

IN RE James D. HOLLAND ✓

771 S.W.2d 22

Supreme Court of Arkansas
Delivered May 22, 1989

PER CURIAM. On recommendation of the Committee on Professional Conduct, the Court accepts the surrender by James D. Holland of his license to practice law.

IN RE James D. REESE ✓

770 S.W.2d 148

Supreme Court of Arkansas
Delivered May 30, 1989

PER CURIAM. On recommendation of the Committee on Professional Conduct, the Court accepts the surrender by James D. Reese of his license to practice law.

IN THE MATTER OF THE ABOLISHMENT OF RULE
37. AND THE REVISION OF RULE 36. OF THE
ARKANSAS RULES OF CRIMINAL PROCEDURE ✓

770 S.W.2d 148

Supreme Court of Arkansas
Delivered May 30, 1989

PER CURIAM. Rule 37. of the Arkansas Rules of Criminal Procedure is abolished effective July 1, 1989, however, persons who have been convicted and sentenced during the time the rule was in effect may proceed in accordance with the rule as it existed prior to that date.

Rule 36.4. is amended effective July 1, 1989, by adding the following paragraph:

The trial judge must address the defendant personally and advise the defendant that if the defendant wishes to

assert that his or her counsel was ineffective a motion for a new trial stating ineffectiveness of counsel as a ground must be filed within thirty (30) days from the date of pronouncement of sentence and entry of judgment. The judge must further advise the defendant that, if a motion for a new trial is filed asserting facts sufficient to raise an issue whether his or her counsel was ineffective, a hearing will be held, and the time for filing a notice of appeal will not expire until thirty (30) days after the disposition of the motion, as provided in Rule 36.22.

IN THE MATTER OF THE ARKANSAS RULES
OF CRIMINAL PROCEDURE

771 S.W.2d 742

Supreme Court of Arkansas
Delivered June 5, 1989

PER CURIAM. Effective June 5, 1989, Rule 37.1 (Scope of Remedy) of the Arkansas Rules of Criminal Procedure is amended by adding the following subparagraph:

(e) the motion will state in concise, nonrepetitive language, without argument, the grounds upon which it is based and shall not exceed ten pages in length. If the motion is handwritten it will be clearly legible, will not exceed thirty lines per page and fifteen words per line, with a left hand margin of at least 1½ inches and upper and lower margins of at least two inches. Motions which are not in compliance with this rule will be subject to being stricken.

IN RE: RULES OF JUVENILE COURT PROCEDURE ✓

771 S.W.2d 25

Supreme Court of Arkansas
Delivered June 19, 1989

PER CURIAM. The Arkansas Commission on Juvenile Justice has filed a petition asking us to appoint a committee to develop rules of juvenile court procedure and thereafter to adopt such rules to govern "cases in the juvenile division of the chancery courts of this State."

It was our intention with the adoption of the Rules of Civil Procedure to provide, in one set of rules, procedures in all civil matters in circuit, chancery and probate courts. There are, of course, some procedures unique to circuit, chancery or probate courts. We have abolished local court rules to insure uniformity of procedure throughout our court system. Procedures in juvenile matters should be integrated as near as possible within our existing system.

We have a standing committee on civil procedure that studies changes and makes recommendations on a regular basis. This petition is referred to that committee for consideration. The petitioners are invited to meet with that committee and work together to report to this court as soon as practical what rules and procedures would be advisable.

AMENDMENT TO THE CLIENT SECURITY FUND ✓

772 S.W.2d 602

Supreme Court of Arkansas
Delivered July 3, 1989

PER CURIAM. On this date, paragraph 3 of our per curiam order dated April 30, 1973, creating the Client Security Fund, is amended to read as follows — (the newly inserted provision appearing in italics):

3. The Committee is authorized to consider claims for reimbursement of losses from defalcations occurring after

the effective date of this Order, and caused by the dishonest conduct of a member of the State Bar of Arkansas, acting either as a lawyer or as a fiduciary in the matter in which the loss arose, except to the extent to which they are bonded or to the extent such losses are otherwise covered, provided such member has been disbarred or suspended from the practice of law, or has voluntarily resigned from the practice of law, or has voluntarily resigned from the practice of law, or has surrendered his or her license to practice law, or has died before disbarment, suspension, or surrender of license could be had. However, before the Committee shall have jurisdiction to consider such claim, the matter must have been specifically referred to it by the Committee on Professional Conduct. At that time the Executive Director of the Committee on Professional Conduct shall prepare a summary of the evidence indicating the amount of the loss due to the dishonesty of the lawyer. In the event a claim is filed against the fund, the Committee shall proceed to determine the true amount of the loss and whether it should be paid. No claim shall be accepted or recognized until the matter has been certified to the Client Security Fund Committee by the Committee on Professional Conduct. The Committee shall be authorized and empowered to admit or reject such claims in whole or in part to the extent that funds are available to it, and the Committee shall have complete discretion in determining the order and manner of payment of claims. No claim shall be allowed for an amount in excess of \$5,000.00. All reimbursements shall be a matter of grace and not of right and no client or member of the public shall have any right in the Client Security Fund as third party beneficiary or otherwise. No attorney shall be compensated for prosecuting a claim against the Fund.

AMENDMENT TO THE RULES OF PROFESSIONAL
CONDUCT

773 S.W.2d 99 ✓

Supreme Court of Arkansas
Delivered July 10, 1989

PER CURIAM. Rule 7 (A) of the Rules of Professional Conduct is hereby amended to read as follows (the newly inserted words appearing in italics):

Complaints Investigated — Committee May File
Court Complaints

(A) The Committee shall investigate all complaints of professional misconduct that may be brought to its attention in the form of an affidavit, or in respect of which any member of the Committee may have information, *or upon complaint by any trial or appellate judge*, and shall give the attorney involved an opportunity to explain or refute the charge. If the Committee finds that there is a reasonable ground to believe that the attorney has been guilty of professional misconduct, it may warn, caution, reprimand, or suspend the attorney; or with the consent of the attorney and the approval of the Arkansas Supreme Court, the attorney may surrender his license upon the conditions agreed to by the Committee and the attorney; or it may cause a complaint in writing to be prepared which shall set forth the specific facts constituting the alleged misconduct, and serve a copy thereof on the attorney against whom the charge is made.

IN RE: AMENDMENTS TO THE CODE OF
PROFESSIONAL RESPONSIBILITY AND CANONS
OF JUDICIAL ETHICS

773 S.W.2d 102 ✓

Supreme Court of Arkansas
Delivered July 17, 1989

PER CURIAM. The Arkansas Board of Legal Specialization has presented to this court a motion to amend the Arkansas Plan

of Specialization adopted by our per curiam order dated July 12, 1982, and a motion to adopt proposed regulations to be implemented and enforced by the Board if approved by this court. By our July 12 per curiam order, we conditionally granted the petition of the Arkansas Bar Association's Committee on Specialization and Advertising to adopt such a Plan while recognizing that our responsibility under Amendment 28 to our Constitution required this court's final approval of any rules, regulations, and policies the Board might adopt in implementing the Plan.

Inasmuch as the Board has now presented to us proposed amendments to the Arkansas Plan of Specialization, along with comprehensive regulations cumulative to and explanatory of the Plan, we wish to solicit comments from members of the bench and bar between this date and November 1, 1989, concerning the proposed amendments and regulations.

We hope to receive not only general remarks of approval or disapproval but invite specific suggestions with respect to the Board's proposals and encourage recommendations as to any additional guidelines that might assist the Board in fulfilling its duties.

Copies of the proposed amendments and regulations may be obtained from the Supreme Court Clerk.

NEWBERN, J., not participating.

IN RE: ARKANSAS SUPREME COURT
ADMINISTRATIVE ORDER NUMBER 2

772 S.W.2d 619

Supreme Court of Arkansas
Delivered July 17, 1989

PER CURIAM. On this date, Administrative Order Number 2, dated December 21, 1987, is amended to read as follows (the newly inserted provisions appearing in italics):

(a) Docket. The clerk shall keep a book known as a "civil docket," a book known as a "chancery docket," a book known as a "probate docket," a book known as a "criminal docket," *and a book known as a "juvenile docket,"* and shall enter therein each action. Cases shall be

assigned docket numbers in the order of filing and beginning with the first case filed each year in each court, the last two digits of the current year shall be entered, followed by a hyphen and the number assigned to the case, beginning with the number "1". For further identification, the court may direct that the letters "CIV" or "CR" precede the docket number for cases filed in circuit court, that the letters "E" or "J" precede the docket number for cases filed in chancery court, and that the letter "P" precede the docket number for cases filed in probate court.

All papers filed with the Clerk, all process issued and returns thereon, all appearances, orders, verdicts and judgments shall be noted chronologically in the dockets and filed in the folio assigned to the action and shall be marked with its file number. These entries shall be brief, but shall show the nature of each paper filed or writ issued and the substance of each order or judgment of the Court and of the returns showing execution of process. The entry of an order or judgment shall show the date the entry is made. Where there has been a demand for trial by jury it shall be shown on the docket along with the date upon which demand was made.

(b) Judgments and Orders. The Clerk shall keep a judgment record book in which shall be kept a correct copy of every final judgment or appealable order, or order affecting title to or lien upon real or personal property, and any other order which the Court may direct to be kept.

(c) Indices. Suitable indices of the civil, criminal, chancery, *juvenile*, and probate docket and of every judgment or order referred to in Section (b) of this rule shall be kept by the Clerk under the direction of the Court.

(d) Other Books and Records. The clerk shall also keep such other books and records as may be required by law and as directed by the Court.

(e) Clerk Defined. When used herein, the term clerk refers to the clerks of the various circuit, chancery or probate courts of the state.

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**Appointments to
Committees**

IN THE MATTER OF THE SUPREME COURT
COMMITTEE ON RULES OF PLEADINGS,
PRACTICE AND PROCEDURE IN CIVIL CASES

769 S.W.2d LXVI

Supreme Court of Arkansas
Delivered June 12, 1989

*recd
pub 7/1/89*

PER CURIAM. Stephen A. Matthews, Pine Bluff, Arkansas, and William R. Wilson, Jr., Little Rock, Arkansas, are reappointed to our Committee on Rules of Pleadings, Practice and Procedure in Civil Cases.

Comer Boyett, Jr., Searcy, Arkansas, is appointed to this Committee replacing Dennis L. Shackleford, El Dorado, Arkansas.

The Court expresses its gratitude to Dennis L. Shackleford for his faithful and exemplary service as a member of this Committee.