

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

**IN RE: BENJAMIN DAVID DOYLE
ARKANSAS BAR ID #2020293
CPC Docket No. 2026-010**

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Attorney David Donovan ("Donovan") and a referral from the Honorable P.K. Holmes III, United States District Judge, Western District of Arkansas. The information is related to Benjamin David Doyle's ("Doyle") conduct in a federal civil matter.

The attorney entered into discussion with the Executive Director which has resulted in an agreement to discipline by consent, pursuant to Section 20.B of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law (2011), to be presented to Panel A of the Committee.

1. Doyle represented 4 Star General Contracting, Inc, ("4 Star") in a civil suit against Donovan's client, United Fire & Casualty Company ("United Fire") in the U.S District Court of Arkansas, Western District, case no. 2:22-cv-2036.

2. Donovan identified Justin Smith, an employee of 4 Star, as a trial witness. Donovan issued a subpoena for Smith.

3. After issuance of the subpoena, Donovan learned that Doyle and another employee of 4 Star had instructed Smith to leave town in order to evade service and avoid testifying at trial. Smith was to be paid \$2,000.00.

4. Upon learning of the phone call between Smith and Doyle, Donovan filed Defendant's Motion for Sanctions. Doyle filed to withdraw as counsel for 4 Star citing a conflict of interest as he had been named a witness by Donovan in the sanctions issue.

5. The court issued its Notice of Hearing and Order to Show Cause setting the matter for hearing. After the hearing, the court found that Doyle had contacted an employee sales manager for 4 Star to discuss Smith being located to Oklahoma to work to avoid the process server for the trial subpoena. The employee then called Smith and told him to pack up and leave town to avoid the process server.

6. Doyle and another 4 Star employee spoke with Smith directly and advised Smith to leave town to avoid the trial subpoena. Doyle advised Smith to leave town, he didn't care where he went, they were just trying to prevent him from testifying at trial.

7. 4 Star fired Smith shortly after the June 20, 2023, hearing in the case was continued. Smith then contacted the process server requesting to be served and advised the process server of the conversation and payment from Doyle and 4 Star for him to leave town. The process server relayed the information to Donovan's co-counsel.

8. The court then issued sanctions against the four named respondents in the sanctions matter. The court found that all four respondents acted in bad faith. It issued monetary sanctions against individual employees of 4 Star and dismissed 4 Star's suit against United Fire with prejudice. As to the employees of 4 Star, the court found that while they argued they were simply following Doyle's advice, their earlier litigation experience overcame their argument that they acted reasonably in following Doyle's advice.

9. As to Doyle, the court found that Doyle's conduct fell short of what is expected of an attorney. The court also found that Doyle's conduct prejudiced his client and the court. The court

imposed a monetary fine against Doyle of \$7,500.00 and referred him to each state bar for which he held a valid law license.

10. On March 19, 2024, the Judgment dismissing 4 Star's suit against United Fire was entered.

Upon consideration of the formal complaint and attached exhibits, admissions made by the respondent attorney, the terms of the written consent, the agreement by the Executive Director, and approval of Panel A of the Committee on Professional Conduct, the Committee on Professional Conduct finds:

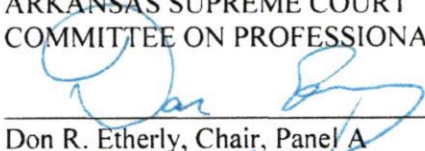
1. That Doyle's conduct violated Rule 8.4 (d) as alleged in the Complaint when (1) he discovered that his client offered to pay a bribe to a trial witness and then himself, directly, advised the witness to accept the bribe and leave town to avoid service of a subpoena being served upon him for trial testimony. His advice prejudiced his client because it caused his client to have to litigate the sanctions issue instead of proceeding to trial on the underlying suit as planned, which caused his client causing his client a loss of time and increased costs and the dismissal with prejudice of his clients suit, and (2) his conduct prejudiced the court when it had to waste judicial resources to have a hearing in the sanctions matter instead of proceeding to hearing on the underlying matter. Arkansas Rule 8.4(d) states 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 D, that Benjamin David Doyle, Arkansas Bar Number 2020293, be, and hereby is **Reprimanded** for his conduct in this matter. Doyle shall pay costs in the amount of \$150.00 (ONE HUNDRED FIFTY DOLLARS) pursuant to Section 18.A of the Procedures and a \$5,000.00 (FIVE THOUSAND DOLLARS) fine pursuant

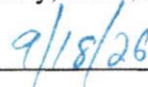
to Section 18.B of the Procedures. In assessing a sanction, the attorney's lack of prior disciplinary history was a factor.

The cost and fine 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



Don R. Etherly, Chair, Panel A



Date