

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 147 DB 2020
Petitioner	:	
	:	File No. C2-20-137
v.	:	
	:	Attorney Registration No. 30189
PENELOPE A. BOYD	:	
Respondent	:	(Chester County)

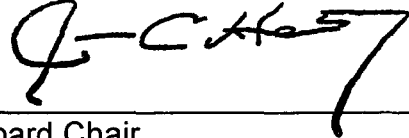
ORDER

AND NOW, this 9th day of October, 2020, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said PENELOPE A. BOYD of Chester County be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a)(5) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.

BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:



Marcee D. Sloan, Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

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PUBLIC REPRIMAND

Penelope A. Boyd, you appear before the Disciplinary Board for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been determined necessary that you receive this public discipline.

By Order dated October 9, 2020, the Disciplinary Board directed that you receive a public reprimand.

Ms. Boyd, you are being reprimanded for your incompetent and negligent representation of Joseph Sciarrino in connection with a child custody matter. On September 4, 2018, you entered into a fee agreement with your client pursuant to which you would appeal an August 17, 2018 order of the Dauphin County Court of Common Pleas overruling preliminary objections to a custody modification petition. The appeal was due on or before September 17, 2018. You filed the Notice of Appeal to the Superior Court ("First Appeal") on September 18, 2018, one day late, and you failed to simultaneously file the required Concise Statement of Errors Complained of on Appeal. You then filed an Application for Permission to Appeal Nunc Pro Tunc. By order dated

October 2, 2018, the Superior Court denied the Application without prejudice to seek relief in the trial court. Thereafter, you filed in the trial court a Petition for Leave to File Appeal Nunc Pro Tunc in the Custody Proceedings, which was denied.

On October 25, 2018, opposing counsel filed an Application to Quash Appeal in the First Appeal, to which you filed an Answer, but failed to serve a copy of the pleading on opposing counsel.

On November 20, 2018, you filed a Notice of Appeal to the Superior Court ("Second Appeal") regarding the trial court's order denying your Petition for Leave to File Appeal Nunc Pro Tunc. By Order dated December 24, 2018, you were directed to file a docketing statement on or before January 3, 2019; however, you failed to file the statement. By Order dated January 14, 2019, the Superior Court remanded the Second Appeal to the trial court to determine whether "counsel had abandoned Appellant."

On January 8, 2019, your client engaged new counsel to represent him in the custody proceedings.

By your conduct, you violated the following Rules of Professional Conduct ("RPC"):

1. RPC 1.1 – 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. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.
3. RPC 3.5(b) – A lawyer shall not communicate ex parte with a judge during a proceeding unless authorized to do so by law or court order.

4. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

We note that your deficient representation of Mr. Sciarrino is not an isolated incident. In 2016 you received two separate Informal Admonitions and in 2018 you received a private reprimand. This prior discipline serves as an aggravating factor in this matter.

Ms. Boyd, your conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.

It is the Board's duty to reprimand you for your misconduct. Any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.



Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on January 13, 2021.