

State Bar of Georgia
2014 Report of the
Office of the General Counsel



State Bar
of Georgia

*Omni Amelia Island
Plantation Resort*

June 5–8 | Amelia Island, Fla.



*Office of the General Counsel
State Bar of Georgia
Annual Report for Operational Year 2013-14*

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Annual Report of the Office of the General Counsel for Bar Year 2013-14

by Paula J. Frederick, General Counsel

I am pleased to present the 2013-14 Report of the Office of the General Counsel (OGC). Enclosed herein are reports from the Investigative and Review Panels of the State Disciplinary Board, the Clients' Security Fund, the Formal Advisory Opinion Board, the *Pro Hac Vice* program and the Trust Account Overdraft Notification Program. Following the reports is a list of the Supreme Court Orders issued in disciplinary cases between May 1, 2013, and April 30, 2014; to access an order simply click on the lawyer's name in the [Member Directory](#). My quarterly reports to the Board of Governors contain additional updates on our work; they are available in each board meeting agenda book. If you have any questions about the work of the office feel free to contact me.

The enclosed reports document an impressive array of cases handled and services rendered to the Bar and to the public; however, they represent only a fraction of the work done by dedicated Bar volunteers along with the staff of the Office of the General Counsel each year. The Office is indebted to every member of the public and Georgia lawyer who volunteers his or her time in service to the legal profession.

Staff

The staff of the Office of the General Counsel continues to be its greatest asset. Former General Counsel Bill Smith continues to work with the office as ethics counsel, handling a variety of special projects and some disciplinary cases. Robert E. McCormack, deputy general counsel for the Bar Counsel unit, is responsible for drafting changes to the Bar Rules and for staffing the Clients' Security Fund. Paralegal Betty Derrickson conducts the initial review of Clients' Security Fund files and coordinates the work of the Fund. John Shiptenko is assistant general counsel for all Bar Counsel matters. He acts as staff liaison to the Formal Advisory Opinion Board and handles insurance, contractual and employment matters for the Bar. Deloise Mathews provides secretarial support to the Bar Counsel unit.

Deputy General Counsel Jenny Mittelman continues to serve in the managing attorney role for the OGC. She handles a disciplinary caseload in addition to supervising the lawyers who handle disciplinary cases. Senior Assistant General Counsel Jonathan Hewett supervises the grievance counsel in addition to prosecuting disciplinary cases. Assistant General Counsels Becky Hall, Tina Petrig, and Bill Cobb continue to serve as ethics and disciplinary counsel to the Bar assisted by investigators Lamar Jackson and Dean Veenstra.

This year saw the departure of part-time paralegal Kristin Poland, who finished law school and is preparing to sit for the Bar Exam. She left the OGC for full-time employment and we wish her the best of luck. Grievance Counsel Carmen Rojas Rafter conducts the preliminary investigation of the grievances which the office receives each year along with help from our new paralegal Leonard Carlin. Connie Henry, clerk of the State Disciplinary Board, continues to coordinate the activity of the disciplinary boards. Regina Putman-Kelley serves as Trust Account Overdraft Notification coordinator. Paralegals Carolyn Williams and Kathy Jackson, legal secretaries Deborah Grant, Cathe Payne and Bobbie Kendall, and receptionist Jessica Oglesby round out the OGC staff.

Lawyer Helpline

The Office of the General Counsel operates a Lawyer Helpline for members of the State Bar of Georgia to discuss ethics questions on an informal basis with an assistant general counsel. This year the Helpline averaged 21 calls, letters or email requests each weekday.

Continuing Legal Education

As always, the Office of the General Counsel provides staff counsel to speak at CLE seminars and to local bar groups upon request. This year OGC lawyers participated in 64 CLE presentations.

Committees

OGC staff continues to work with the Disciplinary Rules and Procedures Committee, the Advisory Committee on Legislation, the Fair Market Practices Committee, the OGC Overview Committee, the Judicial Procedure & Administration Committee, the Committee on International Trade in Legal Services and the Continuity of Law Practice Committee.

Thanks

The staff and I remain committed to serving each member of the State Bar of Georgia with efficiency and professionalism. Please call upon us whenever we can be of help to you.

Annual Report of the Investigative Panel State Disciplinary Board for Operational Year 2013-14

by J. Maria Waters, Chair

As chair of the Investigative Panel, I would like to thank each panel member for their long hours of very hard work in grappling with the serious issues which we have faced this year. The panel must investigate and review a never-ending number of cases and does so more efficiently than ever.

The 2013-14 Investigative Panel consisted of two lawyers from each judicial district of the state, six public members and two at-large members. The president-elect of the State Bar and the president-elect of the Young Lawyers Division served as ex-officio members. The panel continued its practice of holding its monthly meetings throughout the state; this year we met in Buford, Perry, Atlanta, Clarkesville, Jekyll Island, Adairsville, Greensboro and Tifton, Ga., and in Hilton Head, S.C.

The Bar received fewer requests for grievance forms this year (3,192) than last (3,277). The number of grievance forms returned to the Office of the General Counsel also decreased. Last year's figure was 2,064; this year 1,857 forms were returned for screening and further consideration.

After review by an assistant general counsel, 1,644 grievances were dismissed for their failure to state facts sufficient to invoke the jurisdiction of the State Bar. A total of 188 grievances contained allegations which, if true, would amount to violations of one or more of the Georgia Rules of Professional Conduct found at Bar Rule 4-102. This represents a decrease from 264 such grievances in 2013. Each of those grievances was referred to one of the district Panel members for further investigation.

Investigative Panel members who investigated grievances each handled numerous cases during the Bar year. The panel also set a goal of having each case reported within 180 days. Each case required investigation and time away from the panel member's law practice, all without compensation. At the end of the investigation the panel member made a report and recommendation to the full panel. Ninety-seven grievances were dismissed, 42 of those with a letter of instruction to inform the lawyer about the Bar Rules. One hundred and fifty-one cases met the "probable cause" test and were returned to the Office of the General Counsel for prosecution. This represents a decrease from 162 such cases last year. Seventy-three cases are still under consideration by the panel, a decrease from 121 such cases last year.

Thirty-two of the respondents named in grievances where there was a finding of probable cause received confidential discipline in the form of formal letters of admonition or Investigative Panel reprimands. In the more serious cases the panel issued a notice of discipline or made a referral to the Supreme Court of Georgia for a hearing before a special master.

The Investigative Panel imposed confidential discipline during 2013-14 as follows:

Form of Discipline	Cases
Investigative Panel Reprimands	11
Letters of Formal Admonition	21
Cases Dismissed with Letters of Instruction	42
Interim Suspensions	14

Public discipline imposed by the Supreme Court is described in the Annual Report of the Review Panel of the State Disciplinary Board.

I would like to recognize those members of the Investigative Panel who have unselfishly devoted so much of their personal and professional time to this necessary task. They are:

District 1

Christian J. Steinmetz III, Savannah
J. Maria Waters, Pooler

District 2

John M. Stephenson, Albany
Laverne Lewis Gaskins, Valdosta

District 3

William D. NeSmith, Americus
Donna S. Hix, Columbus

District 4

Katherine K. Wood, Atlanta
Sherry Boston, Decatur

District 5

Hubert J. Bell Jr., Atlanta
Thomas G. Sampson II, Atlanta

District 6

Delia T. Crouch, Newnan
Andrew J. Whalen, Griffin

District 7

Christopher A. Townley, Rossville
Dale Pearson Beardsley, Atlanta

District 8

Donald W. Huskins, Eatonton
John D. Newberry, Gray

District 9

Ramon Alvarado, Lawrenceville
Melody A. Glouton, Duluth

District 10

Larry L. Smith, Augusta
Anna Green Bolden, Winder

At Large

Daniel S. Reinhardt, Atlanta
John G. Haubenreich, Atlanta

We have two ex-officio members, the president-elect of the State Bar of Georgia, Patrise Perkins-Hooker, Atlanta (term expiring), and the president-elect of the Young Lawyers Division, V. Sharon (Sharri) Edenfield, Statesboro (term expiring).

Finally, I want to recognize and thank the six non-lawyer members appointed by the Supreme Court:

Mark A. Douglas, Atlanta
Michael A. Fuller, Macon
Jennifer M. Davis, Atlanta
Elizabeth King, Atlanta
Carol Fullerton, Albany
David Richards, Stone Mountain

Annual Report of the Review Panel State Disciplinary Board for Operational Year 2013-14

by Anthony B. Askew, Chair

The role of the Review Panel of the State Disciplinary Board changed effective June 13, 1997. Before that time, the Review Panel was charged with the responsibility of reviewing the complete record in all disciplinary cases that had been heard by a special master. As a result of the changes in 1997, the panel now hears only those cases in which the respondent lawyer or the Bar asks for review. This means that the panel reviews fewer cases, but they are by definition the most contentious cases in the process.

The panel has authority to make findings of fact and conclusions of law based on the record. In all cases in which disciplinary violations have been found, the panel makes a recommendation of disciplinary action to the Supreme Court. The Court may follow the panel's recommendation, but may also render an opinion that modifies our recommendation in some way.

In addition, the Review Panel reviews all matters of reciprocal discipline. The Supreme Court of Georgia amended the Bar Rules on June 9, 2004, so that the Review Panel now receives every case in which a Georgia lawyer has been disciplined in another jurisdiction. The panel is charged with recommending the appropriate disciplinary result in Georgia.

At the present time, the Review Panel is a 15-member panel composed of three lawyers from each of the three federal judicial districts in Georgia, appointed by the Supreme Court of Georgia, and by the president of the State Bar. Two ex-officio members also serve on the panel in their capacity as officers of the State Bar. Four of the panel members are non-lawyers who were appointed by the Supreme Court. Counsel for the Review Panel is Bridget B. Bagley of Atlanta.

The following is a brief summary of public disciplinary action taken by the Supreme Court of Georgia during the period from May 1, 2013, to April 30, 2014:

Form of Discipline	Cases	Lawyers
Disbarments/Voluntary Surrenders	53	27
Suspensions	37	28
Public Reprimands	2	2
Review Panel Reprimands	4	4

The foregoing summary does not begin to reflect the voluminous records and important issues that were carefully considered by the panel over the past year. In addition to attending lengthy meetings, each panel member must review material for each case prior to the meeting in order to make a fair and well-reasoned decision. This represents a major commitment of time and energy on the part of each panel member, all of whom acted with the highest degree of professionalism and competency during their terms.

At this time, I would like to recognize the members of the panel who have unselfishly devoted so much of their time to the implementation of the disciplinary system of the State Bar of Georgia.

Non-lawyer Members

Clarence Pennie, Kennesaw
P. Alice Rogers, Atlanta
Thomas C. Rounds, Sandy Springs
Stuart F. Sligh, Savannah

Lawyer Members*Northern District*

Anthony B. Askew, Atlanta
C. Bradford Marsh, Atlanta
J. Robert Persons, Atlanta

Middle District

Oliver Wendell Horne, Macon
Jeffery O'Neal Monroe, Macon
Ralph F. Simpson, Tifton

Southern District

Sarah Brown Akins, Savannah
Thomas R. Burnside III, Augusta
Jeffery S. Ward, Brunswick

Ex-Officio Members

Robin Frazer Clark, Atlanta (term expiring)
Jonathan B. Pannell, Savannah (term expiring)

Annual Report of the Formal Advisory Opinion Board for Operational Year 2013-14

by C. Bradford Marsh, Chair

The Formal Advisory Opinion Board considers requests for formal advisory opinions and drafts opinions that interpret the Georgia Rules of Professional Conduct. The Board consists of active members of the State Bar of Georgia who are appointed by the president of the Bar, with the approval of the Board of Governors. The Formal Advisory Opinion Board is comprised of the following lawyers for the 2013-14 Bar year:

Members at Large

	Term
William Thomas Clark, vice-chair, Atlanta	2012-14
Edward B. Krugman, Atlanta	2013-15
Letitia A. McDonald, Atlanta	2012-14
William Travis Sakrison, Atlanta	2013-15
Jeffrey Hobart Schneider, Atlanta	2013-14

(Appointed to fill the unexpired term of Edward E. Carriere)

Georgia Trial Lawyers Association

Jack J. Helms Jr., Vice-Chair, Homerville	2013-15
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Georgia Defense Lawyers Association

Jacob Edward Daly, Atlanta	2013-15
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Georgia Association of Criminal Defense Lawyers

Joseph Scott Key, Decatur	2012-14
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Georgia District Attorney's Association

Kenneth W. Mauldin, Athens	2012-14
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Young Lawyers Division

Christopher R. Abrego, Atlanta	2013-15
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Emory University

Prof. James B. Hughes Jr., Atlanta	2012-14
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University of Georgia

Prof. Lonnie T. Brown Jr., Athens	2013-15
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Mercer University

Prof. Patrick E. Longan, Macon	2013-15
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Georgia State University

Prof. Roy M. Sobelson, Atlanta	2012-14
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John Marshall Law School

Prof. Jeffrey Alan Van Detta, Atlanta	2013-15
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Investigative Panel

Christian Joseph Steinmetz, Savannah 2013-14

Review Panel

C. Bradford Marsh, chair, Atlanta 2013-14

Factors that the Formal Advisory Opinion Board considers in determining whether a request is accepted for the drafting of a formal advisory opinion include whether a genuine ethical issue is presented in the request, whether the issue raised in the request is of general interest to the members of the Bar, and whether there are existing opinions that adequately address the issue raised in the request. Following is a synopsis of the Board's activities during the 2013-14 Bar year.

The Formal Advisory Opinion Board received one new request for a formal advisory opinion, which is under consideration to determine whether it should be accepted for the drafting of a proposed opinion. The issue presented in the request is:

Formal Advisory Opinion Request No. 14-R1

Is it a conflict of interest for professional liability attorneys retained by insurance companies to be paid from the available insurance coverage of their client, the insured attorney?

The Board accepted one request for a formal advisory opinion that was received in the 2012-13 Bar year. The Board is in the process of drafting a proposed opinion. The issue presented in the request is:

Formal Advisory Opinion Request No. 13-R2

May a lawyer contact and interview former employees of an organization represented by counsel when the former employees are bound by separation agreements governing non-disclosure, non-disparagement, etc.?

The Board declined one request for a formal advisory opinion that was received in the 2012-13 Bar year. The issue presented in the request is:

Formal Advisory Opinion No. 13-R1

Is it ethically permissible for an attorney to disclose certain facts – even privileged facts – if a client or former client posts a negative (and false) online review about an attorney if that information is directly relevant to the defense/response to the (false) allegation? Will adding a clause to the engagement agreement in which the client acknowledges he or she understands he/she will or may be waiving certain privileges/expectations of confidentiality if he or she posts a negative online review change the analysis?

The following request for a formal advisory opinion was received and initially accepted in the 2012-13 Bar year. However, after further consideration, the Board declined the request. The issue presented in the request is:

Formal Advisory Opinion Request No. 12-R8

1. If a Georgia attorney, who is not employed by the Georgia Attorney General, provides legal advice to an official or employee of a state agency concerning a state agency matter, are these communications between the attorney and the official or employee of the State agency protected by the attorney-client privilege?
2. Would the Georgia attorney's disclosure of this legal advice – without a waiver by the official or employee of the State agency – violate Georgia Rule of Professional Conduct 1.6 and subject the Georgia attorney to potential disbarment?

The Board approved two proposed opinions pending from previous Bar years and filed them with the Supreme Court of Georgia. The issues addressed and the status of each opinion is as follow:

Formal Advisory Opinion Request No. 11-R1 (now known as Formal Advisory Opinion No. 13-2)

1. May a plaintiff's attorney be required to execute a release requiring that attorney to ensure medical expenses and liens involving the plaintiff are paid from the settlement proceeds, when the representation has been made during settlement negotiations that an agreement with the medical lien holder has been reached for repayment from the proceeds?
2. May an attorney representing a plaintiff in a personal injury litigation be required to indemnify and hold harmless any party being released as a result of the settlement negotiations from any medical expenses and/or liens which that attorney has represented will be satisfied and/or settled from applicable settlement proceeds, or which the law requires to be satisfied from settlement?

STATUS: Pursuant to Bar Rule 4-403(d), on Oct. 23, 2013, the Formal Advisory Opinion Board approved Proposed Formal Advisory Opinion No. 11-R1. The opinion was published in the December 2013 issue of the *Georgia Bar Journal* and filed with the Supreme Court of Georgia on Jan. 21, 2014. No petition for discretionary review was requested within the 20-day review period. On March 28, 2014, the Supreme Court of Georgia issued an order declining to review the opinion on its own motion. In accordance with Rule 4-403(d), this opinion is binding only on the State Bar of Georgia and the person who requested the opinion, and not on the Supreme Court of Georgia, which shall treat the opinion as persuasive authority only.

Proposed Formal Advisory Opinion No. 10-R2 (now known as Formal Advisory Opinion No. 13-1)

1. Does a lawyer violate the Georgia Rules of Professional Conduct when he/she conducts a "witness only" closing for real estate?
2. Can a lawyer who is closing a real estate transaction meet his/her obligations under the law and the Georgia Rules of Professional Conduct by reviewing, revising as necessary and adopting documents sent from the lender or from other sources?
3. May a lawyer deliver funds from a real estate closing directly to the seller or lender, without depositing them into his/her IOLTA account?

STATUS: In April 2013, a revised proposed opinion was reviewed and approved by the Board. The revision included an amendment to the question presented, as indicated above. The revised proposed opinion appeared in the June 2013 issue of the *Georgia Bar Journal* for first publication giving Bar members an opportunity to file comments with the Board. Several comments were submitted. Following a review of the proposed opinion in light of the comments received, the Board made some modifications to the revised proposed opinion. Although the Board made several modifications, it determined that they were not substantive. Accordingly, on Oct. 23, 2013, the Board approved the revised proposed opinion as modified. Pursuant to Bar Rule 4-403(d), the opinion was published in the December 2013 issue of the *Georgia Bar Journal* for second publication and filed with the Supreme Court of Georgia on Jan. 21, 2014. On Feb. 10, 2014, the State Bar of Georgia filed a petition for discretionary review with the Supreme Court of Georgia. The Petition remains pending with the Court.

In December 2012, the Formal Advisory Opinion Board began a review of existing formal advisory opinions to determine whether the amendments to the Georgia Rules of Professional Conduct, issued by the Supreme Court of Georgia on Nov. 3, 2011, impact the substance and/or conclusion of the opinions. The Formal Advisory Opinion Board continues its review of the opinions.

Formal Advisory Opinions can be found in the 2013-14 State Bar of Georgia Directory & Handbook and on the State Bar of Georgia's website at www.gabar.org.

I would like to thank the members of the Board for their dedication and service. These members have volunteered their time and knowledge in order to ensure that lawyers are provided with an accurate interpretation of the ethics rules. In addition, it is essential that I express my sincere gratitude and appreciation to General Counsel Paula Frederick, Ethics Counsel William P. Smith III, Assistant General Counsel John Shiptenko and Betty Derrickson of the Office of the General Counsel of the State Bar of Georgia. Their unfailing dedication and assistance have been invaluable to the Board.

Annual Report of the Overdraft Notification Program for Fiscal Year 2013-14

**by Regina Putman-Kelley,
Trust Account Overdraft Notification Coordinator**

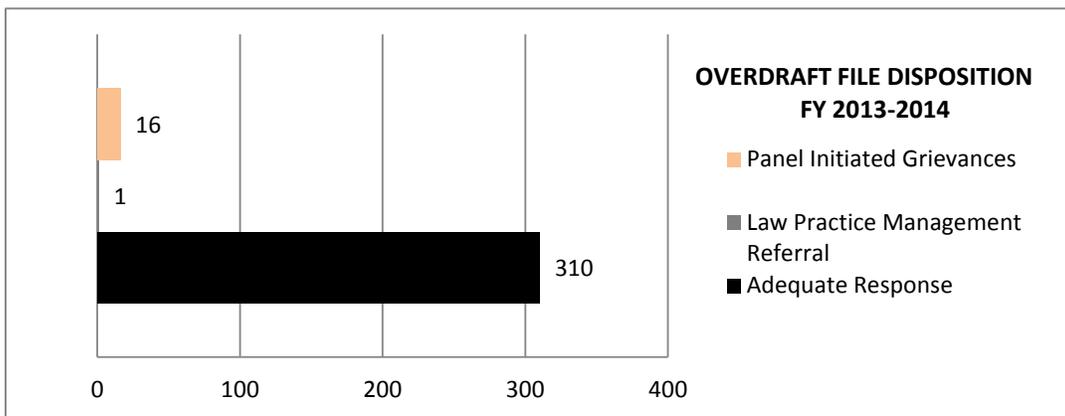
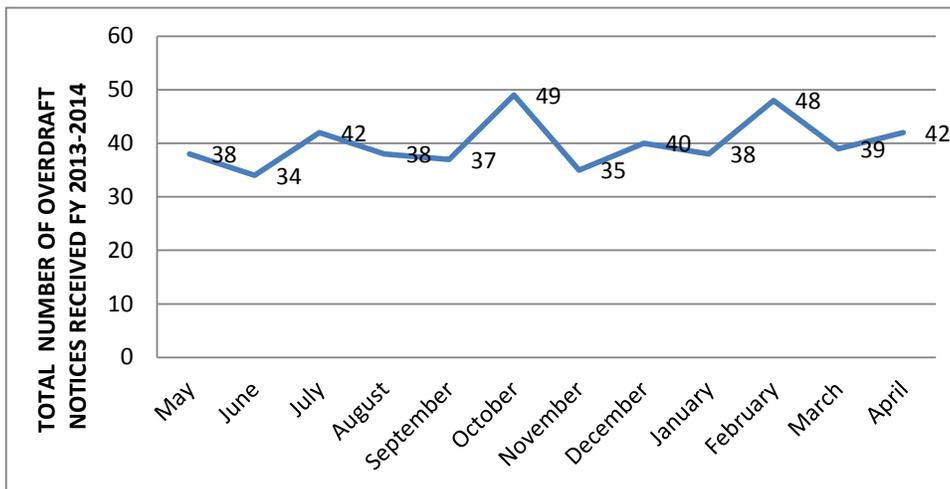
The Overdraft Notification Program received 480 overdraft notices from financial institutions approved as depositories for Georgia attorney trust accounts. Of the total number of notices received, one overdraft was reported to the State Bar on the trust account of a lawyer licensed to practice in another jurisdiction, six notices were received in error on the general business accounts of non-lawyer entities and three notices were reported to the State Bar on the trust accounts of two disbarred lawyers. Three hundred and ten files were dismissed based on the receipt of satisfactory responses following the initial State Bar inquiry, one file was referred to the Law Practice Management Program and 16 files were forwarded to the Investigative Panel of the State Disciplinary Board for possible disciplinary action. (Several attorney overdraft files contained more than one overdraft notice regarding the same IOLTA. Some overdraft files opened during the latter part of FY 2013-14 remain open, pending final review and disposition.)

Financial Institutions Approved as Depositories for Trust Accounts

Bank failures and mergers have greatly affected the number of financial institutions currently approved as depositories for attorney trust accounts. Accordingly, lawyers should refer to the list of approved financial institutions, which can be found on the State Bar of Georgia's website, www.gabar.org, under the "Attorney Resources" tab located on the home page.

ATTORNEY TRUST ACCOUNT OVERDRAFT REPORT FISCAL YEAR 2013-2014

Month 2013/2014	ACTUAL # NOTICES RECEIVED	FILES CLOSED/ ADEQUATE RESPONSE	FILES CLOSED/ LPMP	GRIEVANCES INITIATED	TOTAL CLOSED
May	38	15	1	0	16
June	34	30	0	0	30
July	42	11	0	0	11
August	38	58	0	1	59
September	37	27	0	4	31
October	49	37	0	2	39
November	35	23	0	1	24
December	40	24	0	0	24
January	38	21	0	1	22
February	48	17	0	0	17
March	39	31	0	3	34
April	42	16	0	4	20
TOTALS:	480	310	1	16	327
PERCENTAGES:		91%	0.63%	8.59%	



*Annual Report of the
Pro Hac Vice Program
for Operational Year 2013-14*

by Kathya S. Jackson, Paralegal

By order of Nov. 10, 2005, the Supreme Court of Georgia amended Rule 4.4 of the Uniform Superior Court Rules to require out-of-state lawyers applying for *pro hac vice* admission in Georgia to serve a copy of their application for admission *pro hac vice* on the Office of the General Counsel, State Bar of Georgia. The applicant must pay a \$200 fee to the Bar, unless the applicant seeks *pro bono* waiver of fee from the court.

Subject to certain exceptions, the Uniform Superior Court Rules are applicable in the State Courts of Georgia. Attorneys seeking to appear *pro hac vice* in State Courts must comply with Rule 4.4.

In 2007 the State Board of Workers' Compensation adopted State Board of Workers' Compensation Rule 102 (A)(2). In July 2011, Rule 102 (A)(2) was renumbered to Rule 102 (A)(3) which requires attorneys seeking to appear *pro hac vice* before the Board to comply with Rule 4.4.

The Office of the General Counsel may object to the application or request that the court impose conditions to its being granted. Among other reasons, the Bar may object to an application if the lawyer has a history of discipline in his or her home jurisdiction, or if the lawyer has appeared in Georgia courts so frequently that he or she should become a member of the bar in this state. Lawyers admitted *pro hac vice* agree to submit to the authority of the State Bar of Georgia and the Georgia courts.

In its April 9, 2009 order the Supreme Court of Georgia amended Rule 4.4 to require applicants to disclose all formal, written disciplinary proceedings and court orders regarding contempt and sanctions. Prior to the amendment, the Rule only required disclosure of discipline, contempt and sanctions received in the past five years.

In its Sept. 8, 2011 order the Supreme Court of Georgia amended Rule 4.4 to require foreign lawyers applying for *pro hac vice* admission in Georgia to serve a copy of their application for admission *pro hac vice* on the Office of the General Counsel, State Bar of Georgia, comply with all relevant immigration laws and maintain valid immigration status. The Office of the General Counsel has not received any applications for *pro hac vice* admission from foreign lawyers.

During the period of May 1, 2013, through April 30, 2014, the Office of the General Counsel reviewed 788 *pro hac vice* applications. Fifteen applicants sought exemption from the application fee due to *pro bono* representation. The Office of the General Counsel has filed 48 objections with Georgia courts regarding the eligibility of the applicant. The Office of the General Counsel received a total of \$152,800 from *pro hac vice* applicants.

*Amendments to the Rules, Regulations
and Policies & Bylaws of the State Bar of Georgia
for Operational Year 2013-14*

by Robert E. McCormack

Since the last annual meeting, the following amendments to the Rules and Bylaws of the State Bar of Georgia have been approved by the Supreme Court of Georgia:

Rule 1-202(e) was amended by striking the previous Rule and inserting the following:

e.) **Disabled Members.** Any member of the State Bar of Georgia may petition the Executive Committee for disabled status provided the member meets one of the following criteria:

- 1.) the member has been determined to be permanently disabled by the Social Security Administration; or
- 2.) the member is in the process of applying to the Social Security Administration for permanent disability status; or
- 3.) the member has been determined to be permanently disabled or disabled for a period in excess of one year by an insurance company and is receiving payments pursuant to a disability insurance policy; or
- 4.) the member has a signed statement from a medical doctor that the member is permanently disabled or disabled for a period in excess of one year, and unable to practice law.

Upon the Executive Committee's granting of the member's petition for disability status, the disabled member shall be treated as an inactive member of the State Bar of Georgia and shall not be privileged to practice law. A member holding disabled status shall not be required to pay dues or annual fees. A disabled member shall continue in such status until the member requests reinstatement by written application to the membership department of the State Bar of Georgia.

Rule 1-206 was amended as follows:

Rule 1-206.1. Law Student Members

In addition to the membership and classes of membership provided in this Chapter, the State Bar may recognize as law student members, without the rights and privileges of membership, those law students currently enrolled in a law school approved by the American Bar Association or any law school approved by the Georgia Board of Bar Examiners. Law Student members may be furnished copies of appropriate publications *electronically* and may be entitled to attend and participate, without the right to vote or hold office, in those meetings and activities conducted by the State Bar and any of its component parts or sections.

The new Rule 1-206.1 reads as follows:

Rule 1-206.1. Law Student Members

In addition to the membership and classes of membership provided in this Chapter, the State Bar may recognize as law student members, without the rights and privileges of membership, those law students currently enrolled in a law school approved by the American Bar Association or any law school approved by the Georgia Board of Bar Examiners. Law Student members may be furnished copies of appropriate publications electronically and may be entitled to attend and participate, without the right to vote or hold office, in those meetings and activities conducted by the State Bar and any of its component parts or sections.

Rule 1-208 was amended as follows:

Rule 1-208. Resignation from Membership

a. Resignation while in good standing: A member of the State Bar in good standing may under oath, petition the Executive Committee for leave to resign from the State Bar. Upon acceptance of such petition by the Executive Committee by majority vote, such person shall not practice law in this state nor be entitled to any privileges and benefits accorded to active members of the State Bar in good standing unless such person complies with part (b) (f) or (e) (g) of this Rule.

~~1. The petition for leave to resign while in good standing shall be filed, under oath, with the Executive Director of the State Bar and shall contain a statement that there are no disciplinary actions or criminal proceedings pending against the petitioner and that petitioner is a member in good standing. A copy of the petition shall be served upon the General Counsel of the State Bar.~~

~~2. No petition for leave to resign while in good standing shall be accepted if there are disciplinary proceedings or criminal charges pending against the member or if the member is not a member in good standing.~~

~~3. A petition filed under this paragraph shall constitute a waiver of the confidentiality provisions of Rule 4-221(d) as to any pending disciplinary proceedings.~~

b. Resignation while delinquent or suspended for failure to pay dues or for failure to comply with continuing legal education requirements: A member of the State Bar who is delinquent or suspended (but not terminated) for failure to pay dues or failure to comply with continuing legal education requirements may under oath, petition the Executive Committee for leave to resign from the State Bar. Upon acceptance of such petition by the Executive Committee by majority vote, such person shall not practice law in this state nor be entitled to any privileges and benefits accorded to active members of the State Bar unless such person complies with part (f) or (g) of this Rule.

c. A petition for leave to resign from membership with the State Bar shall comply with the following:

1. the petition shall be filed under oath with the Executive Director of the State Bar and shall contain a statement that there are no disciplinary actions or criminal proceedings pending against the petitioner; and

2. the petition shall contain a statement as to whether the petition is being filed

under part (a) or part (b) of this Rule. If the petition is being filed under part (b), the petition shall state the term of the delinquency and/or suspension for failure to pay dues or to comply with continuing legal education requirements.

d. No petition for leave to resign shall be accepted if there are disciplinary proceedings or criminal charges pending against the member, or if the member is not in good standing for failure to pay child support obligations under Bar Rule 1-209.

e. A petition filed under this Rule shall constitute a waiver of the confidentiality provisions of Rule 4-221(d) as to any pending disciplinary proceedings.

b.f. Readmission within five years after resignation: For a period of five years after the effective date of a voluntary resignation, the member of the State Bar who has resigned while in good standing pursuant to this Rule may apply for readmission to the State Bar upon completion of the following terms and conditions:

1. payment in full of any delinquent dues, late fees and penalties owing at the time the petition for leave to resign was accepted, and payment in full of the current dues for the year in which readmission is sought;

2. payment of a readmission fee to the State Bar equal to the amount the member seeking readmission would have paid during the period of resignation if he or she had instead elected inactive status; and,

3. for resignations while suspended for failure to comply with continuing legal education requirements under part (b) of this Rule, submission of a certificate from the Commission on Continuing Lawyer Competency declaring that the suspended member is current on all requirements for continuing legal education; and

4. 3. submission to the membership section department of the State Bar of a determination of fitness from the Board to Determine Fitness of Bar Applicants. Provided the former member seeking readmission has applied to the Board to Determine Fitness of Bar Applicants before the expiration of the five year period after his or her resignation, the former member shall be readmitted upon submitting a determination of fitness even if the five year period has expired. This provision shall be applicable to all former members who applied to the Board to Determine Fitness of Bar Applicants on or after January 1, 2008.

(c)g. Readmission after five years: After the expiration of five years from the effective date of a voluntary resignation, the former member must comply with the Rules governing admission to the practice of law in Georgia as adopted by the Supreme Court of Georgia.

The new Rule 1-208 reads as follows:

Rule 1-208. Resignation from Membership

a. Resignation while in good standing: A member of the State Bar in good standing may under oath, petition the Executive Committee for leave to resign from the State Bar. Upon acceptance of such petition by the Executive Committee by majority vote, such person shall not practice law in this state nor be entitled to any privileges and benefits accorded to active members of the State Bar in good standing unless such person complies with part (f) or (g) of this Rule.

- b. Resignation while delinquent or suspended for failure to pay dues or for failure to comply with continuing legal education requirements: A member of the State Bar who is delinquent or suspended (but not terminated) for failure to pay dues or failure to comply with continuing legal education requirements may under oath, petition the Executive Committee for leave to resign from the State Bar. Upon acceptance of such petition by the Executive Committee by majority vote, such person shall not practice law in this state nor be entitled to any privileges and benefits accorded to active members of the State Bar unless such person complies with part (f) or (g) of this Rule.
- c. A petition for leave to resign from membership with the State Bar shall comply with the following:
1. the petition shall be filed under oath with the Executive Director of the State Bar and shall contain a statement that there are no disciplinary actions or criminal proceedings pending against the petitioner; and
 2. the petition shall contain a statement as to whether the petition is being filed under part (a) or part (b) of this Rule. If the petition is being filed under part (b), the petition shall state the term of the delinquency and/or suspension for failure to pay dues or to comply with continuing legal education requirements.
- d. No petition for leave to resign shall be accepted if there are disciplinary proceedings or criminal charges pending against the member, or if the member is not in good standing for failure to pay child support obligations under Bar Rule 1-209.
- e. A petition filed under this Rule shall constitute a waiver of the confidentiality provisions of Rule 4-221(d) as to any pending disciplinary proceedings.
- f. Readmission within five years after resignation: For a period of five years after the effective date of a voluntary resignation, the member of the State Bar who has resigned pursuant to this Rule may apply for readmission to the State Bar upon completion of the following terms and conditions:
1. payment in full of any delinquent dues, late fees and penalties owing at the time the petition for leave to resign was accepted, and payment in full of the current dues for the year in which readmission is sought;
 2. payment of a readmission fee to the State Bar equal to the amount the member seeking readmission would have paid during the period of resignation if he or she had instead elected inactive status;
 3. for resignations while suspended for failure to comply with continuing legal education requirements under part (b) of this Rule, submission of a certificate from the Commission on Continuing Lawyer Competency declaring that the suspended member is current on all requirements for continuing legal education; and
 4. submission to the membership department of the State Bar of a determination of fitness from the Board to Determine Fitness of Bar Applicants. Provided the former member seeking readmission has applied to the Board to Determine Fitness of Bar Applicants before the expiration of the five year period after his or her resignation, the former member shall be readmitted upon submitting a determination of fitness even if the five year period has expired.
- g. Readmission after five years: After the expiration of five years from the effective date of a voluntary resignation, the former member must comply with the Rules governing

admission to the practice of law in Georgia as adopted by the Supreme Court of Georgia.

Rule 5.5 of the Georgia Rules of Professional Conduct was amended as follows:

RULE 5.5: UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A Domestic Lawyer shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the Domestic Lawyer is admitted to practice law in this jurisdiction.

(c) A Domestic Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the Domestic Lawyer, or a person the Domestic Lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the Domestic Lawyer's practice in a jurisdiction in which the Domestic Lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the Domestic Lawyer's practice in a jurisdiction in which the Domestic Lawyer is admitted to practice.

(d) A Domestic Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the Domestic Lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the Domestic Lawyer is authorized to provide by federal law or other law of this jurisdiction.

(e) A Foreign Lawyer shall not, except as authorized by this Rule or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law, or hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. Such a Foreign Lawyer does not engage in the unauthorized practice of law in this jurisdiction when on a temporary basis the Foreign Lawyer performs services in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this

jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal held or to be held in a jurisdiction outside the United States if the Foreign Lawyer, or a person the Foreign Lawyer is assisting, is authorized by law or by order of the tribunal to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceedings held or to be held in this or another jurisdiction, if the services arise out of or are reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practice;

(4) are not within paragraphs (2) or (3) and

(i) are performed for a client who resides or has an office in a jurisdiction in which the Foreign Lawyer is authorized to practice to the extent of that authorization; or

(ii) arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization; or

(iii) are governed primarily by international law or the law of a non-United States jurisdiction.

(f) A Foreign Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction subject to the following conditions:

(1) The services are provided to the Foreign Lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; and

(2) The Foreign Lawyer is and remains in this country in lawful immigration status and complies with all relevant provisions of United States immigration laws.

(g) For purposes of ~~this grant~~ the grants of authority found in (e) and (f) above, the Foreign Lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and subject to effective regulation and discipline by a duly constituted professional body or a public authority.

The maximum penalty for a violation of this rule is disbarment.

Comment

[1] A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person.

[2] The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons. This Rule does not prohibit a lawyer from employing the services of paraprofessionals and delegat-

ing functions to them, so long as the lawyer supervises the delegated work and retains responsibility for their work. *See Rule 5.3; Responsibilities Regarding Nonlawyer Assistants.*

[3] A lawyer may provide professional advice and instruction to nonlawyers whose employment requires knowledge of the law; for example, claims adjusters, employees of financial or commercial institutions, social workers, accountants and persons employed in government agencies. Lawyers also may assist independent nonlawyers, such as paraprofessionals, who are authorized by the law of a jurisdiction to provide particular law-related services. In addition, a lawyer may counsel nonlawyers who wish to proceed pro se.

[4] Other than as authorized by law or this Rule, a Domestic Lawyer violates paragraph (b) and a Foreign Lawyer violates paragraph (e) if the Domestic or Foreign Lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the Domestic or Foreign Lawyer is not physically present here. Such Domestic or Foreign Lawyer must not hold out to the public or otherwise represent that the Domestic or Foreign Lawyer is admitted to practice law in this jurisdiction. *See also Rules 7.1(a) and 7.5(b).*

[5] There are occasions in which a Domestic or Foreign Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction under circumstances that do not create an unreasonable risk to the interests of their clients, the public or the courts. Paragraph (c) identifies four such circumstances for the Domestic Lawyer. Paragraph (e) identifies five such circumstances for the Foreign Lawyer. The fact that conduct is not so identified does not imply that the conduct is or is not authorized. With the exception of paragraphs (d)(1) and (d)(2), this Rule does not authorize a Domestic Lawyer to establish an office or other systematic and continuous presence in this jurisdiction without being admitted to practice generally here.

[6] There is no single test to determine whether a Foreign or Domestic Lawyer's services are provided on a "temporary basis" in this jurisdiction, and may therefore be permissible under paragraph (c) or paragraph (e). Services may be "temporary" even though the Foreign or Domestic Lawyer provides services in this jurisdiction on a recurring basis, or for an extended period of time, as when the Domestic Lawyer is representing a client in a single lengthy negotiation or litigation.

[7] Paragraphs (c) and (d) apply to Domestic Lawyers. Paragraphs (e) and (f) apply to Foreign Lawyers. Paragraphs (c) and (e) contemplate that the Domestic or Foreign Lawyer is authorized to practice in the jurisdiction in which the Domestic or Foreign Lawyer is admitted and excludes a Domestic or Foreign Lawyer who while technically admitted is not authorized to practice, because, for example, the Domestic or Foreign Lawyer is on inactive status.

[8] Paragraph (c)(1) recognizes that the interests of clients and the public are protected if a Domestic Lawyer associates with a lawyer licensed to practice in this jurisdiction. Paragraph (e)(1) recognizes that the interests of clients and the public are protected if a Foreign Lawyer associates with a lawyer licensed to practice in this jurisdiction. For these paragraphs to apply, however, the lawyer admitted to practice in this jurisdiction must actively participate in and share responsibility for the representation of the client.

[9] Domestic Lawyers not admitted to practice generally in a jurisdiction may be authorized by law or order of a tribunal or an administrative agency to appear before the tribunal or agency. This authority may be granted pursuant to formal rules governing admission pro hac vice or pursuant to informal practice of the tribunal or agency. Under paragraph (c)(2), a Domestic Lawyer does not violate this Rule when the Domestic

Lawyer appears before a tribunal or agency pursuant to such authority. To the extent that a court rule or other law of this jurisdiction requires a Domestic Lawyer to obtain admission pro hac vice before appearing before a tribunal or administrative agency, this Rule requires the Domestic Lawyer to obtain that authority.

[10] Paragraph (c)(2) also provides that a Domestic Lawyer rendering services in this jurisdiction on a temporary basis does not violate this Rule when the Domestic Lawyer engages in conduct in anticipation of a proceeding or hearing in a jurisdiction in which the Domestic Lawyer is authorized to practice law or in which the Domestic Lawyer reasonably expects to be admitted pro hac vice. Examples of such conduct include meetings with the client, interviews of potential witnesses, and the review of documents. Similarly, a Domestic Lawyer may engage in conduct temporarily in this jurisdiction in connection with pending litigation in another jurisdiction in which the Domestic Lawyer is or reasonably expects to be authorized to appear, including taking depositions in this jurisdiction.

[11] When a Domestic Lawyer has been or reasonably expects to be admitted to appear before a court or administrative agency, paragraph (c)(2) also permits conduct by lawyers who are associated with that lawyer in the matter, but who do not expect to appear before the court or administrative agency. For example, subordinate Domestic Lawyers may conduct research, review documents, and attend meetings with witnesses in support of the Domestic Lawyer responsible for the litigation.

[12] Paragraph (c)(3) permits a Domestic Lawyer, and Paragraph (e)(3) permits a Foreign Lawyer, to perform services on a temporary basis in this jurisdiction if those services are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the Domestic or Foreign Lawyer's practice in a jurisdiction in which the Domestic or Foreign Lawyer is admitted to practice. The Domestic Lawyer, however, must obtain admission pro hac vice in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so require.

[13] Paragraph (c)(4) permits a Domestic Lawyer to provide certain legal services on a temporary basis in this jurisdiction that arise out of or are reasonably related to the Domestic Lawyer's practice in a jurisdiction in which the Domestic Lawyer is admitted but are not within paragraphs (c)(2) or (c)(3). These services include both legal services and services that nonlawyers may perform but that are considered the practice of law when performed by lawyers. Paragraph (e)(4)(i) permits a Foreign Lawyer to provide certain legal services in this jurisdiction on behalf of a client who resides or has an office in the jurisdiction in which the Foreign Lawyer is authorized to practice. Paragraph (e)(4)(ii) permits a Foreign Lawyer to provide certain legal services on a temporary basis in this jurisdiction that arise out of or are reasonably related to a matter that has a substantial connection to the jurisdiction in which the Foreign Lawyer is authorized to practice. These services include both legal services and services that nonlawyers may perform but that are considered the practice of law when performed by lawyers.

[14] Paragraphs (c)(3) and (c)(4) require that the services arise out of or be reasonably related to the Domestic Lawyer's practice in a jurisdiction in which the Domestic Lawyer is admitted. Paragraphs (e)(3) and (e)(4)(ii) require that the services arise out of or be reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practice. A variety of factors may evidence such a relationship. These include but are not limited to the following:

- a) The Domestic or Foreign Lawyer's client may have been previously represented

by the Domestic or Foreign Lawyer; or

b) The Domestic or Foreign Lawyer's client may be resident in, or have an office in or have substantial contacts with the jurisdiction in which the Domestic or Foreign Lawyer is admitted; or

c) The matter, although involving other jurisdictions, may have a significant connection with that the jurisdiction in which the Domestic or Foreign Lawyer is admitted; or

d) In other cases, Significant aspects of the Domestic or Foreign Lawyer's work in a specific matter might be conducted in that the jurisdiction in which the Domestic or Foreign Lawyer is admitted or another jurisdiction; or

e) a significant aspect of the a matter may involve the law of that the jurisdiction in which the Domestic or Foreign Lawyer is admitted; or

f) Some aspect of the matter may be governed by international law or the law of a non-United States jurisdiction; or

g) The lawyer's work on the specific matter in this jurisdiction is authorized by the jurisdiction in which the lawyer is admitted; or

h) The necessary relationship might arise when t The client's activities or the legal issues involve multiple jurisdictions, such as when the officers of a multinational corporation survey potential business sites and seek the services of their Domestic or Foreign Lawyer in assessing the relative merits of each; or.

i) In addition, t The services may draw on the Domestic or Foreign Lawyer's recognized expertise developed through the regular practice of law on behalf of clients in matters involving a particular body of federal, nationally-uniform, foreign, or international law.

[15] Paragraph (d) identifies two circumstances in which a Domestic Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services on a temporary basis. Except as provided in paragraphs (d)(1) and (d)(2), a Domestic Lawyer who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in this jurisdiction.

[16] Paragraph (d)(1) applies to a Domestic Lawyer who is employed by a client to provide legal services to the client or its organizational affiliates, i.e., entities that control, are controlled by, or are under common control with the employer. This paragraph does not authorize the provision of personal legal services to the employer's officers or employees. The paragraph applies to in-house corporate lawyers, government lawyers and others who are employed to render legal services to the employer. The Domestic Lawyer's ability to represent the employer outside the jurisdiction in which the Domestic Lawyer is licensed generally serves the interests of the employer and does not create an unreasonable risk to the client and others because the employer is well situated to assess the Domestic Lawyer's qualifications and the quality of the Domestic Lawyer's work.

[17] If an employed Domestic Lawyer establishes an office or other systematic presence in this jurisdiction for the purpose of rendering legal services to the employer, the Domestic Lawyer may be subject to registration or other requirements, including assessments for

client protection funds and mandatory continuing legal education.

[18] Paragraph (d)(2) recognizes that a Domestic Lawyer may provide legal services in a jurisdiction in which the Domestic Lawyer is not licensed when authorized to do so by federal or other law, which includes statute, court rule, executive regulation or judicial precedent. Paragraph (e)(4)(iii) recognizes that a Foreign Lawyer may provide legal services when the services provided are governed by international law or the law of a foreign jurisdiction.

[19] A Domestic or Foreign Lawyer who practices law in this jurisdiction pursuant to paragraphs (c), (d), ~~(e) or (f) or (e)~~ or otherwise is subject to the disciplinary authority of this jurisdiction. *See Rule 8.5(a)*.

[20] In some circumstances, a Domestic Lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) may have to inform the client that the Domestic Lawyer is not licensed to practice law in this jurisdiction. For example, that may be required when the representation occurs primarily in this jurisdiction and requires knowledge of the law of this jurisdiction. *See Rule 1.4*.

[21] Paragraphs (c), (d), ~~and (e)~~ and (f) do not authorize communications advertising legal services to prospective clients in this jurisdiction by Domestic or Foreign Lawyers who are admitted to practice in other jurisdictions. Whether and how Domestic or Foreign Lawyers may communicate the availability of their services to prospective clients in this jurisdiction is governed by Rules 7.1 to 7.5.

The new Rule 5.5: Unauthorized Practice of Law; Multijurisdictional Practice of Law reads as follows:

**RULE 5.5: UNAUTHORIZED PRACTICE OF LAW;
MULTIJURISDICTIONAL PRACTICE OF LAW**

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A Domestic Lawyer shall not:

- (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
- (2) hold out to the public or otherwise represent that the Domestic Lawyer is admitted to practice law in this jurisdiction.

(c) A Domestic Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the Domestic Lawyer, or a person the Domestic Lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if

the services arise out of or are reasonably related to the Domestic Lawyer's practice in a jurisdiction in which the Domestic Lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the Domestic Lawyer's practice in a jurisdiction in which the Domestic Lawyer is admitted to practice.

(d) A Domestic Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the Domestic Lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the Domestic Lawyer is authorized to provide by federal law or other law of this jurisdiction.

(e) A Foreign Lawyer shall not, except as authorized by this Rule or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law, or hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. Such a Foreign Lawyer does not engage in the unauthorized practice of law in this jurisdiction when on a temporary basis the Foreign Lawyer performs services in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal held or to be held in a jurisdiction outside the United States if the Foreign Lawyer, or a person the Foreign Lawyer is assisting, is authorized by law or by order of the tribunal to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceedings held or to be held in this or another jurisdiction, if the services arise out of or are reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practice;

(4) are not within paragraphs (2) or (3) and

(i) are performed for a client who resides or has an office in a jurisdiction in which the Foreign Lawyer is authorized to practice to the extent of that authorization; or

(ii) arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization; or

(iii) are governed primarily by international law or the law of a non-United States jurisdiction.

(f) A Foreign Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction subject to the following conditions:

(1) The services are provided to the Foreign Lawyer's employer or its organiza-

tional affiliates and are not services for which the forum requires pro hac vice admission; and

(2) The Foreign Lawyer is and remains in this country in lawful immigration status and complies with all relevant provisions of United States immigration laws.

(g) For purposes of the grants of authority found in (e) and (f) above, the Foreign Lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and subject to effective regulation and discipline by a duly constituted professional body or a public authority.

The maximum penalty for a violation of this rule is disbarment.

Comment

[1] A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person.

[2] The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons. This Rule does not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to them, so long as the lawyer supervises the delegated work and retains responsibility for their work. *See Rule 5.3.*

[3] A lawyer may provide professional advice and instruction to nonlawyers whose employment requires knowledge of the law; for example, claims adjusters, employees of financial or commercial institutions, social workers, accountants and persons employed in government agencies. Lawyers also may assist independent nonlawyers, such as paraprofessionals, who are authorized by the law of a jurisdiction to provide particular law-related services. In addition, a lawyer may counsel nonlawyers who wish to proceed pro se.

[4] Other than as authorized by law or this Rule, a Domestic Lawyer violates paragraph (b) and a Foreign Lawyer violates paragraph (e) if the Domestic or Foreign Lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the Domestic or Foreign Lawyer is not physically present here. Such Domestic or Foreign Lawyer must not hold out to the public or otherwise represent that the Domestic or Foreign Lawyer is admitted to practice law in this jurisdiction. *See also Rules 7.1(a) and 7.5(b).*

[5] There are occasions in which a Domestic or Foreign Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction under circumstances that do not create an unreasonable risk to the interests of their clients, the public or the courts. Paragraph (c) identifies four such circumstances for the Domestic Lawyer. Paragraph (e) identifies five such circumstances for the Foreign Lawyer. The fact that conduct is not so identified does not imply that the conduct is or is not authorized. With the exception of paragraphs (d)(1) and (d)(2), this Rule does not authorize a Domestic Lawyer to establish an office or other systematic and continuous presence in this jurisdiction without being admitted to practice generally here.

[6] There is no single test to determine whether a Foreign or Domestic Lawyer's services

are provided on a “temporary basis” in this jurisdiction, and may therefore be permissible under paragraph (c) or paragraph (e). Services may be “temporary” even though the Foreign or Domestic Lawyer provides services in this jurisdiction on a recurring basis, or for an extended period of time, as when the Domestic Lawyer is representing a client in a single lengthy negotiation or litigation.

[7] Paragraphs (c) and (d) apply to Domestic Lawyers. Paragraphs (e) and (f) apply to Foreign Lawyers. Paragraphs (c) and (e) contemplate that the Domestic or Foreign Lawyer is authorized to practice in the jurisdiction in which the Domestic or Foreign Lawyer is admitted and excludes a Domestic or Foreign Lawyer who while technically admitted is not authorized to practice, because, for example, the Domestic or Foreign Lawyer is on inactive status.

[8] Paragraph (c)(1) recognizes that the interests of clients and the public are protected if a Domestic Lawyer associates with a lawyer licensed to practice in this jurisdiction. Paragraph (e)(1) recognizes that the interests of clients and the public are protected if a Foreign Lawyer associates with a lawyer licensed to practice in this jurisdiction. For these paragraphs to apply, however, the lawyer admitted to practice in this jurisdiction must actively participate in and share responsibility for the representation of the client.

[9] Domestic Lawyers not admitted to practice generally in a jurisdiction may be authorized by law or order of a tribunal or an administrative agency to appear before the tribunal or agency. This authority may be granted pursuant to formal rules governing admission pro hac vice or pursuant to informal practice of the tribunal or agency. Under paragraph (c)(2), a Domestic Lawyer does not violate this Rule when the Domestic Lawyer appears before a tribunal or agency pursuant to such authority. To the extent that a court rule or other law of this jurisdiction requires a Domestic Lawyer to obtain admission pro hac vice before appearing before a tribunal or administrative agency, this Rule requires the Domestic Lawyer to obtain that authority.

[10] Paragraph (c)(2) also provides that a Domestic Lawyer rendering services in this jurisdiction on a temporary basis does not violate this Rule when the Domestic Lawyer engages in conduct in anticipation of a proceeding or hearing in a jurisdiction in which the Domestic Lawyer is authorized to practice law or in which the Domestic Lawyer reasonably expects to be admitted pro hac vice. Examples of such conduct include meetings with the client, interviews of potential witnesses, and the review of documents. Similarly, a Domestic Lawyer may engage in conduct temporarily in this jurisdiction in connection with pending litigation in another jurisdiction in which the Domestic Lawyer is or reasonably expects to be authorized to appear, including taking depositions in this jurisdiction.

[11] When a Domestic Lawyer has been or reasonably expects to be admitted to appear before a court or administrative agency, paragraph (c)(2) also permits conduct by lawyers who are associated with that lawyer in the matter, but who do not expect to appear before the court or administrative agency. For example, subordinate Domestic Lawyers may conduct research, review documents, and attend meetings with witnesses in support of the Domestic Lawyer responsible for the litigation.

[12] Paragraph (c)(3) permits a Domestic Lawyer, and Paragraph (e)(3) permits a Foreign Lawyer, to perform services on a temporary basis in this jurisdiction if those services are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the Domestic or Foreign Lawyer’s practice in a jurisdiction in which the Domestic or Foreign Lawyer is admitted to practice. The Domestic Lawyer,

however, must obtain admission pro hac vice in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so require.

[13] Paragraph (c)(4) permits a Domestic Lawyer to provide certain legal services on a temporary basis in this jurisdiction that arise out of or are reasonably related to the Domestic Lawyer's practice in a jurisdiction in which the Domestic Lawyer is admitted but are not within paragraphs (c)(2) or (c)(3). These services include both legal services and services that nonlawyers may perform but that are considered the practice of law when performed by lawyers. Paragraph (e)(4)(i) permits a Foreign Lawyer to provide certain legal services in this jurisdiction on behalf of a client who resides or has an office in the jurisdiction in which the Foreign Lawyer is authorized to practice. Paragraph (e)(4)(ii) permits a Foreign Lawyer to provide certain legal services on a temporary basis in this jurisdiction that arise out of or are reasonably related to a matter that has a substantial connection to the jurisdiction in which the Foreign Lawyer is authorized to practice. These services include both legal services and services that nonlawyers may perform but that are considered the practice of law when performed by lawyers.

[14] Paragraphs (c)(3) and (c)(4) require that the services arise out of or be reasonably related to the Domestic Lawyer's practice in a jurisdiction in which the Domestic Lawyer is admitted. Paragraphs (e)(3) and (e)(4)(ii) require that the services arise out of or be reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practice. A variety of factors may evidence such a relationship. These include but are not limited to the following:

- a) The Domestic or Foreign Lawyer's client may have been previously represented by the Domestic or Foreign Lawyer; or
- b) The Domestic or Foreign Lawyer's client may be resident in, have an office in or have substantial contacts with the jurisdiction in which the Domestic or Foreign Lawyer is admitted; or
- c) The matter, although involving other jurisdictions, may have a significant connection with the jurisdiction in which the Domestic or Foreign Lawyer is admitted; or
- d) Significant aspects of the Domestic or Foreign Lawyer's work in a specific matter might be conducted in the jurisdiction in which the Domestic or Foreign Lawyer is admitted or another jurisdiction; or
- e) A significant aspect of a matter may involve the law of the jurisdiction in which the Domestic or Foreign Lawyer is admitted; or
- f) Some aspect of the matter may be governed by international law or the law of a non-United States jurisdiction; or
- g) The lawyer's work on the specific matter in this jurisdiction is authorized by the jurisdiction in which the lawyer is admitted; or
- h) The client's activities or the legal issues involve multiple jurisdictions, such as when the officers of a multinational corporation survey potential business sites and seek the services of their Domestic or Foreign Lawyer in assessing the relative merits of each; or
- i) The services may draw on the Domestic or Foreign Lawyer's recognized expertise developed through the regular practice of law on behalf of clients in matters

involving a particular body of federal, nationally-uniform, foreign, or international law.

[15] Paragraph (d) identifies two circumstances in which a Domestic Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services on a temporary basis. Except as provided in paragraphs (d)(1) and (d)(2), a Domestic Lawyer who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in this jurisdiction.

[16] Paragraph (d)(1) applies to a Domestic Lawyer who is employed by a client to provide legal services to the client or its organizational affiliates, i.e., entities that control, are controlled by, or are under common control with the employer. This paragraph does not authorize the provision of personal legal services to the employer's officers or employees. The paragraph applies to in-house corporate lawyers, government lawyers and others who are employed to render legal services to the employer. The Domestic Lawyer's ability to represent the employer outside the jurisdiction in which the Domestic Lawyer is licensed generally serves the interests of the employer and does not create an unreasonable risk to the client and others because the employer is well situated to assess the Domestic Lawyer's qualifications and the quality of the Domestic Lawyer's work.

[17] If an employed Domestic Lawyer establishes an office or other systematic presence in this jurisdiction for the purpose of rendering legal services to the employer, the Domestic Lawyer may be subject to registration or other requirements, including assessments for client protection funds and mandatory continuing legal education.

[18] Paragraph (d)(2) recognizes that a Domestic Lawyer may provide legal services in a jurisdiction in which the Domestic Lawyer is not licensed when authorized to do so by federal or other law, which includes statute, court rule, executive regulation or judicial precedent. Paragraph (e)(4)(iii) recognizes that a Foreign Lawyer may provide legal services when the services provided are governed by international law or the law of a foreign jurisdiction.

[19] A Domestic or Foreign Lawyer who practices law in this jurisdiction pursuant to paragraphs (c), (d), (e) or (f) or otherwise is subject to the disciplinary authority of this jurisdiction. See Rule 8.5(a).

[20] In some circumstances, a Domestic Lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) may have to inform the client that the Domestic Lawyer is not licensed to practice law in this jurisdiction. For example, that may be required when the representation occurs primarily in this jurisdiction and requires knowledge of the law of this jurisdiction. See Rule 1.4.

[21] Paragraphs (c), (d), (e) and (f) do not authorize communications advertising legal services to prospective clients in this jurisdiction by Domestic or Foreign Lawyers who are admitted to practice in other jurisdictions. Whether and how Domestic or Foreign Lawyers may communicate the availability of their services to prospective clients in this jurisdiction is governed by Rules 7.1 to 7.5.

A new Rule 6.5 was adopted as part of the Georgia Rules of Professional Conduct. It reads as follows:

Rule 6.5 Nonprofit and Court-Annexed Limited Legal Services Programs.

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client, normally through a one-time consultation, without expectation by either lawyer or the client that the lawyer will provide continuing representation in the matter and without expectation that the lawyer will receive a fee from the client for the services provided:

(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided by paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

(c) The recipient of the consultation authorized under paragraph (a) is, for purposes of Rule 1.9, a former client of the lawyer providing the service, but that lawyer's disqualification is not imputed to lawyers associated with the lawyer for purposes of Rule 1.10.

The maximum penalty for a violation of this Rule is a public reprimand.

Comment

[1] Legal services organizations, courts and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services -- such as consultation clinics for advice or help with the completion of legal forms -- that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal-advice hotlines, advice-only clinics or pro se counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation. Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation. See, e.g., Rules 1.7, 1.9 and 1.10.

[2] A lawyer who provides free short-term limited legal services pursuant to this Rule must secure the client's informed consent to the limited scope of the representation. See Rule 1.2(c). If a short-term limited representation would not be reasonable under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Except as provided in this Rule, the Rules of Professional Conduct, including Rules 1.6 and 1.9(c), are applicable to the limited representation.

[3] Because a lawyer who is representing a client in the circumstances addressed by this Rule ordinarily is not able to check systematically for conflicts of interest, paragraph (a) requires compliance with Rules 1.7 or 1.9(a) only if the lawyer knows that the representation presents a conflict of interest for the lawyer, and with Rule 1.10 only if the lawyer knows that another lawyer in the lawyer's firm is disqualified by Rules 1.7 or 1.9(a) in the matter.

[4] Because the limited nature of services significantly reduces the risk of conflicts of interest with other matters being handled by the lawyer's firm, paragraph (b) provides that Rule 1.10 is inapplicable to a representation governed by this Rule except as provided by paragraph (a)(2). Paragraph (a)(2) requires the participating lawyer to comply with Rule 1.10 when the lawyer knows that the lawyer's firm is disqualified by Rules 1.7 or 1.9(a). By virtue of paragraph (b), however, a lawyer's participation in a short-term limited legal services program will not preclude the lawyer's firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program's auspices. Nor will the personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program.

[5] If, after commencing a short-term limited representation in accordance with this Rule, a lawyer undertakes to represent the client in the matter on an ongoing basis, Rules 1.7, 1.9(a) and 1.10 become applicable.

Rule 7.2 of the Georgia Rules of Professional Conduct was amended as follows:

RULE 7.2 ADVERTISING

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through:

- (1) public media, such as a telephone directory, legal directory, newspaper or other periodical;
- (2) outdoor advertising;
- (3) radio or television;
- (4) written, electronic or recorded communication.

(b) A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used.

(c) Prominent disclosures. Any advertisement for legal services directed to potential clients in Georgia, or intended to solicit employment for delivery of any legal services in Georgia, must include prominent disclosure, clearly legible and capable of being read by the average person, if written, and clearly intelligible by an average person, if spoken aloud, of the following:

- (1) *Disclosure of identity and physical location of attorney.* Any advertisement shall include the name, physical location and telephone number of each lawyer or law firm who paid for the advertisement and who takes full personal responsibility for the advertisement. In disclosing the physical location the responsible lawyer shall state the full address of the location of the principal bona fide office of each lawyer who is prominently identified pursuant to this paragraph. For the purposes of this rule, a bona fide office is defined as a physical location maintained by the lawyer or law firm from which the lawyer or law firm furnishes legal services on a regular and continuing basis. In the absence of a bona fide physical office, the lawyer shall prominently disclose the full address listed with the State Bar of Georgia or other Bar to which the lawyer is admitted. A lawyer who uses a referral service shall ensure that the service discloses the location of the lawyer's bona fide office, or the registered bar address, when a referral is made.

(2) Disclosure of referral practice. If the lawyer or law firm will refer the majority of callers to other attorneys, that fact must be disclosed and the lawyer or law firm must comply with the provisions of Rule 7.3(c) regarding referral services.

(3) Disclosure of spokespersons and portrayals. Any advertisement that includes a non-attorney spokesperson, portrayal of a lawyer by a non-lawyer, portrayal of a client by a non-client, or any paid testimonial or endorsement, shall include prominent disclosure of the use of a non-attorney spokesperson, portrayal of a lawyer by a non-lawyer or of a client by a non-client.

(4) Disclosures regarding fees. A lawyer or law firm advertising any fixed fee for specified legal services shall, at the time of fee publication, have available to the public a written statement clearly describing the scope of each advertised service, which statement shall be available to the client at the time of retainer for any such service.

(5) Appearance of legal notices or pleadings. Any advertisement that includes any representation that resembles a legal pleading, notice, contract or other legal document shall include prominent disclosure that the document is an advertisement rather than a legal document.

The maximum penalty for a violation of this Rule is a public reprimand.

Comment

[1] To assist the public in obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public's need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.

[2] This Rule permits public dissemination of information concerning a lawyer's name or firm name, address and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

[3] Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television advertising, against advertising going beyond specified facts about a lawyer, or against "undignified" advertising. Television is now one of the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be advertised has a similar effect and assumes that the bar can accurately forecast the kind of information that the public would regard as relevant.

[4] Neither this Rule nor Rule 7.3: Direct Contact with Prospective Clients prohibits communications authorized by law, such as notice to members of a class in class action litigation.

Record of Advertising

[5] Paragraph (b) requires that a record of the content and use of advertising be kept in order to facilitate enforcement of this Rule.

The new Rule 7.2 reads as follows:

RULE 7.2 ADVERTISING

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through:

- (1) public media, such as a telephone directory, legal directory, newspaper or other periodical;
- (2) outdoor advertising;
- (3) radio or television;
- (4) written, electronic or recorded communication.

(b) A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used.

(c) *Prominent disclosures.* Any advertisement for legal services directed to potential clients in Georgia, or intended to solicit employment for delivery of any legal services in Georgia, must include prominent disclosure, clearly legible and capable of being read by the average person, if written, and clearly intelligible by an average person, if spoken aloud, of the following:

- (1) *Disclosure of identity and physical location of attorney.* Any advertisement shall include the name, physical location and telephone number of each lawyer or law firm who paid for the advertisement and who takes full personal responsibility for the advertisement. In disclosing the physical location the responsible lawyer shall state the full address of the location of the principal bona fide office of each lawyer who is prominently identified pursuant to this paragraph. For the purposes of this rule, a bona fide office is defined as a physical location maintained by the lawyer or law firm from which the lawyer or law firm furnishes legal services on a regular and continuing basis. In the absence of a bona fide physical office, the lawyer shall prominently disclose the full address listed with the State Bar of Georgia or other Bar to which the lawyer is admitted. A lawyer who uses a referral service shall ensure that the service discloses the location of the lawyer's bona fide office, or the registered bar address, when a referral is made.
- (2) *Disclosure of referral practice.* If the lawyer or law firm will refer the majority of callers to other attorneys, that fact must be disclosed and the lawyer or law firm must comply with the provisions of Rule 7.3(c) regarding referral services.
- (3) *Disclosure of spokespersons and portrayals.* Any advertisement that includes a non-attorney spokesperson, portrayal of a lawyer by a non-lawyer, portrayal of a client by a non-client, or any paid testimonial or endorsement, shall include

prominent disclosure of the use of a non-attorney spokesperson, portrayal of a lawyer by a non-lawyer or of a client by a non-client.

(4) *Disclosures regarding fees.* A lawyer or law firm advertising any fixed fee for specified legal services shall, at the time of fee publication, have available to the public a written statement clearly describing the scope of each advertised service, which statement shall be available to the client at the time of retainer for any such service.

(5) *Appearance of legal notices or pleadings.* Any advertisement that includes any representation that resembles a legal pleading, notice, contract or other legal document shall include prominent disclosure that the document is an advertisement rather than a legal document.

The maximum penalty for a violation of this Rule is a public reprimand.

Comment

[1] To assist the public in obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public's need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.

[2] This Rule permits public dissemination of information concerning a lawyer's name or firm name, address and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

[3] Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television advertising, against advertising going beyond specified facts about a lawyer, or against "undignified" advertising. Television is now one of the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be advertised has a similar effect and assumes that the bar can accurately forecast the kind of information that the public would regard as relevant.

[4] Neither this Rule nor Rule 7.3: Direct Contact with Prospective Clients prohibits communications authorized by law, such as notice to members of a class in class action litigation.

Record of Advertising

[5] Paragraph (b) requires that a record of the content and use of advertising be kept in order to facilitate enforcement of this Rule.

Rule 7.5 of the Georgia Rules of Professional Conduct was amended as follows:

Rule 7.5 Firm Names and Letterheads

- (a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.
- (b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.
- (c) The name of a lawyer holding public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.
- (d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.
- (e) A trade name may be used by a lawyer in private practice if:
 - (1) the trade name includes the name of at least one of the lawyers practicing under said name. A law firm name consisting solely of the name or names of deceased or retired members of the firm does not have to include the name of an active member of the firm; and
 - (2) the trade name does not imply a connection with a government entity, with a public or charitable legal services organization or any other organization, association or institution or entity, unless there is, in fact, a connection.

The maximum penalty for a violation of this Rule is a public reprimand.

Comment

[1] Firm names and letterheads are subject to the general requirement of all advertising that the communication must not be false, fraudulent, deceptive or misleading. Therefore, lawyers sharing office facilities, but who are not in fact partners, may not denominate themselves as, for example, "Smith and Jones," for that title suggests partnership in the practice of law. ~~Nor may a firm engage in practice in Georgia under more than one name. For example, a firm practicing as A, B and C may not set up a separate office called "ABC Legal Clinic."~~

[2] Trade names may be used so long as the name includes the name of at least one or more of the lawyers actively practicing with the firm. Firm names consisting entirely of the names of deceased or retired partners have traditionally been permitted and have proven a useful means of identification. Sub-paragraph (e)(1) permits their continued use as an exception to the requirement that a firm name include the name of at least one active member.

The new Rule 7.5 reads as follows:

Rule 7.5 Firm Names and Letterheads

- (a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.

- (b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.
- (c) The name of a lawyer holding public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.
- (d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.
- (e) A trade name may be used by a lawyer in private practice if:
- (1) the trade name includes the name of at least one of the lawyers practicing under said name. A law firm name consisting solely of the name or names of deceased or retired members of the firm does not have to include the name of an active member of the firm; and
 - (2) the trade name does not imply a connection with a government entity, with a public or charitable legal services organization or any other organization, association or institution or entity, unless there is, in fact, a connection.

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[2] Trade names may be used so long as the name includes the name of at least one or more of the lawyers actively practicing with the firm. Firm names consisting entirely of the names of deceased or retired partners have traditionally been permitted and have proven a useful means of identification. Sub-paragraph (e)(1) permits their continued use as an exception to the requirement that a firm name include the name of at least one active member.

Rule 4-109 was amended as follows:

Rule 4-109. Refusal or Failure to Appear for Reprimand; Suspension

Either panel of the State Disciplinary Board based on the knowledge or belief that a respondent has refused, or failed without just cause, to appear in accordance with Bar Rule 4-220 before a panel or the superior court for the administration of a reprimand may file in the Supreme Court a motion for suspension of the respondent. A copy of the motion shall be ~~sent to the respondent by registered mail~~ served on the respondent as provided in Rule 4-203.1. The Supreme Court may in its discretion, ten days after the filing of the motion, suspend the respondent until such time as the reprimand is administered.

The new Rule 4-109 reads as follows:

Rule 4-109. Refusal or Failure to Appear for Reprimand; Suspension

Either panel of the State Disciplinary Board based on the knowledge or belief that a respondent has refused, or failed without just cause, to appear in accordance with Bar Rule 4-220 before a panel or the superior court for the administration of a reprimand may file in the Supreme Court a motion for suspension of the respondent. A copy of the motion shall be served on the respondent as provided in Rule 4-203.1. The Supreme Court may in its discretion, ten days after the filing of the motion, suspend the respondent until such time as the reprimand is administered.

Rule 4-402 was amended as follows:

Rule 4-402. The Formal Advisory Opinion Board

(a) The Formal Advisory Opinion Board shall consist only of active members of the State Bar of Georgia who shall be appointed by the President of the State Bar of Georgia, with the approval of the Board of Governors of the State Bar of Georgia.

(b) The members of the Formal Advisory Opinion Board shall be selected as follows:

- (1) Five members of the State Bar of Georgia at-large;
- (2) One member of the Georgia Trial Lawyers Association;
- (3) One member of the Georgia Defense Lawyers Association;
- (4) One member of the Georgia Association of Criminal Defense Lawyers;
- (5) One member of the Young Lawyers Division of the State Bar of Georgia;
- (6) One member of the Georgia District Attorneys Association;
- (7) One member of the faculty of each American Bar Association Accredited Law School operating within the State of Georgia;
- (8) One member of the Investigative Panel of the State Disciplinary Board; and
- (9) One member of the Review Panel of the State Disciplinary Board.

(c) All members shall be appointed for terms of two years subject to the following exceptions:

- (1) Any person appointed to fill a vacancy occasioned by resignation, death, disqualification, or disability shall serve only for the unexpired term of the member replaced unless reappointed;
- (2) The members appointed from the Investigative Panel and Review Panel of the State Disciplinary Board shall serve for a term of one year;
- (3) The terms of the current members of the Formal Advisory Opinion Board will terminate at the Annual Meeting of the State Bar following the amendment of this Rule regardless of the length of each member's current term; thereafter all appointments will be as follows to achieve staggered, two-year terms:

(i) Three of the initial Association members (including the Georgia Trial Lawyers Association, the Georgia Association of Defense Lawyers, the Georgia Association of Criminal Defense Lawyers, the Georgia District Attorneys Association and the Young Lawyers Division of the State Bar) shall be appointed to one-year terms; two of the initial Association members shall be appointed to two-year terms. As each initial term expires, the successor appointee shall be appointed for a term of two years;

(ii) Two of the initial members appointed from the State Bar of Georgia at-large (the "At-Large Members") shall be appointed to one-year terms; three of the initial At-Large members shall be appointed to two-year terms. As each initial term expires, the successor appointee shall be appointed for a term of two years;

(iii) Two of the initial Representatives from the American Bar Association Accredited Law Schools shall be appointed to one year terms; two of the initial law school representatives shall be appointed to two-year terms. As each initial term expires, the successor appointee shall be appointed for a term of two years;

(4) All members shall be eligible for immediate reappointment to one additional two-year term, unless the President of the State Bar of Georgia, with approval of the Board of Governors of the State Bar of Georgia, deems it appropriate to reappoint a member for one or more additional terms.

(d) The Formal Advisory Opinion Board shall annually elect a chairperson and such other officers as it may deem proper at the first meeting of the Formal Advisory Opinion Board after July 1 of each year.

~~(d)~~ (e) The Formal Advisory Opinion Board shall have the authority to prescribe its own rules of conduct and procedure.

The new Rule 4-402 reads as follows:

Rule 4-402. The Formal Advisory Opinion Board

(a) The Formal Advisory Opinion Board shall consist only of active members of the State Bar of Georgia who shall be appointed by the President of the State Bar of Georgia, with the approval of the Board of Governors of the State Bar of Georgia.

(b) The members of the Formal Advisory Opinion Board shall be selected as follows:

- (1) Five members of the State Bar of Georgia at-large;
- (2) One member of the Georgia Trial Lawyers Association;
- (3) One member of the Georgia Defense Lawyers Association;
- (4) One member of the Georgia Association of Criminal Defense Lawyers;
- (5) One member of the Young Lawyers Division of the State Bar of Georgia;
- (6) One member of the Georgia District Attorneys Association;
- (7) One member of the faculty of each American Bar Association Accredited Law School operating within the State of Georgia;

- (8) One member of the Investigative Panel of the State Disciplinary Board; and
 - (9) One member of the Review Panel of the State Disciplinary Board.
- (c) All members shall be appointed for terms of two years subject to the following exceptions:
- (1) Any person appointed to fill a vacancy occasioned by resignation, death, disqualification, or disability shall serve only for the unexpired term of the member replaced unless reappointed;
 - (2) The members appointed from the Investigative Panel and Review Panel of the State Disciplinary Board shall serve for a term of one year;
 - (3) The terms of the current members of the Formal Advisory Opinion Board will terminate at the Annual Meeting of the State Bar following the amendment of this Rule regardless of the length of each member's current term; thereafter all appointments will be as follows to achieve staggered, two-year terms:
 - (i) Three of the initial Association members (including the Georgia Trial Lawyers Association, the Georgia Association of Defense Lawyers, the Georgia Association of Criminal Defense Lawyers, the Georgia District Attorneys Association and the Young Lawyers Division of the State Bar) shall be appointed to one-year terms; two of the initial Association members shall be appointed to two-year terms. As each initial term expires, the successor appointee shall be appointed for a term of two years;
 - (ii) Two of the initial members appointed from the State Bar of Georgia at-large (the "At-Large Members") shall be appointed to one-year terms; three of the initial At-Large members shall be appointed to two-year terms. As each initial term expires, the successor appointee shall be appointed for a term of two years;
 - (iii) Two of the initial Representatives from the American Bar Association Accredited Law Schools shall be appointed to one year terms; two of the initial law school representatives shall be appointed to two-year terms. As each initial term expires, the successor appointee shall be appointed for a term of two years;
 - (4) All members shall be eligible for immediate reappointment to one additional two-year term, unless the President of the State Bar of Georgia, with approval of the Board of Governors of the State Bar of Georgia, deems it appropriate to reappoint a member for one or more additional terms.
- (d) The Formal Advisory Opinion Board shall annually elect a chairperson and such other officers as it may deem proper at the first meeting of the Formal Advisory Opinion Board after July 1 of each year.
- (e) The Formal Advisory Opinion Board shall have the authority to prescribe its own rules of conduct and procedure.

Rule 4-106 was amended as follows:

Rule 4-106. Conviction of a Crime; Suspension and Disbarment

(a) Upon receipt of information or evidence that an aAttorney has been convicted of any felony or misdemeanor involving moral turpitude, whether by verdict, plea of guilty, plea of *nolo contendere* or imposition of first offender probation, the Office of the General Counsel shall immediately assign the matter a State Disciplinary Board docket number and petition the Georgia Supreme Court for the appointment of a sSpecial mMaster to conduct a show cause hearing.

(b) The petition shall show the date of the verdict or plea and the court in which the rRespondent was convicted, and shall be served upon the rRespondent pursuant to Bar Rule 4-203.1.

(c) Upon receipt of the Petition for Appointment of Special Master, the Clerk of the Georgia Supreme Court shall file the matter in the records of the Court, shall give the matter a Supreme Court docket number and notify the Court Coordinating Special Master that appointment of a sSpecial mMaster is appropriate.

(d) The Court Coordinating Special Master as provided in Rule 4-209.3 will appoint a sSpecial mMaster, pursuant to Rule 4-209(b).

(e) The show cause hearing should be held within fifteen days after service of the Petition for Appointment of Special Master upon the rRespondent or appointment of a sSpecial mMaster, whichever is later. Within thirty days of the hearing, the sSpecial mMaster shall file a recommendation with the Supreme Court of Georgia which shall be empowered to order such discipline as deemed appropriate.

(f) (1) If the Supreme Court of Georgia orders the rRespondent suspended pending the appeal of the conviction, upon the termination of the appeal the State Bar of Georgia may petition the sSpecial mMaster to conduct a hearing for the purpose of determining whether the circumstances of the termination of the appeal indicate that the suspended rRespondent should:

(i) be disbarred under Rule 8.4, or

(ii) be reinstated, or

(iii) remain suspended pending retrial as a protection to the public, or

(iv) be reinstated while the facts giving rise to the conviction are investigated and, if proper, prosecuted under regular disciplinary procedures in these rules.

(2) Reports of the sSpecial mMaster shall be filed with the Review Panel as provided hereafter in Rule 4-217. The Review Panel shall make its findings and recommendation as provided hereafter in Rule 4-218.

(g) For purposes of this rule, a certified copy of a conviction in any jurisdiction based upon a verdict, plea of guilty or plea of *nolo contendere* or the imposition of first offender treatment shall be prima facie evidence of an infraction of Rule 8.4 of Bar Rule 4-102 and shall be admissible in proceedings under the disciplinary rules.

The new Rule 4-106 reads as follows:

Rule 4-106. Conviction of a Crime; Suspension and Disbarment

(a) Upon receipt of information or evidence that an Attorney has been convicted of any felony or misdemeanor involving moral turpitude, whether by verdict, plea of guilty, plea of *nolo contendere* or imposition of first offender probation, the Office of the General Counsel shall immediately assign the matter a State Disciplinary Board docket number and petition the Georgia Supreme Court for the appointment of a Special Master to conduct a show cause hearing.

(b) The petition shall show the date of the verdict or plea and the court in which the Respondent was convicted, and shall be served upon the Respondent pursuant to Bar Rule 4-203.1.

(c) Upon receipt of the Petition for Appointment of Special Master, the Clerk of the Georgia Supreme Court shall file the matter in the records of the Court, shall give the matter a Supreme Court docket number and notify the Coordinating Special Master that appointment of a Special Master is appropriate.

(d) The Coordinating Special Master as provided in Rule 4-209.3 will appoint a Special Master, pursuant to Rule 4-209(b).

(e) The show cause hearing should be held within fifteen days after service of the Petition for Appointment of Special Master upon the Respondent or appointment of a Special Master, whichever is later. Within thirty days of the hearing, the Special Master shall file a recommendation with the Supreme Court of Georgia which shall be empowered to order such discipline as deemed appropriate.

(f) (1) If the Supreme Court of Georgia orders the Respondent suspended pending the appeal, upon the termination of the appeal the State Bar of Georgia may petition the Special Master to conduct a hearing for the purpose of determining whether the circumstances of the termination of the appeal indicate that the suspended Respondent should:

(i) be disbarred under Rule 8.4, or

(ii) be reinstated, or

(iii) remain suspended pending retrial as a protection to the public, or

(iv) be reinstated while the facts giving rise to the conviction are investigated and, if proper, prosecuted under regular disciplinary procedures in these rules.

(2) Reports of the Special Master shall be filed with the Review Panel as provided hereafter in Rule 4-217. The Review Panel shall make its findings and recommendation as provided hereafter in Rule 4-218.

(g) For purposes of this rule, a certified copy of a conviction in any jurisdiction based upon a verdict, plea of guilty or plea of *nolo contendere* or the imposition of first offender treatment shall be prima facie evidence of an infraction of Rule 8.4 of Bar Rule 4-102 and shall be admissible in proceedings under the disciplinary rules.

Rule 4-108 was amended as follows:

Rule 4-108. Conduct Constituting Threat of Harm to Clients or Public; Emergency Suspension

(a) Upon receipt of sufficient evidence demonstrating that an aAttorney's conduct poses a substantial threat of harm to his clients or the public and with the approval of the Immediate Past President of the State Bar of Georgia and the Chairperson of the Review Panel, or at the direction of the Chairperson of the Investigative Panel, the Office of General Counsel shall petition the Georgia Supreme Court for the suspension of the aAttorney pending disciplinary proceedings predicated upon the conduct causing such petition.

(b) The petition for emergency suspension shall state the evidence justifying the emergency suspension.

(c) The petition for emergency suspension shall be served upon the Respondent pursuant to Bar Rule 4-203.1.

(d) Upon receipt of the petition for emergency suspension, the Clerk of the Georgia Supreme Court shall file the matter in the records of the Court, shall assign the matter a Supreme Court docket number and shall notify the Court Coordinating Special Master that appointment of a Special Master is appropriate.

(e) The Court Coordinating Special Master will ~~nominate~~ appoint a Special Master pursuant to Rule 4-209(b) to conduct a hearing where the State Bar shall show cause why the Respondent should be suspended pending disciplinary proceedings.

(f) Within fifteen days after service of the petition for emergency suspension upon the Respondent or appointment of a Special Master, whichever is later, the Special Master shall hold a hearing on the petition for emergency suspension.

(g) Within twenty days of the hearing, the Special Master shall file his or her recommendation with the Supreme Court of Georgia. The Court sitting en banc may suspend the Respondent pending final disposition of disciplinary proceedings predicated upon the conduct causing the emergency suspension, or order such other action as it deems appropriate.

The new Rule 4-108 reads as follows:

Rule 4-108. Conduct Constituting Threat of Harm to Clients or Public; Emergency Suspension

(a) Upon receipt of sufficient evidence demonstrating that an Attorney's conduct poses a substantial threat of harm to his clients or the public and with the approval of the Immediate Past President of the State Bar of Georgia and the Chairperson of the Review Panel, or at the direction of the Chairperson of the Investigative Panel, the Office of General Counsel shall petition the Georgia Supreme Court for the suspension of the Attorney pending disciplinary proceedings predicated upon the conduct causing such petition.

(b) The petition for emergency suspension shall state the evidence justifying the emergency suspension.

(c) The petition for emergency suspension shall be served upon the Respondent pursuant to Bar Rule 4-203.1.

(d) Upon receipt of the petition for emergency suspension, the Clerk of the Georgia Supreme Court shall file the matter in the records of the Court, shall assign the matter a Supreme Court docket number and shall notify the Coordinating Special Master that appointment of a Special Master is appropriate.

(e) The Coordinating Special Master will appoint a Special Master pursuant to Rule 4-209(b) to conduct a hearing where the State Bar shall show cause why the Respondent should be suspended pending disciplinary proceedings.

(f) Within fifteen days after service of the petition for emergency suspension upon the Respondent or appointment of a Special Master, whichever is later, the Special Master shall hold a hearing on the petition for emergency suspension.

(g) Within twenty days of the hearing, the Special Master shall file his or her recommendation with the Supreme Court of Georgia. The Court sitting en banc may suspend the Respondent pending final disposition of disciplinary proceedings predicated upon the conduct causing the emergency suspension, or order such other action as it deems appropriate.

Rule 4-204.4 was amended as follows:

Rule 4-204.4. Finding of Probable Cause; Referral to Special Master

~~(a) In all cases wherein the Investigative Panel, or subcommittee of the Panel, finds probable cause of the respondent's violation of one or more of the provisions of Part IV, Chapter 1 of these rules and refers the matter to the Supreme Court for appointment of a special master, it shall file with the Clerk of the Supreme Court of Georgia the following documents in duplicate:~~

- ~~(1) notice of its finding of probable cause;~~
- ~~(2) a petition for the appointment of a special master and proposed order thereon;~~
- ~~(3) a formal complaint, as herein provided.~~

~~(b) The documents specified in paragraph (a) above shall be filed with the Clerk of the Supreme Court within thirty (30) days of the finding of probable cause unless the Investigative Panel, or subcommittee of the Panel, or its Chairperson grants an extension of time for the filing of the documents.~~

In the event the Investigative Panel, or a subcommittee of the Panel, finds Probable Cause of the Respondent's violation of one or more of the provisions of Article IV, Chapter 1 of these rules it may refer the matter to the Supreme Court by directing the Office of the General Counsel to file with the Clerk of the Supreme Court of Georgia either:

- (a) (1) A formal complaint, as herein provided;
- (2) A petition for the appointment of a Special Master; and
- (3) A notice of its finding of Probable Cause.

The documents specified above shall be filed in duplicate within thirty (30) days of the finding of Probable Cause unless the Investigative Panel, or its subcommittee of the Panel, or its Chairperson grants an extension of time for the filing.

(b) A Notice of Discipline and proceed pursuant to Rule 4-208.1, Rule 4-208.2 and Rule 4-208.3.

The new Rule 4-204.4 reads as follows:

Rule 4-204.4. Finding of Probable Cause; Referral to Special Master

In the event the Investigative Panel, or a subcommittee of the Panel, finds Probable Cause of the Respondent's violation of one or more of the provisions of Article IV, Chapter 1 of these rules it may refer the matter to the Supreme Court by directing the Office of the General Counsel to file with the Clerk of the Supreme Court of Georgia either:

- (a) (1) A formal complaint, as herein provided;
- (2) A petition for the appointment of a Special Master; and
- (3) A notice of its finding of Probable Cause.

The documents specified above shall be filed in duplicate within thirty (30) days of the finding of Probable Cause unless the Investigative Panel, or its subcommittee of the Panel, or its Chairperson grants an extension of time for the filing.

(b) A Notice of Discipline and proceed pursuant to Rule 4-208.1, Rule 4-208.2 and Rule 4-208.3.

Rule 4-208.1 was amended as follows:

Rule 4-208.1. Notice of Discipline

(a) In any case where the Investigative Panel or a subcommittee of the Panel finds pProbable eCause, the Panel may issue a Notice of Discipline imposing any level of public discipline authorized by these rules.

(b) Unless the Notice of Discipline is rejected by the rRespondent as provided in Rule 4-208.3, (1) the rRespondent shall be in default; (2) the rRespondent shall have no right to any evidentiary hearing; and (3) the rRespondent shall be subject to such discipline and further proceedings as may be determined by the Supreme Court.

The new Rule 4-208.1 reads as follows:

Rule 4-208.1. Notice of Discipline

(a) In any case where the Investigative Panel or a subcommittee of the Panel finds Probable Cause, the Panel may issue a Notice of Discipline imposing any level of public discipline authorized by these rules.

(b) Unless the Notice of Discipline is rejected by the Respondent as provided in Rule 4-208.3, (1) the Respondent shall be in default; (2) the Respondent shall have no right to any evidentiary hearing; and (3) the Respondent shall be subject to such discipline and further proceedings as may be determined by the Supreme Court.

Rule 4-208.2 was amended as follows:

Rule 4-208.2. Notice of Discipline; Contents; Service

(a) The Notice of Discipline shall state the following:

- (1) The ~~Standards~~ Rules which the Investigative Panel found that the ~~r~~Respondent violated,
- (2) The facts, which if unrefuted, support the finding that such ~~Standards~~ Rules have been violated,
- (3) The level of public discipline recommended to be imposed,
- (4) The reasons why such level of discipline is recommended, including matters considered in mitigation and matters considered in aggravation, and such other considerations deemed by the Investigative Panel to be relevant to such recommendation,
- (5) The entire provisions of Rule 4-208.3 relating to rejection of Notice of Discipline. This may be satisfied by attaching a copy of the Rule to the Notice of Discipline and referencing same in the Notice,
- (6) A copy of the Memorandum of Grievance,
- (7) A statement of any prior discipline imposed upon the ~~r~~Respondent, including confidential discipline under Rules 4-205 to 4-208.

(b) The original Notice of Discipline shall be filed with the Clerk of the Supreme Court of Georgia, and a copy of the Notice of Discipline shall be served upon the ~~r~~Respondent pursuant to Bar Rule 4-203.1.

(c) This subparagraph is reserved.

(d) This subparagraph is reserved.

(e) This subparagraph is reserved.

(f) This subparagraph is reserved.

(g) The Office of General Counsel shall file the documents by which service was accomplished with the Clerk of the Supreme Court of Georgia.

(h) The level of disciplinary sanction in any Notice of Discipline rejected by the ~~r~~Respondent or the Office of General Counsel shall not be binding on the Special Master, the Review Panel or the Supreme Court of Georgia.

The new Rule 4-408.2 reads as follows:

Rule 4-208.2. Notice of Discipline; Contents; Service

(a) The Notice of Discipline shall state the following:

- (1) The Rules which the Investigative Panel found that the Respondent violated,
- (2) The facts, which if unrefuted, support the finding that such Rules have been violated,

- (3) The level of public discipline recommended to be imposed,
 - (4) The reasons why such level of discipline is recommended, including matters considered in mitigation and matters considered in aggravation, and such other considerations deemed by the Investigative Panel to be relevant to such recommendation,
 - (5) The entire provisions of Rule 4-208.3 relating to rejection of Notice of Discipline. This may be satisfied by attaching a copy of the Rule to the Notice of Discipline and referencing same in the Notice,
 - (6) A copy of the Memorandum of Grievance,
 - (7) A statement of any prior discipline imposed upon the Respondent, including confidential discipline under Rules 4-205 to 4-208.
- (b) The original Notice of Discipline shall be filed with the Clerk of the Supreme Court of Georgia, and a copy of the Notice of Discipline shall be served upon the Respondent pursuant to Bar Rule 4-203.1.
- (c) This subparagraph is reserved.
- (d) This subparagraph is reserved.
- (e) This subparagraph is reserved.
- (f) This subparagraph is reserved.
- (g) The Office of General Counsel shall file the documents by which service was accomplished with the Clerk of the Supreme Court of Georgia.
- (h) The level of disciplinary sanction in any Notice of Discipline rejected by the Respondent or the Office of General Counsel shall not be binding on the Special Master, the Review Panel or the Supreme Court of Georgia.

Rule 4-208.3 was amended as follows:

Rule 4-208.3. Rejection of Notice of Discipline

- (a) In order to reject the Notice of Discipline, the rRespondent or the Office of General Counsel must file a Notice of Rejection of the Notice of Discipline with the Clerk of the Supreme Court of Georgia within thirty (30) days following service of the Notice of Discipline. ~~In the event service was accomplished by certified mail, the respondent shall have thirty-three (33) days from the date the Notice of Discipline was mailed to file the Notice of Rejection.~~
- (b) Any Notice of Rejection by the rRespondent shall be served by the Respondent upon the Office of the General Counsel of the State Bar of Georgia. Any Notice of Rejection by the Office of the General Counsel of the State Bar of Georgia shall be served by the General Counsel upon the rRespondent. No rejection by the Respondent shall be considered valid unless the Respondent files a written response to the pending grievance at or before the filing of the rejection. The Respondent must also file ~~A~~ a copy of such written response must also be filed with the Clerk of the Supreme Court at the time of filing the Notice of Rejection.

(c) The timely filing of a Notice of Rejection shall constitute an election for the ~~Supreme Court~~ Coordinating Special Master to appoint a Special Master and the matter shall thereafter proceed pursuant to Rules 4-209 through 4-225.

The new Rule 4-208.3 reads as follows:

Rule 4-208.3. Rejection of Notice of Discipline

(a) In order to reject the Notice of Discipline, the Respondent or the Office of General Counsel must file a Notice of Rejection of the Notice of Discipline with the Clerk of the Supreme Court of Georgia within thirty (30) days following service of the Notice of Discipline.

(b) Any Notice of Rejection by the Respondent shall be served by the Respondent upon the Office of the General Counsel of the State Bar of Georgia. Any Notice of Rejection by the Office of the General Counsel of the State Bar of Georgia shall be served by the General Counsel upon the Respondent. No rejection by the Respondent shall be considered valid unless the Respondent files a written response to the pending grievance at or before the filing of the rejection. The Respondent must also file a copy of such written response with the Clerk of the Supreme Court at the time of filing the Notice of Rejection.

(c) The timely filing of a Notice of Rejection shall constitute an election for the Coordinating Special Master to appoint a Special Master and the matter shall thereafter proceed pursuant to Rules 4-209 through 4-225.

Rule 4-208.4 was amended as follows:

Rule 4-208.4. Formal Complaint Following Notice of Rejection of Discipline

(a) The Office of the General Counsel shall file with the Clerk of the Supreme Court of Georgia a formal complaint and a Petition for Appointment of Special Master within thirty days following the filing of a Notice of Rejection. ~~At the same time a Petition for Appointment of Special Master and proposed order thereon shall be filed.~~ The Notice of Discipline shall operate as the notice of finding of ~~p~~Probable ~~e~~Cause by the Investigative Panel.

(b) The Office of the General Counsel may obtain extensions of time for the filing of the formal complaint from the Chairperson of the Investigative Panel or his or her designee.

(c) After the rejection of a Notice of Discipline and prior to the time of the filing of the formal complaint, the Investigative Panel may consider any new evidence regarding the grievance and take appropriate action.

The new Rule 4-208.4 reads as follows:

Rule 4-208.4. Formal Complaint Following Notice of Rejection of Discipline

(a) The Office of the General Counsel shall file with the Clerk of the Supreme Court of Georgia a formal complaint and a Petition for Appointment of Special Master within thirty days following the filing of a Notice of Rejection. The Notice of Discipline shall operate as the notice of finding of Probable Cause by the Investigative Panel.

(b) The Office of the General Counsel may obtain extensions of time for the filing of the formal complaint from the Chairperson of the Investigative Panel or his or her designee.

(c) After the rejection of a Notice of Discipline and prior to the time of the filing of the formal complaint, the Investigative Panel may consider any new evidence regarding the grievance and take appropriate action.

Rule 4-209 was amended as follows:

Rule 4-209. Docketing by Supreme Court; Appointment of Special Master; Challenges to Special Master

(a) Upon receipt of a finding of ~~p~~Probable ~~e~~Cause, a petition for appointment of a ~~s~~Special ~~m~~Master and ~~proposed order thereon~~ and a formal complaint from the Investigative Panel, the Clerk of the Georgia Supreme Court shall file the matter in the records of the Court, give the matter a Supreme Court docket number and notify the Court Coordinating Special Master that appointment of a ~~s~~Special ~~m~~Master is appropriate. In those proceedings where a Notice of Discipline has been filed, the finding of ~~p~~Probable ~~e~~Cause need not be filed.

(b) ~~Upon~~ Within a reasonable time after receipt of a petition/motion for appointment of a ~~s~~Special ~~m~~Master or notification that a ~~s~~Special ~~m~~Master previously appointed has been disqualified, the Court Coordinating Special Master will ~~nominate~~ appoint a ~~s~~Special ~~m~~Master to conduct formal disciplinary proceedings in such complaint ~~within fourteen days~~. The Court Coordinating Special Master shall select as ~~s~~Special ~~m~~Masters experienced members of the State Bar of Georgia who possess a reputation in the Bar for ethical practice; provided, that a ~~s~~Special ~~m~~Master may not be appointed to hear a complaint against a ~~r~~Respondent who resides in the same circuit as that in which the ~~s~~Special ~~m~~Master resides.

(c) Upon being advised of appointment of a ~~s~~Special ~~m~~Master by the Court Coordinating Special Master, the Clerk of the Court shall return the original ~~n~~Notice of ~~d~~Discipline, rejection of ~~n~~Notice of ~~d~~Discipline, if applicable, formal complaint, ~~p~~Probable ~~c~~Cause finding, petition for appointment of ~~s~~Special ~~m~~Master ~~and the signed order thereon~~ to the Office of General Counsel of the State Bar of Georgia. Upon notification of the appointment of a ~~s~~Special ~~m~~Master, the State Bar Office of General Counsel shall immediately serve the ~~r~~Respondent with the order of appointment of a ~~s~~Special ~~m~~Master and with its formal complaint as hereinafter provided.

(d) Within ten days of service of the notice of appointment of a ~~s~~Special ~~m~~Master, the ~~r~~Respondent and the State Bar ~~shall may~~ lodge any and all objections or challenges they may have to the competency, qualifications or impartiality of the Special Master with the chairperson of the Review Panel. ~~A~~ The party filing such objections or challenges must also serve a copy of the objections or challenges shall be served upon the opposing counsel, the Coordinating Special Master and the Special Master, who may respond to such objections or challenge. Within a reasonable time ~~T~~the chairperson of the Review Panel shall, ~~within fifteen days~~, consider the challenges, the responses of ~~counsel~~ Respondent, the State Bar, the Coordinating Special Master and ~~of~~ the Special Master, if any, determine whether the Special Master is disqualified and notify the parties, the Coordinating Special Master and the Special Master of ~~his~~ the chairperson's decision. Exceptions to the chairperson's denial of disqualification are subject to review by the entire Review Panel and, thereafter, by the Supreme Court when exceptions arising during the evidentiary hearing and exceptions to the report of the Special Master and the Review Panel are properly before the Court. In the event of disqualification of a Special Master by the chairperson of the Review Panel, said chairperson shall notify the Clerk of the Supreme Court, the Coordinating Special Master, the Special Master and the parties, the State Bar and the Respondent shall be notified of

the disqualification and ~~nomination~~ appointment of a successor Special Master shall proceed as provided in this rule.

The new Rule 4-209 reads as follows:

Rule 4-209. Docketing by Supreme Court; Appointment of Special Master; Challenges to Special Master

(a) Upon receipt of a finding of Probable Cause, a petition for appointment of a Special Master and a formal complaint from the Investigative Panel, the Clerk of the Georgia Supreme Court shall file the matter in the records of the Court, give the matter a Supreme Court docket number and notify the Coordinating Special Master that appointment of a Special Master is appropriate. In those proceedings where a Notice of Discipline has been filed, the finding of Probable Cause need not be filed.

(b) Within a reasonable time after receipt of a petition/motion for appointment of a Special Master or notification that a Special Master previously appointed has been disqualified, the Coordinating Special Master will appoint a Special Master to conduct formal disciplinary proceedings in such complaint. The Coordinating Special Master shall select as Special Masters experienced members of the State Bar of Georgia who possess a reputation in the Bar for ethical practice; provided, that a Special Master may not be appointed to hear a complaint against a Respondent who resides in the same circuit as that in which the Special Master resides.

(c) Upon being advised of appointment of a Special Master by the Coordinating Special Master, the Clerk of the Court shall return the original Notice of Discipline, rejection of Notice of Discipline, if applicable, formal complaint, Probable Cause finding, petition for appointment of Special Master to the Office of General Counsel of the State Bar of Georgia. Upon notification of the appointment of a Special Master, the Office of General Counsel shall immediately serve the Respondent with the order of appointment of a Special Master and with its formal complaint as hereinafter provided.

(d) Within ten days of service of the notice of appointment of a Special Master, the Respondent and the State Bar may lodge any and all objections or challenges they may have to the competency, qualifications or impartiality of the Special Master with the chairperson of the Review Panel. The party filing such objections or challenges must also serve a copy of the objections or challenges upon the opposing counsel, the Coordinating Special Master and the Special Master, who may respond to such objections or challenge. Within a reasonable time the chairperson of the Review Panel shall, consider the challenges, the responses of Respondent, the State Bar, the Coordinating Special Master and the Special Master, if any, determine whether the Special Master is disqualified and notify the parties, the Coordinating Special Master and the Special Master of the chairperson's decision. Exceptions to the chairperson's denial of disqualification are subject to review by the entire Review Panel and, thereafter, by the Supreme Court when exceptions arising during the evidentiary hearing and exceptions to the report of the Special Master and the Review Panel are properly before the Court. In the event of disqualification of a Special Master by the chairperson of the Review Panel, said chairperson shall notify the Clerk of the Supreme Court, the Coordinating Special Master, the Special Master, the State Bar and the Respondent of the disqualification and appointment of a successor Special Master shall proceed as provided in this rule.

Current Rule 4-209.1 was renumbered to 4-209.2 and a new Rule 4-209.1 was adopted. It reads as follows:

Rule 4-209.1 Coordinating Special Master

(a) The appointment of and the determination of the compensation of the Coordinating Special Master shall be the duty of the Coordinating Special Master Selection and Compensation Commission. The Commission shall be comprised of the second, third and fourth immediate past presidents of The State Bar of Georgia. If any of the above named ex officio individuals should be unable to serve, the vacancy shall be filled by appointment by the Supreme Court.

(b) The Coordinating Special Master shall be selected by the Coordinating Special Master Selection and Compensation Commission, with the approval of the Supreme Court. The Coordinating Special Master shall serve as an independent contractor at the pleasure of the Coordinating Special Master Selection and Compensation Commission.

(c) The Coordinating Special Master shall be compensated by the State Bar of Georgia from the general operating funds of the State Bar of Georgia in an amount specified by the Coordinating Special Master Selection and Compensation Commission. The Coordinating Special Master's compensation shall be approved by the Supreme Court. On or before the first day of each calendar year, the Coordinating Special Master Selection and Compensation Commission shall submit to the Supreme Court for approval the hourly rate to be paid to the Coordinating Special Master during the fiscal year beginning the first day of July of that year, which rate shall continue until the conclusion of the fiscal year of the State Bar.

(d) The Coordinating Special Master shall have such office space, furniture and equipment and may incur such operating expenses in such amounts as may be specified by the Supreme Court. Such amounts shall be paid by the State Bar of Georgia from the general operating funds. On or before the first day of each calendar year, the Supreme Court will set the amount to be paid for the above items during the fiscal year beginning the first day of July of that year.

(e) If the Coordinating Special Master position is vacant or the Coordinating Special Master has recused or been disqualified from a particular matter, the Supreme Court may appoint a temporary Acting Coordinating Special Master to act until the position can be filled or to act in any particular matter.

Former Rule 4-209.1 was amended and renumbered as follows:

Rule 4-209.12 Special Masters

(a) The Coordinating Special Master, subject to the approval of the Supreme Court, shall select and maintain a limited pool of qualified lawyers to serve as Special Masters for the State Disciplinary Board and Hearing Officers for the Board to Determine Fitness of Bar Applicants pursuant to Part A, Section 8 of the Rules Governing Admission to the Practice of Law in Georgia. The names of those so selected shall be placed on a list maintained by the Supreme Court Coordinating Special Master. Said list and shall be published annually in a regular State Bar of Georgia publication. Although not mandatory, it is preferable that a lawyer so selected shall only remain on such list for five years, so that the term may generally be considered to be five years. Any lawyer whose name is removed from such list shall be eligible to be selected and placed on the list at any subsequent time.

~~(b) Training for Special Masters and Hearing Officers is required expected, subject to the terms of this Rule. Special Masters shall and shall consist of attend one Special Master training session within twelve months after selection by the Supreme Court to serve as Special Master. The Special Master and Hearing Officer training shall consist of a minimum of a six hour planned session conducted by ICJE or ICLE with input from the Office of General Counsel, the Respondent's Bar and the Supreme Court of Georgia be planned and conducted by the Coordinating Special Master. Special Masters and Hearing Officers who fail to attend such a minimum training session shall periodically be removed from consideration for appointment in future cases. Failure to attend such a training session shall not be the basis for a disqualification of any Special Master or Hearing Officer; as such qualifications shall remain in the sole discretion of the Supreme Court. Attorneys who are serving as Special Masters at the time this Rule is amended to require Special Master training shall be exempt from the provisions of this subparagraph; however, they are encouraged to participate in such training sessions.~~

~~(c) The Special Masters may be paid by the State Bar of Georgia from the general operating funds on a per case rate to be set by the Supreme Court. Hearing Officers may be paid pursuant to Part A, Section 14 of the Rules Governing Admission to the Practice of Law in Georgia.~~

~~(d) On or before the first day of March of each calendar year, the Supreme Court may set the amount to be paid to the Special Masters during the fiscal year beginning the first day of July of that year, which rate shall continue until the conclusion of the fiscal year of the State Bar.~~

~~Rule 4-209.2. Special Masters in Emergency Suspension Proceedings; Qualifications, Training, Terms, Powers and Duties~~

~~(a) In addition to the pool of Special Masters described in Rule 4-209.1, the Supreme Court shall appoint six members of the State Bar, and such additional number of members as the Court may feel to be desirable or necessary from time to time, to serve as Special Masters in emergency suspension show cause hearings and in such other matters as may be designated by the Supreme Court. Two (2) bar members shall be selected from each of the three federal judicial districts in Georgia, additional members shall be selected from appropriate federal judicial districts in Georgia as determined by the Court, and all appointees shall serve for five-year terms. A Special Master shall be eligible for reappointment.~~

~~(b) Training for Special Masters who serve in emergency suspension proceedings is required as provided in Bar Rule 4-209.1(b).~~

~~(c) A Special Master in an emergency suspension proceeding shall have the following powers and duties:~~

~~(1) to exercise general supervision over proceedings assigned to him or her and to perform all duties specifically enumerated in these Rules;~~

~~(2) to permit negotiations between the State Bar of Georgia and the Respondent;~~

~~(3) to receive and evaluate any Petition for Voluntary Discipline filed by a Respondent, to receive and evaluate responses to such petition from the Office of General Counsel and to make recommendations to the Supreme Court on such petition;~~

~~(4) to grant continuances and to extend any time limit provided for herein as to any matter pending before him or her;~~

- ~~(5) to apply to the Supreme Court of Georgia for an order naming a successor in the event that the Special Master becomes incapacitated to perform his or her duties;~~
- ~~(6) to sign subpoenas and exercise the powers described in Rule 4-221(b);~~
- ~~(7) to preside over evidentiary hearings and to decide questions of law and fact raised during such hearings; and~~
- ~~(8) to make a recommendation as to whether the Respondent should be suspended pending further disciplinary proceedings.~~

The new Rule 4-209.2 reads as follows:

Rule 4-209.2 Special Masters

(a) The Coordinating Special Master, subject to the approval of the Supreme Court, shall select and maintain a limited pool of qualified lawyers to serve as Special Masters for the State Disciplinary Board and Hearing Officers for the Board to Determine Fitness of Bar Applicants pursuant to Part A, Section 8 of the Rules Governing Admission to the Practice of Law in Georgia. The names of those so selected shall be placed on a list maintained by the Coordinating Special Master. Said list shall be published annually in a regular State Bar of Georgia publication. Although not mandatory, it is preferable that a lawyer so selected shall only remain on such list for five years, so that the term may generally be considered to be five years. Any lawyer whose name is removed from such list shall be eligible to be selected and placed on the list at any subsequent time.

(b) Training for Special Masters and Hearing Officers is expected, subject to the terms of this Rule and shall consist of training session within twelve months after selection. The Special Master and Hearing Officer training shall be planned and conducted by the Coordinating Special Master. Special Masters and Hearing Officers who fail to attend such a minimum training session shall periodically be removed from consideration for appointment in future cases. Failure to attend such a training session shall not be the basis for a disqualification of any Special Master or Hearing Officer; as such qualifications shall remain in the sole discretion of the Supreme Court.

(c) The Special Masters may be paid by the State Bar of Georgia from the general operating funds on a per case rate to be set by the Supreme Court. Hearing Officers may be paid pursuant to Part A, Section 14 of the Rules Governing Admission to the Practice of Law in Georgia.

(d) On or before the first day of March of each calendar year, the Supreme Court may set the amount to be paid to the Special Masters during the fiscal year beginning the first day of July of that year, which rate shall continue until the conclusion of the fiscal year of the State Bar.

A new Rule 4-209.3 was adopted. It reads as follows:

Rule 4-209.3 Powers and Duties of the Coordinating Special Master

The Coordinating Special Master shall have the following powers and duties:

- (1) to establish requirements for and supervise Special Master and Hearing Officer training;

- (2) to assign cases to Special Masters and Hearing Officers from the pool provided in Rule 4-209(b);
- (3) to exercise all of the powers and duties provided in Rule 4-210 when acting as a Special Master under sub-paragraph (8) below;
- (4) to monitor and evaluate the performance of Special Masters and Hearing Officers;
- (5) to remove Special Masters and Hearing Officers for such cause as may be deemed proper by the Coordinating Special Master;
- (6) to fill all vacancies occasioned by incapacity, disqualification, recusal or removal;
- (7) to administer Special Master and Hearing Officer compensation, if authorized as provided in Rule 4-209.2 or Part A, section 14 of the Rules Governing the Admission to the Practice of Law in Georgia;
- (8) to hear pretrial motions when no Special Master has been assigned; and
- (9) to perform all other administrative duties necessary for an efficient and effective hearing system.

Rule 4-210 was amended as follows:

Rule 4-210. Powers and Duties of Special Masters

In accordance with these rules a duly appointed ~~s~~Special ~~m~~Master shall have the following powers and duties:

- (a) to exercise general supervision over assigned disciplinary proceedings assigned to him, including emergency suspensions cases as provided in Rule 4-108, and to perform all duties specifically enumerated in these Rules;
- (b) to pass rule on all questions concerning the sufficiency of the formal complaint;
- (c) to conduct the negotiations between the State Bar of Georgia and the ~~r~~Respondent, whether at a pretrial meeting set by the ~~s~~Special ~~m~~Master or at any other time;
- (d) to receive and evaluate any Petition for Voluntary Discipline;
- (e) to grant continuances and to extend any time limit provided for herein as to any pending matter ~~pending before him~~;
- (f) to apply to the ~~Supreme Court of Georgia for an order naming his~~ Coordinating Special Master for leave to withdraw and for the appointment of a successor in the event that he or she becomes incapacitated to perform his or her duties or in the event that he or she learns that he or she and the ~~r~~Respondent reside in the same circuit;
- (g) ~~to defer action on any complaint pending before him when he learns of the docketing of another complaint against the same respondent and believes that the new complaint will be assigned to him by the Supreme Court;~~
- (h) (g) to hear, ~~and~~ determine and consolidate action on the complaints, where there are multiple complaints against a ~~r~~Respondent growing out of different transactions, whether

they involve one or more complainants, ~~as separate counts~~, and may proceed to make recommendations on each count complaint as constituting a separate offense;

~~(i)~~ (h) to sign subpoenas and exercise the powers described in Rule 4-221(b);

~~(j)~~ (i) to preside over evidentiary hearings and to decide questions of law and fact raised during such hearings;

~~(k)~~ (j) to make findings of fact and conclusions of law as hereinafter provided and to submit his or her findings for consideration by the Review Panel;

~~(l)~~ (k) to exercise general supervision over discovery by parties to disciplinary proceedings and to conduct such hearings and sign all appropriate pleadings and orders pertaining to such discovery as are provided for by the law of Georgia applicable to discovery in civil cases.

(l) in disciplinary cases, to make a recommendation of discipline, and in emergency suspension cases a recommendation as to whether the Respondent should be suspended pending further disciplinary proceedings;

(m) to conduct and exercise general supervision over hearings for the Board to Determine Fitness of Bar Applicants and to make written findings of fact and recommendations pursuant to Part A, Section 8 of the Rules Governing Admission to the Practice of Law in Georgia.

The new Rule 4-210 reads as follows:

Rule 4-210. Powers and Duties of Special Masters

In accordance with these rules a duly appointed Special Master shall have the following powers and duties:

(a) to exercise general supervision over assigned disciplinary proceedings and to perform all duties specifically enumerated in these Rules;

(b) to rule on all questions concerning the sufficiency of the formal complaint;

(c) to conduct the negotiations between the State Bar of Georgia and the Respondent, whether at a pretrial meeting set by the Special Master or at any other time;

(d) to receive and evaluate any Petition for Voluntary Discipline;

(e) to grant continuances and to extend any time limit provided for herein as to any pending matter;

(f) to apply to the Coordinating Special Master for leave to withdraw and for the appointment of a successor in the event that he or she becomes incapacitated to perform his or her duties or in the event that he or she learns that he or she and the Respondent reside in the same circuit;

(g) to hear, determine and consolidate action on the complaints, where there are multiple complaints against a Respondent growing out of different transactions, whether they involve one or more complainants, and may proceed to make recommendations on each complaint as constituting a separate offense;

(h) to sign subpoenas and exercise the powers described in Rule 4-221(b);

(i) to preside over evidentiary hearings and to decide questions of law and fact raised during such hearings;

(j) to make findings of fact and conclusions of law as hereinafter provided and to submit his or her findings for consideration by the Review Panel;

(k) to exercise general supervision over discovery by parties to disciplinary proceedings and to conduct such hearings and sign all appropriate pleadings and orders pertaining to such discovery as are provided for by the law of Georgia applicable to discovery in civil cases.

(l) in disciplinary cases, to make a recommendation of discipline, and in emergency suspension cases a recommendation as to whether the Respondent should be suspended pending further disciplinary proceedings;

(m) to conduct and exercise general supervision over hearings for the Board to Determine Fitness of Bar Applicants and to make written findings of fact and recommendations pursuant to Part A, Section 8 of the Rules Governing Admission to the Practice of Law in Georgia.

Rule 4-211 was amended as follows:

Rule 4-211. Formal Complaint; Service

(a) Within thirty days after a finding of ~~p~~Probable ~~e~~Cause, a formal complaint shall be prepared ~~by the Office of the General Counsel~~ which shall specify with reasonable particularity the acts complained of and the grounds for disciplinary action. A formal complaint shall include the names and addresses of witnesses so far as then known. A copy of the formal complaint shall be served upon the ~~r~~Respondent after ~~nomination~~ appointment of a Special Master by the ~~Supreme Court~~ Coordinating Special Master. In those cases where a Notice of Discipline has been filed and rejected, the filing of the formal complaint shall be governed by the time period set forth in Rule 4-208.4. The formal complaint shall be served pursuant to Bar Rule 4-203.1.

(b) This subparagraph is reserved.

(c) At all stages of the proceeding, both the ~~r~~Respondent and the State Bar of Georgia may be represented by counsel. Counsel representing the State Bar of Georgia shall be authorized to prepare and sign notices, pleadings, motions, complaints, and certificates for and in behalf of the State Bar of Georgia and the State Disciplinary Board.

The new Rule 4-211 reads as follows:

Rule 4-211. Formal Complaint; Service

(a) Within thirty days after a finding of Probable Cause, a formal complaint shall be prepared by the Office of the General Counsel which shall specify with reasonable particularity the acts complained of and the grounds for disciplinary action. A formal complaint shall include the names and addresses of witnesses so far as then known. A copy of the formal complaint shall be served upon the Respondent after appointment of a Special Master by the Coordinating Special Master. In those cases where a Notice of Discipline has been filed and rejected, the filing of the formal complaint shall be governed by the time period set forth in Rule 4-208.4. The formal complaint shall be served pursuant to Bar Rule 4-203.1.

(b) This subparagraph is reserved.

(c) At all stages of the proceeding, both the Respondent and the State Bar of Georgia may be represented by counsel. Counsel representing the State Bar of Georgia shall be authorized to prepare and sign notices, pleadings, motions, complaints, and certificates for and in behalf of the State Bar of Georgia and the State Disciplinary Board.

Rule 4-219 was amended as follows:

Rule 4-219. Judgments and Protective Orders

(a.) After either the Review Panel's report or the Special Master's report is filed with the Supreme Court, the respondent and the State Bar may file with the Court any written exceptions, supported by written argument, each may have to the report subject to the provisions of Rule 4-217(c). All such exceptions shall be filed with the Court within twenty days of the date that the report is filed with the Court and a copy served upon the opposing party. The responding party shall have an additional twenty days to file its response with the Court. The court may grant oral argument on any exception filed with it upon application for such argument by a party to the disciplinary proceedings. The Court will promptly consider the report of the Review Panel or the Special Master, any exceptions, and any responses filed by any party to such exceptions, and enter judgment upon the formal complaint. A copy of the Court's judgment shall be transmitted to the State Bar and the respondent by the Court.

(b.) In cases in which the Supreme Court orders disbarment, voluntary surrender of license or suspension, or the respondent is disbarred or suspended on a Notice of Discipline, the Review Panel shall publish in a local newspaper or newspapers and on the official State Bar website, notice of the discipline, including the Respondent's full name and business address, the nature of the discipline imposed and the effective dates.

(c.) (1.) After a final judgment of disbarment or suspension, including a disbarment or suspension on a Notice of Discipline, the respondent shall immediately cease the practice of law in Georgia and shall, within thirty days, notify all clients of his inability to represent them and of the necessity for promptly retaining new counsel, and shall take all actions necessary to protect the interests of his clients. Within forty-five days after a final judgment of disbarment or suspension, the respondent shall certify to the Court that he has satisfied the requirements of this Rule. Should the respondent fail to comply with the requirements of this Rule, the Supreme Court, upon its own motion or upon motion of the Office of the General Counsel, and after ten days notice to the respondent and proof of his failure to notify or protect his clients, may hold the respondent in contempt and, pursuant to Bar Rule 4-228, order that a member or members of the State Bar of Georgia take charge of the files and records of the respondent and proceed to notify all clients and to take such steps as seem indicated to protect their interest. Motions for reconsideration may be taken from the issuance or denial of such protective order by either the respondent or by the State Bar of Georgia.

(2.) After a final judgment of disbarment or suspension under Part IV of these Rules, including a disbarment or suspension on a Notice of Discipline, the respondent shall take such action necessary to cause the removal of any indicia of the respondent as a lawyer, legal assistant, legal clerk or person with similar status. In the event the respondent should maintain a presence in an office where the practice of law is conducted, the respondent shall not:

- (i) have any contact with the clients of the office either in person, by telephone or in writing; or
- (ii) have any contact with persons who have legal dealings with the office either in person, by telephone, or in writing.

~~(d.)—Upon a final determination by the Court that an attorney has disappeared, died, or become physically or mentally incapacitated, or poses a substantial threat of harm to his clients or the public, and that no partner, associate or other appropriate representative is available to notify his clients of this fact the Supreme Court may order that a member or members of the State Bar of Georgia be appointed as receiver to take charge of the attorney’s files and records. Such receiver shall review the files, notify the attorney’s clients and take such steps as seem indicated to protect the interests of the clients, the attorney and the public. A motion for reconsideration may be taken from the issuance or denial of such protective order by the respondent, his partners, associates or legal representatives or by the State Bar of Georgia.~~

~~(e.)—Any member of the State Bar of Georgia appointed by the Supreme Court as receiver to take charge of the files and records of a disciplined, deceased, incapacitated, imprisoned or disappearing attorney under these rules shall not be permitted to disclose any information contained in the files and records in his care without the consent of the client to whom such file or record relates, except as clearly necessary to carry out the order of the Court, or upon application by order of the Supreme Court.~~

~~(f.)—Any person serving as a receiver under these rules shall be immune from suit for any conduct in the course of their official duties.~~

The new Rule 4-219 reads as follows:

Rule 4-219. Judgments and Protective Orders

(a.) After either the Review Panel’s report or the Special Master’s report is filed with the Supreme Court, the respondent and the State Bar may file with the Court any written exceptions, supported by written argument, each may have to the report subject to the provisions of Rule 4-217(c). All such exceptions shall be filed with the Court within twenty days of the date that the report is filed with the Court and a copy served upon the opposing party. The responding party shall have an additional twenty days to file its response with the Court. The court may grant oral argument on any exception filed with it upon application for such argument by a party to the disciplinary proceedings. The Court will promptly consider the report of the Review Panel or the Special Master, any exceptions, and any responses filed by any party to such exceptions, and enter judgment upon the formal complaint. A copy of the Court’s judgment shall be transmitted to the State Bar and the respondent by the Court.

(b.) In cases in which the Supreme Court orders disbarment, voluntary surrender of license or suspension, or the respondent is disbarred or suspended on a Notice of Discipline, the Review Panel shall publish in a local newspaper or newspapers and on the official State Bar website, notice of the discipline, including the Respondent’s full name and business address, the nature of the discipline imposed and the effective dates.

(c.) (1.) After a final judgment of disbarment or suspension, respondent shall immediately cease the practice of law in Georgia and shall, within thirty days, notify all clients of his inability to represent them and of the necessity for promptly retaining new

counsel, and shall take all actions necessary to protect the interests of his clients. Within forty-five days after a final judgment of disbarment or suspension, the respondent shall certify to the Court that he has satisfied the requirements of this Rule. Should the respondent fail to comply with the requirements of this Rule, the Supreme Court, upon its own motion or upon motion of the Office of the General Counsel, and after ten days notice to the respondent and proof of his failure to notify or protect his clients, may hold the respondent in contempt and, pursuant to Bar Rule 4-228, order that a member or members of the State Bar of Georgia take charge of the files and records of the respondent and proceed to notify all clients and to take such steps as seem indicated to protect their interest. Motions for reconsideration may be taken from the issuance or denial of such protective order by either the respondent or by the State Bar of Georgia.

(2.) After a final judgment of disbarment or suspension under Part IV of these Rules, including a disbarment or suspension on a Notice of Discipline, the respondent shall take such action necessary to cause the removal of any indicia of the respondent as a lawyer, legal assistant, legal clerk or person with similar status. In the event the respondent should maintain a presence in an office where the practice of law is conducted, the respondent shall not:

- (i) have any contact with the clients of the office either in person, by telephone or in writing; or
- (ii) have any contact with persons who have legal dealings with the office either in person, by telephone, or in writing.

A new Rule 4-228 was adopted. It reads as follows:

Rule 4-228 Receiverships

(a) Definitions

(1) Absent Attorney - a member of the State Bar of Georgia (or a foreign or domestic lawyer authorized to practice law in Georgia) who shall have disappeared, died, become disbarred, disciplined or incarcerated, or become so impaired as to be unable to properly represent his or her clients or as to pose a substantial threat of harm to his or her clients or the public as to justify appointment of a Receiver hereunder by the Supreme Court of Georgia.

(b) Appointment of Receiver

(1) Upon a final determination by the Supreme Court of Georgia, on a petition filed by the State Bar of Georgia, that an attorney has become an Absent Attorney, and that no partner, associate or other appropriate representative is available to notify his or her clients of this fact, the Supreme Court may order that a member or members of the State Bar of Georgia be appointed as Receiver to take charge of the Absent Attorney's files and records. Such Receiver shall review the files, notify the Absent Attorney's clients and take such steps as seem indicated to protect the interests of the clients, and the public. A motion for reconsideration may be taken from the issuance or denial of such protective order by the respondent, his or her partners, associates or legal representatives or by the State Bar of Georgia.

- (2) If the Receiver should encounter, or anticipate, situations or issues not covered by the Order of appointment, including but not limited to, those concerning proper procedure and scope of authority, the Receiver may petition the Supreme Court or its designee for such further order or orders as may be necessary or appropriate to address the situation or issue so encountered or anticipated.
- (3) The receiver shall be entitled to release to each client the papers, money or other property to which the client is entitled. Before releasing the property, the Receiver may require a receipt from the client for the property.

(c) Applicability of Attorney-Client Rules

- (1) Confidentiality - The Receiver shall not be permitted to disclose any information contained in the files and records in his or her care without the consent of the client to whom such file or record relates, except as clearly necessary to carry out the order of the Supreme Court or, upon application, by order of the Supreme Court.
- (2) Attorney/Client Relationship; Privilege - The Receiver relationship standing alone does not create an attorney/client relationship between the Receiver and the clients of the Absent Attorney. However, the attorney-client privilege shall apply to communications by or between the Receiver and the clients of the Absent Attorney to the same extent as it would have applied to communications by or to the Absent Attorney.

(d) Trust Account

- (1) If after appointment the Receiver should determine that the Absent Attorney maintained one or more trust accounts and that there are no provisions extant which would allow the clients, or other appropriate entities, to receive from the accounts the funds to which they are entitled, the Receiver may petition the Supreme Court or its designee for an order extending the scope of the Receivership to include the management of the said trust account or accounts. In the event the scope of the Receivership is extended to include the management of the trust account or accounts the Receiver shall file quarterly with the Supreme Court or its designee a report showing the activity in and status of said accounts.
- (2) Service on a bank or financial institution of a copy of the order extending the scope of the Receivership to include management of the trust account or accounts shall operate as a modification of any agreement of deposit among such bank or financial institution, the Absent Attorney and any other party to the account so as to make the Receiver a necessary signatory on any trust account maintained by the Absent Attorney with such bank or financial institution. The Supreme Court or its designee, on application by the Receiver may order that the Receiver shall be sole signatory on any such account to the extent necessary for the purposes of these rules and may direct the disposition and distribution of client and other funds.
- (3) In determining ownership of funds in the trust accounts, including by subrogation or indemnification, the Receiver should act as a reasonably prudent lawyer maintaining a client trust account. The Receiver may (1) rely on a certification of ownership issued by an auditor employed by the Receiver; or (2) interplead any funds of questionable ownership into the

appropriate Superior Court; or (3) proceed under the terms of the Disposition of Unclaimed Property Act (O.G.C.A. §§44-12-190 *et seq.*) If the Absent Attorney's trust account does not contain sufficient funds to meet known client balances, the Receiver may disburse funds on a pro rata basis.

- (e) Payment of Expenses of Receiver
 - (1) The Receiver shall be entitled to reimbursement for actual and reasonable costs incurred by the Receiver for expenses, including, but not limited to, (i) the actual and reasonable costs associated with the employment of accountants, auditors and bookkeepers as necessary to determine the source and ownership of funds held in the Absent Attorney's trust account, and (ii) reasonable costs of secretarial, postage, bond premiums, and moving and storage expenses associated with carrying out the Receiver's duties. Application for allowance of costs and expenses shall be made by affidavit to the Supreme Court, or its designee, who may determine the amount of the reimbursement. The application shall be accompanied by an accounting in a form and substance acceptable to the Supreme Court or its designee. The amount of reimbursement as determined by the Supreme Court or its designee shall be paid to the Receiver by the State Bar of Georgia. The State Bar of Georgia may seek from a court of competent jurisdiction a judgment against the Absent Attorney or his or her estate in an amount equal to the amount paid by the State Bar of Georgia to the Receiver. The amount of reimbursement as determined by the Supreme Court or its designee shall be considered as prima facie evidence of the fairness of the amount and the burden of proof shall shift to the Absent Attorney or his or her estate to prove otherwise.
 - (2) The provision of paragraph 1 above shall apply to all Receivers serving on the effective date of this Rule and thereafter.
- (f) Receiver-Client Relationship
 - (1) With full disclosure and the informed consent, as defined in Bar Rule 1.0 (h), of any client of the Absent Attorney, the Receiver may, but need not, accept employment to complete any legal matter. Any written consent by the client shall include an acknowledgment that the client is not obligated to use the Receiver.
- (g) Unclaimed Files
 - (1) If upon completion of the Receivership there are files belonging to the clients of the Absent Attorney that have not been claimed, the Receiver shall deliver them to the State Bar of Georgia. The State Bar of Georgia shall store the files for six years, after which time the State Bar of Georgia may exercise its discretion in maintaining or destroying the files.
 - (2) If the Receiver determines that an unclaimed file contains a Last Will and Testament, the Receiver may, but shall not be required to do so, file said Last Will and Testament in the office of the Probate Court in such county as to the Receiver may seem appropriate.
- (h) Professional Liability Insurance
 - (1) Only attorneys who maintain errors and omissions insurance which in-

cludes coverage for conduct as a Receiver may be appointed to the position of Receiver.

(i) Requirement of Bond

- (1) The Supreme Court or its designee may require the receiver to post bond conditioned upon the faithful performance of his or her duties.

(j) Immunity

- (1) The Supreme Court recognizes the actions of the State Bar and the appointed Receiver to be within the Court's judicial and regulatory functions, and being regulatory and judicial in nature the state Bar and Receiver are entitled to judicial immunity.
- (2) The immunity granted in paragraph 1 above shall not apply if the Receiver is employed by a client of the Absent Attorney to continue the representation.

(k) Service

- (1) Service under this rule may be perfected under Bar Rule 4-203.1.

The Rules of the Fee Arbitration Program were completely revised. The new amended Rules may be found on the [State Bar website](#).

Annual Report of the Clients' Security Fund for Operational Year 2013-14

**by Robert McCormack, Deputy General Counsel
Staff Liaison to the Clients' Security Fund**

The Clients' Security Fund is a public service of the legal profession in Georgia. The purpose of the Clients' Security Fund is to repay clients who have lost money due to a lawyer's dishonest conduct. Every lawyer admitted to practice in Georgia, including those admitted as a foreign law consultant or those who join the Bar without taking the Georgia Bar Examination, contributes to this Fund.

On behalf of the Trustees of the Clients' Security Fund, it is a pleasure to present the 2013-14 Clients' Security Fund Annual Report to the Board of Governors of the State Bar of Georgia. The Trustees of the Fund are proud of the efforts put forth to maintain the integrity of the legal profession.

Creation of the Fund

The Board of Governors of the State Bar of Georgia created the Clients' Security Fund by Resolution on March 29, 1968. The Fund was formed "for the purpose of promoting public confidence in the administration of justice, and maintaining the integrity and protecting the good name of the legal profession by reimbursing, to the extent deemed proper and feasible by the Trustees of the Fund, losses caused by the dishonest conduct of members of the State Bar of Georgia." In 1991, the Supreme Court of Georgia adopted the Rules of the Clients' Security Fund (Part X) making it an official part of the Rules of the State Bar of Georgia. That same year, pursuant to the Rules, the Board of Governors assessed each of the members of the State Bar the sum of \$100, to be paid over a five-year period, to fully fund and stabilize the Fund.

Administration of the Fund

The Clients' Security Fund Board of Trustees performs all acts necessary and proper to fulfill the purposes of and effectively administer the Fund. The Rules, issued by order of the Supreme Court of Georgia, establish a Board of Trustees consisting of six lawyers and one non-lawyer member who are appointed to staggered terms by the president of the State Bar of Georgia. The Trustees serve five-year terms, and receive no compensation or reimbursement for their service. The Trustees select the chair and vice-chair to serve as officers for the Fund. The Fund receives part-time assistance from one attorney and one paralegal from the Office of the General Counsel. In addition to your chair, the following lawyers served as Trustees for the 2013-2014 Bar-year:

H. Vincent Clanton, Atlanta (non-lawyer member)
Randall H. Davis, Cartersville
Denny C. Galis, Athens
Roy B. Huff, Peachtree City
Elena Kaplan, Atlanta
Charles Edward Peeler, Albany
Paul H. Threlkeld, Savannah

The Trustees strive to meet at least quarterly during the year. If circumstances warrant, special meetings may be called to ensure that claims are processed in a timely fashion. These Trustees have served tirelessly and their dedication to this program is greatly appreciated.

Funding

Members of the State Bar of Georgia provide the primary funding for the Clients' Security Fund. On April 2, 1991, the Supreme Court of Georgia approved the motion to amend the Bar Rules to provide for an assessment of \$100 per lawyer to be paid over a period of five years. On Oct. 6, 2010, the Rules were amended making the assessment payable over four years. Fund revenues are supplemented by interest income, restitution payments from disbarred lawyers, and miscellaneous contributions.

The assessment provides a relatively substantial source of income; however, to ensure a secure source of funding to sustain the integrity of the Fund, the Bar Rules provide for future assessments triggered whenever the fund balance falls below a minimum of \$1 million. The Bar Rules also limit the aggregate amount that can be paid to claimants in any one year to \$350,000.

In January 1996, the Board of Trustees also adopted certain administrative rules to help stabilize and manage the Fund. These rules provide that the maximum amount the Trustees will pay on any individual claim is \$25,000. Also, the aggregate amount the Trustees will pay to all claimants victimized by a single lawyer is limited to 10 percent of the Fund balance as it existed on the date the first claim against the lawyer was paid. Both of these rules may be overridden by a unanimous vote of the Trustees in cases of undue hardship or extreme unfairness.

Other efforts to maintain the stability of the fund include an amendment to the Bar Rules, which was adopted by the Supreme Court on Nov. 8, 2003. As the result of changes in the admissions rules that allow attorneys in reciprocal states to be admitted to the State Bar of Georgia upon motion, the amended Bar rules provide that all members who are admitted to the State Bar of Georgia as a foreign law consultant or who join without taking the Georgia Bar Examination are required to pay the full assessment of \$100 prior to or upon registration with the State Bar.

The efforts of the State Bar of Georgia and the Trustees of the Fund have proven successful over the years. The average fund balance has stabilized at approximately \$2.3 million. These funds are held in the name of the Fund and the Trustees of the Fund maintain exclusive control of disbursements from the Fund.

Loss Prevention Efforts

An important role of the Trustees of the Fund is to promote and endorse rules and educational programs that are designed to prevent losses from occurring. In 1992 and 1993 respectively, the Trustees actively urged the adoption of two significant programs designed to prevent lawyer theft of clients' funds.

Overdraft Notification

In November 1992, the Board of Trustees joined the Investigative Panel of the State Disciplinary Board in urging the Board of Governors to approve amendments to Disciplinary Standard 65 to create a trust account overdraft notification program. On Aug. 22, 1995, the Supreme Court of Georgia approved the amendment to Standard 65, which became effective Jan. 1, 1996. The primary purpose of the overdraft notification rule is to prevent misappropriation of clients' funds by providing a mechanism for early detection of improprieties in the handling of attorney trust accounts. Standard 65 was subsequently replaced with [Rule 1.15\(III\)](#) with the Supreme Court's adoption of the Georgia Rules of Professional Conduct on Jan. 2, 2001.

Payee Notification

During the 1993 legislative session, with the urging of the Board of Trustees, the Board of Governors endorsed legislation specifically designed to prevent lawyer theft of personal injury settlement funds. As a result of these efforts, the "payee notification rule" was approved in the form of an amendment to the Insurance Code. This statute requires insurers to send notice to the payee of an insurance settlement at the time the check is mailed to the payee's attorney. This places the client on notice that the attorney has received settlement funds. The adoption of this procedure has substantially reduced claims involving theft of insurance funds.

Claims Process

Before the Clients' Security Fund will pay a claim, the Trustees must determine that the loss was caused by the dishonest conduct of the lawyer who has been disbarred, indefinitely suspended or has voluntarily surrendered his or her license, and arose out of the client-lawyer relationship. The Rules define "dishonest conduct" as acts "committed by a lawyer in the nature of theft or embezzlement of money, or the wrongful taking or conversion of money, property, or other things of value." Typically, claims filed by corporations or partnerships, government entities and certain members of the attorney's family are denied. Losses covered by insurance, or that result from malpractice or financial investments are also not considered reimbursable by the Fund. Claimants are responsible for providing sufficient documentation to support their claims.

Following is the most recent Statement of Fund Balance, Income and Expenses for the nine-month period of the 2013-14 operational year ending March 31, 2014. The Trustees are scheduled to hold two additional meetings prior to the end of the 2013-14 Bar year:

Annual Statistics for Operational Year 2013-2014

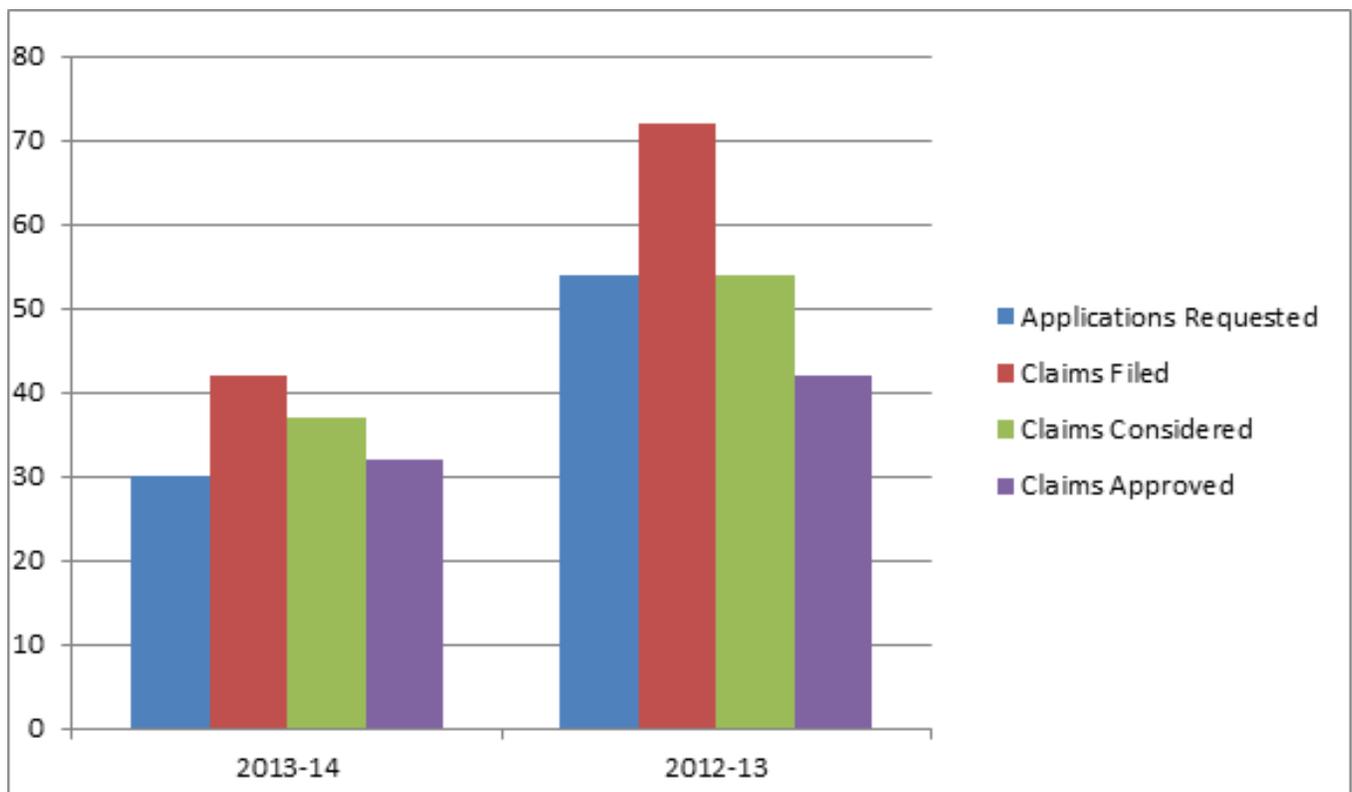
(For nine-month period of June 30, 2013, through March 31, 2014)

Fund Balance	\$2,341,181
Assessment Income	\$164,990
Restitution Income	\$3,896
Interest Income	\$6,351
Claims Paid	\$100,657
Expenses	\$54,750

Summary of Claims Activity

The following summary of claims activity for the 2013-14 operation year is for a period beginning July 1, 2013, and ending March 31, 2014. The Trustees of the Fund are scheduled to meet on May 27, 2014, and June 5, 2014, prior to the end of the 2013-14 Bar operational year. The numbers reflected below do not include activity on claims that will be considered at these meetings.

Activity	2013-14	2012-13
Recorded Application Requests	30	54
Claims Filed	42	72
Claims Considered	37	54
Claims Reconsidered	5	4
Claims Approved for Payment	32	42
Claims Denied	5	7
Claims Tabled	1	4
Claims Administratively Closed	0	0
Claims Withdrawn	0	1
Claims Pending	72	70
Inactive Claims	33	30
Number of Attorneys Involved in Paid Claims	25	21



Disciplinary Orders of the Supreme Court of Georgia

Review Panel Reprimands

Date of Order	Respondent	Docket
05/06/13	Johnnie Mae Graham	6383
05/20/13	Michael René Berlon	5843
09/23/13	Jack O. Morse	6407
10/21/13	David Guy Carter	6427

Public Reprimands

Date of Order	Respondent	Docket
05/06/13	Reed Edmondson Jr.	6199
02/24/14	John V. Lloyd	6357

Suspensions

Indefinite

Date of Order	Respondent	Docket
05/06/13	Eric Charles Lang (12 months w/conditions)	6308
05/06/13	Ashley A. Davis (30 months w/conditions)	6349
09/23/13	Thomas Richard Topmiller (18 months retroactive to 08/29/12 w/conditions)	6366
10/07/13	Carol Chandler (1 year w/conditions – Suspension to begin at conclusion of her 18-month suspension imposed on 03/04/13)	6332
10/07/13	Ronald James Kurpiers II (91 days w/conditions)	6401
10/21/13	Michael F. Greene (18 months w/conditions)	6428 6429
10/21/13	Herbert Adams Jr. (18 months w/conditions)	6010 6247 6315
11/25/13	Murple Anita Wright (1 year w/conditions)	5900
02/24/14	Benjamin Scott Anderson (12 months w/conditions)	6462 6463 6464

03/03/14	Pamela Michalle Bounds (30 days w/conditions)	6532
<i>Definite</i>		
Date of Order	Respondent	Docket
05/20/13	Arjun S. Kapoor (6 months)	5794
09/23/13	Dale Anthony Calomeni (6 months)	6237 6238 6346
10/07/13	David Michael Shearer (30 months)	6382
11/04/13	Jarlath Robert MacKenna (18 months)	6424
02/24/14	Marshall C. Watson (91 days)	6529
03/05/14	Fred T. Hanselik (6 months retroactive to 4/1/13 followed by a 45-day suspension with the first 24 days to run concurrently with the 6-month suspension and the last 21 days to run consecutively)	6364 6443

Interim Suspensions

Date of Order	Respondent	Docket
08/19/13	Debra Faye Coleman	130060
08/20/13	Stephen B. Taylor	120224
09/09/13	Eric Jerome Carter	130010
10/07/13	Tracey Dawn Gibson	130119
10/26/13	S. Quinn Johnson	130091
10/26/13	Xavier Cornell Dicks	130126
10/27/13	David J. Farnham	130154
01/03/14	Robert Anthony McDonald	130193
01/03/14	Joseph Kizito	130168
01/03/14	Wayne Peter Merisotis	130127
01/03/14	Wayne Peter Merisotis	130151
02/03/14	Melissa Jill Starling	130130
02/03/14	Tracey Dawn Gibson	130125
04/14/14	Douglas Grant Exley	130239

Interim Suspensions Lifted

Date of Order	Respondent	Docket
05/21/13	Michael René Berlon	120300
06/27/13	Jonathan O. Oden	130002
01/02/14	David J. Farnham	130154
01/02/14	Tracey Dawn Gibson	130119
01/31/14	S. Quinn Johnson	120117
01/31/14	S. Quinn Johnson	120258
01/31/14	S. Quinn Johnson	120259
02/19/14	S. Quinn Johnson	130091
03/24/14	Xavier Cornell Dicks	130126
03/25/14	Melissa Jill Starling	130130
03/25/14	Stephen B. Taylor	120224

Disbarments/Voluntary Surrenders

Date of Order	Respondent	Docket
05/06/13	John Ramsay Wall	6355 6356 6389
05/06/13	Lynn McNeese Swank	6418
05/06/13	Robert Emmett Maloney Jr.	6416
05/20/13	Michael L. DiTano	6434
06/03/13	Sidney Joe Jones	6227
09/09/13	Robert B. Lipman	6176
09/09/13	Donald O. Nelson	5808
09/23/13	Ralph Joseph Hiers	6369
09/23/13	Michael David Mann	6411 6412
09/23/13	Carin Astrid Burgess	5321 5396 5397 5487 6094 6095
9/23/13	Creighton W. Sossomon	6402
10/7/13	Henry Lamar Willis	6347
10/7/13	Robert W. Cullen	6350 6430
10/21/13	James F. Steckbauer	6294 6295 6296
11/26/13	Thomas S. Sunderland	6075

11/26/13	Michael Louis Rothenberg	6503
01/21/14	Hendrickx H. Toussaint	6201
01/21/14	Kristen Eugenia Richbourg	6514
01/27/14	William C. Nesbitt	6120
02/24/14	Richard Wesley Kelley	6469
		6470
		6471
		6472
		6473
03/03/14	Leah Rochelle Brown	6479
		6480
		6481
		6482
		6483
03/03/14	Sharla M. Gorman	6441
03/03/14	Eric Jerome Carter	6368 (3 cases)
03/10/14	Arjun S. Kapoor	6525
03/28/14	Denise L. Majette	6147
03/28/14	Edward T. Murray	5579
		5816
		6097
		6160
04/22/14	Sarah Spence Cooksey	6399