

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

PANEL B

IN RE: CHARLES PHILLIP BOYD, JR., Respondent
Arkansas Bar ID#82023
CPC Docket No. 2003-181

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Christopher Thomas, Secretary, State Board of Law Examiners and Director, Office of Professional Programs, on May 28, 2003. The information related to Respondent's continuing legal education requirements for the reporting period July 1, 2001, through June 30, 2002, and information he submitted to Mr. Thomas' office related thereto.

On January 14, 2004, Respondent was served with a formal complaint, supported by affidavit from Mr. Thomas. A response was filed. The matter proceeded to ballot vote pursuant to the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law. Respondent was advised of the ballot vote decision and thereafter requested a public *de novo* hearing. Prior to the scheduled *de novo* hearing, the Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

The information provided by Mr. Thomas to the Committee reflected that on March 22, 2003, Charles Phillip Boyd, Jr., an attorney practicing primarily in Little Rock, had his Arkansas law license suspended for failure to comply with the continuing legal education requirements. The notice of the suspension was mailed on March 25, 2003, and signed for on March 27, 2003. Mr. Boyd submitted a petition for reinstatement / stay of that suspension on March 31, 2003. In the petition, Mr. Boyd set out that he would seek to verify that he attended a seminar on Evidence put on by NBI on August 7, 2002, which provided 5 general hours and 1 hour of professional ethics. Mr. Thomas discovered, upon further investigation, that the CLE program had been cancelled due to lack of participants. After discovering this fact, Mr. Thomas wrote Mr. Boyd about the

apparent misrepresentation. Mr. Boyd sent a fax to Mr. Thomas advising that he would be in touch “tomorrow” which would have been April 18, 2003. On that date, Mr. Boyd sent Mr. Thomas another facsimile indicating he would “fully respond” on April 21, 2003. No such full response was received. On April 23, 2003, Mr. Boyd left a telephone message setting out that he would respond “tomorrow”. As of May 28, 2003, Mr. Thomas had not received any explanation from Mr. Boyd as to why he claimed credit for attending a CLE program which did not occur.

In responding to the formal disciplinary complaint, Mr. Boyd first advised that at no time did he intend to misrepresent any fact. He offered his apology for any confusion over the number of CLE hours he attended. Mr. Boyd advised that he never intentionally attempted to be deceptive as to misrepresenting any fact to anyone. Mr. Boyd also explained that during the period of time he made the statement to Mr. Thomas he was suffering from an untreated bipolar disorder. Mr. Boyd explained that he is currently on medication which is able to treat / stabilize the disease and symptoms of the same. Mr. Boyd pointed out that a mistake was made and for which he sincerely and humbly apologized. After further investigation, it was determined that Mr. Boyd’s calendar contained a notation that he had attended a seminar on August 7, 2002, on Evidence. As such, Mr. Boyd advised Mr. Thomas that he was stating to the best of his ability that he had attended the CLE program on that date. It was not Mr. Boyd’s intention to provide dishonest conduct to Mr. Thomas.

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

1. That Mr. Boyd’s conduct violated Model Rule 8.4(a) when he unintentionally and without knowingly doing so, violated the Model Rules of Professional Conduct by reporting to Christopher Thomas, Secretary, State Board of Law Examiners and Director, Office of Professional Programs, that he attended a CLE course which had in fact been cancelled. Model Rule 8.4(a) requires a lawyer not violate or attempt to violate the rules of professional conduct,

knowingly assist or induce another to do so, or do so through the acts of another.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that CHARLES P. BOYD, JR., Arkansas Bar ID# 82023, be, and hereby is, CAUTIONED for his conduct in this matter. Further, pursuant to Section 18.A. of the Procedures, Mr. Boyd is assessed the costs of this proceeding in the amount of \$50. 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 B

By: _____

J. Michael Cogbill, Chair, Panel B

Date: _____

(13.M, Rev.1-1-02)