

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: VICKY BUSSEY INGRAM
ARKANSAS BAR ID #94168
CPC Docket No. 2018-011

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from an initial grievance filed by Frederick Rainey against Vicky Bussey (Cooper) Ingram. Ingram's representation of Frederick Rainey in a criminal appellate matter is at issue. Ms. Ingram is an Arkansas licensed attorney practicing primarily in El Dorado, Arkansas.

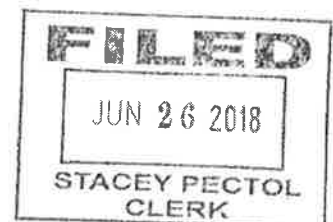
1. Ingram, a public defender, represented Rainey on a criminal matter in the Circuit Court of Cleveland County. Rainey was charged and convicted by jury on two counts of breaking or entering and two counts of theft of property, and sentenced to a total of 192 months incarceration.

2. On June 13, 2013, Ingram filed a Notice of Appeal and Designation of Record on Rainey's behalf, and the record was lodged on September 4, 2013.

3. On October 14, 2013, Ingram requested additional time to submit the brief, which was granted. The brief was due December 12, 2013.

4. On December 12, 2013, Ingram filed a Motion for Additional Time to Submit Brief. The motion was granted on December 17, 2013, with a final brief extension date of January 26, 2014.

5. On January 27, 2014, the brief was submitted to the Supreme Court Clerk. The brief was tendered for non-compliance. On January 29, 2013, Ingram filed a Motion to File Belated Corrected Brief. The brief was tendered pending the outcome of the motion.



requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

2. Ms. Ingram's conduct violated Rule 1.3 when she failed to submit a substituted brief in the appeal of her client, Rainey, as directed by the Arkansas Court of Appeals within the required timeframe. Arkansas Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

3. Ms. Ingram's conduct violated Rule 3.4(c) when she failed to submit a substituted brief in the appeal of her client, Rainey, as directed by the Arkansas Court of Appeals. Arkansas Rule 3.4(c) states a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

4. Ms. Ingram's conduct violated Rule 8.1 when she failed to respond in writing to the Office of Professional Conduct's many attempts at getting her to respond to the grievance filed against her. Arkansas Rule 8.1 states that a lawyer in connection with a disciplinary matter, shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority.

5. Ms. Ingram's conduct violated Rule 8.4(d) when (a) she failed to timely file the substituted brief with the Appellate Court which resulted in a delay in the orderly and timely resolution of appellate proceedings, and (b) she failed to timely file the substituted brief with the Appellate Court which 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.

6. That Ms. Ingram was served with the Formal Complaint and Summons in this matter on April 25, 2018. She failed to file a response and pursuant to §9.C(1) of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, all allegations as are deemed admitted, and Ms. Ingram has waived any right to a panel hearing in this matter.

6. On February 19, 2014, the Motion to File Belated Corrected Brief was granted. Ingram's No Merit Brief and Motion to be Relieved as Counsel were filed that same day.

7. The State submitted a written letter advising the court that it would not be filing a brief, and the matter was submitted to the Court of Appeals on June 4, 2014.

8. On June 18, 2014, the Court of Appeals issued its Per Curiam denying Ingram's motion to be relieved as attorney and ordering her to re-brief, as her no-merit brief failed to comply with the requirements of the Arkansas Rules of the Supreme Court 4-3(k). The substituted brief was due July 3, 2014.

9. Ingram failed to re-brief and submit the substituted brief. On September 12, 2014, the State of Arkansas filed a Motion to Dismiss Rainey's appeal.

10. On October 8, 2014, the Court of Appeals entered its order denying the State's motion to dismiss, removed Ingram as Rainey's attorney, and appointed another attorney to represent Rainey on his appeal.


11. During the investigation of the matter, OPC made several unsuccessful attempts at getting Ingram to respond in writing to the allegations made against her in Rainey's grievance. OPC attempted contact with Ingram by written communication and telephone calls to Ingram. No written response has ever been received from Ingram to the OPC requests, nor did Ingram ever return a telephone call.

Upon consideration of the formal complaint and attached exhibit materials and the Arkansas Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Ms. Ingram's conduct violated Rule 1.1 when she failed to re-brief the criminal appeal of her client, Rainey, as directed by the Arkansas Court of Appeal. Arkansas Rule 1.1 states that a lawyer shall provide competent representation to a client. Competent representation

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **VICKY BUSSEY INGRAM**, Arkansas Bar ID #94168, be, and hereby is, **CAUTIONED** for her conduct in this matter. The sanction was based, in part, on the attorney's lack of any prior disciplinary record. Vicky Bussey Ingram is assessed costs in this matter in the amount of **FIFTY DOLLARS (\$50.00)** in accordance with Section 18.A of the Procedures. In addition, §9.C(1) of the Procedures provide that the failure to provide a written response to a formal complaint may result in the separate imposition of a sanction less than a suspension of license. The Panel imposes a separate sanction of **REPRIMAND** for Ms. Ingram's failure to respond to the formal complaint. The costs assessed herein totaling **FIFTY DOLLARS (\$50.00)** 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



T. Benton Smith, Jr., Chair, Panel A

Date: 5/30/18