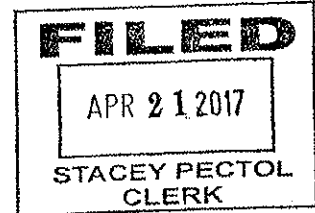


**BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**

IN RE: **JAMES F. VALLEY**, Respondent
Arkansas Bar ID # 96052
CPC Docket No. 2016-164



CONSENT FINDINGS & ORDER

The formal charges of misconduct upon which this Consent Order is premised, involving respondent attorney James F. Valley of Helena-West Helena, Arkansas, arose from information brought to the attention of the Committee on Professional Conduct by the Arkansas Supreme Court opinion issued December 8, 2016, in No. CR-16-362, State v. Currie.

1. Sherrie Currie was charged with a felony offense in Craighead Circuit Court.

Valley entered his appearance as Currie's counsel on June 30, 2015. On August 10, 2015, Valley's oral motion for a continuance of Currie's trial was granted and an Order was entered setting her motion and plea day for October 2, 2015, and the jury trial for October 19-23, 2015.

2. On October 20, 2015, at 9:17 a.m., Valley filed a notice of intent to rely on mental disease or defect as Currie's defense. The same day two orders for Currie's mental evaluation were filed. On the morning of October 21, 2015, Dr. Del Thomas examined Currie. That afternoon Dr. Thomas testified by telephone at a hearing on the Currie motion, stating she was fit for trial. The trial judge announced Currie's jury trial would start the next morning, October 22.

3. Valley told the judge he would not attend the Currie trial as he had been subpoenaed

to be a witness in a case in Phillips County District Court on October 22. The trial judge directed Valley to attend the Currie trial.

4. Court convened on the morning of October 22, 2015, for the Currie jury trial, with a pool of 59 jurors and Ms. Currie present. Valley did not appear. The jury was sent home. Ms. Currie's trial was reset for December 10-11, 2015.

5. At 9:20 a.m. on October 22, 2015, Valley fax-filed a notice of contest of Dr. Thomas's findings and a "Second Notice of Conflict With Court Date [October 22] with a copy of the witness subpoena issued October 19, 2015, by the Helena-West Helena District Court for a court appearance on October 22, 2015. Valley attended court in Helena district court on the afternoon of October 22.

6. On October 22, 2015, an order of continuance and resetting her jury trial for December 10-11, 2015, signed by Currie, was filed in Currie's case. On October 22, 2015, at 11:04 a.m., the State filed a Motion for Show Cause directed to Valley for his failure to attend Currie's trial on that date, and an Order was entered setting the show cause hearing for November 18, 2015.

7. The show cause contempt hearing for Valley was conducted November 18, 2015. Valley testified or did not dispute assertions that he made no effort to seek a continuance of the Helena District Court case or to quash that witness subpoena, timely seek a continuance in the Currie case, or to provide the judges in the respective cases an opportunity to confer and see if they could resolve Valley's October 22 conflict between the two courts.

8. At the conclusion of the show cause hearing, the Currie trial judge, Judge Fowler, announced his decision - that Valley was in willful contempt and ordered Valley to pay \$885

for the jurors dismissed and paid by Craighead County, \$114.80 in restitution to the Prosecutor's Office, and a fine of \$500.00. An Order of Contempt was filed January 5, 2016, setting out the court's findings and sanctions against Valley, who appealed. The Supreme Court issued its Opinion on December 8, 2016, unanimously affirming the trial court's order of contempt against Valley.

Following Respondent Attorney's receipt of the formal complaint, the attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011). Upon consideration of the formal complaint and attached exhibits, 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:


D. The conduct of James F. Valley, as set forth in the attached Exhibits, violated Rule 8.4(d), in that by refusing to obey a valid court order entered August 10, 2015, which Valley signed and did not challenge, to attend the jury trial of his client Currie in Jonesboro on October 22, 2015, Valley caused the case to have to be continued for trial, caused Craighead County to expend \$885 to pay attendance fees to 59 jurors who appeared for trial, and caused the court and the prosecutor's office to waste a trial day. Arkansas Rule 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, in accordance with the consent to discipline presented by Mr. Valley and his counsel Ronald Davis, Jr. and the Executive Director, it is the decision and order of

the Arkansas Supreme Court Committee on Professional Conduct that Respondent **JAMES F. VALLEY**, Arkansas Bar No. 96052, be, and by agreement hereby is, **REPRIMANDED** for his conduct in this matter, **FINED \$100**, and **assessed \$50 case costs**. The fine and 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 with thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

As an additional condition of approving this agreement and disposition, Panel B finds that the Respondent's record of prior disciplinary offenses shall contain a notation that Panel B considers this conduct to be serious misconduct.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL B

By  _____
Michael E. Mullally, Chairperson, Panel B

Date 9/21/2017