



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

IN RE: RONALD LAVAL DAVIS, JR
 ARKANSAS BAR ID #98016
 CPC Docket No. 2019-041

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from Ronald Laval Davis, Jr.'s representation of Gary Holmes in a criminal appeal matter. Mr. Davis is an Arkansas licensed attorney practicing primarily in Little Rock, AR.

1. With Davis as his attorney at the trial court level, Holmes was convicted by a jury of first-degree murder and terroristic act. He was also found guilty of using a firearm in commission of the acts. He was sentenced to a total of 576 months in ADC.

2. Davis filed a Notice of Appeal of the conviction on September 25, 2018. The record was lodged with the Supreme Court Clerk on December 26, 2018, making Davis' brief due February 4, 2019.

3. Davis failed to file his client's brief on or before February 4, 2019. On February 20, 2019, Rayanne Hinton, Chief Deputy Clerk of the Arkansas Court of Appeals emailed Davis as a follow up to a previous conversation advising him that the brief had not been filed as of that day and that her next step was to alert the court of his failure to file the brief.

4. On March 28, 2019, the Office of the Criminal Justice Coordinator Supreme Court of Arkansas sent Holmes a letter in response to his status request letter regarding his appeal, advising Holmes that as of that date Davis still had not filed the brief in the case.

5. On April 2, 2019, the State of Arkansas filed a Motion to Dismiss the appeal for Davis' failure to file the brief by February 4, 2019, and his failure to move for an extension of

time to file the brief. Davis filed a Response to the Motion to Dismiss and filed a Motion to File Belated Brief on April 5, 2019.

6. On April 24, 2019, the court entered its Formal Order denying the State's Motion to Dismiss, granting Davis' Motion for Belated Brief, and referring Davis to the Office of Professional Conduct. Davis' brief was due May 14, 2019, which was a final extension. On May 15, 2019, the court granted another extension with a due date of May 29, 2019.

7. On May 25, 2019, Davis filed a Motion to Stay the briefing schedule and a Petition for Writ of Certiorari to Correct the Record alleging the record prepared by the Pulaski County Circuit Clerk included documents and transcripts from a case not part of the appeal. The court granted the Motion to Stay on June 19, 2019, treating it as an extension of time request, but denied the Petition for Writ of Certiorari to Correct the Record. A final extension was given for submission of the brief for June 29, 2019.

8. Despite being given a final extension of June 29, 2019, on July 1, 2019, Davis filed another Motion for Extension of Time to File Brief. In his motion, Davis argued that since June 29, 2019, was a Saturday, that his brief was due Monday, July 1, 2019. However, Davis failed to file the brief on Monday, July 1, 2019. Davis states in his motion that he attempted to electronically file his brief at 7:00 p.m. on July 1, but he received an error message.

9. Davis filed the brief on Tuesday, July 2, 2019. The court granted an extension on July 17, 2019.

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 Davis' conduct violated Rule 1.3 when he failed to timely file the brief of his client, Holmes, with the Appellate Court in a timely manner. Arkansas Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. That Davis' conduct violated Rule 3.4(c) when he failed to timely file the brief of his client Holmes, despite a phone call and an email from Rayanne Hinton, Chief Deputy Clerk of the Arkansas Court of Appeals, advising him of his failure to do so. Arkansas Rule 3.4(c) states 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.

3. That Davis' conduct violated Rule 8.4(d) when (a) his failure to timely file the brief with the Appellate Court resulted in a delay in the orderly and timely resolution of appellate proceedings, and (b) his failure to timely file the brief with the Appellate Court 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, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **RONALD LAVAL DAVIS, JR.**, Arkansas Bar ID #98016, be, and hereby is, **REPRIMANDED** for his conduct in this matter. In assessing this sanction, the attorney's prior disciplinary record was a factor. Ronald Laval Davis, Jr., shall also pay a fine in the amount of ONE THOUSAND DOLLARS (\$1,000.00) and costs in the amount of FIFTY DOLLARS (\$50.00) in accordance with Sections 18.A and 18.B of the Procedures. The fine and costs assessed herein totaling ONE THOUSAND FIFTY DOLLARS (\$1050.00) 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

Mark L. Martin

Mark L. Martin, Vice-Chair, Panel A

Date: 3.27.20