

Michael D. BELL v. STATE of Arkansas

CR 06-871

254 S.W.3d 725

Supreme Court of Arkansas
Opinion delivered April 5, 2007

CONTEMPT — THE SUPREME COURT FOUND APPELLANT'S ATTORNEY IN CONTEMPT FOR FAILURE TO PAY HIS LICENSE FEES TO PRACTICE LAW AND FAILING TO TIMELY FILE A PETITION FOR WRIT OF CERTIORARI. — Where appellant's attorney appeared before the supreme court, as ordered, and entered a plea of guilty to the contempt charge for failing to timely file a petition for writ of certiorari to bring up the record on behalf of his client; and where it came to light during his appearance that counsel had not paid his yearly license fees to practice law; and where counsel assured the supreme court that he would pay

his license fees the next day, but did not, and that he would file the required petition for writ of certiorari also the next day, but filed it fourteen days later, the supreme court accepted counsel's guilty plea, found him in contempt of court, and imposed a \$500 fine.

Motion to show cause; contempt issued.

PER CURIAM. Don Gillaspie was ordered to appear before this court to show cause why he should not be held in contempt for failing to timely file a petition for writ of *certiorari* to bring up the record on behalf of his client, appellant Michael D. Bell, within fifteen days, as directed by this court. The procedural history of this matter is set out in two *per curiam* opinions. See *Bell v. State*, CR 06-871 (Ark. Feb. 22, 2007); *Bell v. State*, CR 06-871 (Ark. Jan. 18, 2007).

On March 8, 2007, Gillaspie appeared before this court, as ordered, and entered a plea of guilty to the contempt charge. Though not couched in terms of mitigation, he stated that he did not recall receiving the court's directive about the petition for writ of *certiorari*. It also came to light during his appearance that Mr. Gillaspie has not paid his license fees to practice law to the clerk of this court. The deadline for doing so was March 1, 2007. Mr. Gillaspie assured this court on March 8, 2007, that he would pay his license fees on March 9, 2007, and file the required petition for writ of *certiorari* on the same date. As of this writing, Mr. Gillaspie has not paid his license fee, although he tendered a petition for writ of *certiorari* for filing with the clerk on March 21, 2007.

[1] Based on the foregoing, we accept Mr. Gillaspie's guilty plea and find him in contempt of this court. We impose a fine of \$500 to be paid within thirty days from the date of this order. A copy of this *per curiam* will be forwarded to our Supreme Court Committee on Professional Conduct to take any appropriate action that the Committee deems necessary.

It is so ordered.