

**SUPREME COURT OF ARKANSAS**

No. 11-1260

STARK LIGON, EXECUTIVE  
DIRECTOR, ARKANSAS SUPREME  
COURT COMMITTEE ON  
PROFESSIONAL CONDUCT  
PETITIONER

V.

NEWTON DONALD JENKINS, JR.,  
ARKANSAS BAR NO. 94231  
RESPONDENT

**Opinion Delivered** February 7, 2013

MOTION FOR RECONSIDERATION  
OF DENIAL OF MOTION FOR  
SUMMARY DISPOSITION, ENTRY  
OF ORDER OF DISBARMENT, AND  
MONEY JUDGMENT FOR COSTS  
AND EXPENSES

MOTION FOR RECONSIDERATION  
GRANTED; MOTION FOR  
SUMMARY DISPOSITION, ENTRY  
OF ORDER OF DISBARMENT, AND  
MONEY JUDGMENT FOR COSTS  
AND EXPENSES HELD IN  
ABEYANCE; PETITIONER'S BRIEF  
ORDERED.

**PER CURIAM**

Petitioner, Stark Ligon, Executive Director of the Arkansas Supreme Court Committee on Professional Conduct, petitions this court for reconsideration of a motion for the summary disposition and order of disbarment of Respondent Newton Donald Jenkins, Jr., and a money judgment for costs and expenses. We denied Petitioner's original motion by letter order dated January 10, 2013, and suggested that a brief would be beneficial to this court. Rather than file a brief, Petitioner asks for reconsideration. We grant reconsideration and now direct Petitioner to file a brief in support of his original motion on the issues herein discussed.

Petitioner argues, as he did in the original motion, that summary disposition of disbarment is warranted in this case because Respondent has not filed a brief in accordance

with section 13(D) of the Procedures Regulating Professional Conduct and has therefore left the special judge's findings of multiple rule violations and recommended sanction of disbarment unopposed. Petitioner argues that summary disposition of disbarment is therefore appropriate and furthermore consistent with previous disbarment proceedings in this court, specifically *In re Brown*, 369 Ark. App'x 566, 252 S.W.3d 137 (2007) (per curiam), and *Givens v. Greene*, 2013 Ark. 2 (per curiam). In addition, Petitioner moves for a money judgment against Respondent for costs and expenses pursuant to section 18 of the Procedures, which authorizes a Panel of the Committee to impose costs and expenses on an attorney who has been sanctioned.

As for the summary disposition of disbarment, we note that the cases upon which Petitioner relies, *Brown* and *Greene*, as well as the case upon which *Greene* relied, *Ligon v. Revels*, 367 Ark. 186, 238 S.W.3d 609 (2006) (per curiam), all involved respondent attorneys who either had defaulted or had notified this court that a brief would not be forthcoming. In the present case, however, Respondent did not default on the original petition for disbarment, but filed an "Answer, Motion to Dismiss, and Motion to Strike." Respondent moved to dismiss on the grounds of improper service, contending that the petition for disbarment was not "properly served in accordance with the Arkansas Rules of Civil Procedure." Respondent has subsequently defaulted on the two amended petitions for disbarment, failed to appear at his disbarment trial, and, as noted, failed to file a brief with this court challenging the special master's findings, conclusions, and recommended disbarment. While we are aware that section 13(D) of our Procedures directs Respondent to file his brief

first, we are nevertheless hesitant to issue a summary order of disbarment without a brief from Petitioner in a case where the respondent attorney has challenged service. Accordingly, notwithstanding Respondent's failure to file a brief, we direct Petitioner to file a brief specifically addressing the issue of the propriety of service on Respondent as well as the propriety of the special judge's findings and conclusions on the motion to dismiss. While the privilege of practicing law is protected by "the very lowest" due-process review, we must nevertheless be assured that even that level of process has been satisfied in every disbarment proceeding, but especially here where service has been challenged. *Jenkins v. Ligon*, 2010 Ark. 24, at 5 (quoting *Donovan v. Supreme Court Comm. on Prof'l Conduct*, 375 Ark. 350, 355, 290 S.W.3d 599, 603 (2009)).

In addition, as for Petitioner's request for a money judgment from this court for costs and expenses, we note the special judge's finding of reasonableness, but direct Petitioner to brief the issue of this court's authority to issue a money judgment for costs and expenses in an original action for disbarment given that section 18 of the Procedures authorizes a Panel of the Committee to impose costs against an attorney the Committee has sanctioned.

The motion for reconsideration of motion for summary disposition, entry of order of disbarment, and money judgment is granted. The motion for summary disposition, entry of order of disbarment, and money judgment is held in abeyance. Within twenty-one days of this opinion, Petitioner is directed to file a brief in support of his motion specifically addressing the issues of service and costs discussed herein.

GOODSON, J., not participating.

*Stark Ligon*, for petitioner.

*Newton Donald Jenkins, Jr.*, pro se respondent.