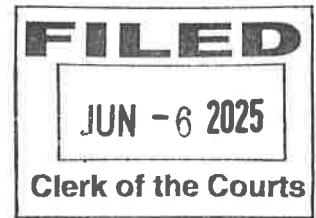


**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**

IN RE: OLIVIA ANN SHEPPARD
ARKANSAS BAR ID #2016204
CPC Docket No. 2024-008



AMENDED FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Laif Poulton (Poulton). The information is related to Olivia Sheppard's (Sheppard) representation of Poulton in a domestic relations matter.

1. Poulton hired Sheppard in August 2022 to represent him in establishing custody, visitation and child support. He paid her \$3,000.00.
2. Sheppard filed the Complaint and attempted service on the mother. When she was unsuccessful, Sheppard sought leave of court to serve via warning order.
3. The court entered its Order Authorizing Issuance of Warning Order on December 15, 2022.
4. Sheppard did not file the proof of service by warning order.
5. A hearing date was set in the matter for April 12, 2023.
6. The mother hired an attorney who filed a Motion for Continuance, alleging Sheppard failed to follow the statute or rules for service by warning order and therefore Poulton was not entitled to a hearing seeking relief.
7. Sheppard failed to file a response to the motion.
8. On April 12, 2023, the court entered its Order to Continue Hearing until Sheppard filed proof of publication as well as the affidavit required by the Arkansas Rules of Civil Procedure.
9. Sheppard failed to file the required proof as directed by the Court.

10. No other filings or actions were taken on the case until August 10, 2023, when opposing counsel filed a Motion to Dismiss. In the motion, opposing counsel alleged again that Sheppard failed to follow the statute or rules for service by warning order and that Poulton's Complaint should be dismissed.

11. Sheppard failed to respond to the Motion to Dismiss.

12. Throughout the case, Poulton had little to no contact with Sheppard about his case. Sheppard failed to return text messages Poulton sent her and failed to return phone calls.

13. After no contact from Sheppard, Poulton hired new counsel who was able to successfully defend against the dismissal request and keep his case ongoing.

14. Sheppard has not refunded any of the \$3,000.00 paid to her for her representation.

Upon consideration of the formal complaint and attached exhibit materials and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Sheppard's conduct violated Rule 1.1 when (a) she failed to file required proof of service by warning order as required by rules and statute and as directed by the court, (b) she failed to file responses to opposing counsel's Motion to Continue Hearing and Motion to Dismiss on behalf of her client, Poulton, and (c) she failed to take any action on her client's behalf after filing of the court's Order Authorizing Issuance of Warning Order filed December 15, 2022. Arkansas Rule 1.1 states a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

2. That Sheppard's conduct violated Rule 1.3 when (a) she failed to file required proof of service by warning order as required by rules and statute and as directed by the court, (b) she

failed to file responses to opposing counsel's Motion to Continue Hearing and Motion to Dismiss on behalf of her client, Poulton, and (c) she failed to take any action on her client's behalf after filing of the court's Order Authorizing Issuance of Warning Order filed December 15, 2022, which resulted in a motion to dismiss her client's case. Arkansas Rule 1.3 states a lawyer shall act with reasonable diligence and promptness in representing a client.

3. That Sheppard's conduct violated Rule 1.4(a)(4) when she failed to respond to her client's repeated calls and texts regarding the case. Arkansas Rule 1.4(a)(4) states a lawyer shall promptly comply with reasonable requests for information.

4. That Sheppard's conduct violated Rule 1.16(d) when she constructively terminated her representation of Poulton when she failed to take any action on her client's behalf after the court's entry of its Order Authorizing Issuance of Warning Order. Poulton had no further communication from Sheppard. Sheppard failed to return any of the \$3,000.00 paid to her for her representation. Arkansas Rule 1.16(d) states upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred...

5. That Sheppard's conduct violated Rule 3.2 when she failed to take any action on her client's behalf after the court's entry of its Order Authorizing Issuance of Warning Order. Arkansas Rule 3.2 states a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

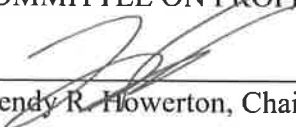
6. That Sheppard's conduct violated Rule 3.4(c) when she failed to file proof of service by warning order as directed by the court in its April 12, 2023, Order to Continue Hearing.

Arkansas Rule 3.4(c) states a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that Olivia Ann Sheppard, Arkansas Bar Number 2016204, be, and hereby is **Cautioned** for her conduct in this matter. Sheppard shall pay restitution in the amount of \$3,000.00 (THREE THOUSAND DOLLARS) pursuant to Section 18.C of the Procedures. Sheppard shall also pay costs in the amount of \$150.00 (ONE HUNDRED FIFTY DOLLARS) pursuant to Section 18.A of the Procedures. This sanction was based, in part, on the attorney's lack of any prior disciplinary record.

The restitution and 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



Wendy R. Howerton, Chair, Panel B

05-16-2025

Date