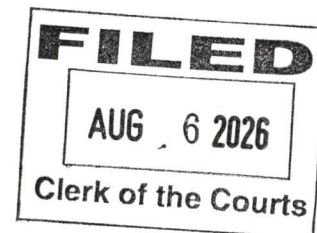


BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A

IN RE: WESTIN ELIZABETH MEYER
ARKANSAS BAR ID #2019089
CPC Docket No. 2025-030



AMENDED FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order arose is based on information provided to the Committee by Ashton Smith ("Smith"). The information is related to Westin Elizabeth Meyer's ("Meyer") representation of Smith in a domestic relations matter.

1. Smith's husband filed for divorce in December 2022, and Smith was served with the divorce complaint on March 14, 2023.

2. Smith's father, Randy Mann ("Mann"), contacted Meyer regarding representing his daughter in the divorce action. All contact regarding the divorce case was between Mann and Meyer, with Smith's knowledge and consent.

3. On March 21, 2023, Smith signed an engagement letter with Meyer for representation in the divorce case. The fee quoted in the engagement letter was \$3,000.00, with \$1,500.00 having to be paid before representation was to begin. Mann made an initial payment of \$1,545.00 on March 21, 2023.

4. On March 22, Meyer confirmed receipt of the payment by email and advised that she would get started on an answer and counterclaim for divorce.

5. Meyer never entered an appearance in the case, nor did she file a response to the divorce complaint.

6. Opposing counsel filed for default and a hearing on the matter was set for May 10, 2023. The court required the party requesting the setting to notify opposing counsel (or parties),

however, as Meyer failed to enter her appearance in the matter, no counsel of record was listed for Smith. Neither Meyer nor Smith appeared for the hearing.

7. On May 12, 2023, the court entered the final divorce decree. The court granted the divorce by default, dividing marital property, awarding the ex-husband sole custody of the minor children, and ordering Smith to pay child support.

8. On May 15, 2023, Mann emailed Meyer a couple of times and advised that the attorney they hired in Louisiana had advised them that a hearing was held in the divorce case and that because no one showed up, Smith's ex-husband was granted sole custody of the children. He also advised Meyer that he had been informed that she had never filed an answer or entered her appearance as Smith's attorney. He requested Meyer call him as soon as possible.

9. Meyer responded she would "look at it and get back to him". She admitted that she had not filed an answer on Smith's behalf and when Meyer asked if Smith had received notice of the hearing, Mann responded they had not.

10. Mann wanted to know if Meyer could keep Smith from losing her children and Meyer answered "yes, I can stop that from happening".

11. Meyer finally entered her appearance in the case on May 16, 2023, and filed a Motion to Set Aside Decree of Divorce and Incorporated Brief in Support. In the motion, Meyer argued Smith did not appear because she never received notice of the hearing and that default judgments on the issue of custody are a serious miscarriage of justice.

12. Mann sent several emails to Meyer asking if anything could be done on an emergency basis to keep the ex-husband from taking the children, with Meyer replying not until a judge signs an order and advising that Smith would have visitation in the interim.

13. Mann emailed Meyer on May 17 and May 22, without a reply.

14. On May 23, 2023, Mann emailed Meyer requesting she call him as he had attempted to communicate with her and she was not answering emails, calls, or texts. Meyer responded the same day to advise him of her working hours and that he could hire someone else to take over the case.

15. In a follow-up email, Mann advised Meyer he was just asking her to do what she was hired to do. Meyer responded that she never entered her appearance in the matter because she was never notified Smith was served.

16. From the time she was hired until Mann's email of May 12, Meyer did not check to determine if Smith had been served or inquired of Smith if she had been served. Since her date of hire in March until May 16, Meyer had not entered her appearance in the case or filed anything, contrary to what she had advised she would do.

17. On May 23, 2023, Meyer motioned to withdraw as attorney for Smith, which was granted. Meyer issued a refund to Mann of \$960.00.

18. Meyer's failure to take initial action in the divorce proceedings resulted in a default divorce decree being entered against Smith and an order granting sole custody of the minor children to her ex-husband depriving Smith of her right to present evidence as to the best interest of the children. Smith also had to hire new counsel to resolve the issues created by Meyer's conduct.

Upon consideration of the formal complaint and attached exhibit materials and the Arkansas Rules of Professional Conduct (Rev. 2005), Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Meyer's conduct violated Rule 1.1 when she failed to enter her appearance and file a response in the divorce action against her client, Smith, which caused the circuit court to enter a default judgment of divorce against Smith and award sole custody of the minor children

to her ex-husband, order Smith to pay child support, and divide the marital property without Smith having the ability to present evidence as to the best interest of the children or defend the distribution of marital property. 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 Meyer's conduct violated Rule 1.3 when she failed to enter her appearance and file a response in the divorce action against her client, Smith, which caused the circuit court to enter a default judgment of divorce against Smith and award sole custody of the minor children to her ex-husband, order Smith to pay child support, and divide the marital property without Smith having the ability to present evidence as to the best interest of the children or defend the distribution of marital property. Arkansas Rule 1.3 states a lawyer shall act with reasonable diligence and promptness in representing a client.

3. That Meyer's conduct violated Rule 3.2 when she failed to enter her appearance and file a response in the divorce action against her client, Smith, which caused the circuit court to enter a default judgment of divorce against Smith and award sole custody of the minor children to her ex-husband, order Smith to pay child support, and divide the marital property without Smith having the ability to present evidence as to the best interest of the children or defend the distribution of marital property. Meyer, after entry of the default divorce decree, entered her appearance in the matter. Arkansas Rule 3.2 states a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

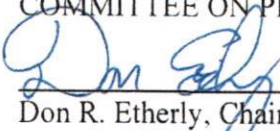
4. That Meyer's conduct violated Rule 8.4(d) when she when she failed to enter her appearance and file a response in the divorce action against her client, Smith, which caused the circuit court to enter a default judgment of divorce against Smith and award sole custody of the minor children to her ex-husband, order Smith to pay child support, and divide the marital

property, depriving Smith of the opportunity to present evidence as to the best interest of the children or defend the distribution of marital property. After filing a motion to set aside the default divorce decree, Meyer withdrew from the case causing Smith to have to hire new counsel to resolve the issues caused by Meyer's conduct. Arkansas Rule 8.4(d) states that it is professional misconduct for an attorney to engage in conduct that is prejudicial to the administration of justice.

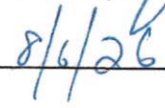
WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that Westin Elizabeth Meyer, Arkansas Bar Number 2019089, be, and hereby is **Reprimanded** for her conduct in this matter. Meyer shall pay restitution in the amount of \$585.00 (FIVE HUNDRED EIGHTY FIVE DOLLARS) pursuant to Section 18.C of the Procedures. Meyer shall pay a fine in the amount of \$1,000.00 (ONE THOUSAND DOLLARS) pursuant to Section 18.B of the Procedures. Meyer shall also pay costs in the amount of \$150.00 (ONE HUNDRED FIFTY DOLLARS) pursuant to Section 18.A of the Procedures. The sanction was based, in part, on the attorney's lack of any prior disciplinary record. It is noted that Meyer failed to respond to the formal complaint.

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



Don R. Etherly, Chair, Panel A



Date