

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

IN RE: JIMMY EUGENE DOYLE

ARKANSAS BAR ID No. 2000-013

CPC DOCKET No. 2004-068

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from a referral from the Arkansas Supreme Court. The information related to the representation of Sandra Fairfield by Jimmy Eugene Doyle, Attorney at Law, Searcy, Arkansas, in 2003.

Mr. Doyle represented Sandra Fairfield in an appeal from Cleburne County Circuit Court. Fairfield was found guilty of two (2) counts of Rape and was sentenced to a term of one hundred sixty-eight (168) months in the Arkansas Department of Correction. The Judgment & Commitment Order was entered on August 14, 2003. Ms. Fairfield requested that Doyle appeal the conviction. Doyle filed a Notice of Appeal on September 15, 2003, one day late of the requirement of Rule 2(a) of the Rules of Appellate Procedure–Criminal.

On August 31, 2004, Mr. Doyle was served with the Formal Complaint by the United States Postal Service, certified mail, restricted delivery, at his address, Post Office Box 19, Searcy, AR 72145. Doyle signed for the Formal Complaint as evidenced by his signature on the return receipt from the United States Postal Service. Doyle failed to file a response to the complaint, which, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint. Failure to respond to a Formal Complaint extinguishes the right to a public hearing.

Upon consideration of the formal complaint and attached exhibit materials, the failure to respond, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Jimmy Eugene Doyle violated Model Rule 1.3 when he failed to file a timely Notice of Appeal on behalf of his client, Sandra Fairfield, as the Judgment and Commitment Order was filed on August 14, 2003, and the untimely Notice of Appeal was filed on September 15, 2003. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client.

2. That Jimmy Eugene Doyle violated Model Rule 3.4(c) when he failed to comply with Rule 2(a) of the Rules of Appellate Procedure—Criminal, which requires a notice of appeal to be filed within thirty (30) days from the date of entry of a judgment. Rule 3.4(c) requires that a lawyer not knowingly disobey an obligation under the rules of a tribunal.

3. That Jimmy Eugene Doyle violated Model Rule 8.4(d) when he failed to file a timely Notice of Appeal on behalf of his client resulted in prejudice to the judicial system in that she was denied her right to an appeal. 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 B, that JIMMY EUGENE DOYLE, Arkansas Bar ID#20000-013, be, and hereby is, SUSPENDED from the practice of law for a period of THREE (3) MONTHS for his conduct in this matter; fined the sum of ONE THOUSAND DOLLARS (\$1,000.00); and assessed costs in the amount of FIFTY DOLLARS (\$50.00). For his failure to respond, JIMMY EUGENE DOYLE is REPRIMANDED and fined the sum of FIVE HUNDRED (\$500.00) DOLLARS. 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: _____

J. Michael Cogbill, Chair

Date: _____