

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: GREG GILES, Respondent
 Arkansas Bar ID#87067
 CPC Docket No. 2005-015

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information derived from the Orders of the Arkansas Court of Appeals in the matter of *Shandi Allen v. Domtar Industries, et al.*, CA2005-50, on January 26, 2005. The information related to the representation of Shandi Allen by Respondent in 2005 in an attempt to appeal a decision of the Worker's Compensation Commission from 2004.

On February 2, 2005, Respondent was served with a formal complaint, supported by the Orders of the Arkansas Court of Appeals. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information before the Committee reflected that on January 13, 2005, Greg Giles, an attorney practicing primarily in Texarkana, filed a Motion for Rule on the Clerk in the *Allen* appeal matter. The Motion contained the information that Mr. Giles filed a timely Notice of Appeal with the Worker's Compensation Commission from an Order filed on September 30, 2004. Mr. Giles erroneously believed that the Notice was filed on October 18, 2004 because that was the date of the letter confirming receipt of his Notice. It was also the date of the receipt for payment of his appeal fee. Mr. Giles did not actually check to determine the date the Notice of Appeal was received. As such, he mis-calculated the date for timely filing the record on appeal. The record was due to be filed no later than January 10, 2005. It was not tendered by Mr. Giles until January 11, 2005. On January 26, 2005, the Arkansas Court of Appeals denied the Motion for Rule on the Clerk. Mr. Giles' client lost the opportunity to pursue an appeal of the September 30, 2004, Order based upon the failure to timely file the record on appeal.

Upon consideration of the formal complaint and attached exhibit materials, the response, the consent proposal, other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Giles' conduct violated Model Rule 1.3 when he failed to be certain that the record on appeal for his client, Ms. Allen, was filed with the Clerk of the Court within ninety (90) days of the first Notice of Appeal filed in the matter involving Ms. Allen. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.
2. That Mr. Giles' conduct violated Model Rule 8.4(d) because his failure to be certain that the record on appeal in his client's matter was timely filed with the Clerk of the Court resulted in his client being denied an opportunity to appellate review of the September 30, 2004, Worker's Compensation Commission decision in *Shandi Allen v. Domtar Industries, et al.*, Case #F204656. Model 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 GREG GILES, Arkansas Bar ID# 87067, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, Mr. Giles is assessed the cost of this proceeding in the amount of \$50. The 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 A

By: _____

Bart F. Virden, Chair, Panel A

Date: _____

(13.M, Rev.1-1-02)