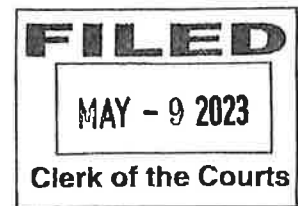


**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL D**

IN RE: ZACHARY ADAM MUSGRAVES, Respondent Attorney
 Arkansas Bar No. 2018201
 Case No. CPC-2022-018



FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee based on a self-report from the Respondent Attorney. The information related to the conduct of the Respondent Attorney on the evening of March 14, 2020, and the early morning of March 15, 2020. On May 31, 2022, Respondent was served with a formal complaint.

1. Zachary Adam Musgraves (“Musgraves”) is an attorney licensed in Arkansas and assigned Bar Number 2018201.

2. On or about March 14, 2020, Musgraves, while intoxicated, drove a vehicle on U.S. Hwy 412, a divided highway, for several miles into oncoming traffic and crashed into a vehicle being operated by James Todd.

3. On March 15, 2020, at approximately 1:11am, Trooper Alan Aiken issued Citation number 2008354982 to Musgraves for Driving While Intoxicated, Reckless Driving, and Open Container Containing Alcohol in Motor Vehicle.

4. By Felony Information and Affidavit for Warrant of Arrest filed on September 1, 2020, the Washington County Prosecuting Attorney filed 72CR-20-1817 charging Musgraves with Battery in the First Degree for causing serious physical injury to another person under circumstances manifesting extreme indifference to the value of human life.

5. On October 30, 2020, the Prosecuting Attorney filed a new Felony Information charging Musgraves with Battery in the First Degree and Driving While Intoxicated.

6. On May 9, 2022, Musgraves, while represented by counsel, submitted a written Plea Questionnaire and entered a negotiated guilty plea to the charges of Battery in the Second Degree, A.C.A. §5-13-202(a)(3)(B)(i), Class D Felony.

7. A.C.A. §5-13-202(a)(3)(B)(i) states that a person commits battery in the second degree if the person recklessly causes serious physical injury to another person while operating or in actual physical control of a motor vehicle or motorboat if at the time the person is intoxicated.

8. The court sentenced Musgraves pursuant to Ark. Code Ann. §16-93-301 and ordered that Musgraves serve a term of 72 months Probation plus 60 days jail.

9. Musgraves signed Conditions of Probation which include the following Special Conditions: \$150 in Court Costs, \$1,000 in Fines, \$250 DNA Sample Fee, 400 hours of Community Service, and 60 days to be served in the Washington County Jail.

10. Pursuant to Section 2.J of the Procedures, all felonies fall under the category of “Serious Crime” for the purposes of discipline.

11. Pursuant to Section 17.B(6) of the Procedures, a serious crime is considered serious misconduct, and sanctions for serious misconduct “would warrant a sanction terminating or restricting the lawyer’s license to practice law.”

12. Pursuant to Section 15.C(1) of the Procedures, following a guilty plea to a serious crime, “the Committee shall institute disbarment proceedings.”

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

1. Musgraves's conduct violated Rule 8.4(b) when he committed the felony offense of Battery in the Second Degree when he recklessly caused serious physical injury to another person while operating or in actual physical control of a motor vehicle while intoxicated.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel D, to **INITIATE DISBARMENT PROCEEDINGS AGAINST ZACHARY MUSGRAVES**, Arkansas Bar Number 2018201, for his conduct in this matter. Furthermore, Musgraves shall pay costs of ONE HUNDRED FIFTY DOLLARS (\$150.00) in accordance with Section 18.A of the Procedures,

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 D

By: 
Paul W. Keith, Chair, Panel D

Date: May 9, 2023