of the formal complaint, Mr. Irwin entered into discussion with the Executive Director which resulted in an agreement by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011).

1. Mr. Irwin is a full time public defender for the Fifteenth Judicial District, and was appointed to represent Mr. Childers.

2. Mr. Childers was convicted of felony second degree domestic battery, and was sentenced by jury to sixty (60) months in the Arkansas Department of Corrections.

3. On May 7, 2014, a Notice of Appeal was filed. The transcript from the trial court was due to be filed August 6, 2014. The transcript was not filed.

4. On September 8, 2014, Mr. Irwin filed a Motion for Rule on the Clerk, explaining that the transcript was not filed on August 6, 2014, because the transcript was not tendered by the court reporter until August 25, 2014.

5. On September 9, 2014, Mr. Irwin filed a Motion to Be Relieved as Attorney for Appellant. On October 9, 2014, the Arkansas Supreme Court issued its Per Curiam and Formal Order granting both motions.

Upon consideration of the formal complaint and attached exhibit materials, admissions made by the respondent attorney, the terms of the written consent, the approval of Panel B of the Committee on Professional Conduct, and the Arkansas Rules of Professional Conduct, the Committee on Professional Conduct finds:

1. That John Robert Irwin's conduct violated Rule 1.3 when he failed to timely file the transcript, on behalf of his client Mr. Childers, with the Appellate Court. Arkansas Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

2. That John Robert Irwin's conduct violated Rule 8.4(d) when he failed to timely file the transcript with the Appellate Court which (a) resulted in a delay in the orderly and timely resolution of appellate proceedings and (b) required the 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, in accordance with the consent to discipline presented by Mr. Irwin and the Executive Director, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that John Robert Irwin, Arkansas Bar ID#95151, be and hereby is, **CAUTIONED** for his conduct in this matter, and he agrees to and is ordered to pay \$50.00 case costs. The costs of 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 Consent 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/ Niki T. Cung, Chair, Panel B

Date: February 20, 2015

Original filed with the Arkansas Supreme Court
Clerk on February 24, 2015.