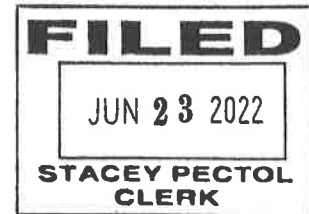


**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT  
PANEL A**

IN RE:       **ROBERT ALSTON NEWCOMB**, Respondent  
              ABN: 73087  
              Case No. CPC-2021-036



**FINDINGS AND ORDER**

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Douglas Eugene Causey on April 19, 2021. The information related to the representation of Causey by Respondent in 2020.

On January 11, 2022, Respondent was served with a formal complaint, supported by an affidavit from Causey. On February 17, 2022, Respondent filed a response.

1.       Robert Alston Newcomb (“Newcomb”) is an attorney licensed in 1973 to practice law in the State of Arkansas and assigned Arkansas Bar Number 73087.

2.       On March 18, 2019, Douglas Eugene Causey (“Causey”) was arrested by the United States Marshals Service and members of the Conway Police Department for federal probation warrants. During the arrest, Causey backed his vehicle into a vehicle occupied by four officers of the Conway Police Department. Drugs and drug paraphernalia were located inside Causey’s vehicle.

3.       At the time of his arrest, Causey had pending drug-related charges in the case of *State of Arkansas v. Douglas Eugene Causey*, Pulaski County Circuit Court Case No. 60CR-18-2487. He also had a warrant for failure to appear in court on March 13, 2019.

4.       From the filing of the information until January 6, 2020, Causey was represented in 60CR-18-2487 by the Pulaski County Public Defender’s Office (“Public Defender”). During the representation by the Public Defender, Causey entered a plea of guilty on October 15, 2019. Sentencing was scheduled for January 27, 2020.

5. At the time of his arrest, Causey also had three pending drug-related charges in the case of *United States of America v. Douglas Eugene Causey*, US District Court for the Eastern District of Arkansas Case No. 4:18CR-00470. Causey was represented at all times in this case by the United States Public Defender.

6. Causey was charged on April 10, 2019, in the case of *State of Arkansas v. Douglas Eugene Causey*, Pulaski County Circuit Court Case No. 60CR-19-1595 with two drug-related offenses and four aggravated assault charges.

7. From April 10, 2019, until January 6, 2020, Causey was represented in 60CR-19-1595 by the Public Defender. During the representation by the Public Defender, Causey entered a plea of guilty on October 15, 2019.

8. Sentencing was scheduled in both 60CR-18-2487 and 60CR-19-1595 for January 27, 2020.

9. On November 14, 2019, Causey filed a *pro se* motion to withdraw plea in 60CR-19-1595.

10. In early January 2020, Causey met with Robert Newcomb to discuss representation. Newcomb provided Causey with a letter of engagement for representation in a matter involving the Conway Police Department and a state criminal case. Causey agreed to the terms of the letter of engagement.

11. The letter of engagement required a retainer fee of Nine Thousand Dollars (\$9,000.00) plus a deposit of Two Thousand Dollars (\$2,000.00). Additionally, the letter of engagement stated that Newcomb could be discharged at any time for any reason, and his services terminated by giving written notice.

12. On January 3, Wilma Henson (“Henson”) purchased a cashier’s check in the amount of Eleven Thousand Dollars (\$11,000.00) and sent it to Newcomb for payment of Causey’s legal expenses.

13. On January 6, 2020, Newcomb entered his appearance as attorney of record in both 60CR-18-2487 and 60CR-19-1595.

14. A hearing on the motion to withdraw guilty plea was held on September 23, 2020. The trial court denied the motion and sentencing in both cases was scheduled for November 5, 2020.

15. On November 5, 2020, the judge sentenced Causey to a term of 480 months in the Arkansas Department of Correction in both 60CR-18-2487 and 60CR-19-1595.

16. On December 1, 2020, Newcomb filed a notice of appeal in both 60CR-18-2487 and 60CR-19-1595.

17. On December 4, 2020, the first Sentencing Orders were filed in 60CR-18-2487 and 60CR-19-1595.

18. On December 15, 2020, an amended Sentencing Order was filed in 60CR-18-2487.

19. On December 28, 2020, an amended Sentencing Order was filed in 60CR-19-1595.

20. Beth Kremers (“Kremers”) prepared a transcript in both court cases and delivered a copy of the transcript to both Newcomb and the Pulaski County Circuit Court Clerk.

21. Michael Garrett, appeals clerk with the Pulaski County Circuit Clerk’s Office, confirmed that the transcript was delivered to his office by Kremers where it has remained since receipt.

22. Rule 5 of the Arkansas Supreme Court Rules of Appellate Procedure—Civil, states:

“The record on appeal shall be filed with the Clerk of the Arkansas Supreme Court and docketed therein within ninety (90) days from the filing of the first notice of appeal, unless the time is extended by order of the circuit court...”

Newcomb filed his notice of appeal on December 1, 2020, which was before the first Judgment and Commitment Order. The first Judgment and Commitment Orders in both cases were filed on December 4, 2021, making the deadline for filing the record March 4, 2021.

23. No appeal has been perfected on Mr. Causey's behalf in either case. Rule 16 of the Arkansas Supreme Court Rules of Appellate Procedure—Criminal states:

“Trial counsel, whether retained or court-appointed, shall continue to represent a convicted defendant throughout any appeal to the Arkansas Supreme Court or Arkansas Court of Appeals, unless permitted by the trial court or the appellate court to withdraw in the interest of justice or for other sufficient cause.”

Newcomb did not file a motion to withdraw in either case.

24. Beth Kremers responded by letter dated March 8, 2021, to a request from Causey.

25. On March 30, 2021, Causey wrote Sue Newbery, Arkansas Supreme Court Criminal Justice Coordinator, to inquire about the status of his appeal.

26. Ms. Newbery responded to Causey's letter by a letter dated April 1, 2021, wherein she stated that “...an appeal has not yet been docketed in either the Arkansas Supreme Court or the Arkansas Court of Appeals in your case.” Newbery sent a copy of the April 1 letter to Newcomb.

27. On April 5, 2021, Causey wrote a letter to Newcomb terminating his services. In his letter, Causey stated that he would contact the “bar association.”

28. On April 19, 2021, Causey filed a disciplinary grievance with the Office of Professional Conduct.

29. On April 30, 2021, Michael Harmon (“Harmon”), Deputy Director of the Office of Professional Conduct, sent an email to Newcomb at the email address listed with the Arkansas Supreme Court Clerk, [Robertnwcmb@aol.com](mailto:Robertnwcmb@aol.com), and requested an informal response to Causey's grievance. Mr. Newcomb was to respond to the request by no later than May 14, 2021.

30. The April 30, 2021, email to Newcomb was sent with delivery notification. Microsoft Outlook confirmed that delivery of the email was completed to Robertnwcmb@aol.com.

31. No response was received by the Office of Professional Conduct by May 14, 2021. On May 17, 2021, Harmon sent a second email to Newcomb at the address listed with the Arkansas Supreme Court Clerk, Robertnwcmmmb@aol.com. The email was also sent to Newcomb's office email address, newcomboffice@aol.com. Mr. Newcomb was to respond to the request by no later than May 28, 2021.

32. The May 17, 2021, email to Newcomb was sent with delivery notification. Microsoft Outlook confirmed that delivery of the email was completed to Robertnwcmb@aol.com and newcomboffice@aol.com.

33. No response was received by the Office of Professional Conduct by May 28, 2021. On July 8, 2021, Harmon sent a letter by certified mail #7005 1820 0004 9784 4931 to Newcomb at the address of record on file with the Arkansas Supreme Court Clerk, P.O. Box 149, Little Rock, AR 72203. Copies of the two previous emails were enclosed with the letter. Newcomb was directed to provide an informal response by no later than July 23, 2021. Newcomb was advised that failure to respond to the request may be a violation of the Rules of Professional Conduct.

34. USPS records show that certified mail #7005 1820 0004 9784 4931 was delivered on July 12, 2021.

35. No response was received from Newcomb by July 23, 2021.

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

A. The conduct of Robert Alston Newcomb, as set forth in the formal complaint, violated Rule 1.1, to wit:

1. Robert Alston Newcomb failed to demonstrate the necessary legal knowledge, skill, thoroughness and preparation necessary to preserve the appeal on behalf of his client, Douglas Edward Causey, from a judgment in the case of *State of Arkansas v. Douglas Edward Causey*, Pulaski County Circuit Court Case No. 60CR-18-2487.
2. Robert Alston Newcomb failed to demonstrate the necessary legal knowledge, skill, thoroughness and preparation necessary to preserve the appeal on behalf of his client, Douglas Edward Causey, from a judgment in the case of *State of Arkansas v. Douglas Edward Causey*, Pulaski County Circuit Court Case No 60CR-19-1595.

Rule 1.1 states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

**B.** The conduct of Robert Alston Newcomb, as set forth in the formal complaint, violated Rule 1.3, to wit:

1. Robert Alston Newcomb failed to perfect the appeal in the case of *State of Arkansas v. Douglas Edward Causey*, Pulaski County Circuit Court Case No. 60CR-18-2487, by lodging the record of the proceedings with the Arkansas Supreme Court Clerk within 90 days of the filing of the judgment and commitment order of December 4, 2020.
2. Robert Alston Newcomb failed to perfect the appeal in the case of *State of Arkansas v. Douglas Edward Causey*, Pulaski County Circuit Court Case No. 60CR-19-1595, by lodging the record of the proceedings with the Arkansas Supreme Court Clerk within 90 days of the filing of the judgment and commitment order filed on December 4, 2020.

Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

**C.** The conduct of Robert Alston Newcomb, as set forth in the formal complaint, violated Rule 1.4(a)(3), to wit:

1. Robert Alston Newcomb failed to keep his client, Douglas Edward Causey, apprised of the status of the legal proceedings in the case of *State of Arkansas v. Douglas Edward Causey*, Pulaski County Circuit Court Case No. 60CR-18-2487.
2. Robert Alston Newcomb failed to keep his client, Douglas Edward Causey, apprised of the status of the legal proceedings in the case of *State of Arkansas v. Douglas Edward Causey*, Pulaski County Circuit Court Case No. 60CR-19-1595.

Rule 1.4(a)(3) states that a lawyer shall keep the client reasonably informed about the status of the matter.

**D.** The conduct of Robert Alston Newcomb, as set forth in the formal complaint, violated Rule 1.4(a)(3), to wit:

1. Robert Alston Newcomb failed to respond to requests from his client, Douglas Edward Causey, about the status his appeals from decisions in the cases of *State of Arkansas v. Douglas Edward Causey*, Pulaski County Circuit Court Case Nos. 60CR-18-2487 and 60CR-19-1595.

Rule 1.4(a)(3) states that a lawyer shall promptly comply with reasonable requests for information.

**E.** The conduct of Robert Alston Newcomb, as set forth in the formal complaint, violated Rule 8.1(b), to wit:

1. On April 30, 2021, Robert Alston Newcomb was requested by email from the Office of Professional Conduct to provide by no later than May 14, 2021, an informal response to the grievance filed by Douglas Causey. No response was received.
2. On May 17, 2021, Robert Alston Newcomb was requested by email from the Office of Professional Conduct to provide by no later than May 28, 2021, an informal response to the grievance filed by Douglas Causey. No response was received.
3. On July 8, 2021, Robert Alston Newcomb was requested by certified mail of the United States Postal Service to provide by no later than July 23, 2021, an informal response to the grievance filed by Douglas Causey. No response was received.

Rule 8.1(b) states, in pertinent part, 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, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

**F.** The conduct of Robert Alston Newcomb, as set forth in the formal complaint, violated Rule 8.4(d), to wit:

1. Robert Alston Newcomb failed to represent his client, Douglas Edward Causey, throughout the appeal in the case of *State of Arkansas v. Douglas Edward Causey*, Pulaski County Circuit Court Case No. 60CR-18-2487.
2. Robert Alston Newcomb failed to represent his client, Douglas Edward Causey, throughout the appeal in the case of *State of Arkansas v. Douglas Edward Causey*, Pulaski County Circuit Court Case No. 60CR-19-1595.

Rule 8.4(d) states that it is professional misconduct for a lawyer to 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 B, that **ROBERT ALSTON NEWCOMB**, Arkansas Bar Number 73087, be, and hereby is, **SUSPENDED for FOUR (4) MONTHS, ASSESSED COSTS of \$50.00 and RESTITUTION of \$11,000.00** for his conduct in this matter.

The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

The restitution and costs assessed herein, totaling **ELEVEN THOUSAND FIFTY DOLLARS AND NO CENTS (\$11,050.00)**, 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.

**IT IS SO ORDERED.**

ARKANSAS SUPREME COURT  
COMMITTEE ON PROFESSIONAL CONDUCT

By: \_\_\_\_\_

Erin E. Cassinelli, Chair, Panel A

Date: \_\_\_\_\_

6/2/22