



BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: EUGENE P. CLIFFORD
Arkansas Bar ID #2012100
CPC Docket No. 2019-013

CONSENT FINDINGS AND ORDER

The formal charges of misconduct against Eugene P. Clifford upon which this Findings and Order is based arose from a grievance filed by Judge Cathleen Compton. Mr. Clifford is an attorney practicing primarily in Little Rock, Arkansas. Following Mr. Clifford's receipt of the formal complaint, Mr. Clifford 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).

Clifford represented the defendant in a domestic relations case, *Warren Sanders v. Brianna Barton, Pulaski County Circuit Court DR-2016-711*. The case is assigned to the court of Judge Cathleen Compton. In October 2017, the parties agreed to a trial date of January 10, 2018 for a final hearing.

In early January 2018, Clifford contacted opposing counsel regarding a continuance and whether opposing counsel would object. Clifford said his continuance was needed because he was getting married out of the country. Opposing counsel had an objection as his client had already taken off work and was en route from Georgia with the minor child for the hearing.

On January 5, 2018, Clifford filed a Motion to Continue Trial Setting. In this motion, Clifford stated that there were "several outstanding issues to investigate, subpoenas that were issued and witness lists that needs to be updated and delivered to the Plaintiff[.]" On January 8, 2018, a conference call took place regarding Clifford's Motion to Continue. Judge Compton,

Clifford, and Ohlhausen were on the call. During the conference, Clifford told Judge Compton that more time was needed for him to “prove a negative” and also that he was getting married in Puerto Rico over the weekend. Clifford told Judge Compton that he was scheduled to leave on January 10 but could try to move his flight to a later time. Later on January 8, 2018, Clifford spoke with Judge Compton’s law clerk, Betsy Meacham, telling her that he was taking a flight at 6am on January 9 and would not be in court. The parties were unable to come to an agreement, and Judge Compton denied Clifford’s motion.

On January 9, 2018, at 3:46pm Clifford filed a new motion to continue the trial set for January 10, 2018 at 9:30am. In this motion, Clifford acknowledged his earlier request to continue the matter had been denied but stated he needed additional time “to further prepare and the attorney must deal with a conflict[.]” The motion stated Clifford “hired another attorney to stand in and as for this continuance as an emergency conflict[.]” On January 10, 2018, opposing counsel appeared in Judge Compton’s court with his client, and attorney John Stratford appeared with Clifford’s client. Stratford told Judge Compton he was appearing only on the second Motion to Continue and was not prepared to present Barton’s case. Judge Compton continued the hearing. Judge Compton referred Clifford to the Office of Professional Conduct regarding this matter. On February 7, 2018, Judge Compton ordered Clifford to pay the amounts requested for Sanders’ travel expenses and Worsham’s legal fees.

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

1. Eugene Clifford’s conduct violated Arkansas Rule 3.4(c) as (a) Clifford knowingly disobeyed his obligation to appear at the January 10, 2018, hearing in Judge Compton’s court

after his Motion to Continue had been previously denied, and (b) Clifford has failed to comply with the circuit court's order of February 2, 2018, to pay Worsham's attorney fee and Sanders' travel expenses totaling \$836.00. Arkansas Rule 3.4(c) requires that 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.

2. Eugene Clifford's conduct violated Arkansas Rule Rule 8.4(d) as (a) Clifford's failure to appear at the January 10, 2018, hearing caused the hearing to be reset to another date requiring opposing party Warren Sanders to make another journey from Georgia to Arkansas for the hearing; and (b) Clifford's failure to timely pay opposing counsel and opposing party the ordered attorneys fees and travel expenses is prejudicial to the administration of justice. Arkansas Rule 8.4(d) requires that a lawyer shall 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 A, that Eugene P. Clifford, Arkansas Bar ID# 2012100 be, and hereby is, **REPRIMANDED** for his conduct in this matter, and ordered to pay \$836.00 restitution to (\$550.00 TO Richard Worsham and \$286.00 to Warren Sanders), \$200.00 fine, and \$50.00 costs. The restitution, fine, and costs assessed in the amount of \$1,086.00 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 A



Erin Cassinelli, Chair Panel A

3/29/22

Date