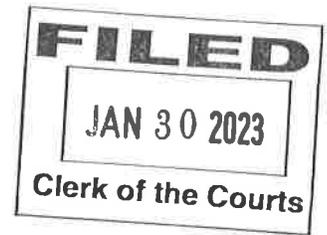


**BEFORE THE ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT
PANEL D**



IN RE: MOSEMARIE DORA BOYD, Respondent
Arkansas Bar No. 2008078
Docket No. CPC-2021-038

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Sebastian County Circuit Court Judge Greg Magness. Boyd is an Arkansas licensed attorney practicing primarily in Fort Smith, Arkansas.

In a case assigned to Judge Magness, Boyd filed a Petition seeking Appointment of Emergency *Ex Parte* Temporary & Permanent Guardianship of the Persons relating to minor children who were not related to her, in Sebastian County Circuit Court, Fort Smith District. That matter is sealed, and therefore the full account of the underlying case is not included in this Findings & Order.

After Boyd's filing, Judge Magness ordered the case to be sealed because the nearly two hundred (200) page petition identified the minor children by name, listed their home address, included a picture of their unredacted likenesses, contained detailed descriptions of irrelevant sensitive information; and included many unsupported conclusions of serious alleged abuse. After the case had been sealed, Boyd delivered a copy of the Petition to the children's school principal. The case proceeded to trial. After multiple hours of testimony, Judge Magness found that Boyd's allegations were not supported by evidence, as Boyd failed to present any evidence of the alleged abuse.

Both parents of the minor children at issue filed motions for Attorney's Fees and/or Sanctions. Judge Magness entered an Order Granting Motions for Sanctions against Boyd. Judge

Magness found that Boyd violated Ark. R. Civ. P. 11(b)(3) and ordered Boyd to pay \$4,835.00 in attorney's fees to counsel for the parents.

Upon consideration of the formal complaint, its attached exhibit materials, the attorney's response and attached exhibit material, the testimony of the parties and their witnesses at the hearing on December 16, 2022, and the evidence in the record of said hearing and the Arkansas Rules of Professional Conduct, Panel D of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. **Arkansas Rule 3.1** requires that a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Boyd's conduct violated Rule 3.1 when she filed a Petition for Guardianship alleging sexual abuse by the father of the minor children without sufficient evidence to support the allegations.

Panel members James Gregory Crumpton, William A. Finer, Mitchell Lowe, Scott S. Hilburn, and Angela S. Cole Lowther voted in favor of a finding that Boyd's conduct violated Rule 3.1, while Panel Chair Paul W. Keith voted against. Panel member Timothy C. Hutchinson did not participate.

B. **Arkansas Rule 8.4(d)** provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

Boyd's conduct violated Rule 8.4(d) when she (1) failed to redact the names of the minor children from her original Petition which was not originally filed under seal, and (2) when she

provided a copy of the unredacted petition to the minor children's school principal.

The findings of the panel regarding violations of Rule 8.4(d) were unanimous among the participating members.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel D, that Rosemarie Boyd, Arkansas Bar Number 2008078, be, and hereby is, **SUSPENDED for SIX (6) MONTHS**, and **ASSESSED COSTS** of \$1,164.50 for her conduct in this matter.

The suspension shall become effective on the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

The costs assessed herein, totaling \$1,164.50 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.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT

By:  Paul W. Keith, Chair Panel D

Date: January 30, 2023