

STATE BAR OF GEORGIA

1/12



IN RE: STEPHEN T. MAPLES

STATE BAR NO. 469950

SUPREME COURT DOCKET NO. S02Y1478

STATE DISCIPLINARY BOARD DOCKET NO. 4223

STONE MOUNTAIN JUDICIAL CIRCUIT

December 12, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an order of the Supreme Court of Georgia, this is to give notice that on November 10, 2003, an order was entered in the Supreme Court of Georgia in the matter of Stephen T. Maples, Attorney at Law, providing as follows:

PER CURIAM.

This matter is before the Court on the Report of the Review Panel in which it adopts the special master's conclusion that Respondent Stephen T. Maples violated Standard 44 (lawyer shall not without just cause to the detriment of his client in effect willfully abandon or disregard a legal matter entrusted to him) and Standard 68 (lawyer shall not fail to respond to disciplinary authorities) of Bar Rule 4-102(d), and the recommendation that Maples be suspended for no less than 12 months, after application of Bar Rule 4-103 (third or subsequent disciplinary infraction constitutes discretionary grounds for suspension or disbarment).¹

The State Bar filed a Formal Complaint against Maples after he failed to timely respond to Notice of Investigation and he was suspended for almost for months before finally filing a response and having the suspension lifted. See Bar Rule 4-204.3(d). The special master held two hearings in this matter one for the presentation of evidence and another to consider evidence of aggravation and mitigation. The special master issued a report and recommendation, to which Maples filed an exception and a request for a Review Panel review. The State Bar filed a response and the Review Panel subsequently issued its report adopting, with amendment, the special master's findings of fact and conclusions of law. Maples filed an exception to that report, and the State Bar filed its response. The matter is now ripe for review by this Court.

The facts show that Maples, who undisputedly is an experienced criminal trial lawyer, was retained in 1995 by the sisters of a convicted criminal defendant to represent their brother on motion for new trial and on appeal. Maples received a total fee of \$10,000. He filed the motion for new trial the next month, met with the client and his

¹ The special master recommended that Maples receive a public reprimand for violating Standard 44, but the Review Panel apparently did not also adopts that recommendation.

previous counsel, and reviewed the transcript and forwarded it to the client with a cover letter asking him to call Maples to discuss issues relevant to the appeal. The client never called and Maples never attempted to contact him. Maples concluded in February 1996 that there were no appealable issues and so he decided not to seek an order on the motion for new trial, but to monitor the case law and facts to see if any change therein would give rise to a viable appeal.

Although the evidence is in conflict, the special master and Review Panel found that the client's sisters attempted to reach Maples on numerous occasions but that their inquiries were ignored, and Maples did not speak with them again until a meeting in November 1997. Maples then informed the sisters of his legal strategy. Maples had no further communication with the client's sisters despite the fact that they attempted to contact him.

In 1998, an associate of Maples reviewed the file and in 1999 Maples became aware of a change in the case law under which his client had been convicted, but determined that it would not affect the outcome of the client's sentence.

Maples has been the subject of five prior disciplinary actions.² We agree with the Review Panel which found unavailing Maples's arguments regarding a violation of Standard 44; that Standard 44 is unconstitutionally vague as it does not compel communication with a client; that he performed substantial work on the case and communicated with his client's sisters, reasonably believing that they would pass information onto the client; and that he did not cause any detriment to the client. Standard 44 can be violated even if a lawyer performs substantial work, and failure to communicate supports the detriment element of Standard 44, see *In the Matter of Tramel*, Case No. S00Y1947 (January 5, 2001); see also Canon 7 of the Code of Professional Responsibility Canons of Ethics and Ethical Consideration 7-8 (lawyer ought to initiate communication with client for decision-making purposes even if client does not do so). Additionally, Maples's failure to advise his client about the change in the law and let him make a decision about filing an appeal was without justification, particularly as the sisters continued during that time to attempt to contact Maples without success. Maples also caused his client detriment as evidenced by the client's concern regarding the lack of progress in his case, in the fee he paid, and in that he was forced to file a grievance, seek reimbursement of the fee through fee arbitration, and retain new counsel. See *Maples*, supra; *In the Matter of Sliz*, 246 Ga. 797 (SE2d 177) (1980).

Although a violation of Standard 68 is usually punishable by a public reprimand, in light of the other disciplinary proceedings against Maples, suspension is appropriate under the enhanced punishment provisions of Bar Rule 4-103. We reject Maples's

² In 1981 he received a public reprimand for violating Standard 44 by failing to file enumerations of error or a brief in a criminal case; in 1982 he again received a public reprimand for violating Standard 44 and this Court rejected his argument that Standard 44 is unconstitutionally vague, see *In the Matter of Maples*, 249 Ga. 502 (291 SE2d 708) (1982); in 1992 he received a letter of admonition for failing to file enumerations of error and a brief in the Court of Appeals (which suspended his privileges for a year and fined him \$500); in 1998 he received another letter of admonition for failing to respond to a notice of investigation; and in 2000 his privileges were suspended for failing to respond to a notice of investigation, but they were reinstated and the underlying grievance ultimately dismissed.

argument that he already has been punished by being suspended for four months and that in the future if a grievance is filed against him he will immediately hire a lawyer. The length of the suspension was due to Maples's own failure to respond to the notice of investigation for that amount of time. And his explanation that he has learned from this experience rings particularly hollow given that he has been sanctioned twice before for such conduct.

Accordingly, we hereby order that for his violation of Standard 44 maples be issued a public reprimand pursuant to Bar Rules 4-102(b)(3) and 4-220(c), and for his violation of Standard 68 and Bar Rule 4-103, that he be suspended from the practice of law for a period of 24 months, with reinstatement on the conditions that he attend the State Bar Ethics School and approved continuing education programs for which he must earn o less than 12 ethics credits during the period of his suspension. Maples is reminded of his duties under Bar Rule 4-219(c)

Twenty-four-month suspension with conditions; public reprimand. All the Justices concur, except Hunstein and Thompson, JJ., who dissent.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER;

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Stephen T. Maples and warn them accordingly;
- (3) Strike the name of said Stephen T. Maples from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

12/3



IN RE: DAVID ROY HEGE

STATE BAR NO. 343450

SUPREME COURT DOCKET NO. S03Y1506, S03Y1507 and S03Y1508

STATE DISCIPLINARY BOARD DOCKET NOS. 4419, 4420

TIFTON COUNTY CIRCUIT

November 3, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on September 22, 2003, an Order was entered in the Supreme Court of Georgia in the matter of David Roy Hege, providing in part as follows:

PER CURIAM.

These disciplinary matters are before the Court on Hege's Petition for Temporary Voluntary Surrender of License and two Review Panel reports recommending that Hege be disbarred. In both Case Nos. S03Y1506 and S03Y1507, Hege failed to timely answer the Formal Complaints filed by the State Bar and consequently the special master found him to be in default and the allegations in the complaints deemed admitted. The Review Panel adopted the special master's findings and conclusions in each case and recommended that Hege be disbarred.

In Case No. S03Y1506, a client hired Hege in December 2000 to represent him in a divorce action and paid Hege a retainer of \$2,500. Although the client directed Hege to pursue discovery and made numerous inquiries by phone, fax and mail about the status of the case, Hege failed to pursue the discovery requested, to otherwise initiate or complete work on the divorce case to prepare it for trial, or to respond to the client's inquiries. In May 2002, the client mailed a letter to Hege discharging Hege and demanding that Hege surrender the client's file and the retainer. After Hege failed to respond, the client sent another letter in September 2002 again requesting his file and a refund of the retainer. Hege failed to respond to the letter; failed to return the file or any unearned portion of the retainer; and failed to seek permission from the court to withdraw from the divorce case.

Based on this conduct, the special master concluded that Hege violated Rules 1.3 (lawyer shall act with diligence and promptness); 1.4 (lawyer shall keep client reasonably informed and promptly comply with reasonable requests for information); 1.16 (a) (lawyer shall withdraw from representation if discharged); and 1.16 (d) (upon termination of representation, lawyer shall take reasonable steps to protect client's interest) of the Georgia Rules of Professional Conduct, all a part of Bar Rule 4-102 (d) (disciplinary action rule), and recommended that Rule 4-103 (multiple violations constitute discretionary grounds for suspension or disbarment) be invoked.

In Case No. S03Y1507, Hege agreed to represent two clients in March 2001 in a case pending before the Magistrate Court of Colquitt County. Hege already

represented one of the clients in a workers' compensation case and continued to do so throughout 2001. Although the magistrate court case was scheduled for trial for May 2001 and Hege agreed to appear on his clients' behalf, Hege failed to do so and the court entered a judgment against the clients. Hege subsequently promised to file an appeal of the judgment and, although he did not file the appeal, falsely told one of the clients that he had. After the sheriff sought to levy on personal property to satisfy the judgment, Hege advised the clients to file for bankruptcy and, in August 2001, Hege filed a bankruptcy petition on their behalf. Hege, however, failed to file the appropriate bankruptcy plan and schedules; failed to attend two hearings in bankruptcy court; and did not inform the clients of the additional filings that were required or of the hearings. Consequently, in November 2001, the Chapter 13 trustee filed a motion to dismiss the case and after Hege failed to attend a hearing on the motion, the bankruptcy court dismissed the case in December 2001 and the sheriff resumed his efforts to levy on the clients' personal property. In the meantime, Hege also loaned one of the clients \$2,000 as an advance on a settlement of her workers' compensation case and to assist her with her living expenses.

Based on this conduct, the special master concluded that Hege violated Rules 1.3; 1.4; 1.8 (e) (lawyer shall not provide financial assistance to client except certain court costs and expenses); 1.16 (d); and 8.4 (a) (4) (lawyer shall not engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation) of the Georgia Rules of Professional Conduct, all a part of Bar Rule 4-102 (d), and recommended that Bar Rule 4-103 be invoked.

In S03Y1508, Hege filed a temporary voluntary surrender of license as one of the conditions of bond imposed on June 27, 2003 by the Tift County Superior Court. The court also ordered that Hege not seek reinstatement until the two disciplinary matters pending before this Court were resolved. As Hege filed the temporary voluntary surrender of license as ordered and the two pending disciplinary matters are resolved in this opinion, there is no need for this Court to take any further action in regard to disciplinary action Case No. So3Y1508.

We have reviewed the records in Case Nos. S03Y1506 and S03Y1507 and, finding no mitigating factors, agree with the special master and the Review Panel that Hege should be disbarred for his violations of Rules 1.3; 1.4; 1.8 (e); 1.16 (a); 1.16 (d); and 8.4 (a) (4) of the Georgia Rules of Professional Conduct, all a part of Bar Rule 4-102 (d). We also agree that due to Hege's prior disciplinary violations, Bar 4-103 should be invoked. Accordingly, Hege is disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said David Roy Hege and warn them accordingly;
- (3) Strike the name of said David Roy Hege from the roll of attorneys authorized to practice law before your court until further notice.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

12/3



IN RE: EDWARD JAMES BRANTLEY

STATE BAR NO. 078095

SUPREME COURT DOCKET NO. S03Y1864

STATE DISCIPLINARY BOARD DOCKET NO. 4509

FULTON COUNTY CIRCUIT

November 3, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on October 20, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Edward James Brantley, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court on Respondent Edward James Brantley's Petition for Voluntary Surrender of License, filed pursuant to Bar Rules 4-110 (f) and 4-227 (c) (1), subsequent to the State Bar's issuance of a formal complaint. Both the special master and the State Bar recommend that Brantley's petition, which is tantamount to disbarment, be accepted.

In his petition, Brantley admits that a mortgage company requested that he close a real estate transaction involving a certain borrower and, on June 24, 2002, wire transferred funds in the amount of \$238,902.14 to Brantley's attorney trust account to be used solely for the loan transaction. After the loan transaction did not close, the mortgage company demanded that Brantley return the funds but he failed to do so. Brantley further admits that the funds are no longer in his attorney trust account; that he is unable to return the funds to the mortgage company; and that due to this conduct, he violated Rule 1.15 (I) (b) of Bar Rule 4-102 (d) of the Georgia Rules of Professional Conduct. A violation of this rule is punishable by disbarment.

We have reviewed the record and hereby accept Brantley's petition for voluntary surrender of his license to practice law in Georgia. As such surrender is tantamount to disbarment, Brantley is reminded of his duties under Bar Rule 4-219 (c).

Voluntary Surrender of License accepted. All Justices concur.

**IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:**

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;

- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Edward James Brantley and warn them accordingly;
- (3) Strike the name of said Edward James Brantley from the roll of attorneys authorized to practice law before your court until further notice.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



Dec 11

IN RE: LINELL A. BAILEY

STATE BAR NO. 032205

SUPREME COURT DOCKET NOS. S03Y1653, S03Y1654 and S03Y1655

STATE DISCIPLINARY BOARD DOCKET NOS. 4443, 4445 and 4446

BRUNSWICK JUDICIAL CIRCUIT

November 11, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an order of the Supreme Court of Georgia, this is to give notice that on October 6, 2003, an order was entered in the Supreme Court of Georgia in the matter of Linell A. Bailey, Attorney at Law, providing as follows:

PER CURIAM.

These three disciplinary matters are before the Court pursuant to the consolidated Report and Recommendation ("R&R") of a special master who was appointed following the filing of Formal Complaints by the State Bar on three separate disciplinary matters, each of which involved abandonment of a client's legal matter. The Formal Complaints alleged, and the special master found, that Bailey repeatedly violated Rules 1.3, 1.4, and 9.3 of Bar Rule 4-102(d) and that, in one case, Bailey also violated Rule 1.15(I) of Bar Rule 4-102(d). a violation of Rule 1.3 or 1.15(I) may be punished by disbarment, while a violation of Rule 1.4 or 9.3 may be punished by public reprimand. The special master recommends that disbarment is the appropriate sanction for Bailey's violations. We agree.

Despite being personally served with the Formal Complaints, Bailey, who has been a member of the Bar since 1986, failed to respond timely and the facts described below are deemed admitted under Bar Rule 4-212(a).

In Case No. S03Y1653, Bailey agreed to defend a client in a criminal charge and accepted two rare coins from the client for use as demonstrative evidence in the case. After a jury convicted the client in November 2001, Bailey agreed to continue his representation of the client. Although Bailey filed a motion for new trial, he failed to inform his client of this action and made no effort to schedule a hearing on the motion; to order a transcript of the trial; or to respond to the client's numerous written and telephonic inquiries about the status of his case. Eventually, the trial court ordered replacement counsel for the client by Bailey now claims to be unable to find the client's rare coins. Based on these admitted facts, the special master found that Bailey had violated Rules 1.3, 1.4, 1.15(I), and 9.3.

In Case No. S03Y1654, a client retained Bailey in the late 1990s to represent her in an employment discrimination claim against her employer. Although she provided Bailey with the information necessary to file her suit and signed several documents

during her visit with Bailey, the client never received a copy of the documents. Initially, Bailey responded to the client's inquiries about the status of her case assuring her that he was involved in settlement discussions with the former employer. In 2001, however, Bailey ceased all communication with the client, and it now appears that Bailey never filed suit or even initiated contact with the client's former employer and the statute of limitations has now run on the client's claim. Bailey failed to respond to inquiries from the Office of the General Counsel regarding its investigation into this grievance and failed to respond to the Notice of Investigation or the Formal Complaint, despite being personally served with both documents. Based on these admitted facts, the special master found that Bailey had violated Rules 1.3, 1.4, and 9.3.

In Case No. S03Y1655, Bailey handled a divorce for a client in 1994 and agreed to continue in that capacity to assist in determining a method to divide marital property as required by the divorce decree. Despite the client's repeated requests, Bailey failed to submit a plan for division and failed to seek correction of the final divorce decree which inexplicably excluded several provisions favorable to the client and her children, including one that required the client's ex-husband to maintain a \$50,000 life insurance policy for benefit of the couple's children and one that required division of the husband's pension to benefit the client. Bailey then filed a motion for contempt against the client's ex-husband for his failure to comply with the provisions of the divorce decree and told the client that the motion was set for a hearing on September 25, 2001. When the client arrived at the courthouse that day, she was told that the motion had not been set for a hearing. Bailey has not taken any action on the client's behalf since November 2001, and ceased communication with her in October 2001. Bailey's failures in this case contributed to the loss of the client's home through foreclosure. As in other cases, Bailey failed to respond to inquiries from the Office of the General Counsel regarding its investigation into the client's grievance and failed to respond to the Notice of Investigation or the Formal Complaint, despite being personally served with both documents. Based on these admitted facts, the special master found that Bailey had violated Rules 1.3, 1.4, and 9.3.

Based on all the facts recited above, we have determined that disbarment is the appropriate disciplinary sanction for Bailey's violations. We note in aggravation (1) that Bailey engaged in a pattern of neglect which caused serious injury to his clients; (2) that he has a significant prior disciplinary history including a suspension for similar misconduct in 1996, see In the Matter of Bailey, 267 Ga. 370 (478 SE2d 131) (1996) two Formal Letters of Admonition on separate disciplinary matters (one in 1992 and a second in 2001) and an investigative panel reprimand in 2000; and (3) that he has been charged with multiple offenses in this disciplinary matter. We find no factors in mitigation and therefore we believe that the facts in this case support the imposition of a significant sanction for the violations shown herein. See also, Bar Rule 4-103. Accordingly, Linell A. Bailey hereby is disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

RECEIVED IN OFFICE

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Will. L. Martin

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER;

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Linell A. Bailey and warn them accordingly;
- (3) Strike the name of said Linell A. Bailey from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF GENERAL COUNSEL
STATE BAR OF GEORGIA



Court of Appeals

Memorandum

To: Cathy Nesbitt
From: *William L. Martin*
Subject: State Bar of Georgia Not Eligible to Practice List
Date: November 13, 2003

Attached please find a copy of the latest cattle call list from the State Bar of Georgia showing those persons who are no longer permitted to practice in this Court.

Please check the names listed in the highlighted area and let me know if any of these people have cases pending in the Court of Appeals.

Thank you.

/ld

Attachment

cc: Administrative Assistant Floaters

11-21-03
Bill -
Updated computer
ran reports, these
attorney - no pending
cases.
Thanks
Cathy

pursuant to the direction of the Board of Governors of the State Bar of Georgia, notice is given that the members listed below are not in good standing due to nonpayment of the license fee/dues for the 2003-04 (current) bar year as required by Rule 1-501 of the *Rules and Regulations for Organization and Government of the State Bar of Georgia*. **The listed members, therefore, are not eligible under the terms of Rule 1-203 to practice law in Georgia.** Notice is also given that if this situation is not corrected prior to September 1, 2004, member will automatically be placed on Official Administrative Suspension. It is suggested that in order to give full effect to the cited rules of the State Bar of Georgia, as ordered by the Supreme Court of Georgia, you should:

- (1) Post this report in a conspicuous place in your office or courthouse.
- (2) Strike the names of the listed attorneys from the roll of attorneys authorized to practice before your court until they are returned to good standing by paying all past due fees and penalties.

By Direction of the Board of Governors, this the 31st Day of October, 2003.



Cliff Brashier
Executive Director



William D. Barwick
President



William P. Smith, III
General Counsel

MEMBERS OF STATE BAR OF GEORGIA CURRENTLY NOT IN GOOD STANDING

Appalachian Circuit

051280-James E. Bennett Jr., Blue Ridge

Atlanta Circuit

001627-Jennifer C. Ackerman, Atlanta
005125-Dean Allen Adelman, Atlanta
051250-Jacqueline D. Bennett, Atlanta
062950-Joseph Nathan Blau, Atlanta
066665-Paula Evadne Bonds, Atlanta
079755-Timothy Robert Brennan, Atlanta
090550-John T. Brumby Jr., Atlanta
005130-Daniel Jeromè Carroll, Atlanta
783520-Deborah Y. Chandler, Atlanta
121000-Orville L. Chapin, Atlanta
123170-Raymond J. Cheney Jr., Atlanta
181835-Cheryl Lynn Conner, Roswell
192381-David Andrew Cox, Atlanta
207155-Heather Elizabeth Davies, Atlanta
227976-John E. Dowlen Jr., Atlanta
235850-John Durrett, Atlanta
237036-Kendra L. Eades, Atlanta
243973-Tracy H. Ellington, Atlanta
001100-James D. Flowers, Alpharetta
272666-Neville Trevor Francis, Atlanta
294856-Brent Samuel Gillett, Atlanta
299026-Rose Eugenie Goff, Atlanta
334100-Ronald W. Hartley, Atlanta
347638-Brendan L. Henry, Atlanta
375360-James Stephen Hufford, Atlanta
392926-Connie Earlita Johnson, Atlanta
414076-Wayne B. Kendall, Fairburn
418805-Richard H. Kimberly Jr., Atlanta
442000-Richard N. Lea, Atlanta
478439-Brian C. Max, Atlanta
479059-Holley M. May, Atlanta
491044-Brady Stewart McFalls, Atlanta
494985-Patricia A. McKenzie, Atlanta
502702-Arthur Jesse Merrill III, Atlanta
511366-Stephen L. Minsk, Atlanta
525078-Marc Manuel Morrison, Atlanta
541280-Robert Anthony Newman, Atlanta
547333-Ricky Bryon Novak, Atlanta
568230-Sharel Lovia Payne, Atlanta
574722-Jeffrey Heard Petree, Atlanta
579305-Jennifer R. Pierce, Atlanta
590562-Ken Pyles, Atlanta
593150-Anne S. Rampacek, Atlanta
611497-Catherine B. Roudigue, Atlanta
236960-Kimberly D. Rountree, Atlanta
643740-Daniel A. Shmalo, Atlanta
646840-Donahue Scott Silvis, Atlanta
653816-Alex Greer Smith, Roswell
783427-Lisa Young Smith, Atlanta
677656-Jay Frederick Steele, Atlanta

Atlanta Circuit (Continued)

680990-William S. Stevenson, Alpharetta
690000-John M. Stuckey Jr., Atlanta
691644-Scott David Sultzer, Atlanta
693793-Melanie G. Sutton, Atlanta
719660-Patsy Delores Turner, Atlanta
721625-Ronald A. Ulm, Atlanta
728139-Marina Cleo Volanakis, Atlanta
728833-Nathalie N.C. von Taaffe, Atlanta
733005-Theodore James Walkey, Roswell
757483-John G. Wienert, Atlanta
767955-Elaine Moore Wilson, Atlanta
775925-Richard H. Woodward Jr., Atlanta
780328-M. Elizabeth Yarbrough, Atlanta

Augusta Circuit

009325-Thomas Marvin Alford, Augusta
221083-Edward Ray Dillard, Augusta

Brunswick Circuit

432200-Charles E. Lamkin St. Simons
737600-Henry Hall Ware III, St. Simons

Chattahoochee Circuit

398520-Jean Ferguson Lee, Columbus
506150-Allan M. Miller, Columbus

Cherokee Circuit

111079-Anthony Gus Caroway, Cartersville
584685-Helen H. Porter, Cartersville

Clayton Circuit

053650-Phillip Benton, Jonesboro
055783-Charles Douglas Best, Jonesboro
516192-Jason Scott Monroe, Jonesboro

Cobb Circuit

049868-Harry A. Bendiburg, Kennesaw
125585-Curtis Kevin Churchill, Marietta
175560-Michael I. Cohn, Atlanta
201865-Lisa M. Cummings, Marietta
251417-Alfred Henry Evans, Atlanta
327497-Michael Eric Harmon, Mableton
350620-Timothy Allen Hickey Jr., Marietta
385030-Kenneth Tremayne Israel, Marietta
457075-Howard A. Long, Marietta

462965-Laura Lynne MacDonald, Marietta

548489-Colleen L. O'Brien, Smyrna
619417-Gerald Phillip Ruleman, Austell
632949-James F. Seagroves Jr, Atlanta
710729-Rodney Lee Threadgill, Atlanta
763306-Lauren Carson Williams, Smyrna
628737-Rita A. Yagoda, Marietta

Coweta Circuit

205989-Malcolm C. Davenport V., W. Point

Dougherty Circuit

462900-John C. MacAskill, Albany

Douglas Circuit

108858-Richard K. Capps, Douglasville

Eastern Circuit

034700-Leonard A. Baldwin, Savannah
586225-K. Lallah H. Powell, Savannah
591720-Wayne Stephen Racz, Savannah
610900-Richard L. Roble, Savannah
745707-Mary Katherine Weeks, Savannah
774600-Marshall R. Wood, Savannah

Enotah Circuit

563375-Victor C. Parker Jr., Dahlonega

Flint Circuit

084453-Susan M. Bronston, McDonough

Griffin Circuit

105380-James S. Cameron, Stockbridge
035500-Charles T. Ballard, Fayetteville
582280-Cynthia H. Plunkett, Peachtree City

Gwinnett Circuit

092645-Harold Alvin Buckler, Lawrenceville
229800-Ann Marie Drescher, Norcross
260010-M. Sara E. Fjallstrom, Lawrenceville
288330-Femi Gbaja, Norcross
661397-Howard Scott Haid, Lawrenceville
319335-Todd Andrew Hall, Lilburn
320355-L. Ellen Hamby, Sugar Hill
684075-Freddie Ray Stone Jr., Norcross
762513-Jason Sean Williams, Norcross

Houston Circuit

213387-Paul S. Davison, Robins AFB

Macon Circuit

334296-Colleen Ann Hartman, Macon
389650-Thomas F. Jarriel, Macon

Northeastern Circuit

581040-David B. Pittman, Vidalia

Northern Circuit

333333-Richard R. Harste, Gainesville
009425-William R. Alford, Hartwell

Ocmulgee Circuit

246930-John Wesley Ely, Carnesville

Ogechee Circuit

566605-Lewis James Patterson, Haddock
061349-Sally Ann Enoch, Statesboro
320909-L. Nicole Hamilton, Statesboro

Rockdale Circuit

779412-Philip Jerome Wydro, Conyers

Piedmont Circuit

286338-Buddy Garrett, Commerce

Rome Circuit

233855-William R. Duncan, Rome
581018-Diane Candice Fair, Rome

Out-of-State**Alabama**

- 198837-Timothy B. Crowson, Madison
- 321351-James D. Hamlett, Montgomery
- 402534-Michael Angelo Jones, Birmingham
- 565512-Gladys A. Partin, Birmingham
- 565948-Bentley Hines Patrick, Birmingham
- 572537-George T. Perry Jr., Brewton

Alaska

- 679555-Trezlen DeQuett Drake, Anchorage

Arkansas

- 113598-Asheton Mills Carter, Little Rock
- 748625-Dana Sue West, Jacksonville

California

- 086365-Jason Hayes Broth, San Francisco
- 087550-Frederick Brown, San Francisco
- 212901-Tala R. Davis, Los Angeles
- 172530-Larissa M. Cochran, Mountain View
- 258510-Hilary A. Fenner, San Francisco
- 003490-Michael M. Gerardi, Beverly Hills
- 319370-Jobeth Halper, Solana Beach
- 431097-Paul A. Lafranchise, Bakersfield
- 453813-Jonathan H. Lipsky, El Cerrito
- 388610-Ralph L. Jacobson, Orinda
- 566250-Steven D. Patrick, Los Angeles
- 597252-Lisa Anne Redlin, Chino
- 614407-Brian Lee Rosen, Santa Monica
- 693222-Geraldine A. Sutkowski, El Cerrito
- 744953-Wendy Anne Weber, Los Angeles

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- 573535-Tamara Sue Pester, Denver
- 631060-Paul Howard Schwartz, Denver

Delaware

- 604529-Edward Andre Richitelli, Wilmington

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- 120625-John W. Chandler Jr., Washington
- 190250-George T. Coumaris, Washington
- 310275-Mary Alice Gresham, Washington
- 325795-Jennifer R. Hardy, Washington
- 407735-Ari Karen, Washington
- 494425-Andrew J. McKenna, Washington
- 614905-Seth A. Rosenthal, Washington
- 696260-Stephen B. Tackney, Washington
- 716275-Carl H. Thiesmann, Washington
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- 526534-Glenn David Moses, Miami
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- 640255-Michael Shelley, Coconut Grove
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- 698950-George A. Tatum III, Kaneohe

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- 075515-Tanya Elizabeth Brady, Chicago

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- 392091-Scott David Johnson, Baton Rouge
- 571968-William A. Percy III, New Orleans
- 600781-Michael Brian Rennix, Shreveport

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- 182525-Michael C. Conway, Uppr Marlboro
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- 288587-John Thomas Geekie, Bethesda
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- 538868-Brian Michael Nestor, Silver Spring
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- 256475-Keith Gerard Flanagan, Boston
- 311429-Mary Brinson Griffin, Boston
- 642048-Scott Sheridan, Somerset

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- 364075-John Holmquist Jr., Bloomfield Hills
- 441420-Randall J. Layman, Birmingham

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- 617319-Denise D. Juergens Roy, St. Paul

Mississippi

- 035100-Annette E. Ball, Long Beach

Missouri

- 101960-Randall C. Cahill, St. Louis
- 615179-John Andrew Ross, Clayton
- 628901-Elissa L. Schauman, St. Louis

New Jersey

- 054890-Matthew Brian Bernhard, Hoboken
- 108875-Marie A. Cappuccio, Cinnaminson
- 067216-Michael D. Bonfrisco, Cherry Hill
- 225925-Robert J. Dorfman, Highland Park
- 649025-Clifford Brian Singer, Waldwick
- 683615-Vicki Sturdivant Stokes, Flemington
- 707320-Anne Louise Thompson, Chatham

New York

- 121938-Gregory H. Chastain, New York
- 065798-Robert Alfred Boland, New York
- 055830-John Neville Bettex, New York
- 073510-Edward Patrick Boyle, New York
- 277531-Jennifer F. Friedman, New York
- 330248-James Lewis Harris, New York
- 340250-Pamela Denise Hayes, New York
- 384248-Kamcheung T. Ip, New York
- 394340-Jack Leon Johnson, New York
- 111842-Kimberly Branch Koch, New York
- 415736-Frederick J. Koelsch, Ossining
- 173370-Abbey Beth Kosakowski, New York
- 460865-Robyn H. Barnett Lundy, New York
- 522668-Jennifer Marie Morgan, New York
- 545534-Spalding McArthur Nix, New York
- 586584-Robert Eric Powers, Bayshore
- 604029-David G. Richardson, New York
- 629790-Steven R. Schrader, Centereach
- 637954-Gaelyn E. Sharp, New York

North Carolina

- 010050-Francis W. Allen Jr., Charlotte
- 023740-Jill Anne Arrington, Asheville
- 072625-Kyle R. Boyd, Asheville
- 094616-Elizabeth F. Bunce, Lexington
- 102225-Charles Lee Cain, High Point
- 124937-Bentina Delicia Chisolm, Raleigh
- 318276-Diana M. Drinkwater, Aberdeen
- 243650-Billie Ray Ellerbe, Charlotte
- 272520-Jennifer Lynn Fox, Southern Pines
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North Carolina (Continued)**Pennsylvania**

- 99544496-Thomas C. Ninos, Pittsburgh
- 544930-Madelyn P. Nix, Lancaster
- 525299-Elizabeth Srinivasan, West Chester

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- 489555-Margaret M Fanning, Charleston
- 424321-Elizabeth K. Kitchens, Greenville
- 452012-Steven B. Licata, Columbia
- 728830-Suzanne V. Sanders, Greenville
- 766742-Richard Hood Willis, Columbia
- 784860-Sean Bannon Zenner, Columbia

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- 299541-Jason Andrew Golden, Columbia
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- 629066-Scott Lary Scheinthal, Houston
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- 348472-Jane E. Larimer, Arlington
- 445391-Christopher R. Leggett, Arlington
- 462950-Jonathan B. Macdonald, Richmond
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- 558360-Michael M. Ozburn, Marshall
- 559018-Gregory D. Page, Arlington
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- 045901-Laura Jane Beck, Green Bay WI

Out of Country

- 709987-Stephen L. Thompson, Belize
- 801027-Tania L. Dyson, England
- 628900-Jesse P. Schaudies Jr., France
- 393355-Edward S. Johnson Jr., Japan
- 436606-Timothy P. Langley, Japan

Pursuant to the direction of the Board of Governors of the State Bar of Georgia, notice is given that the members listed below are not in good standing due to nonpayment of the license fee/dues for the 2003-04 (current) bar year as required by Rule 1-501 of the *Rules and Regulations for Organization and Government of the State Bar of Georgia*. **The listed members, therefore, are not eligible under the terms of Rule 1-203 to practice law in Georgia.** Notice is also given that if this situation is not corrected prior to September 1, 2004, member will automatically be placed on Official Administrative Suspension. It is suggested that in order to give full effect to the cited rules of the State Bar of Georgia, as ordered by the Supreme Court of Georgia, you should:

- (1) Post this report in a conspicuous place in your office or courthouse.
- (2) Strike the names of the listed attorneys from the roll of attorneys authorized to practice before your court until they are returned to good standing by paying all past due fees and penalties.

By Direction of the Board of Governors, this the 31st Day of October, 2003.

Cliff Brashier

**Cliff Brashier
Executive Director**

William D. Barwick
**William D. Barwick
President**

William P. Smith, III

**William P. Smith, III
General Counsel**

MEMBERS OF STATE BAR OF GEORGIA CURRENTLY NOT IN GOOD STANDING

Appalachian Circuit

051280-James E. Bennett Jr., Blue Ridge

Atlanta Circuit

001627-Jennifer C. Ackerman, Atlanta
005125-Dean Allen Adelman, Atlanta
051250-Jacqueline D. Bennett, Atlanta
062950-Joseph Nathan Blau, Atlanta
066665-Paula Evadne Bonds, Atlanta
079755-Timothy Robert Brennan, Atlanta
090550-John T. Brumby Jr., Atlanta
005130-Daniel Jeromie Carroll, Atlanta
783520-Deborah Y. Chandler, Atlanta
121000-Orville L. Chapin, Atlanta
123170-Raymond J. Cheney Jr., Atlanta
181835-Cheryl Lynn Conner, Roswell
192381-David Andrew Cox, Atlanta
207155-Heather Elizabeth Davies, Atlanta
227976-John E. Dowlen Jr., Atlanta
235850-John Durrett, Atlanta
237036-Kendra L. Eades, Atlanta
243973-Tracy H. Ellington, Atlanta
001100-James D. Flowers, Alpharetta
272666-Neville Trevor Francis, Atlanta
294856-Brent Samuel Gillett, Atlanta
299026-Rose Eugenie Goff, Atlanta
334100-Ronald W. Hartley, Atlanta
347638-Brendan L. Henry, Atlanta
375360-James Stephen Hufford, Atlanta
392926-Connie Earlita Johnson, Atlanta
414076-Wayne B. Kendall, Fairburn
418805-Richard H. Kimberly Jr., Atlanta
442000-Richard N. Lea, Atlanta
478439-Brian C. Max, Atlanta
479059-Holley M. May, Atlanta
491044-Brady Stewart McFalls, Atlanta
494985-Patricia A. McKenzie, Atlanta
502702-Arthur Jesse Merrill III, Atlanta
511366-Stephen L. Minsk, Atlanta
525078-Marc Manuel Morrison, Atlanta
541280-Robert Anthony Newman, Atlanta
547333-Ricky Bryon Novak, Atlanta
568230-Sharel Lovia Payne, Atlanta
574722-Jeffrey Heard Petree, Atlanta
579305-Jennifer R. Pierce, Atlanta
590562-Ken Pyles, Atlanta
593150-Anne S. Rampacek, Atlanta
611497-Catherine B. Rodrigue, Atlanta
236960-Kimberly D. Rountree, Atlanta
643740-Daniel A. Shmalo, Atlanta
646840-Donahue Scott Silvis, Atlanta
653816-Alex Greer Smith, Roswell
783427-Lisa Young Smith, Atlanta
677656-Jay Frederick Steele, Atlanta

Atlanta Circuit (Continued)

069090-William S. Stevenson, Alpharetta
069000-John M. Stuckey Jr., Atlanta
069164-Scott David Sultzer, Atlanta
069379-Melanie C. Sutton, Atlanta
071966-Patsy Delores Turner, Atlanta
072162-Ronald A. Ulm, Atlanta
0728139-Marina Cleo Volanakis, Atlanta
072833-Nathalie N.C. von Taaffe, Atlanta
073300-Theodore James Wakey, Roswell
075748-John C. Wiener, Atlanta
076795-Elaine Moore Wilson, Atlanta
077592-Richard H. Woodward Jr., Atlanta
078032-M. Elizabeth Yarbrough, Atlanta
Augusta Circuit
009325-Thomas Marvin Alford, Augusta
022108-Edward Ray Dillard, Augusta
Brunswick Circuit
032200-Charles E. Lanckin St. Simons
037600-Henry Hall Ware III, St. Simons
Chattahoochee Circuit
039850-Jean Ferguson Lee, Columbus
0506150-Allan M. Miller, Columbus
Cherokee Circuit
0411079-Anthony Gus Garaway, Cartersville
04584685-Helen H. Porter, Cartersville
Clayton Circuit
053650-Phillip Benton, Jonesboro
055768-Charles Douglas Best, Jonesboro
0516192-Jason Scott Monroe, Jonesboro
Cobb Circuit
049868-Harry A. Bendiburg, Kennesaw
042585-Curtis Kevin Churchill, Marietta
04175560-Michael L. Cohn, Atlanta
04201865-Lisa M. Cummings, Marietta
04251417-Alfred Henry Evans, Atlanta
04327497-Michael Eric Harmon, Mableton
04350620-Timothy Allen Hickey Jr., Marietta
04385030-Kenneth Tremayne Israel, Marietta
04457075-Howard A. Long, Marietta
04462965-Laura Lynne MacDonald, Marietta
04548489-Colleen L. O'Brien, Smyrna
04619417-Gerald Phillip Ruleman, Austell
04632949-James F. Seagroves Jr., Atlanta
04710729-Rodney Lee Threadgill, Atlanta
04763306-Lauren Carson Williams, Smyrna
047628737-Rita A. Yagoda, Marietta
Coweta Circuit
04205989-Malcolm C. Davenport V, W. Point
Dougherty Circuit
04629000-John C. MacAskill, Albany

Douglas Circuit

108858-Richard K. Capps, Douglasville
Eastern Circuit
034700-Leonard A. Baldwin, Savannah
586225-K. Lallah H. Powell, Savannah
591720-Wayne Stephen Racz, Savannah
610900-Richard L. Roble, Savannah
745707-Mary Katherine Weeks, Savannah
774600-Marshall R. Wood, Savannah

Enotah Circuit

563375-Victor C. Parker Jr., Dahlonega

Flint Circuit

084453-Susan M. Bronston, McDonough

Griffin Circuit

105380-James S. Cameron, Stockbridge
035500-Charles T. Ballard, Fayetteville
582280-Cynthia H. Plunkett, Peachtree City

Gwinnett Circuit

092645-Harold Alvin Buckler, Lawrenceville
229800-Ann Marie Drescher, Norcross
260010-M. Sara E. Fjallstrom, Lawrenceville
288330-Femi Gbaja, Norcross
661397-Howard Scott Haid, Lawrenceville
319335-Todd Andrew Hall, Lilburn
320355-L. Ellen Hamby, Sugar Hill
684075-Freddie Ray Stone Jr., Norcross
762513-Jason Sean Williams, Norcross

Houston Circuit

213387-Paul S. Davison, Robins AFB

Macon Circuit

334296-Colleen Ann Hartman, Macon
389650-Thomas F. Jarriel, Macon

Northeastern Circuit

581040-David B. Pittman, Vidalia

Northern Circuit

333333-Richard R. Harste, Gainesville
009425-William R. Alford, Hartwell

Ocmulgee Circuit

246930-John Wesley Ely, Carnesville

Ogeechee Circuit

566605-Lewis James Patterson, Haddock
061349-Sally Ann Enoch, Statesboro
320909-L. Nicole Hamilton, Statesboro

Rockdale Circuit

779412-Phillip Jerome Wydro, Conyers

Piedmont Circuit

286338-Buddy Garrett, Commerce

Rome Circuit

233855-William R. Duncan, Rome
581018-Diane Candice Fair, Rome

538150-Joseph C. Nelson III, Athens

Out-of-State

Alabama

198837-Timothy B. Crowson, Madison
321351-James D. Hamlett, Montgomery
402534-Michael Angelo Jones, Birmingham
565512-Gladys A. Partin, Birmingham
565948-Bentley Hines Patrick, Birmingham
572537-George T. Perry Jr., Brewton

Alaska

679555-Trezlen DeQuett Drake, Anchorage

Arkansas

113598-Asheton Mills Carter, Little Rock
748625-Dana Sue West, Jacksonville

California

086365-Jason Hayes Broth, San Francisco
087550-Frederick Brown, San Francisco
212901-Tala R. Davis, Los Angeles
172530-Larissa M. Cochran, Mountain View
258510-Hilary A. Fenner, San Francisco
003490-Michael M. Gerardi, Beverly Hills
319870-Jobeth Halper, Solana Beach
431097-Paul A. Lafranchise, Bakersfield
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436606-Timothy P. Langley, Japan



Court of Appeals

Memorandum

To: Keri Avera
From: 
William L. Martin, III
Subject: State Bar of Georgia Not Eligible to Practice List
Date: November 13, 2003

Attached please find a copy of the latest cattle call list from the State Bar of Georgia showing those persons who are no longer permitted to practice in this Court.

Please check the names listed in the highlighted area and let me know if any of these people have cases pending in the Court of Appeals.

Thank you.

/ld

Attachment

cc: Administrative Assistant Floaters

Pursuant to the direction of the Board of Governors of the State Bar of Georgia, notice is given that the members listed below are not in good standing due to nonpayment of the license fee/dues for the 2003-04 (current) bar year as required by Rule 1-501 of the Rules and Regulations for Organization and Government of the State Bar of Georgia. The listed members, therefore, are not eligible under the terms of Rule 1-203 to practice law in Georgia. Notice is also given that if this situation is not corrected prior to September 1, 2004, member will automatically be placed on Official Administrative Suspension. It is suggested that in order to give full effect to the cited rules of the State Bar of Georgia, as ordered by the Supreme Court of Georgia, you should:

- (1) Post this report in a conspicuous place in your office or courthouse.
- (2) Strike the names of the listed attorneys from the roll of attorneys authorized to practice before your court until they are returned to good standing by paying all past due fees and penalties.

By Direction of the Board of Governors, this the 31st Day of October, 2003.

Cliff Brashier
Cliff Brashier
Executive Director

William D. Barwick
William D. Barwick
President

W. P. Smith III
William P. Smith, III
General Counsel

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✓ 051250-Jacqueline D. Bennett, Atlanta

✓ 062350-Joseph Nathan Blau, Atlanta

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✓ 070755-Timothy Robert Brennan, Atlanta

✓ 080559-John R. Brumby Jr., Atlanta

✓ 085130-Daniel Jerome Carroll, Atlanta

✓ 233520-Deborah Y. Chandler, Atlanta

✓ 241000-Orville L. Chapin, Atlanta

✓ 251760-Raymond J. Cheney Jr., Atlanta

✓ 281835-Cheryl Lynn Gonner, Roswell

✓ 282305-David Andrew Cox, Atlanta

✓ 287155-Heather Elizabeth Davies, Atlanta

✓ 287976-John E. Dowlen Jr., Atlanta

✓ 288850-John Durrett, Atlanta

✓ 237030-Kendra L. Eades, Atlanta

✓ 243070-Tracy H. Ellington, Atlanta

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✓ 291850-Brent Samuel Gillett, Atlanta

✓ 299020-Rose Eugenie Goff, Atlanta

✓ 004100-Ronald W. Hartley, Atlanta

✓ 047638-Brendan L. Henry, Atlanta

✓ 075360-James Stephen Hufford, Atlanta

✓ 092926-Connie Earlita Johnson, Atlanta

✓ 114070-Wayne B. Kendall, Fairburn

✓ 119805-Richard H. Kimberly Jr., Atlanta

✓ 112000-Richard N. Lea, Atlanta

✓ 178439-Brian C. Max, Atlanta

✓ 179059-Holley M. May, Atlanta

✓ 191044-Brady Stewart McFalls, Atlanta

✓ 194985-Patricia A. McKenzie, Atlanta

✓ 502702-Arthur Jesse Merrill III, Atlanta

✓ 511366-Stephen L. Miñsk, Atlanta

✓ 525078-Marc Manuel Morrison, Atlanta

✓ 541280-Robert Anthony Newman, Atlanta

✓ 547333-Ricky Bryon Novak, Atlanta

✓ 568230-Sharel Lovia Payne, Atlanta

✓ 574722-Jeffrey Heard Petree, Atlanta

✓ 579365-Jennifer R. Pierce, Atlanta

✓ 600562-Ken Pyles, Atlanta

✓ 603150-Anne S. Rampacek, Atlanta

✓ 611497-Catherine B. Rodrigue, Atlanta

✓ 630960-Kimberly D. Rountree, Atlanta

✓ 643740-Daniel A. Shmalo, Atlanta

✓ 645840-Donahue Scott Silvis, Atlanta

✓ 653816-Alex Greer Smith, Roswell

✓ 683427-Lisa Young Smith, Atlanta

✓ 677656-Jay Frederick Steele, Atlanta

Atlanta Circuit (Continued)

680990-William S. Stevenson, Alpharetta

690000-John M. Stuckey Jr., Atlanta

691644-Scott David Sultzer, Atlanta

693793-Melanie G. Sutton, Atlanta

719660-Patsy Delores Turner, Atlanta

721625-Ronald A. Ulm, Atlanta

728139-Marina Cleo Volanakis, Atlanta

728833-Nathalie N.C. von Taafe, Atlanta

733005-Theodore James Walkey, Roswell

757483-John G. Wienert, Atlanta

767955-Elaine Moore Wilson, Atlanta

775925-Richard H. Woodward Jr., Atlanta

780328-M. Elizabeth Yarbrough, Atlanta

Augusta Circuit

009325-Thomas Marvin Alford, Augusta

221083-Edward Ray Dillard, Augusta

Brunswick Circuit

432200-Charles E. Lamkin St. Simons

737600-Henry Hall Ware III, St. Simons

Chattahoochee Circuit

398520-Jean Ferguson Lee, Columbus

506150-Allan M. Miller, Columbus

Cherokee Circuit

111079-Anthony Gus Caroway, Cartersville

584685-Helen H. Porter, Cartersville

Clayton Circuit

053650-Phillip Benton, Jonesboro

055783-Charles Douglas Best, Jonesboro

516192-Jason Scott Monroe, Jonesboro

Cobb Circuit

049868-Harry A. Bendiburg, Kennesaw

125585-Curtis Kevin Churchill, Marietta

175560-Michael I. Cohn, Atlanta

201865-Lisa M. Cummings, Marietta

251417-Alfred Henry Evans, Atlanta

327497-Michael Eric Harmon, Mableton

350620-Timothy Allen Hickey Jr., Marietta

385030-Kenneth Tremayne Israel, Marietta

457075-Howard A. Long, Marietta

462965-Laura Lynne MacDonald, Marietta

548489-Colleen L. O'Brien, Smyrna

548489-Colleen L. O'Brien, Smyrna

632949-James F. Seagroves Jr, Atlanta

710729-Rodney Lee Threadgill, Atlanta

763306-Lauren Carson Williams, Smyrna

628737-Rita A. Yagoda, Marietta

Coweta Circuit

205989-Malcolm C. Davenport V., W. Point

Dougherty Circuit

462900-John C. MacAskill, Albany

Douglas Circuit

108858-Richard K. Capps, Douglasville

Eastern Circuit

034700-Leonard A. Baldwin, Savannah

586225-K. Lallah H. Powell, Savannah

591720-Wayne Stephen Raczy, Savannah

610900-Richard L. Roble, Savannah

745707-Mary Katherine Weeks, Savannah

774600-Marshall R. Wood, Savannah

Enotah Circuit

563375-Victor C. Parker Jr., Dahlonega

Flint Circuit

084453-Susan M. Bronston, McDonough

Griffin Circuit

105380-James S. Cameron, Stockbridge

035500-Charles T. Ballard, Fayetteville

582280-Cynthia H. Plunkett, Peachtree City

Gwinnett Circuit

092645-Harold Alvin Buckler, Lawrenceville

229800-Ann Marie Drescher, Norcross

260010-M. Sara E. Fjallstrom, Lawrenceville

288330-Femi Gbaja, Norcross

661397-Howard Scott Haid, Lawrenceville

319335-Todd Andrew Hall, Lilburn

320355-L. Ellen Hamby, Sugar Hill

684075-Freddie Ray Stone Jr., Norcross

762513-Jason Sean Williams, Norcross

Houston Circuit

213387-Paul S. Davison, Robins AFB

Macon Circuit

334296-Colleen Ann Hartman, Macon

389650-Thomas F. Jarriel, Macon

Northeastern Circuit

581040-David B. Pittman, Vidalia

Northern Circuit

333333-Richard R. Harste, Gainesville

009425-William R. Alford, Hartwell

Ocmulgee Circuit

246930-John Wesley Ely, Carnesville

Ogeechee Circuit

566605-Lewis James Patterson, Haddock

061349-Sally Ann Enoch, Statesboro

320909-L. Nicole Hamilton, Statesboro

Rockdale Circuit

779412-Philip Jerome Wydro, Conyers

Piedmont Circuit

286338-Buddy Garrett, Commerce

Rome Circuit

233855-William R. Duncan, Rome

581018-Diane Candice Fair, Rome

71500-William H. Kimbrough Jr., Athens
538150-Joseph C. Nelson III, Athens

Out-of-State

Alabama

198837-Timothy B. Crowson, Madison
321351-James D. Hamlett, Montgomery
402534-Michael Angelo Jones, Birmingham
565512-Gladys A. Partin, Birmingham
565948-Bentley Hines Patrick, Birmingham
572537-George T. Perry Jr., Brewton

Alaska

679555-Trezlen DeQuett Drake, Anchorage

Arkansas

113598-Asheton Mills Carter, Little Rock
748625-Dana Sue West, Jacksonville

California

086365-Jason Hayes Broth, San Francisco
087550-Frederick Brown, San Francisco
212901-Tala R. Davis, Los Angeles
172530-Larissa M. Cochran, Mountain View
258510-Hilary A. Fenner, San Francisco
003490-Michael M. Gerardi, Beverly Hills
319870-Jobeth Halper, Solana Beach
431097-Paul A. Lafranchise, Bakersfield
453813-Jonathan H. Lipsky, El Cerrito
388610-Ralph L. Jacobson, Orinda
566250-Steven D. Patrick, Los Angeles
597252-Lisa Anne Redlin, Chino
614407-Brian Lee Rosen, Santa Monica
693222-Geraldine A. Sutkowski, El Cerrito
744953-Wendy Anne Weber, Los Angeles

Colorado

311642-Christopher Lloyd Griffith, Boulder
573535-Tamara Sue Pester, Denver
631060-Paul Howard Schwartz, Denver

Delaware

604529-Edward Andre Richtelli, Wilmington

District of Columbia

120625-John W. Chandler Jr., Washington
190250-George T. Coumaris, Washington
310275-Mary Alice Gresham, Washington
325795-Jennifer R. Hardy, Washington
407735-Ari Karen, Washington
494425-Andrew J. McKenna, Washington
614905-Seth A. Rosenthal, Washington
696260-Stephen B. Tackney, Washington
716275-Carl H. Trieshmann, Washington
716254-Tamu N. Wright, Washington

Florida

080890-James R. Bridges Jr., Islamorada
186750-Edward M. Copeland IV, Tampa
201150-Robert Culpepper III, Tallahassee
207139-Michael J. Davie, Jacksonville
215850-Harry Lee Deffebach III, Melbourne
248550-Doyle C. Enfinger II, Tallahassee
285038-Inger M. Garcia, Fort Lauderdale
301700-Lawrence E. Goodwin, Clearwater

Florida (Continued)

358450-Sharon Lynn Hochstadt, Largo
359720-David Allen Hoffman, Jacksonville
368398-David Lesser Host, Tallahassee
375440-Matthew P. Huggins, Orlando
380200-Jeffrey Rice Hussey, Maitland
463620-Susan Machata, Palm Bch Gardns
526534-Glenn David Moses, Miami
538172-Melita Claire Nelson, Orlando
571170-Christy M. Pendley, Buffalo Grove
640255-Michael Shelley, Coconut Grove
732205-Katie Diane Walker, Sanford
746650-Linda S. Weitzman, West Palm Bch
772440-Wendy E. Witten, Jacksonville

Hawaii

698950-George A. Tatum III, Kaneohe

Illinois

075515-Tanya Elizabeth Brady, Chicago

307125-Giana Denise Horn, Louisiana

Louisiana

191963-Keith Michael Couture, Chalmette
392091-Scott David Johnson, Baton Rouge
571968-William A. Percy III, New Orleans
600781-Michael Brian Rennix, Shreveport

Maryland

126906-Betty Jane Clark, Bethesda
182525-Michael C. Conway, Uppr Marlboro
249528-Christopher L. Epstein, Silver Spring
288587-John Thomas Geekie, Bethesda
374445-Cheryl Lynn Hudson, Silver Spring
464837-Richard M. Maddow, Silver Spring
498737-John P. McNerney, Bethesda
538868-Brian Michael Nestor, Silver Spring
669567-Joel Patrick Sparks, Silver Spring

Massachusetts

240134-Kenneth E. Edwards, Jamaica Pl.
246360-Adam Scott Elman, Chestnut Hill
256475-Keith Gerard Flanagan, Boston
311429-Mary Brinson Griffin, Boston
642048-Scott Sheridan, Somerset

Michigan

089655-Wayne Brown, Detroit
364075-John Holmquist Jr., Bloomfield Hills
441420-Randall J. Layman, Birmingham

Minnesota

617319-Denise D. Juergens Roy, St. Paul

Mississippi

035100-Annette E. Ball, Long Beach

Missouri

101960-Randall C. Cahill, St. Louis
615179-John Andrew Ross, Clayton
628901-Elissa L. Schauman, St. Louis

New Jersey

054890-Matthew Brian Bernhard, Hoboken
108875-Marie A. Cappuccio, Cinnaminson
067216-Michael D. Bonfrisco, Cherry Hill
225925-Robert J. Dorfman, Highland Park
649025-Clifford Brian Singer, Waldwick
683615-Vicki Sturdivant Stokes, Flemington
707320-Anne Louise Thompson, Chatham

New York

121938-Gregory H. Chastain, New York
065798-Robert Alfred Boland, New York
055830-John Neville Bettex, New York
073510-Edward Patrick Boyle, New York
277531-Jennifer F. Friedman, New York
330248-James Lewis Harris, New York
340250-Pamela Denise Hayes, New York
384248-Kamcheung T. Ip, New York
394340-Jack Leon Johnson, New York
11842-Kimberly Branch Koch, New York
415736-Frederick J. Koelsch, Ossining
173370-Abbey Beth Kosakowski, New York
460865-Robyn H. Barnett Lundy, New York
522668-Jennifer Marie Morgan, New York
545534-Spalding McArthur Nix, New York
586584-Robert Eric Powers, Bayshore
604029-David G. Richardson, New York
629790-Steven R. Schrader, Centereach
637954-Gaelyn E. Sharp, New York

North Carolina

010050-Francis W. Allen Jr., Charlotte
023740-Jill Anne Arrington, Asheville
072625-Kyle R. Boyd, Asheville
094616-Elizabeth F. Bunce, Lexington
102225-Charles Lee Cain, High Point
124937-Bentina Delicia Chisolm, Raleigh
318276-Diana M. Drinkwater, Aberdeen
243650-Billie Ray Ellerbe, Charlotte
272520-Jennifer Lynn Fox, Southern Pines
349525-Harvey K. Hess Jr., Kitty Hawk

North Carolina (Continued)

670119-Gilda F. Spears, Russell Township

Pennsylvania

99544496-Thomas C. Ninos, Pittsburgh
544930-Madelyn P. Nix, Lancaster
525299-Elizabeth Srinivasan, West Chester

South Carolina

489555-Margaret M Fanning, Charleston
424321-Elizabeth K. Kitchens, Greenville
452012-Steven B. Licata, Columbia
728830-Suzanne V. Sanders, Greenville
766742-Richard Hood Willis, Columbia
784860-Sean Bannon Zenner, Columbia

Tennessee

042425-John F. Battle, Germantown
123394-Joel Alan Cherry, Nashville
191195-Thomas E. Cowan Jr., Elizabethton
299541-Jason Andrew Golden, Columbia
036299-Holly Michele Loy, Knoxville
471475-Cabell J. Marshall, Knoxville
570155-Yvonne R. Peebles, Smyrna
607727-Steven Wayne Roads, Nashville
690655-Jane Stutsman, Franklin
725295-Thomas A. Varian, Knoxville
745705-Jerry Woods Weeks, Nashville
764204-Steven Lee Williams, Knoxville

Texas

042467-William Herbert Bauch, Houston
063755-Mitchell Stern Block, Austin
364772-James Daniel Chapman, Houston
204865-Steven Robert Daniels, Austin
629066-Scott Lary Scheinthal, Houston
754460-Katherine Ann White, Houston
757545-Edward Earl Wiggers, El Paso

Virginia

255821-Larent H. Burdette, Arlington
223380-Freddie Angelo Dixon, Glen Allen
231115-Robert G. Drummer, Dumfries
288880-Alma Louise Geibelt, Falls Church
348412-Jane E. Larimer, Arlington
445391-Christopher R. Leggett, Arlington
462950-Jonathan B. Macdonald, Richmond
554355-Cynthia Marie Orms, Marshall
558360-Michael M. Ozburn, Marshall
559018-Gregory D. Page, Arlington
611875-Janet Karen Roell, Alexandria
616153-Amy Lynn Rothstein, McLean
620650-Kenneth R. Russell Jr., Bristol
712570-Frank A. Tillotson, Woodbridge
719675-Robert E. Turner Jr., Falls Church
773397-James J. Wolfson, Reston

Washington

201501-Rea Lynn Culwell, Walla Walla
769610-Alicia Wiltz Fenrick, Seattle
595115-Timothy Rasmussen, 9 Mile Falls

West Virginia

607555-Kelly Rixner-Curry, Charleston

Wisconsin

045901-Laura Jane Beck, Green Bay WI

Out of Country

709987-Stephen L. Thompson, Belize
801027-Tania L. Dyson, England
628900-Jesse P. Schaudies Jr., France
393355-Edward S. Johnson Jr., Japan
436606-Timothy P. Langley, Japan

STATE BAR OF GEORGIA

11/24



IN RE: M. BERNT MEYER

STATE BAR NO. 503525

SUPREME COURT DOCKET NOS. S03Y0187, S03Y0188, S03Y0189, S03Y0280

STATE DISCIPLINARY BOARD DOCKET NOS. 4433, 4434, 4435, 4230

EASTERN JUDICIAL CIRCUIT

October 24, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on October 6, 2003, an Order was entered in the Supreme Court of Georgia in the matter of M. Bernt Meyer, providing in part as follows:

PER CURIAM.

Respondent M. Bernt Meyer has four disciplinary matters currently pending before this Court. According to the Notices of Discipline filed by the State Bar, Meyer has violated Standards 3, 4, 22, 23, 44, 61, 63, 65 and 66 and Rule 9.3 of the Georgia Rules of Professional Conduct, all of Bar Rule 4-102(d). A violation of Standard 3, 4, 44, 61, 63, 65, or 66 is punishable by disbarment, while the sanction for a violation of Standard 22, 23, or Rule 9.3 is a public reprimand. We note that Meyer was declared legally incapacitated in August 2002, and that his legal guardian, Scott Markowitz, acknowledged service of the Notices of Discipline issued in each of the above-captioned proceedings on July 28, 2003, pursuant to Bar Rule 4-203.1(b)(1). As no Notices of Rejection have been filed in any of these matters, Meyer's right to an evidentiary hearing has been waived and he is subject to such discipline as may be determined by this Court. The State Bar recommends in each of these cases that Meyer be disbarred. Because of the circumstances, we believe that disbarment is the appropriate sanction for Meyer's numerous violations.

The documents filed in Case No. S03Y0187 and S03Y0188 establish that on two separate occasions, Meyer acted as settlement agent and closing attorney for loan closing transactions involving the purchase of real estate. In each instance, he received the seller's proceeds, deposited the funds into his attorney escrow account, represented to the purchaser that he would pay outstanding liens on the property from his escrow account, but failed to do so. Instead, Meyer breached his fiduciary duty by commingling the funds for payment of the liens with his personal funds and appropriating them for his own benefit. When the purchasers discovered that the liens remained unpaid and contacted Meyer to demand proof of the liens' satisfaction, he either failed to respond to their queries or informed them that the receipts showing payment had been lost. In Case No. S03Y0189, Meyer was hired by a couple to represent them in claims arising from personal injuries they sustained in an automobile collision. He subsequently failed to communicate with his clients regarding the status of their case, failed to return their telephone calls and did nothing to pursue the legal matter entrusted to him. Further, he allowed the statute of limitations to expire on their claim without filing a complaint. Finally, in Case No. S03Y0280, the Investigative Panel of the State Bar of Georgia initiated a grievance against Meyer after learning that he had been convicted of felonies in the State of

Florida in 1964, 1983 and again in 1987, but had never informed the State Bar of Georgia of his convictions. Nor did Meyer inform the State Bar of the fact that following his 1987 felony conviction he resigned his membership in the Florida Bar pursuant to the disciplinary rules of the Florida Bar.

Considering these facts (all of which were admitted due to Meyer's failure to respond to the disciplinary process) and the fact that, although properly served with the relevant notices of investigation and notices of discipline, Meyer failed to respond in a timely manner, we find that Meyer knowingly violated Standards 3, 4, 22, 23, 44, 61, 63, 65 and 66 and Rule 9.3 of the Georgia Rules of Professional Conduct, all of Bar Rule 4-102(d). We note that Meyer has no prior disciplinary history, but find that as the four cases now before us involve multiple offenses, they suggest a pattern of professional deception and client abandonment. Accordingly, we agree with the State Bar's recommendation and find that disbarment is the warranted sanction in these cases. Meyer hereby is disbarred from the practice of law in Georgia and is reminded of his duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said M. Bernt Meyer and warn them accordingly;
- (3) Strike the name of said M. Bernt Meyer from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



11/24

IN RE: HOWARD WARREN GOLDSTEIN

STATE BAR NO. 300413

SUPREME COURT DOCKET NO. S01Y0717

STATE DISCIPLINARY BOARD DOCKET NO. 4149

ATLANTA JUDICIAL CIRCUIT

October 24, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on September 8, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Howard Warren Goldstein, providing in part as follows:

PER CURIAM.

These disciplinary matters are before the Court on the Review Panel's Report and Recommendation that Stephen M. Friedberg, Donald J. Stein and Howard Warren Goldstein (together, the "Respondents") be suspended for violating Standard 66 of Bar Rule 4-102(d). A special master was appointed and a show cause hearing held in which all Respondents participated. The special master subsequently issued his report in which he considered the circumstances aggravating and mitigating factors, as well as prior case law, before recommending a three-year suspension as the appropriate discipline for each of the Respondents. The State Bar requested a Review Panel review and filed exceptions to the special master's recommendation in which it sought disbarment as the appropriate level of discipline in these cases. Respondents filed motions for acceptance of the special master's recommendation, but on June 23, 2003, the Review Panel issued its report and recommendation agreeing with the State Bar that the Respondents should be disbarred for their violations of Standard 66.

The facts show that Respondents are members of the same law firm and on October 20, 2000, they pled guilty in the United States District Court for the Northern District of Georgia to Conspiracy to Defraud the United States and False Statement on 1997 Tax Return. Respondents have been State Bar members since 1973, 1975, and 1980, respectively. They failed to report their total income by distributing cash payments to themselves without reporting the payments as income; by not reporting as income amounts of "fee splitting" to non-lawyer individuals, i.e., runners; and by paying referral fees to runners for the referral of clients to the law firm. They engaged in this conduct from 1994 until 1999 and filed a joint tax return as partners for 1997 that they knew was untrue and incorrect.

We agree with the Review Panel that disbarment is the appropriate sanction in these cases, and note in aggravation of discipline that Respondents' conduct was the result of selfish motives; that although they only pled guilty to two felony counts, their course of conduct and financial benefits from their dishonest actions spanned at least a five-year period; and that they have substantial experience in the practice of law. Accordingly, the names of Stephen M. Friedberg, Donald J. Stein, and Howard Warren Goldstein hereby are removed from the rolls of lawyers licensed to practice

law in the State of Georgia. They are reminded of their duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Howard Warren Goldstein and warn them accordingly;
- (3) Strike the name of said Howard Warren Goldstein from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

11/24



IN RE: DONALD J. STEIN

STATE BAR NO. 677825

SUPREME COURT DOCKET NO. S01Y0716

STATE DISCIPLINARY BOARD DOCKET NO. 4148

ATLANTA JUDICIAL CIRCUIT

October 24, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on September 8, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Donald J. Stein, providing in part as follows:

PER CURIAM.

These disciplinary matters are before the Court on the Review Panel's Report and Recommendation that Stephen M. Friedberg, Donald J. Stein and Howard Warren Goldstein (together, the "Respondents") be suspended for violating Standard 66 of Bar Rule 4-102(d). A special master was appointed and a show cause hearing held in which all Respondents participated. The special master subsequently issued his report in which he considered the circumstances aggravating and mitigating factors, as well as prior case law, before recommending a three-year suspension as the appropriate discipline for each of the Respondents. The State Bar requested a Review Panel review and filed exceptions to the special master's recommendation in which it sought disbarment as the appropriate level of discipline in these cases. Respondents filed motions for acceptance of the special master's recommendation, but on June 23, 2003, the Review Panel issued its report and recommendation agreeing with the State Bar that the Respondents should be disbarred for their violations of Standard 66.

The facts show that Respondents are members of the same law firm and on October 20, 2000, they pled guilty in the United States District Court for the Northern District of Georgia to Conspiracy to Defraud the United States and False Statement on 1997 Tax Return. Respondents have been State Bar members since 1973, 1975, and 1980, respectively. They failed to report their total income by distributing cash payments to themselves without reporting the payments as income; by not reporting as income amounts of "fee splitting" to non-lawyer individuals, i.e., runners; and by paying referral fees to runners for the referral of clients to the law firm. They engaged in this conduct from 1994 until 1999 and filed a joint tax return as partners for 1997 that they knew was untrue and incorrect.

We agree with the Review Panel that disbarment is the appropriate sanction in these cases, and note in aggravation of discipline that Respondents' conduct was the result of selfish motives; that although they only pled guilty to two felony counts, their course of conduct and financial benefits from their dishonest actions spanned at least a five-year period; and that they have substantial experience in the practice of law. Accordingly, the names of Stephen M. Friedberg, Donald J. Stein, and Howard Warren Goldstein hereby are removed from the rolls of lawyers licensed to practice

law in the State of Georgia. They are reminded of their duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Donald J. Stein and warn them accordingly;
- (3) Strike the name of said Donald J. Stein from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

11/24



IN RE: STEPHEN M. FRIEDBERG

STATE BAR NO. 277350

SUPREME COURT DOCKET NO. S01Y0714

STATE DISCIPLINARY BOARD DOCKET NO. 4147

ATLANTA JUDICIAL CIRCUIT

October 24, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on September 8, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Stephen M. Friedberg, providing in part as follows:

PER CURIAM.

These disciplinary matters are before the Court on the Review Panel's Report and Recommendation that Stephen M. Friedberg, Donald J. Stein and Howard Warren Goldstein (together, the "Respondents") be suspended for violating Standard 66 of Bar Rule 4-102(d). A special master was appointed and a show cause hearing held in which all Respondents participated. The special master subsequently issued his report in which he considered the circumstances aggravating and mitigating factors, as well as prior case law, before recommending a three-year suspension as the appropriate discipline for each of the Respondents. The State Bar requested a Review Panel review and filed exceptions to the special master's recommendation in which it sought disbarment as the appropriate level of discipline in these cases. Respondents filed motions for acceptance of the special master's recommendation, but on June 23, 2003, the Review Panel issued its report and recommendation agreeing with the State Bar that the Respondents should be disbarred for their violations of Standard 66.

The facts show that Respondents are members of the same law firm and on October 20, 2000; they pled guilty in the United-States District Court for the Northern District of Georgia to Conspiracy to Defraud the United States and False Statement on 1997 Tax Return. Respondents have been State Bar members since 1973, 1975, and 1980, respectively. They failed to report their total income by distributing cash payments to themselves without reporting the payments as income; by not reporting as income amounts of "fee splitting" to non-lawyer individuals, i.e., runners; and by paying referral fees to runners for the referral of clients to the law firm. They engaged in this conduct from 1994 until 1999 and filed a joint tax return as partners for 1997 that they knew was untrue and incorrect.

We agree with the Review Panel that disbarment is the appropriate sanction in these cases, and note in aggravation of discipline that Respondents' conduct was the result of selfish motives; that although they only pled guilty to two felony counts, their course of conduct and financial benefits from their dishonest actions spanned at least a five-year period; and that they have substantial experience in the practice of law. Accordingly, the names of Stephen M. Friedberg, Donald J. Stein, and Howard Warren Goldstein hereby are removed from the rolls of lawyers licensed to practice

law in the State of Georgia. They are reminded of their duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Stephen M. Friedberg and warn them accordingly;
- (3) Strike the name of said Stephen M. Friedberg from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



IN RE: THOMAS E. COWAN, JR.
STATE BAR NO. 191195
SUPREME COURT DOCKET NO. S03Y1549
STATE DISCIPLINARY BOARD DOCKET NO. 4546
ATLANTA JUDICIAL CIRCUIT
September 29, 2003
Respondent currently resides in Elizabethton, TN

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on September 22, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Thomas E. Cowan, Jr., providing in part as follows:

PER CURIAM.

This matter is before the Court pursuant to Respondent Thomas E. Cowan, Jr.'s petition for voluntary discipline which was filed pursuant to Bar Rule 4-227(b)(2) prior to the issuance of a Formal Complaint. In his petition, Cowan admits that the Tennessee Supreme Court suspended him from the practice of law for one month effective December 15, 2002 and that by virtue of the Tennessee suspension, he violated Rule 9.4(a) of the Georgia Rules of Professional Conduct of Bar Rule 4-102. Although the maximum sanction for a violation of Rule 9.4(a) is disbarment, Cowan requests a one-month suspension, retroactive to December 15, 2002. The State Bar of Georgia has responded to Cowan's petition asserting no objection and requesting that the Court accept the petition and Cowan's requested discipline. Finding such discipline appropriate under the circumstances presented herein, this Court accepts Cowan's petition and orders that Cowan be suspended from the practice of law for the period of one month and that the suspension be retroactive to December 15, 2002.

One Month Suspension. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



IN RE: ALVIN L. KENDALL
STATE BAR NO. 414040
SUPREME COURT DOCKET NO. S99Y0558
STATE DISCIPLINARY BOARD DOCKET NO. 3781
ATLANTA JUDICIAL CIRCUIT
September 29, 2003

FILED IN OFFICE
OCT - 2 2003
CLERK COURT OF APPEALS OF GA

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on September 8, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Alvin L. Kendall, providing in part as follows:

PER CURIAM.

This matter is before the Court pursuant to the Report and Recommendation of the Review Panel finding that Respondent Alvin L. Kendall violated Standard 66 of Bar Rule 4-102(d) and recommending that he be disbarred. Previously, this Court suspended Kendall pending the appeal of his criminal conviction. See In the Matter of Kendall, 271 Ga. 166 (517 SE2d 323) (1999). Subsequent to his suspension, however, the United States Court of Appeals for the Eleventh Circuit has affirmed his conviction and his Petition for Writ of Certiorari has been denied by the United States Supreme Court. Kendall v. United States, 531 U. S. 879 (2002). Following the conclusion of Kendall's appeals, the special master held a hearing pursuant to Bar Rule 4-106(f)(1) to determine the appropriate level of discipline to be imposed. Although Kendall was not able to appear at the hearing due to his incarceration, he did submit a written response to the special master's order to show cause. The special master denied Kendall's requests for a continuance of the hearing until he could be present in person.

On or about March 27, 2003, the special master issued his report and recommendation finding that, as a result of his convictions for conspiracy to give notice of impending search and seizure warrants in violation of 18 USC §§ 2232(b) and 371 and for conspiracy to distribute cocaine in violation of 18 USC § 846, Kendall had violated Standard 66 of Bar Rule 4-102(d). Noting that Kendall's appeals had been exhausted, the special master concluded that he should be disbarred. Kendall filed a notice of appeal seeking review of the special master's report by the Review Panel pursuant to Bar Rule 4-217(d). Thereafter, the Review Panel conducted a review of the special master's report pursuant to Bar Rule 4-218 and issued its own Report and Recommendation affirming the findings of the special master and also reaching the conclusion that disbarment was the appropriate discipline. The Review Panel then filed its report with this Court. We agree with the recommendation of the special master and that of the Review Panel that Kendall should be disbarred for his violation of Standard 66. Accordingly, Kendall hereby is disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Alvin L. Kendall and warn them accordingly;
- (3) Strike the name of said Alvin L. Kendall from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



IN RE: WILLIAM LEWIS VAUGHN

STATE BAR NO. 726450

SUPREME COURT DOCKET NO. S03Y1786

STATE DISCIPLINARY BOARD DOCKET NOS. 4489, 4490, 4491

MACON JUDICIAL CIRCUIT

September 29, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on September 8, 2003, an Order was entered in the Supreme Court of Georgia in the matter of William Lewis Vaughn, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court on the special master's report recommending acceptance of Respondent William Lewis Vaughn's Petition for Voluntary Surrender of License. The State Bar also recommends that Vaughn's petition be accepted. Vaughn filed his petition pursuant to Bar Rule 4-227(c) after the Investigative Panel of the State Bar's State Disciplinary Board found probable cause to charge Respondent with violations, the State Bar issued three Formal Complaints, and this Court appointed a special master. In his petition, Vaughn admits having violated Rules 1.3 and 8.4(a)(4) of Bar Rule 4-102(d) of the Georgia Rules of Professional Conduct. A violation of either rule is punishable by disbarment and a voluntary surrender of license is tantamount to disbarment.

Rule 8.4(a)(4) prohibits a lawyer from engaging in professional conduct involving dishonesty, fraud, deceit or misrepresentation. In his petition, Vaughn admits he violated Rule 8.4(a)(4) when, on two separate occasions, he represented a mortgage company and prepared a HUD-1 settlement statement regarding the sale of certain real property. Vaughn admits he knew one of the settlement statements did not reflect the actual payments the parties involved in the transaction made and did not reflect the actual value of the property involved in the transaction. With regard to the other HUD-1 settlement statement, Vaughn admits he was aware the settlement statement contained untrue statements of fact and did not accurately reflect the transaction between the parties.

Rule 1.3 requires a lawyer to act with reasonable diligence and promptness in representing a client, and prohibits a lawyer from willfully abandoning or willfully disregarding a legal matter entrusted to the lawyer, to the detriment of the client and without just cause. Vaughn admits he violated Rule 1.3 when he willfully delayed filing until May 2002 a security deed and a release of a second mortgage after serving as the settlement agent when the owner refinanced the property in July 1999. When the individual attempted in April 2002 to sell the property for which the security deed had not been filed, the attorney handling the 2002 closing determined that the security deed concerning the property had not been recorded and contacted Vaughn about the problem. Vaughn informed the attorney the unrecorded deed and the release of a second mortgage were in a file in Vaughn's office. Vaughn recorded the security deed and the release on May 2, 2002; however, Vaughn's willful delay in

recording the documents prevented the individual from closing the sale of her property in April 2002. Although there is neither evidence nor an admission that the property owner whose security deed was not filed was Vaughn's client, we conclude that Rule 103 was violated because Vaughn's admitted willful three-year delay in filing the security deed could cause his client in the re-financing transaction "needless anxiety and undermine confidence in the lawyer's trustworthiness." Comment (2) to Rule 1.3.

We have reviewed the record in this case and conclude that Vaughn's Petition for Voluntary Surrender of License should be accepted on the basis of his admission of twice violating Standard 8.4(a)(4) and having violated Rule 1.3. We note that Vaughn has prior disciplinary violations for which he received a 12-month suspension with conditions (In the Matter of Vaughn, 275 Ga. 295 (565 SE2d 463) (2002), and a Review Panel reprimand. In the Matter of Vaughn, Case No. S00Y1933 (September 8, 2000). Accordingly, Vaughn's Petition for Voluntary Surrender of License hereby is accepted. He is reminded of his duties under Bar Rule 4-219(c).

Petition for Voluntary Surrender of License accepted. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said William Lewis Vaughn and warn them accordingly;
- (3) Strike the name of said William Lewis Vaughn from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

RECEIVED IN OFFICE
2009 OCT -2 PM 3-29
C. L. Z. MONTGOMERY
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA.

STATE BAR OF GEORGIA



IN RE: DIANE LINDSEY PERRY

STATE BAR NO. 572510

SUPREME COURT DOCKET NO. S03Y1452

STATE DISCIPLINARY BOARD DOCKET NOS. 3587

TIFTON JUDICIAL CIRCUIT

September 22, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on April 30, 2001, an Order was entered in the Supreme Court of Georgia in the matter of Diane Lindsey Perry, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court on the Report and Recommendation of the Review Panel of the State Disciplinary Board. On September 14, 1998, this Court suspended Perry indefinitely pursuant to her petition for voluntary discipline brought under Bar Rule 4-104 (mental incapacity and substance abuse). See In the Matter of Perry, 269 Ga. 757 (507 SE2d 437) (1998) (imposing significant conditions for Perry's readmission to the practice of law). Claiming that she had satisfied all the conditions imposed for her readmission, Perry properly petitioned the Review Panel which unanimously agreed and recommended that Perry be readmitted to the practice of law. As the State Bar of Georgia has asserted no objection to Perry's request, this Court accepts Perry's request for readmission and hereby orders that Perry's suspension be lifted and that her ability to practice law be restored as of the date of this order.

Suspension Lifted. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



IN RE: JED LAURENCE SILVER

STATE BAR NO. 004030

SUPREME COURT DOCKET NO. S03Y1277

STATE DISCIPLINARY BOARD DOCKET NO. 4034

COBB COUNTY CIRCUIT

September 22, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on September 8, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Jed Laurence Silver, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court on Respondent Jed L. Silver's Petition for Reinstatement. On April 30, 2001, this Court suspended Silver from the practice of law for a period of two years for his violation of Standard 66 (conviction of any felony or misdemeanor involving moral turpitude) of Bar Rule 4-102 (d). The violation arose from Silver's participation in his law firm's payment of runners to obtain client referrals. As a condition of reinstatement, Silver, who had been diagnosed with a combination of severe depression and panic disorder, also was required to obtain a determination from the State Bar Committee on Lawyer Impairment, now known as the Lawyers Assistance Committee of the State Bar, that Silver was competent to resume the practice of law. See In the Matter of Silver, 273 Ga. 727 (545 SE2d 886) (2001). Silver filed the instant petition with a letter from the Committee finding that Silver is now fit to resume the practice of law and poses no threat of harm to his clients or the public. The State Bar has filed a response supporting Silver's petition.

As it appears that Silver has met the procedural and legal requirements to be reinstated to the State Bar of Georgia, this Court hereby adopts the recommendation of the State Bar and approves Silver's petition for reinstatement. We therefore order that Silver be reinstated as an attorney licensed to practice law in the State of Georgia.

Petition for reinstatement accepted. All the Justices concur.

**IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:**

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;

Your cooperation in this matter is appreciated.

**OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA**

STATE BAR OF GEORGIA



IN RE: THOMAS RICARDO CIRIGNANI

STATE BAR NO. 170108

SUPREME COURT DOCKET NO. S03Y1416

STATE DISCIPLINARY BOARD DOCKET NOS. 4309 and 4554

RESPONDENT RESIDES IN ILLINOIS

September 22, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on September 8, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Thomas Ricardo Cirignani, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court pursuant to Respondent Thomas Ricardo Cirignani's petition for voluntary surrender of license which he filed pursuant to Bar Rule 4-227 (b) prior to the issuance of a Formal Complaint. In the petition, Cirignani, an Illinois resident who has been a member of the State Bar of Georgia since 1998, admits that on February 3, 2003, he was convicted of possession of controlled drugs, a Class 1 felony, in violation of Illinois Statutes, Chapter 720, Section 570 / 402 (a) (7.5) (A) and that the conviction constitutes a violation of Rule 8.4 (a) (2) of Bar Rule 4-102 (d).

We have reviewed the record and agree to accept Cirignani's petition for the voluntary surrender of his license. Accordingly, the name of Thomas Ricardo Cirignani is hereby removed from the rolls of persons entitled to practice law in the State of Georgia. Cirignani is reminded of his duties under Bar Rule 4-219 (c).

Voluntary Surrender of License Accepted. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Thomas Ricardo Cirignani and warn them accordingly;

- (3) Strike the name of said Thomas Ricardo Cirignani from the roll of attorneys authorized to practice law before your court until further notice.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



IN RE: LLOYD E. THOMPSON

STATE BAR NO. 708950

SUPREME COURT DOCKET NO. S03Y1442 & S03Y1443

STATE DISCIPLINARY BOARD DOCKET NOS. 4218 & 4267

SOUTHERN JUDICIAL CIRCUIT

September 22, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on April 30, 2001, an Order was entered in the Supreme Court of Georgia in the matter of Lloyd E. Thompson, providing in part as follows:

PER CURIAM.

These disciplinary matters are before the Court on the special master's filing of two reports recommending that Respondent Lloyd E. Thompson, Jr. be suspended indefinitely, but no less than one year in Case No. S03Y1442 and no less than three years in Case No. S03Y 1443, with conditions to be met prior to reinstatement. After the State Bar issued formal complaints alleging that Thompson violated Standard 44 of Bar Rule 4-102 (d) and Rules 1.3; 1.4; 1.16; 8.4; and 9.3 of the Georgia Rules of Professional Conduct, a part of Bar Rule 4-102 (d), and seeking to apply Bar Rule 4-103, the disciplinary recidivist rule, Thompson failed to timely answer either complaint and the State Bar moved for default. Thompson subsequently filed a Petition for Voluntary Discipline addressing the formal complaints but, at a March 2003 hearing, Thompson withdrew the petition and consented to the entry of a default against him. Subsequently, the special master entered two orders on March 17, 2003, granting the State Bar's motion for default and deeming the allegations in the formal complaint admitted. On May 12, 2003, the special master filed two separate reports and, as neither Thompson nor the State Bar requested review by the Review Panel within 30 days of the filing of the reports, both parties are deemed to have waived any right they may have under the rules to file exceptions with or make request for oral argument to this Court. Bar Rule 4-217 (c).

In S03Y1442, Thompson was served with a formal complaint alleging that he violated Standard 44 of Bar Rule 4-102 (d) and, due to his default, the following allegations are deemed admitted: In February 2000, Thompson was hired to represent a client on a DUI charge and he requested a hearing for the client before the Office of State Administrative Hearings. Although the administrative law judge set an April 2000 hearing date and then rescheduled the hearing for May 18, 2000 after Thompson cited a scheduling conflict, Thompson failed to appear for the rescheduled hearing or to instruct his client to appear. Accordingly, the administrative law judge entered an order in May 2000 dismissing the hearing request and, in June 2000 entered an order denying Thompson's untimely filed motion for reconsideration.

In S03Y1443, the State Bar filed a formal complaint against Thompson alleging violations of Rules 1.3; 1.4; 1.16; 8.4; and 9.3 of the Georgia Rules of Professional Conduct, a part of Bar Rule 4-102 (d), and, due to his default, the

following allegations are deemed admitted: Thompson was hired by a client to represent her and her siblings in a property forfeiture case and to probate her mother's will, and the client's sister delivered \$3,500 to Thompson to handle the case. The client and her siblings had a remainder interest in the property after the death of their mother but the property had been seized following the arrest of their father. Thompson, however, failed to answer the forfeiture complaint, and consequently, on May 30, 2001, the Charlton county Superior Court entered a default and ordered the property forfeited to the State of Georgia. After learning of the forfeiture order from friends, the client tried to reach Thompson by phone, but he failed to return her phone calls or to otherwise communicate with her about the status of the case. Although Thompson filed a petition to probate the client's mother's will in July 2001 after a grievance was filed against him the same month, Thompson did nothing else on either the probate or forfeiture cases.

We have reviewed the record and conclude that by his conduct in the above matters, Thompson violated Standard 44 of Bar Rule 4-102 (d) and Rules 1.3; 1.4; 1.16; 8.4; and 9.3 of the Georgia Rules of Professional Conduct, a part of Bar Rule 4-102 (d). We find no mitigating factors in this case. However, in aggravation of discipline, we find that Thompson previously received a public reprimand and an investigative panel reprimand in unrelated disciplinary matters and accordingly, Bar Rule 4-103 should be applied. Based on these findings, we conclude that suspension is the appropriate sanction in these matters. Therefore, Thompson hereby is suspended indefinitely, but no less than three years, from the practice of law in Georgia and his suspension shall continue until the following conditions are met: Thompson must successfully submit to, pay for, and implement the recommendations of, an evaluation by the State Bar's Law Practice Management Program and refund the fees paid to him by clients in these matters. Thompson may be readmitted only by order of this Court after he submits a motion showing compliance with these conditions.

Indefinite suspension for a period of no less than three years with conditions on reinstatement. All the Justices concur, except Hustein, J., who dissents.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Lloyd E. Thompson and warn them accordingly;
- (3) Strike the name of said Lloyd E. Thompson from the roll of attorneys authorized to practice law before your court until further notice.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



IN RE: L. B. KENT

STATE BAR NO. 415300

SUPREME COURT DOCKET NO. S02Y0001

STATE DISCIPLINARY BOARD DOCKET NO. 4017

CHATTAHOOCHEE JUDICIAL CIRCUIT

September 22, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on March 2, 2002, an Order was entered in the Supreme Court of Georgia in the matter of L. B. Kent, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court on Respondent L. B. Kent's Amended Answer and Petition for Voluntary Discipline filed pursuant to Bar Rule 4-227 (c) after the State Bar's issuance of a Formal Complaint. In his petition, Kent seeks the imposition of a one-year suspension for his admitted violation of Standard 45 (f)¹ (in representing a client, a lawyer shall not institute, cause to be instituted or settle a legal proceeding or claim without obtaining proper authorization from the client) of Bar Rule 4-102 (d). The special master and the State Bar recommend that this Court accept Kent's petition.

In his amended petition, Kent admits that after successfully representing a client in a personal injury suit, he subsequently files a lawsuit in 1998 on his own behalf and on behalf of the client seeking recovery of his earned attorneys' fees against others, including another attorney, who had obtained access to the money paid in satisfaction of the personal injury action judgment. Kent further admits that he instated the legal proceeding on behalf of his client without obtaining proper authorization from the client and that his conduct constituted a violation of Standard 45 (f), which is punishable by disbarment.

We have reviewed the record and agree with the State Bar and special master that a one-year suspension is the appropriate discipline to be imposed in this matter. Accordingly, we accept Kent's amended petition for voluntary discipline. Kent hereby is barred from the practice of law in Georgia for a period of one year from the date of this opinion. He is reminded of his duties under Bar Rule 4-219 (c).

One-year suspension. All the justices concur.

¹ Kent and the State Bar continue to cite the standard as 45 (e) even though it is clear from the Formal Complaint and Kent's admissions that standard he has admitted violating is actually Standard 45 (f).

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said L. B. Kent and warn them accordingly;
- (3) Strike the name of said L. B. Kent from the roll of attorneys authorized to practice law before your court until further notice.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

9/21



IN RE: NED BARRIE MAJORS

STATE BAR NO. 466845

SUPREME COURT DOCKET NO. S03Y1128

STATE DISCIPLINARY BOARD DOCKET NO. 3988

Respondent resides in Myrtle Beach, SC

August 21, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an order of the Supreme Court of Georgia, this is to give notice that on July 10, 2003, an order was entered in the Supreme Court of Georgia in the matter of Ned Barrie Majors, Attorney at Law, providing as follows:

PER CURIAM.

This disciplinary matter is before the Court pursuant to the Report and Recommendation of the Review Panel of the State Disciplinary Board which adopted the findings of fact and most of the conclusions of law set out in the Report and Recommendation of the special master who was appointed following the filing of a Formal Complaint by the State Bar. Considering the record, the Review Panel found that Majors violated Standards 30, 65 (A) and 65 (D) of Bar Rule 4-102 (d), any of which may be punished by disbarment, and recommended that Majors be disbarred. We agree.

The extensive record shows Majors to be a South Carolina resident who has been a member of the State Bar of Georgia since 1993; in 1992, Majors incorporated Tax Lien Acquisitions, Inc. ("TLA"); the stock of TLA was owned by Majors and Ms. Lynn Featherly in equal shares; at all relevant times, Majors was a corporate officer in TLA, acted as TLA's registered agent and after his admission to the Bar in 1993, became Chief Legal Counsel for TLA; from 1993 until June 1999 when TLA was placed into receivership pursuant to a court order, Majors held himself out as legal counsel for TLA; in 1998, Majors filed a Complaint for Equitable Distribution in the Superior Court of Fulton County naming Featherly and TLA as defendants, and in his capacity as TLA's registered agent accepted service of his own complaint; in accepting service, Majors listed his place of residence as TLA's corporate office which was located in Roswell, Georgia; after Featherly's attorney answered the complaint on TLA's behalf, Majors successfully sought to have that attorney disqualified, at least in part, on the grounds that he, Majors, was TLA's sole corporate counsel; thus, Majors held himself out as TLA's corporate counsel at various times throughout the litigation; Majors never disclosed or provided written notice to TLA or Featherly that his interest in the litigation may affect his professional judgment and never obtained TLA's consent to continue his representation of TLA; after his admission to the Bar, Majors opened a lawyers' trust account ("IOLTA") in the name of "Ned Majors Trust FBO Tax Liens"; Majors improperly withdrew money from that account for his own personal use; he failed to keep or maintain appropriate records reflecting the exact balance held in that account for each client or other fiduciary.

These facts, which are amply supported by the record before the special master, mandate the conclusion that Majors violated Standards 30, 65 (A) and 65 (D) of Bar Rule 4-102 (d). Although Majors now complains about the manner in which the evidentiary hearing was held, he failed to preserve any objection he may have had to that hearing. Therefore, the Review Panel did not err in refusing to grant Majors a new hearing. Thus, the lower tribunals were correct in their determination that Majors violated disciplinary rules which would allow for disbarment. In aggravation of discipline, we note that although the record showed no evidence of actual conversion of client or fiduciary funds, Majors engaged in significant and extensive commingling of personal funds with client and fiduciary funds, thereby creating a situation which had the potential to cause serious injury to his clients; that Majors engaged in a pattern of misconduct which he knew or should have known to be in violation of the Disciplinary Rules; and that, even now, Majors appears to recognize neither the wrongful nature of his conduct nor the threat to the public if the Disciplinary Standards are not scrupulously observed. We note no factors in mitigation and therefore we find that the facts in this case support the imposition of a significant sanction for the violations shown herein. Accordingly, it is hereby ordered that Majors be disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarment. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER;

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Ned Barrie Majors and warn them accordingly;
- (3) Strike the name of Ned Barrie Majors from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

9/21



IN RE: FRED CARTER

STATE BAR NO. 113930

SUPREME COURT DOCKET NOS. S03Y1284 and S03Y1285

STATE DISCIPLINARY BOARD DOCKET NOS. 4469 and 4470

ATLANTA JUDICIAL CIRCUIT

August 21, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an order of the Supreme Court of Georgia, this is to give notice that on July 11, 2003 an order was entered in the Supreme Court of Georgia in the matter of Fred Carter, Attorney at Law, providing as follows:

PER CURIAM.

Carter has three disciplinary matters currently pending before this Court, each of which involves his wilful abandonment of a client matter for which he had accepted a retainer and two of which involves his additional failure to respond to disciplinary authorities. As appropriate discipline for Carter's resulting violations of Standards 22 (b) and 44 and Rules 1.3, 1.4, 1.16, 8.4 (a)(4) and 9.3 of the Georgia Rules of Professional Conduct, all of Bar Rule 4-102 (d), the State Bar recommends in Case No. S03Y0885 that Carter be suspended for 90 days and in both Case Nos. S03Y1284 and S03Y1285 that he be disbarred. Because of the circumstances, we believe that disbarment is the appropriate sanction for Carter's numerous violations of the Georgia Rules of Professional Conduct.

The documents filed in these cases establish that on three separate occasions, Carter accepted money in exchange for his promise of legal services which services he then failed, in varying degrees, to provide in a timely or appropriate manner; his failures in each case led to judgments being entered against each of his clients, which judgments significantly harmed each client's interests. In addition, Carter failed to respond to his clients' requests for information about the status of their respective cases and, in one case, affirmatively deceived his client about her case. Despite his sub-standard performance, Carter failed to refund any of the money paid to him by the clients. Moreover, although the State Bar properly served Carter with relevant notices of investigation and notices of discipline, Carter failed on several occasions to respond in a timely manner.

Considering these facts (all of which were admitted due to Carter's failure to respond to the disciplinary process), we find that Carter knowingly violated Standard 22 (b) and 44 and Rules 1.3, 1.4, 1.16, 8.4 (a) (4) and 9.3 of the Georgia Rules of Professional Conduct, all of Bar Rule 4-102 (d). We note in aggravation, that Carter has a significant prior disciplinary history, having received several prior Review Panel reprimands on different disciplinary matters, and that each of the three current matters includes multiple offenses. We find no factors in mitigation, and therefore, we believe that the facts in this

case support the imposition of a significant sanction for the violations shown herein. See also, Bar Rule 4-103. Accordingly, as we agree with the State Bar's recommendation and find that disbarment is the warranted sanction in these cases, Carter hereby is disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER;

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Fred Carter and warn them accordingly;
- (3) Strike the name of Fred Carter from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF GENERAL COUNSEL
STATE BAR OF GEORGIA

RECEIVED IN OFFICE
2003 SEP 10 PM 4:50
D. L. Z. Meyer, III
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA.

STATE BAR OF GEORGIA



9/7

IN RE: FRED CARTER

STATE BAR NO. 113930

SUPREME COURT DOCKET NO. S03Y0885

STATE DISCIPLINARY BOARD DOCKET NO. 4447

ATLANTA JUDICIAL CIRCUIT

August 7, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an order of the Supreme Court of Georgia, this is to give notice that on July 11, 2003, an order was entered in the Supreme Court of Georgia in the matter of Fred Carter, Attorney at Law, providing as follows:

PER CURIAM.

Carter has three disciplinary matters currently pending before this Court, each of which involves his wilful abandonment of a client matter for which he had accepted a retainer and two of which involve his additional failure to respond to disciplinary authorities. As appropriate discipline for Carter's resulting violations of Standards 22(b) and 44 and Rules 1.3, 1.4, 1.16, 8.4(a)(4) and 9.3 of the Georgia Rules of Professional Conduct, all of Bar Rule 4-102(d), the State Bar recommends in Case No. S03Y0885 that Carter be suspended for 90 days and in both Case Nos. S03Y1284 and S03Y1285 that he be disbarred. Because of the circumstances, we believe that disbarment is the appropriate sanction for Carter's numerous violations of the Georgia Rules of Professional Conduct.

The documents filed in these cases establish that on three separate, Carter accepted money in exchange for his promise of legal services which services he then failed, in varying degrees, to provide in a timely or appropriate manner; his failures in each case led to judgments being entered against each of his clients, which judgments significantly harmed each client's interests. In addition, Carter failed to respond to his clients' requests for information about the status of their respective cases and, in one case, affirmatively deceived his client about her case. Despite his sub-standard performance, Carter failed to refund any of the money paid to him by the clients. Moreover, all though the State Bar properly served Carter with the relevant notices of investigation and notices of discipline, Carter failed on several occasions to respond in a timely manner.

Considering these facts (all of which were admitted due to Carter's failure to respond to the disciplinary process), we find that Carter knowingly violated Standards 22(b) and (4) and 44 and Rules 1.3, 1.4, 1.16, 8.4(a)(4) and 9.3 of the Georgia Rules of Professional Conduct, all of Bar Rule 4-102(d). We note in aggravation, that Carter has a significant prior disciplinary history, having received several prior Review Panel reprimands on different disciplinary matters, and that each of the three current matters

includes multiple offenses. We find no factors in mitigation, and therefore, we believe that the facts in this case support the imposition of a significant sanction for the violations shown herein. See also, Bar Rule 4-103. Accordingly, as we agree with the State Bar's recommendation and find that disbarment is the warranted sanction in these cases, Carter hereby is disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER;

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Fred Carter and warn them accordingly;
- (3) Strike the name of said Fred Carter from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



9/6

IN RE: RAYMOND J. PEERY

STATE BAR NO. 570600

SUPREME COURT DOCKET NO. S03Y1496

STATE DISCIPLINARY BOARD DOCKET NO. 2327

STONE MOUNTAIN JUDICIAL CIRCUIT

August 6, 2003

Respondent presently resides in Nebraska

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on July 10, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Raymond J. Peery, providing in part as follows:

PER CURIAM.

In 1992, this Court granted Respondent Raymond Peery's petition for voluntary suspension of his license to practice law in Georgia pending his appeal of his conviction in the United States District Court for the District of Nebraska for money laundering and felony theft from a program receiving federal funds. In the Matter of Peery, 262 Ga. 425 (422 SE2d 1) (1992). Respondent admitted in his petition that his conviction constituted a violation of Standard 66 of Rule 4-102(d) of the Rules and Regulations of the State Bar of Georgia. *Id.* Since the time of his suspension, the United States Court of Appeals for the Eighth Circuit has affirmed the judgment of conviction entered against Peery and the United States Supreme Court has denied his petition for a writ of certiorari. Peery v. United States, 507 U.S. 946 (113 SC 1354, 122 LE2d 734) (1993).

Following the conclusion of Peery's appeals, a special master conducted a hearing pursuant to Bar Rule 4-106(f) to determine the appropriate level of punishment for Peery's violation of Standard 66. The special master found that Peery had been convicted of felonies and his appeals had been exhausted, and concluded that Respondent should be disbarred for the violation of Standard 66. The special master's report was filed in accordance with Bar Rule 4-217(c) and both the State Bar and Peery have waived any right to file exception with this Court or request oral argument since neither party requested a Review Panel review pursuant to Rule 4-217(d).

We agree with the special master's determination that Peery be disbarred. Accordingly, Peery hereby is disbarred from the practice of law in Georgia.

Disbarred. All the Justices concur.

**IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:**

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;

- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Raymond J. Peery and warn them accordingly;
- (3) Strike the name of said Raymond J. Peery from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

7/26



IN RE: KENNETH L. DRUCKER

STATE BAR NO. 231050

SUPREME COURT DOCKET NO. S03Y0453

STATE DISCIPLINARY BOARD DOCKET NO. 4464

GWINNETT JUDICIAL CIRCUIT

June 26, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an order of the Supreme Court of Georgia, this is to give notice that on June 2, 2003, an order was entered in the Supreme Court of Georgia in the matter of Kenneth L. Drucker, Attorney at Law, providing as follows:

PER CURIAM.

This disciplinary matter is before the Court on the Notice of Discipline for disbarment issued by the State Bar of Georgia against Respondent Kenneth L. Drucker alleging violations of Standards 22, 44, and 68 of Bar Rule 4-102(d), as well as Rules 1.3, 1.4, 1.16, and 9.3 of the Georgia Rules of Professional Conduct found at Bar Rule 4-102(d). The maximum penalty for a violation of Standard 44 or Rule 1.3 is disbarment, while the maximum penalty for violation of Standard 22 or 68 or Rule 1.4, 1.16, or 9.3 is a public reprimand. Although Drucker was personally served with the Notice of Discipline, he failed to reject the notice as provided by Bar Rule 4-208.3 and thus under Bar Rule 4-208.1(b), Drucker is in default, has no right to an evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court.

Due to Drucker's default, the following facts are deemed admitted: Drucker was hired in December 2000 to represent a client in a civil lawsuit filed against her personally and against a company. Although Drucker spoke several times by telephone with the registered agent for the company and obtained information from him that would be needed to file an answer on behalf of the client, he failed to return any of the client's calls and failed to file an answer on her behalf within the time allowed by law. After being served with a Motion for Entry of Default judgment in the client lawsuit in February 2001, Drucker failed to tell the client about the motion and failed to file any response to it. Consequently, a default judgment was entered in the case and although the client retained new counsel after receiving a copy of the judgment, she was not able to have the default opened.

Based on the above conduct, we agree with the State Bar that disbarment is the appropriate sanction in this matter. Accordingly, Drucker hereby is disbarred from the practice of law in the State of Georgia. He is reminded of his duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER;

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Kenneth L. Drucker and warn them accordingly;
- (3) Strike the name of Kenneth L. Drucker from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

7/16



IN RE: JAMES JOSEPH GORMLEY

STATE BAR NO. 302682

SUPREME COURT DOCKET NO. S03Y1254

STATE DISCIPLINARY BOARD DOCKET NO. 3954

ATLANTA JUDICIAL CIRCUIT

June 16, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on June 2, 2003, an Order was entered in the Supreme Court of Georgia in the matter of James Joseph Gormley, providing in part as follows:

PER CURIAM.

On May 1, 2000, based on the admission of Respondent James Joseph Gormley that he had been convicted of a felony in the United States District Court for the Southern District of West Virginia and had thereby violated Standard 66 of Bar Rule 4-102(d) of the Rules and Regulations of the State Bar of Georgia, this Court accepted Gormley's petition for voluntary suspension of his license to practice law pending the appeal of his conviction. In the Matter of James Joseph Gormley, III, 272 Ga. 266 (529 SE2d 612)(2000). Since the time of his suspension, the United States Court of Appeals for the Fourth District has affirmed the judgment of conviction entered against Gormley and the United States Supreme Court has denied his petition for a writ of certiorari. Gormley v. United States, _____ U.S. ____ (122 SC 1544, 152 LE2d 469) (2002).

Following the conclusion of Gormley's appeals, a special master conducted a hearing pursuant to Bar Rule 4-106(f)(1) to determine the appropriate level of discipline to be imposed for his violation of Standard 66. Gormley participated in the hearing via telephone conference. The special master found that Gormley had been convicted of felonies and his appeals had been exhausted, and concluded that Gormley should be disbarred for his violation of Standard 66. The special master's report was filed in accordance with Bar Rule 4-217(c) and both the State Bar and Gormley have waived any right to file exceptions with this Court or request oral argument since neither party requested a Review Panel review pursuant to Rule 4-217(d).

We agree with the special master's determination that Gormley be disbarred. Accordingly, Gormley hereby is disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;

- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said James Joseph Gormley and warn them accordingly;
- (3) Strike the name of said James Joseph Gormley from the roll of attorneys authorized to practice law before your court for a period of twelve months.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

5/4



IN RE: R. SCOTT CUNNINGHAM

STATE BAR NO. 202225

SUPREME COURT DOCKET NO. S03Y0899

STATE DISCIPLINARY BOARD DOCKET NO. 4354

CONASAUGA JUDICIAL CIRCUIT

April 4, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on March 27, 2003, an Order was entered in the Supreme Court of Georgia in the matter of R. Scott Cunningham, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court on Respondent R. Scott Cunningham's Petition for Voluntary Discipline, which was filed under Bar Rule 4-227(b)(2) before a formal complaint was issued. In his petition, Cunningham admits violating Rule 1.15(II)(b) of the Georgia Rules of Professional Conduct set forth in Bar Rule 4-102(d). Although a violation of this rule is punishable by disbarment, Cunningham requests the imposition of a twelve-month suspension. The State Bar has no objection to the acceptance of Cunningham's petition.

Cunningham, who has been a member of the Bar since 1976, admits that during a period of time from November 2000 to June 2001, while holding \$2,000 belonging to a client in his attorney trust account, he commingled client funds with his personal funds and permitted the balance of the account to fall below \$2,000. Although Cunningham ultimately returned the \$2,000 to his client, he admits his conduct violated Rule 1.15(II)(b) and that, as a result, he is subject to disbarment. In mitigation of his actions Cunningham points out that he has cooperated fully with disciplinary authorities, although we note that he previously received a public reprimand in a prior disciplinary matter in 1993. Under the circumstances, however, we agree with the State Bar that a twelve-month suspension is the appropriate sanction. Accordingly, Cunningham is hereby suspended for a period of twelve months. He is reminded of his duties under Bar Rule 4-219(c).

Twelve-month suspension. All the Justices concur.

**IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:**

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;

- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said R. Scott Cunningham and warn them accordingly;
- (3) Strike the name of said R. Scott Cunningham from the roll of attorneys authorized to practice law before your court for a period of twelve months.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

5/4



IN RE: WOODSON TERRY DRUMHELLER

STATE BAR NO. 231110

SUPREME COURT DOCKET NO. S03Y0383

STATE DISCIPLINARY BOARD DOCKET NO. 4471

ATLANTA JUDICIAL CIRCUIT

April 4, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on March 27, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Woodson Terry Drumheller, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court pursuant to the Notice of Discipline filed by the State Bar alleging that Drumheller violated Rules 9.4(a)¹ and 9.3 of Bar Rule 4-102(d) by surrendering his license to practice law in Virginia on December 15, 2000, in the face of disciplinary charges involving multiple incidents of client neglect and failure to communicate and then by failing to respond to the State Bar of Georgia's investigation of the charges. The maximum penalty for a violation of Rule 9.3 is a public reprimand while the maximum penalty for a violation of 9.4(a) is disbarment. The State Bar has recommended disbarment as an appropriate sanction for Drumheller's violations and we agree.

We note that because Drumheller was properly served by publication with the Notice of Discipline but failed to timely file a Notice of Rejection, he is in default and has no right to an evidentiary hearing. See Bar Rule 4-208.1(b). Thus, for all of the reasons set forth above, we find that disbarment is the warranted sanction in this case and Drumheller is hereby disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

**IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:**

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;

¹ We note that the Notice of Discipline should have charged Drumheller with violating Standard 67 of Bar Rule 4-102(d) rather than Rule 9.4(a) since Drumheller surrendered his license in December 2000, before the January 1, 2001 effective date for the Georgia Rules of Professional Conduct. In any event, the prohibited conduct and the corresponding sanction are the same under either rule.

- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Woodson Terry Drumheller and warn them accordingly;
- (3) Strike the name of said Woodson Terry Drumheller from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

IN RE: WILLIAM HENRY TOLER

STATE BAR NO. 714238

SUPREME COURT DOCKET NO. S03Y0622

STATE DISCIPLINARY BOARD DOCKET NO. 44007964

ATLANTA JUDICIAL CIRCUIT

March 13, 2003



4/13

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on February 10, 2003, an Order was entered in the Supreme Court of Georgia in the matter of William Henry Toler, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court pursuant to Respondent William Henry Toler, III's Petition for Voluntary Discipline which was filed pursuant to Bar Rule 4-227 (b) (2) prior to the issuance of a Formal Complaint. In his petition, Respondent admits violating Rules 1.3, 3.2, 3.5 (c) and 8.4 (a) (4) of the Georgia Rules of Professional Conduct set forth in Bar Rule 4-102 (d). Although violations of Rules 1.3 and 8.4 (a) (4) are punishable by disbarment, Respondent requests the imposition of a one-year suspension.

Respondent, who has been a member of the Bar since 1991, admits that, on February 6, 2002 at 9:00 a.m., he was supposed to appear before a State Court judge to represent clients in two criminal cases. He admits that he had previously submitted a conflict letter to the court that inaccurately stated that he was a sole practitioner. Instead of appearing to represent his clients, another attorney, who identified himself as Respondent's associate, appeared for the State Court matters. Respondent's associate was incapable of proceeding in the matters without supervision and asked the State Court judge to hold the criminal cases pending Respondent's anticipated arrival around 11:00 a.m. In the meantime, Respondent's receptionist submitted a second conflict letter to the State Court judge claiming Respondent was to appear in municipal court that morning. Respondent did not know his receptionist had submitted the second conflict letter and did not appear in municipal court as claimed. When Respondent finally arrived at the State Court at approximately 11:30 a.m., the judge conducted a hearing and held Respondent in contempt. Based on these facts, we agree that Toler's actions violated Rules 1.3, 3.2, 3.5 (c) and 8.4 (a) (4) of the Georgia Rules of Professional Conduct. In mitigation, we find that Toler has no prior disciplinary record, has cooperated with disciplinary authorities, was subject to the imposition of other penalties, and is remorseful.

Based on the record as a whole, we agree with the State Bar that a one-year suspension is an appropriate sanction in this case. Accordingly, Toler hereby is suspended for a period of one year. He is reminded of his duties under Bar Rule 4-219 (c).

One-year suspension. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said William Henry Toler III and warn them accordingly;
- (3) Strike the name of said William Henry Toler III from the roll of attorneys authorized to practice law before your court until further notice.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

104 Marietta Street, N.W. • Suite 100 • Atlanta, Georgia 30303 • (404) 527-8720

STATE BAR OF GEORGIA



4/21

IN RE: B. RENEE' EDWARDS SNEAD

STATE BAR NO. 240124

SUPREME COURT DOCKET NO. S03Y0268

STATE DISCIPLINARY BOARD DOCKET NO. 4448

MACON JUDICIAL CIRCUIT

March 21, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on February 24, 2003, an Order was entered in the Supreme Court of Georgia in the matter of B. Renee' Edwards Snead, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court on the Notice of Discipline seeking disbarment filed against B. Renee Edwards Snead pursuant to Bar Rule 4-208.1. Because Snead provided only a post office box as her address to the Membership Department of the State Bar, the Bar served her with the Notice of Discipline by publication in the Macon Telegraph on November 11, 2002 and November 29, 2002, and by a contemporaneous mailing to the post office box address. See Bar Rule 4-203.1(b)(3)(ii). Snead did not reject the Notice of Discipline in accordance with the Bar Rules and, consequently, Snead is in default, has no right to an evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court.

By virtue of her default, Snead admits that she violated Rules 1.15(I); 1.15(II); 8.4(a)(4); and 9.3 of the Georgia Rules of Professional Conduct, see Bar Rule 4-102(d). The facts show that Snead closed a real estate transaction, in connection with which Snead received fiduciary funds to pay off the seller's first mortgage. Although Snead represented to the buyer and seller that she would deliver a check to the mortgage company to pay off the first mortgage, the check she issued was returned for insufficient funds and, despite numerous attempts by the seller and his counsel to contact Snead, she has failed to respond to the inquiries or account for the funds at issue. Snead removed the funds from her account, commingled them with her personal funds, and converted them for her own use.

We have reviewed the record and find that, for these violations of the Rules, Snead should be disbarred. Accordingly, B. Renee Edwards Snead hereby is disbarred from the practice of law in Georgia. She is reminded of her duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;

- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said B. Renee Edwards Snead and warn them accordingly;
- (3) Strike the name of said B. Renee Edwards Snead from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

4/21



IN RE: PATRICK T. BEALL

STATE BAR NO. 043950
SUPREME COURT DOCKET NO. S02Y1652
STATE DISCIPLINARY BOARD DOCKET NO. 4352
BRUNWICK JUDICIAL CIRCUIT

March 21, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an order of the Supreme Court of Georgia, this is to give notice that on February 10, 2003, an order was entered in the Supreme Court of Georgia in the matter of Patrick T. Beall, Attorney at Law, providing as follows:

PER CURIAM.

This disciplinary matter is before the Court on a Notice of Discipline seeking the disbarment of respondent Patrick T. Beall, issued at the direction of the Investigative Panel of the disciplinary Board of the State Bar of Georgia. After successful attempts to serve Beall by mail and personally, the State Bar served him by publication in the Athens-Banner Herald on October 18 and October 25, 2002, in accordance with Bar Rule 4-203.1(b)(3)(ii). Since Beall did not reject the Notice of Discipline within 30 days, he is in default and thereby admits the factual allegations of the Notice of Discipline, has no right to an evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court. See Bar Rule 4-208.1(b). On January 4, 2002, the Court suspended Beall from the practice of law due to his failure to respond adequately to the Notice of Investigation, and that suspension remains in effect.

The facts asserted in the Notice of Discipline and deemed admitted by Beall's failure to reject the Notice of Discipline show that a client retained Beall in November 2000 to represent her in a divorce matter and paid him \$1,700 in installments. At the time Beall agreed to represent the client, he was suspended from the practice of law by order of this Court due to his failure to respond to a Notice of Investigation sent to him in another disciplinary matter. See In the Matter of Patrick Beall, S01Y0073.¹ Beall never filed the client's divorce action, never returned any of his client's many telephone calls, and did not respond to letters she and her daughter wrote to check on the status of the case. In April 2001, the client sent Beall a certified letter terminating his services and requesting a refund of the fee paid and her file. Beall neither responded to the letter nor returned the file. After receiving a copy of the grievance the client subsequently filed with the State Bar, Beall refunded the fees paid by his client.

¹ That suspension was in effect from October 5, 2000 until it was lifted by order of this Court on December 28, 2000, after Beall had filed a response to the Notice of Investigation.

We have reviewed the record and conclude that the facts support a finding that Beall willfully abandoned or willfully disregarded a legal matter entrusted to him (Rule 1.3, Standard 44); failed to keep his client reasonably informed and to comply promptly with reasonable requests for information (Rule 1.4); failed to surrender papers and property to the client upon termination of representation (Rule 1.16(d)); did not take reasonable steps to avoid foreseeable prejudice to the client before ending representation (Standard 22(b)); engaged in the unauthorized practice of law (Rule 5.5); and failed to respond to disciplinary authorities (Standard 68). While violation of Standards 22, 44, and 68 generally have resulted in periods of suspension (see, e.g., In re Soota, 272 Ga., 496 (532 SE2d 107) (2000); In re Pike, 272 Ga. 177 (527 SE2d 852) (2000); In re Rogers, 263 Ga. 314 (431 SE2d 366) (1993), and the cases cited therein), we agree with the Investigative Panel that Beall should be disbarred from the practice of law. Over the past several years, Beall has been the subject of several disciplinary action; as mentioned earlier, he was suspended October – December 2000 for failing to respond to a Notice of Investigation in another disciplinary action; that disciplinary action resulted in the imposition of a Review Panel Reprimand due to his violations of Standards 44 and 68; and the Review Panel Reprimand was preceded by a suspension from the practice of law for twice having failed to appear for the administration of the reprimand. See In the Matter of Beall, S01Y0924, Feb. 4, 2002. Beall was also suspended from the practice of law by order of this Court on January 4, 2002, for failing to respond adequately to another Notice of Investigation. See In the Matter of Beall, S02Y0531.² The history of repeated violations of the Rules of Professional Conduct and the demonstrated lack of regard for the disciplinary process leads us to conclude that removal of Patrick Beall from the practice of law in Georgia is appropriate. He is reminded of his duties under Rule 4-219©.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER;

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Patrick T. Beall and warn them accordingly;
- (3) Strike the name of said Patrick T. Beall from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF GENERAL COUNSEL
STATE BAR OF GEORGIA

² In addition, there is a pending action in which there has been filed a Formal Complaint asserting that Beall represented a client at a time when he knew he was not in good standing with the State Bar due to his failure to pay his bar dues. That matter has been referred to a Special Master. See In the Matter of Beall, S02Y1877.

STATE BAR OF GEORGIA



4/A

IN RE: THOMAS L. BURTON

STATE BAR NO. 097950

SUPREME COURT DOCKET NO. S03Y0772

STATE DISCIPLINARY BOARD DOCKET NO. 4407

BRUNSWICK JUDICIAL CIRCUIT

March 17, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on March 10, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Thomas L. Burton, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court on the Report and Recommendation of the Special Master recommending that Respondent Thomas L. Burton be disbarred for his violation of Rules 1.3; 1.4; 1.16(a); 1.16(d); and 9.3 of Bar Rule 4-102(d) of the Georgia Rules of Professional Conduct. The maximum penalty for a violation of Rule 1.3 is disbarment while the maximum penalty for a violation of Rule 1.4, 1.16(a), 1.16(d), or 9.3 is a public reprimand. After Burton was served with the State Bar's Formal Complaint in this matter and failed to file an answer, the State Bar filed a Motion for Findings of Fact and Conclusions of Law by Default, which the special master granted. Accordingly, the facts alleged and violations charged in the Formal Complaint are deemed admitted, see Bar Rule 4-212(a), and as neither party requested a review by the Review Panel, both parties have waived any right they may have under the rules to file exceptions with or make request for oral argument to this Court. See Bar Rule 4-217(c).

The special master found, and Burton is deemed to have admitted, that Burton represented a client in December 2000 in the client's defense against criminal charges in the State Court of Cobb County; that the court conducted calendar calls on January 8, 2001, February 19, 2001, and April 2, 2001, at which neither Burton nor the client appeared; that although Burton's license to practice law was suspended for 36 months on February 16, 2001, see In the Matter of Burton, 273 Ga. 469 (542 SE2d 504) (2001), Burton did not inform the court that his license had been suspended and did not withdraw from representing the client; that on or about May 11, 2001, the Investigative Panel initiated a grievance with the State Bar of Georgia against Burton; that on or about June 28, 2001, the State Bar mailed a copy of the Notice of Investigation regarding the grievance and on August 20, 2001, the Notice was personally delivered to Burton; that Burton failed to respond to the Notice of Investigation; and that on October 31, 2001, this Court suspended Burton for his failure to adequately respond to the Notice.

We have reviewed the record and agree with the special master that based on Burton's conduct in this matter, he has violated Rules 1.3; 1.4; 1.16(a); 1.16(d); and 9.3 of Bar Rule 4-102(d) of the Georgia Rules of Professional Conduct and that Burton should be disbarred. Accordingly, Thomas L. Burton hereby is disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Thomas L. Burton and warn them accordingly;
- (3) Strike the name of said Thomas L. Burton from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

4/21



IN RE: CAROLYN E. CRAIG

STATE BAR NO. 192834

SUPREME COURT DOCKET NO. S03Y0198

STATE DISCIPLINARY BOARD DOCKET NO. 4426

Respondent is a Resident of Surfside Beach, South Carolina

March 21, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an order of the Supreme Court of Georgia, this is to give notice that on February 10, 2003, an order was entered in the Supreme Court of Georgia in the matter of Carolyn E. Craig, Attorney at Law, providing as follows:

PER CURIAM.

In this attorney disciplinary matter, the State Bar has filed a Notice of Discipline seeking disbarment of Carolyn E. Craig for her violation of Rule 9.4 of the Georgia Rules of Professional Conduct. Rule 9.4 provides for reciprocal discipline when another jurisdiction disbars or suspends a lawyer. Because Craig has been disbarred in South Carolina for multiple offenses and she has not filed any response in this proceeding, we agree with the State Bar's recommendation that she should be disbarred from the practice of law in Georgia.

The record shows that Craig provided only a post office box as her address to the Membership Department of the State Bar. The Bar served her with the Notice of Discipline by publication in the Sun News in Myrtle Beach, South Carolina on November 8 and 15, 2002, and by a contemporaneous mailing to her post office box. See Bar Rule 4-203.1(b)(3)(ii). Since Craig did not reject the Notice of Discipline, she is in default, has no right to an evidentiary hearing, and is subject to discipline by this Court. See bar Rule 4-208.1.

The facts deemed admitted are that Craig was disbarred from the practice of law in South Carolina in April 2001 based on a consent agreement for discipline. As part of that agreement, Craig admitted that she misappropriated client funds and failed to communicate with clients, obey a court order, and cooperate with the Office of Disciplinary Counsel. In July 2001, the State Bar mailed Craig a copy of its grievance based on her violation of Rule 9.4 and in August 2001 mailed a copy of its Notice of Investigation, to which she acknowledged service. She did not respond to either document.

Having reviewed the record, we agree with the State Bar that disbarment is the appropriate discipline in this matter based on Craig's failure to respond to disciplinary authorities in this State and her disbarment in South Carolina for multiple offenses involving dishonesty, fraud, deceit, and misrepresentation. Accordingly, Carolyn E. Craig is disbarred from the practice of law in the State of Georgia. She is reminded of her duties under Bar Rule 4-219©.

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER;

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Carolyn E. Craig and warn them accordingly;
- (3) Strike the name of Carolyn E. Craig from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



IN RE: LUTHER McDANIEL

STATE BAR NO. 488125

SUPREME COURT DOCKET NOS. S03Y0319 - S03Y0324

STATE DISCIPLINARY BOARD DOCKET NOS. 4450 - 4455

AUGUSTA JUDICIAL CIRCUIT

March 21, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on February 10, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Luther McDaniel, providing in part as follows:

PER CURIAM.

These disciplinary proceedings are before the Court on the Notices of Discipline the State Bar filed seeking to disbar Respondent Luther McDaniel pursuant to Bar Rule 4-208.1. Because McDaniel provided only a post office box as his address to the Membership Department of the State Bar, the Bar served him with the Notices of Discipline by publication in The Augusta Chronicle on December 6 and 11, 2002, and by a contemporaneous mailing to the post office box address, see Bar Rule 4-203.1(b)(3)(ii). McDaniel did not reject the Notices of Discipline in accordance with the Bar Rules and, consequently, he is in default, has no right to an evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court.

S03Y0319. In this case, the facts as deemed admitted show that a client hired McDaniel to represent him in a dispute with a former employer; that a \$15,000 settlement was reached and McDaniel deposited the check in his escrow account and issued a \$13,500 check to the client (taking the agreed upon \$1,500 fee); that the check was returned for insufficient funds; that McDaniel commingled the funds with his own and used them for his own benefit, which McDaniel acknowledged; that McDaniel agreed to pay his client \$20,000 in compensation but paid only \$3,000; that McDaniel disconnected his telephone service and vacated his law office without a forwarding address; and that McDaniel did not respond to disciplinary authorities. Based on this conduct, McDaniel violated Rules 1.15 and 8.4 of the Georgia Rules of Professional Conduct, see Bar Rule 4-102(d).

S03Y0320. A client filed a grievance against McDaniel because, after she hired McDaniel to represent her in a legal matter, he did not return her phone calls. He negotiated a settlement but did not inform the client he had received a check, which he deposited in his escrow account, commingled with his personal funds, and used for his own benefit. McDaniel did not respond to the Notice of Investigation. McDaniel thus violated Rule 1.3 and 1.4.

S03Y0321. In this matter, McDaniel represented a client in a criminal case. The client pled guilty on McDaniel's advice and asked for his file and for McDaniel to file a petition for sentence review. McDaniel did not respond to his client's requests and, although he personally acknowledged service of the Notice of Investigation, McDaniel did not respond to it and has been suspended pursuant to Bar Rule 4-204.3(d). By his conduct, McDaniel violated Standards 22 and 44 of Bar Rule 4-102(d), and Rules 1.3, 1.4, and 1.16.

S03Y0322. By virtue of his default, McDaniel admits that in this case he was hired by a client in an employment discrimination matter for which the client paid him a \$3,500

retainer that McDaniel assured her would cover all fees and expenses. McDaniel assigned the case to an associate who later had to withdraw for health reasons leaving McDaniel to take sole responsibility for the case. McDaniel did not inform his client that he had received discovery requests and repeatedly canceled meetings scheduled with the client to discuss discovery and her deposition, which defendant had noticed. He returned only a few of the client's many phone calls and took no further action to pursue her case. The court ultimately granted defendant's motion to dismiss the case, due to McDaniel's failure to respond adequately to discovery, but McDaniel did not so inform his client and, upon termination by the client, failed to refund the unearned fees or return her file, and did not respond to the disciplinary authorities. McDaniel violated Rules 1.3 and 1.4 in this matter.

S03Y0323. In this case, a client hired McDaniel in connection with an employment discrimination case for which the client gave McDaniel a \$3,500 retainer that he promised to draw down only as earned. McDaniel repeatedly assured his client he was pursuing her claim with the Department of Human Affairs, but he did nothing to pursue the claim and the client subsequently terminated McDaniel's services and asked for a refund of unearned fees. McDaniel failed to return her calls and failed to appear at scheduled meetings, and he never refunded her money, nor did he respond to disciplinary authorities. As a result of this conduct, McDaniel violated Standards 22, 23, and 44, and Rules 1.3, 1.4, and 1.16.

S03Y0324. In this last matter, McDaniel agreed to defend a client in a criminal case but the client, who was incarcerated, never was able to reach McDaniel and McDaniel effectively withdrew from representing him. McDaniel did not respond to the Notice of Investigation in this matter. McDaniel thus violated Rules 1.3, 1.4, and 1.16.

By failing to respond to the Notices of Discipline in these cases, McDaniel admits that he violated the Standards and Rules set forth above. We have reviewed the record and agree with the State Bar that McDaniel should be disbarred. Accordingly, Luther McDaniel hereby is disbarred from the practice of law in the State of Georgia. He is reminded of his duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Luther McDaniel and warn them accordingly;
- (3) Strike the name of said Luther McDaniel from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



4/17

IN RE: LYNN J. BARRETT

STATE BAR NO. 039700

SUPREME COURT DOCKET NO. S03Y0298

STATE DISCIPLINARY BOARD DOCKET NO. 4425

Respondent is a Resident of Fort Lauderdale, Florida

March 7, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an order of the Supreme Court of Georgia, this is to give notice that on February 24, 2003, an order was entered in the Supreme Court of Georgia in the matter of Lynn J. Barrett, Attorney at Law, providing as follows:

PER CURIAM.

This disciplinary matter is before the Court pursuant to a Notice of Discipline filed by the State Bar alleging that Respondent Lynn J. Barrett violated Rules 8.4, 9.3 and 9.4 of the Georgia Rules of Professional Conduct found at Bar Rule 4-102(d), and seeking her disbarment. Violations of Rules 8.4 and 9.4 are punishable by disbarment. Barrett failed to acknowledge service of the Notice of Discipline within 20 days of its being mailed to her at the official address in Florida that she provided to the State Bar. After the State Bar's attempts to have her personally served proved unsuccessful and a non-est inventus was issued by the Broward County Sheriff's Office, Barrett was served by publication pursuant to Bar Rule 4-203.1(b)(3)(ii). The State Bar published notices in the Sun-Sentinel, Deerfield Beach, Florida on December 20, 2002, and December 27, 2002. Contemporaneously with the publication, the State Bar mailed a copy of the service documents by first class mail to Barrett at the address shown in its Membership Department records. As she failed to file a Notice of Rejection of the Notice of Discipline as provided in Bar Rule 4-208.3, pursuant to Bar Rule 4-208.1(b) Barrett is in default, has no right to an evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court. By virtue of her default, the following facts are deemed admitted.

On or about August 31, 2001, Barrett submitted a Petition for Disciplinary Resignation to the Supreme Court of Florida, resigning her membership in the State Bar of Florida for "ethical misconduct." Barrett's Petition for Voluntary Resignation was accepted by the Florida Supreme Court's Order, Barrett's resignation is tantamount to disbarment. On November 14, 2001, the Florida Bar forwarded a copy of Barrett's Petition for Disciplinary Resignation to the Office of the General Counsel, State Bar of Georgia. The Investigative Panel of the State Disciplinary Board, State Bar of Georgia, initiated a Grievance against Barrett and determined upon investigation that Barrett's "ethical misconduct" was her conviction on three charges of grand theft and one charge of carrying a concealed firearm in Palm Beach and Broward Counties, Florida, in June and September 2001.

Based on our review of the record, we agree with the State Bar that disbarment is the appropriate sanction in this matter. We note in aggravation of the level of discipline to be imposed that Barrett has a lengthy history of prior disciplinary offenses in Florida, that she is currently under suspension in this State in a prior matter, see order entered May 1, 2000 in S00Y1252, and that she failed to respond to disciplinary authorities investigating this matter. Accordingly, Barrett is disbarred from the practice of law in Georgia. She is reminded of her duties under Bar Rule 4-219©.

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER;

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Lynn J. Barrett and warn them accordingly;
- (3) Strike the name of Lynn J. Barrett from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



To Clerks of Record in the State of Georgia:

February 25, 2003

Pursuant to the direction of the Board of Governors of the State Bar of Georgia, notice is given that the 74 members of the State Bar of Georgia listed below have been placed on **Official Administrative Suspension** due to nonpayment of the license fees for the 2001-2002 bar year, as required by Rule 1-501(b) of the Rules and Regulations for Organization and Government of the State Bar of Georgia. Those listed have not been eligible to practice law in this state since September 1, 2001 due to this dues delinquency. Proper notification has been made to the members at the most current address listed in membership records. The suspension will be lifted only upon the successful completion of the terms and conditions specified in Rule 1-501(b) of State Bar Rules and Regulations.

To give full effect to the above-recited rule of the State Bar of Georgia, as ordered by the *Supreme Court of Georgia*, you should: **Post** this report in a conspicuous place in your courthouse; **Strike** the names of those listed from the roll of attorneys authorized to practice in Georgia.

By Direction of the Board of Governors, the 25th Day of February, 2003.

Cliff Brashier
Executive Director

James B. Durham
President

William P. Smith, III
General Counsel

List of Suspended Members

Alabama

452025 David N. Lichtenstein, Birmingham
227350 John J. Dougherty, Decatur

California

406218 David Paul Campbell, Berkeley

District of Columbia

091950 Thomas E. Bryant
174450 Lois J. Cohen
431160 Christian Garfield Lamar

Florida

013650 Martin Will Alpert, Boca Raton
055780 Daniel M. Best, Coral Gables
714653 Kelly E. Toole, Coral Gables
207139 Michael J. Davie, Jacksonville
614459 Caroline Rosen, Melbourne
036705 George Juan Baraque, Miami
241495 Mark Steven Edwards, Miami
333625 James W. Hart, Orlando
772410 Tracey Scalfano Witt, Pensacola
272518 John P. Fox, Surfside
608033 Scott Lyon Robbins, Tampa
267121 Jill A. Folino Argento, W. Palm Bch.
300590 Margaret Good-Earnest, W. Palm Bch
240114 Margaret E. Edwards, Windemere

Georgia

558575 Kennedy Rutledge Packer, Athens
001900 Jeffrey S. Adair, Atlanta
200700 Benjamin B. Culp Jr., Atlanta
205330 Desha Dalane Dardenne, Atlanta
326580 William Edwards Harlan Jr., Atlanta
501055 Susan Fredricka Meine, Atlanta
527892 Jeffrey S. Muir, Atlanta

(Georgia Continued)

570926 Cheryl J. Pence, Atlanta 571475
Robert Glenn Pennington, Atlanta
601055 Joan H. Repetti, Atlanta
628946 Mark Scheaffer, Atlanta
468106 Sheridan M. Watson, Atlanta
763205 Katherine Booth Williams, Atlanta
783440 Lisa Gray Youngblood, Atlanta
466900 Raymond A. Majors Jr., Atlanta
170967 Theresa M. Clyne, Elberton
373333 LaTonya Kay Hubbard, Kennesaw
765175 Harold R. Williamson Jr., Lithonia
042830 Scott Stanley Baumann, Marietta
001870 Wesley F. McCann, Roswell
327110 Dorothy Cope Harmon, Stn. Mtn.

Guam

590350 Ross E. Putnam, Agana

Illinois

680970 John G. Stevenson Jr., Quincy
001220 Priscilla Joy Tucker, Indianapolis

Kentucky

092068 Lise G. Buba-Kruer, Louisville
301970 Bradley H. Pruitt, Louisville

Massachusetts

642043 Scott W. Shields, Sturgis
468537 Monica Malys, Newton

Maryland

067430 Kimberly M. Bonner, College Park

Michigan

388490 Michael L. Jaconette, Battle Creek
539312 Carrie Ann Neville, Novi
448325 Barry M. Levine, Saginaw

Minnesota

052020 William C. Bennett, Minneapolis

Mississippi

234065 Charles L. Dunn, Madison

North Carolina

701182 Ptolemy Hunt Taylor, Hickory

New Jersey

054890 Matthew Brian Bernhard, Newark

New York

251026 Julie Ann Ettelson, Clarence
126015 Kristine Ciganek Ellis, Goshen
001490 Michael David Pinsky, Middleton
185490 Frederic J. Cooper, New York City
221199 Clifford S. Dickson, New York City
614967 Adam T. Ross, New York City

Oregon

237870 Jason Hale Eaton, Portland

South Carolina

192500 Jay Carroll Cox, Harbor Island

Texas

373400 Lewis J. Hubbard Jr., Auston
400660 Henry W. Jones III, Austin
380684 Donovan J. Hutchins, Cedar Hill
446612 David A. Leonard, Dallas
446996 Lori Graham Lero, Houston
548550 Ellen MacInerney O'Brien, Tyler

Virginia

747075 Katharine A. Welch, Charlottesville
016173 Deborah B. Andrews, Glen Allen
640640 Julie Fretwell Shelton, Richmond

Wisconsin

629898 George M. Schroeder, Appleton

HEADQUARTERS

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Atlanta, Georgia 30303 ■ (404) 527-8700
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Tifton, Georgia 31793-1390 ■ (229) 387-0446
(800) 330-0446 ■ FAX (229) 382-7435

STATE BAR OF GEORGIA



3/5

IN RE: WILLIAM N. ROBBINS

STATE BAR NO. 608037

SUPREME COURT DOCKET NO. S03Y0326

STATE DISCIPLINARY BOARD DOCKET NO. 4141

FULTON JUDICIAL CIRCUIT

February 5, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on January 13, 2003, an Order was entered in the Supreme Court of Georgia in the matter of William N. Robbins, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court on the Report of the Review Panel of the State Disciplinary Board accepting and approving the Report of the Special Master and his recommendation that Respondent William N. Robbins be disbarred for his violation of Standard 13 (lawyer shall not compensate a person or organization to recommend or secure his employment by a client) of Bar Rule 4-102 (d). The State Bar filed a Formal Complaint against Robbins charging him with violating Standard 13, Robbins answered the complaint, and an evidentiary hearing was conducted, after which the special master issued his report and recommendation. Robbins requested a Review Panel review and, after considering the record, including audiotapes, the Review Panel agreed with the special master that the facts herein justify disbarment.

Based on stipulations or clear and convincing evidence, the special master found that Robbins employed "John," who testified at the hearing but requested anonymity, to recruit "runners" that would refer personal injury clients to Robbins. Robbins gave John cash payments, which John delivered to the runners, and John then received 25 percent of any fee Robbins realized. The special master found that despite his protestations to the contrary, Robbins was aware that he was paying cash to John in exchange for the referral of clients. The special master discredited Robbins' assertions that he believed John was an attorney whom he employed simply to review files and make recommendations. In that regard, the special master noted that Robbins failed to produce any reports prepared by John, did not put John's name on his letterhead, did not contact any prior employers, and did not confirm with the State Bar that John was a lawyer. Moreover, the special master found that Robbins paid the 25 percent fee to Professional Management, Inc., not to John personally, and that that should have been a "strong indication to any reasonable attorney" that John was not licensed to practice law.

A violation of Standard 13 may be punished by disbarment and we believe that that sanction is apposite in this case. In aggravation of discipline, we note Robbins' prior disciplinary offenses, which resulted in two review panel reprimands, a public reprimand, and an investigative panel reprimand. We find particularly significant that in its public reprimand the court warned Robbins that this was his second infraction and another could constitute grounds for disbarment, but Robbins nevertheless committed further infractions, the instant case being the third since the warning. We also note that Robbins had a selfish motive, engaged in a pattern of similar misconduct, was guilty of multiple unethical offenses prior to this one, made false statements during the disciplinary process, refused to acknowledge that his conduct was wrongful, and had 23 years' experience in the practice of law. The only mitigating factor in favor of Robbins is his reputation as a good attorney, as evidenced by three letters of recommendation.

Robbins filed exceptions to the Review Panel report citing cases in which similar conduct has been punished with lesser sanctions. See, e.g., In the Matter of Maniscalco, 275

Ga. 238 (564 SE2d 186) (2002) (12-month suspension for violation of Standard 13).¹ In this connection, Robbins also raises this Court's concerns regarding inconsistent punishments, see In the Matter of Erion, 273 Ga. 103, 104 (538 SE2d 427) (2002) (Benham, Sears and Carley, JJ., dissenting), and urges the Court to impose no more than a one- or two-year suspension. But the totality of Robbins' conduct and his prior disciplinary offenses distinguishes this case from those in which lesser sanctions were imposed. Accordingly, the name of William N. Robbins is hereby removed from the rolls of attorneys licensed to practice law in the State of Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said William N. Robbins and warn them accordingly;
- (3) Strike the name of said William N. Robbins from the roll of attorneys authorized to practice law before your court until further notice.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

¹ We note that, in that case, Maniscalco had no prior disciplinaries and, unlike this case, the special master apparently believed that Maniscalco did not know that the "operator" was not an attorney.

STATE BAR OF GEORGIA

3/5



IN RE: JAMES FRANKLIN SHEHANE

STATE BAR NO. 639817

SUPREME COURT DOCKET NO. S03Y0385

STATE DISCIPLINARY BOARD DOCKET NO. 4197

CHATHAM JUDICIAL CIRCUIT

February 5, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on January 13, 2003, an Order was entered in the Supreme Court of Georgia in the matter of James Franklin Shehane, providing in part as follows:

PER CURIAM.

Following the filing of a grievance by a former client of respondent James Franklin Shehane IV and a finding of probable cause by the Investigative Panel of the State Disciplinary Board of the State Bar of Georgia, Respondent filed a petition for voluntary discipline in which he admitted conduct violating Standards 4 and 44, as well as Rules 3.3 and 8.4 of the Georgia Rules of Professional Conduct. Respondent admitted he had abandoned a client, deliberately made false statements to the client and to the Investigative Panel which was looking into the client's grievance concerning respondent, fabricated evidence to buttress the falsehoods told the Investigative Panel, and presented the fabricated evidence to the Investigative Panel. In the Matter of: James Franklin Shehane, IV, S02Y0310. With the State Bar's acquiescence, Respondent sought a one-year suspension from the practice of law for his infractions. In an order filed February 4, 2002, this Court rejected the petition on the ground that a one-year suspension was not the appropriate sanction for the disciplinary violation. Upon return of the case to the State Bar, a Special Master was appointed by this Court and he has recommended that Respondent be disbarred from the practice of law in Georgia. We agree with the Special Master's recommendation that Respondent's conduct merits disbarment from the practice of law in Georgia.

After the case was returned to the State Bar, Shehane failed to answer the formal complaint filed by the State Bar and the Special Master entered a default against respondent, thereby deeming admitted the facts alleged and the violations charged in the formal complaint. Rule 4-212(a) of the Rules and Regulations of the State Bar of Georgia.¹ The facts and violations deemed admitted by the default are the same as those admitted by Respondent in his Petition for Voluntary Discipline. Those facts showed that respondent represented a client in the United States District Court for the Southern District of Georgia when the district court dismissed with prejudice the client's claim under the Americans with Disabilities Act and dismissed without prejudice the client's state law tort claim. Respondent told the client he would re-file the tort claim in state court and later informed the client he had re-filed the claim in state court. However, the state law tort claim was never re-filed in any court, and respondent knew that when he told the client he had re-filed the claim (Standards 4 and 45(b)). Respondent's failure to re-file the case was, in effect, wilful abandonment or wilful disregard of a legal matter entrusted to him, without just cause and to the detriment of his client (Standard 44). Respondent withdrew from his representation of the client without taking reasonable steps to avoid foreseeable prejudice to the client's rights (Standard 22). When the client learned of respondent's failure to re-file the suit and his misrepresentation to the client, the client filed a grievance with the State Bar of Georgia. In response to the Notice of Investigation, respondent falsely told the Investigative Panel that he had never agreed to re-file the tort claim in state court and that he had sent two letters to the client with that

¹ Two weeks after the order of default was filed, respondent filed a petition to open default. The Special Master denied the petition.

information (Standard 4). Subsequently, respondent presented the two letters he said he had sent to the client and postal receipts for those letters. The letters and the postal receipts were fabricated by respondent and, in fabricating them and presenting them to the Investigative Panel, respondent knowingly made a false statement of material fact, knowingly offered evidence he knew to be false, and attempted to deceive the Panel and misrepresent his conduct in handling the client's case (Standard 4, Rule 3.3(a)(1), Rule 3.3(a)(4), and 8.4(a)(4)).

We agree with the Special Master that respondent's conduct violated Standards 4, 22, 44, and 45(b) and Rules 3.3(a)(1), 3.3(a)(4), and 8.4(a)(4) of the Georgia Rules of Professional Conduct. All of respondent's conduct except the violation of Standard 22 is punishable by disbarment. While respondent has not been the subject of any prior disciplinary action during his eight-year membership in the State Bar of Georgia, we take very seriously his deliberate, deceitful acts of obfuscate the truth. Making deliberate statement of falsehood to clients who seek information concerning an attorney's performance of professional services and to the investigative process established by this Court to aid in the regulation of the practice of law in Georgia is not tolerated. See, e.g., In re Vaughn, 275 Ga. 295 (565 SE2d 463) (2002) (attorney falsified document to make it appear as if it had been recorded); In re Bowie, 274 Ga. 355 (554 SE2d 153) (2001) (attorney falsely told client defendant had filed an answer to a complaint filed by attorney on behalf of client but which complaint was never served on defendant); In re Chapman, 271 Ga. 178 (516SE2d 781) (1999) (attorney falsely told clients she had filed an action on their behalf); In re Friedman, 270 Ga. 5 (505 SE2d 727) (1998) (attorney deliberately told falsehood during disciplinary proceedings and submitted a false attorney's fee application to bankruptcy court); In re Mays, 269 Ga. 100 (495 SE2d 30) (1998) (attorney deliberately told falsehoods to client, to Investigative Panel, and during hearing before the special master); In re Findley, 262 Ga. 6 (453 SE2d 95) (1995) (attorney falsely told client he had filed suit and had obtained a restraining order, and fabricated an answer on behalf of the purported defendant).² Accordingly, the name of James Franklin Shehane IV hereby is removed from the rolls of lawyers authorized to practice law in the State of Georgia. Respondent is reminded of his duties under Bar Rule 4-219(c) to notify timely all clients of his inability to represent them, to take all actions necessary to protect the interests of his clients, and to certify to this Court that he has satisfied the requirement of the rule.

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said James Franklin Shehane and warn them accordingly;
- (3) Strike the name of said James Franklin Shehane from the roll of attorneys authorized to practice law before your court until further notice.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

² In a pleading filed in this Court, Respondent asserts he does not dispute the general allegations of the complaint, but maintains that suspension rather than disbarment is the appropriate sanction. Respondent also maintains he has not been served with the Special Masters Findings of Fact and Conclusions of Law. Respondent's address, as listed on Respondent's pleading, is the same as one of the addresses to which the Special Master certified on October 7, 2002, that he had sent copies of his Report.

STATE BAR OF GEORGIA



3/5

IN RE: MICHELLE DAWN STRICKLAND

STATE BAR NO. 687815

SUPREME COURT DOCKET NO. S03Y0112

STATE DISCIPLINARY BOARD DOCKET NO. 4416

ATLANTA JUDICIAL CIRCUIT

February 5, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on January 13, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Michelle Dawn Strickland, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court pursuant to a Notice of Discipline filed by the State Bar alleging that Respondent Michelle Dawn Strickland violated Rules 1.3; 1.5; 1.15(II)(b); 8.4(a)(4); and 9.3 of the Georgia Rules of Professional Conduct, found at Bar Rule 4-102(d). Violations of Rules 1.3, 1.15(II)(b), and 8.4(a)(4) are punishable by disbarment, the sanction presently sought by the State Bar. Strickland failed to acknowledge service of the Notice of Discipline within 20 days of its mailing to her post office box, the official address provided by her to the State Bar. Accordingly, pursuant to Bar Rule 4-203.1(b)(3)(ii), she was served by publication with notices published in the Fulton County Daily Report, Atlanta, Georgia, on October 18, 2002, and October 25, 2002. Contemporaneously with the publication, the State Bar mailed a copy of the service documents by first class mail to Strickland at the address shown in its Membership Department records. Because she failed to file a Notice of Rejection of the Notice of Discipline as provided in Bar Rule 4-208.3, Strickland is in default, has no right to an evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court. Bar Rule 4-208.1(b).

By virtue of Strickland's default, the following facts are deemed admitted. On or about September 2001, Strickland was hired to represent a client in filing a bankruptcy petition. The client paid Strickland \$500 up front as attorney's fees and entrusted her with an additional \$200 on December 19, 2001 to use as filing fees for the petition. Although Strickland told the client that she would file the petition on December 21, 2001, she failed to file it. Subsequently, in early January 2002, the client called Strickland to determine the status of her case and to obtain the case number. Although Strickland promised the client that she would call her back with the case number, she failed to do so. After the client called the Clerk of the U.S. Bankruptcy Court and learned that her bankruptcy petition had never been filed, she called Strickland and left a voice message terminating Strickland's services and demanding that the funds previously paid for attorney's fees and filing fees be returned. Strickland, however, failed to return the funds. Instead, she told the client that the petition had not been filed in December because the filing fee check inadvertently had been omitted. Strickland then filed the petition with the bankruptcy court on January 29, 2002. Subsequently, however, the filing fee check was returned for insufficient funds and, although the clerk of the bankruptcy court directed Strickland to submit a money order for the filing fee and the service charge, she failed to do so or otherwise respond to the clerk. On March 6, 2002, Strickland failed to appear before the bankruptcy court on her client's behalf and, after

the court was unable to reach Strickland due to the fact that her phone had been disconnected and her voice mailbox was full, her client was forced to appear without representation. Despite numerous attempts since then, Strickland's client has been unable to contact her. Further, Strickland has failed to return any portion of the fee paid her by the client and has apparently used unearned portions of the fee, as well as the filing fees entrusted to her, for her own benefit.

Based on our review of the record, we agree with the State Bar that disbarment is the appropriate sanction in this matter. Even though Strickland has not been the subject of the imposition of discipline in any previous instance, we note in aggravation of the level of discipline that she abandoned and deceived a client while converting the client's property. Accordingly, Strickland is disbarred from the practice of law in Georgia. She is reminded of her duties under Bar Rule 4-219(c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Michelle Dawn Strickland and warn them accordingly;
- (3) Strike the name of said Michelle Dawn Strickland from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA



3/5

IN RE: MICHAEL ANDREW JONES

STATE BAR NO. 402533

SUPREME COURT DOCKET NOS. S02Y0804, S02Y1528-S02Y1537

STATE DISCIPLINARY BOARD DOCKET NOS. 4302, 4370-4379

ATLANTA JUDICIAL CIRCUIT

February 5, 2003

**TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:**

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on January 13, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Michael A. Jones, providing in part as follows:

PER CURIAM.

These disciplinary matters are before the Court pursuant to eleven Notices of Discipline filed by the State Bar alleging that Respondent Michael A. Jones violated numerous Standards and Rules of the Georgia Rules of Professional Conduct of Bar Rule 4-102(d).¹ The State Bar is seeking Jones's disbarment. Jones has been suspended from the practice of law since May 9, 2002.² Jones failed to acknowledge service of the Notices of Discipline within 20 days of the mailing to Jones's post office box and as Jones only provided a post office box to the Membership Department of the State Bar, Jones was served by publication pursuant to Bar Rule 4-203.1(b)(3)(ii) with notices published in the Fulton County Daily Report. The State Bar also contemporaneously with publication mailed a copy of the service documents by first class mail to Jones's address as shown on the records of the State Bar's Membership Department. Jones failed to file a Notice of Rejection of each Notice of Discipline within the time provided in Bar Rule 4-208.3, and accordingly, pursuant to Bar Rule 4-208.1(d), Jones is in default, has no right to an evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court. By virtue of Jones's default, the following facts are deemed admitted.

In ten of the eleven cases, Jones was hired to represent a client for injuries arising out of an automobile accident. In each case, Jones settled the case without the client's knowledge, forged the client's signature on the settlement check, and converted the check to his own use without the client's knowledge or authorization. In the remaining case, Jones was hired to represent a client for matters arising out of an automobile accident. When the client received payment from two insurance companies to cover the cost of repairs to his car, Jones instructed the client to forward one check to him for return to the insurance company. Jones, however, converted the check for his own use. The total amount converted in the eleven cases was \$45,286.38.

Based on our review of the record, we agree with the State Bar that disbarment is the appropriate sanction in this matter. Accordingly, Jones is hereby disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219(c).

¹ Jones is charged specifically with violations of Standards 4, 44, 61, 63, 65 for conduct occurring before January 1, 2001, and violations of Rules 1.2, 1.3, 1.4, 1.15(I), 1.15(II) 8.4(a)(4) and 9.3 for conduct occurring after January 1, 2001.

² In re Jones, S02Y1163 (Ga. May 9, 2002).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Michael Andrew Jones and warn them accordingly;
- (3) Strike the name of said Michael Andrew Jones from the roll of attorneys authorized to practice law before your court.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA

STATE BAR OF GEORGIA

3/5

IN RE: AUDLEY ANTHONY BURRELL
STATE BAR NO. 097531
SUPREME COURT DOCKET NO. S0Y1527
STATE DISCIPLINARY BOARD DOCKET NO. 4357
Respondent resides in Oakhill, Virginia



February 5, 2003

TO THE CLERKS OF THE COURT OF RECORD IN GEORGIA AND TO
THE EXECUTIVE DIRECTOR OF THE STATE BAR OF GEORGIA:

Pursuant to an Order of the Supreme Court of Georgia, please be advised that on January 13, 2003, an Order was entered in the Supreme Court of Georgia in the matter of Audley Anthony Burrell, providing in part as follows:

PER CURIAM.

This disciplinary matter is before the Court pursuant to the Notice of Discipline filed by the State bar alleging that Audley Anthony Burrell violated Standards 44 (wilful abandonment or disregard of a legal matter to the client's detriment); 61 (lawyer shall promptly notify client of receipt of funds, securities or other property and promptly notify client of receipt of funds, securities or other property and promptly deliver same to client); 63 (lawyer shall maintain record of all funds, securities and other properties of client coming into lawyer's possession and promptly render an accounting to client regarding those funds); and 65 (lawyer shall not fail to account for trust property, including money and interest paid on the client's money, if any, held in any fiduciary capacity and no funds shall be withdrawn from a lawyer's trust account for the lawyer's personal use, except for attorney's fees debited against a specific clients account and recorded as such); and Rule 9.3 (lawyer shall respond to disciplinary authorities in accordance with State Bar Rules) of Georgia Rules of Professional Conduct, all of Bar Rule 4-102 (d). A violation of Standards 44, 61, 63 and 65 is punishable by disbarment, while the maximum sanction for a violation of Rule 9.3 is a public reprimand. This Court entered an order suspension against Burrell on February 12, 2002.

Burrell has failed to keep the State Bar advised of his current address. He thus was served by publication, but failed to respond within the time permitted; therefore, the allegations of the Notice of Discipline are deemed admitted. These facts show that in September 1997, Burrell represented the seller of real property; in connection with that representation, Burrell agreed to act as escrow agent; in that capacity he took receipt of \$10,000, which he was to disburse in accordance with the parties' contract after the closing; although he deposited the money into his trust account, Burrell failed, after the closing, to account for the \$10,000 and/or to disburse the monies; instead, Burrell withdrew the money for his personal use.

Based on the above, we find that disbarment is the appropriate sanction for Burrell's actions. Accordingly, the name of Audley Anthony Burrell hereby is removed for the roll of persons entitled to practice law in the State of Georgia. Burrell is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

IT IS SUGGESTED THAT YOU DO THE FOLLOWING
TO GIVE FULL EFFECT TO THE ABOVE-RECITED ORDER:

- (1) Post this report, or a true copy of it, in a conspicuous place in your office and in your courthouse;
- (2) Review the documents of your court to determine whether any of the parties before your court are represented by said Audley Anthony Burrell and warn them accordingly;
- (3) Strike the name of said Audley Anthony Burrell from the roll of attorneys authorized to practice law before your court until further notice.

Your cooperation in this matter is appreciated.

OFFICE OF THE GENERAL COUNSEL
STATE BAR OF GEORGIA