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**LESLIE W. STEEN
CLERK**

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

IN RE: **JIMMIE L. WILSON**
Arkansas Bar ID #73128
CPC Docket No. 2010-043

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee in a referral from the Arkansas Supreme Court on May 6, 2010, and by affidavits from the Supreme Court Clerk's Office and the Supreme Court's Office of Professional Programs. The information related to the representation of Clarence Richardson in a criminal case appeal in 2010 by Respondent Jimmie L. Wilson, an attorney practicing primarily in Helena-West Helena, Phillips County, Arkansas. On July 28, 2010, Respondent Wilson was served with a formal complaint, to which he filed no response with the Committee.

Mr. Wilson represented Clarence Richardson on criminal charges in Phillips County. The third appeal of Richardson's case, Supreme Court Case No. CR 09-952, resulted in an Opinion issued May 6, 2010, in which the Court referred Mr. Wilson to the Committee on Professional Conduct for failing to file a brief for his client in an appeal taken by the State of Arkansas. Mr. Wilson's Arkansas law license was suspended from March 2-26, 2010, for his failure to pay his 2010 law license renewal fee. On March 19, 2010, Wilson requested from the Court an extension of time to file his client's brief in CR 09-952, but that extension was

denied. From March 20, 2010, until his CLE suspension was stayed on March 29, 2010, Wilson's law license was also suspended for failure to comply with his CLE (continuing legal education) requirements.

Mr. Wilson tendered his brief on March 22, 2010, his law license was still suspended at that date, and his brief was not accepted by the Clerk for filing. Wilson failed to file any brief for his client between March 29, 2010, the date both of his license suspensions were lifted or stayed, and May 6, 2010, the date the Opinion was issued. The Opinion, without the benefit of a Brief for Richardson, was adverse to his client's position, and dismissed the State's appeal because the Court held the trial court's favorable order granting Richardson's motion to dismiss on a "speedy trial" rule violation after trial was a nullity.

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 Jimmie L. Wilson violated Rule 1.2(a) in that Mr. Wilson's client clearly desired an appeal and that a brief be filed for him, as shown by Mr. Wilson's motion for extension of time to file brief, yet Mr. Wilson was unable to file any brief due to being "double suspended" at the time for both failure to pay his law license fee and for non-compliance with the Court's continuing legal education rule. Arkansas Rule 1.2 (a) requires that a lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (c) and (d), and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued.

B. The conduct of Jimmie L. Wilson violated Rule 1.4(b) in that if Mr. Wilson had advised his client Mr. Richardson before March 2, 2010, or at any time thereafter that circumstances and situations not involving the client might cause Mr. Wilson to be unable to get his brief filed, the client would have had an opportunity to consider employing or associating other counsel to represent the client in the appeal and possibly get a brief timely filed. Arkansas Rule 1.4(b) requires that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

C. The conduct of Jimmie L. Wilson violated Rule 3.4(c) in that (1) Mr. Wilson failed to pay his 2010 Arkansas law license fee by March 1, 2010, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar, and (2) Mr. Wilson failed to maintain compliance with his annual continuing legal education requirements pursuant to Rules 3 and 6 of Arkansas Supreme Court Rules for Minimum Continuing Legal Education, resulting in the suspension of his Arkansas law license from March 20-29, 2010, by order of the Arkansas Continuing Legal Education Board. 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;

D. The conduct of Jimmie L. Wilson violated Rule 5.5(a) in that (1) Mr. Wilson failed to pay his 2010 Arkansas law license fee by March 1, 2010, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar, resulting in the automatic suspension of his Arkansas law license from March 2 - 26, 2010, when he paid his 2010 license fee, and (2) Mr. Wilson was out of compliance with the Arkansas continuing legal

education requirements, resulting in his law license being suspended from March 20-29, 2010. He practiced law, including on Clarence Richardson's appeal, while his law license was suspended during this period. Arkansas Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

E. The conduct of Jimmie L. Wilson violated Rule 8.4(d) in that as Appellee Richardson's counsel, Mr. Wilson did not file a brief in this third appeal of his client's criminal case when due on March 19, 2010, and when he tendered the brief on March 22, 2010, it was not accepted because his law license was suspended, causing the Court to have to decide the case without a brief for Mr. Richardson, a decision that was adverse to Richardson's interest, conduct that is prejudicial to the administration of justice. 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, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that Respondent **JIMMIE L. WILSON**, Arkansas Bar ID#73128, be, and hereby is, **REPRIMANDED** for his conduct in this matter, **FINED \$1,500.00**, and assessed \$50.00 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 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 B

By: Steve R. Crane
Steve R. Crane, Chair, Panel B

Date: October 21, 2010