



*State Bar of Georgia*  
**2011 Report of the Office of  
the General Counsel**

*June 2-5 | Kingston Shores | Myrtle Beach, S.C.*



**OFFICE OF THE GENERAL COUNSEL**  
**STATE BAR OF GEORGIA**  
**ANNUAL REPORT FOR OPERATIONAL YEAR 2010-2011**

**Index**

<b>I.</b>	<b>Report of the General Counsel .....</b>	<b>1-4</b>
<b>II.</b>	<b>State Disciplinary Board</b>	
	<b>Investigative Panel .....</b>	<b>5-8</b>
	<b>Review Panel.....</b>	<b>9-11</b>
<b>III.</b>	<b>Formal Advisory Opinion Board.....</b>	<b>12-19</b>
<b>IV.</b>	<b>Overdraft Notification Program.....</b>	<b>20-22</b>
<b>V.</b>	<b><i>Pro Hac Vice</i> Program .....</b>	<b>23-24</b>
<b>VI.</b>	<b>Amendments to Bar Rules and Bylaws.....</b>	<b>25-32</b>
<b>VII.</b>	<b>Clients' Security Fund .....</b>	<b>33-38</b>
<b>VIII.</b>	<b>Disciplinary Orders of Supreme Court of Georgia .....</b>	<b>39-48</b>
	<b>Review Panel Reprimands .....</b>	<b>39</b>
	<b>Public Reprimands.....</b>	<b>40</b>
	<b>Suspensions .....</b>	<b>41-44</b>
	<b>Disbarments/Voluntary Surrenders.....</b>	<b>45-46</b>
	<b>Reinstatement Granted.....</b>	<b>47</b>
	<b>Reinstatement Denied.....</b>	<b>48</b>

# STATE BAR OF GEORGIA

## OFFICE OF THE GENERAL COUNSEL

PAULA J. FREDERICK  
General Counsel

WILLIAM P. SMITH, III  
Ethics Counsel

Bar Counsel  
ROBERT E. McCORMACK  
Deputy General Counsel

JOHN J. SHIPTENKO  
Assistant General Counsel



Disciplinary Counsel  
JENNY K. MITTELMAN  
Deputy General Counsel

JONATHAN HEWETT  
Sr. Assistant General Counsel

KELLYN O. McGEE  
REBECCA A. HALL  
A. M. CHRISTINA PETRIG  
Assistant General Counsel  
CARMEN ROJAS RAFTER  
Grievance Counsel

June 1, 2011

To: Members of the Board of Governors  
Bar Volunteers  
Friends

I am pleased to present the 2010-2011 Report of the Office of the General Counsel. Enclosed are reports from the Investigative and Review Panels of the State Disciplinary Board, the Clients' Security Fund, the Formal Advisory Opinion Board, the Trust Account Overdraft Notification Program, and the *Pro Hac Vice* Program. Following the reports is a compilation of Supreme Court Orders issued in disciplinary cases between May 1, 2010 and April 30, 2011.

As the attached reports demonstrate, the Office was quite busy this Bar year. The Board of Governors approved proposed revisions to the Georgia Rules of Professional Conduct; those rules are pending with the Supreme Court of Georgia. The Supreme Court issued a record number of decisions in disciplinary cases, and for the first time in 15 years heard oral argument in two disciplinary matters. The Office defended opinions issued by the Unlicensed Practice of Law Committee and the Formal Advisory Opinion Board, and represented the Bar in a number of lawsuits. Administratively the Office began the process of going "paperless" with the grievance process, and began taking ethics questions by email.

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 you and other dedicated Bar volunteers along with the staff of the Office of the General Counsel each year. The Office is indebted to each of you, and to every 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 now works as Ethics Counsel, staffing the Disciplinary Rules and Procedures Committee and the OGC Overview Committee. Bill also supervises junior staff, and handles special projects for the office. Deputy General Counsel Jenny Mittelman serves as managing attorney for the office in addition to handling her disciplinary caseload. Senior Assistant General Counsel Jonathan Hewett supervises the grievance counsel in addition to prosecuting disciplinary cases. Assistant General Counsel Kellyn McGee, Rebecca Hall and Christina Petrig continue to serve as ethics and disciplinary counsel to the Bar. Grievance Counsel Carmen Rojas Rafter conducts the preliminary investigation of the grievances that the Office receives each year.

Robert 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. Deloise Mathews provides secretarial and administrative assistance, particularly with attorney disciplinary status requests, Lawyer Referral Services, and Clients' Security Fund matters. 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.

As for our nonlawyer staff, Connie Henry, Clerk of the State Disciplinary Board, continues to coordinate the activity of the disciplinary boards. Regina Putnam Kelley serves as Trust Account Overdraft Notification Coordinator. Investigators Lamar Jackson and Dean Veenstra, paralegals Carolyn Williams, Kristin Poland, and Kathy Jackson, legal secretaries Deborah Grant, Cathe Payne, 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 each weekday.

### ***Continuing Legal Education***

The Office of the General Counsel continues to accept requests to speak at CLE seminars. This year OGC lawyers participated in more than 60 presentations on a variety of ethics topics.

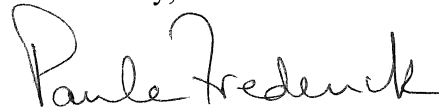
### ***Committees***

OGC staff continues to work with the Disciplinary Rules and Procedures Committee, the Organization of the State Bar Committee, the General Counsel Overview Committee, the Advisory Committee on Legislation, and the Membership Services 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.

Sincerely,

A handwritten signature in cursive script that reads "Paula J. Frederick". The signature is written in black ink and is positioned above the printed name and title.

Paula J. Frederick  
General Counsel

**ANNUAL REPORT OF THE INVESTIGATIVE PANEL**  
**STATE DISCIPLINARY BOARD**  
**FOR OPERATIONAL YEAR 2010-2011**

By: Christine A. Koehler, 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 an ever-increasing number of cases and does so more efficiently than ever.

The 2010-2011 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 Younger 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 Tifton, Stone Mountain, Griffin, Helen, Braselton, Pine Mountain, Atlanta, Savannah, Macon, Americus, and at Amelia Island, Florida, in conjunction with the 2010 Annual Meeting of the Bar.

The Bar received more requests for grievance forms this year (3,659) than last (3,228). The number of grievance forms returned to the Office of the General Counsel decreased. Last year's figure was 2,130; this year 2,059 forms were returned for screening and further consideration.

After review by an Assistant General Counsel, 1,813 grievances were dismissed for their failure to state facts sufficient to invoke the jurisdiction of the State Bar. A total of 284 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 350 such grievances in 2010. 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 extensive 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. Eighty one grievances were dismissed, 48 of those with a letter of instruction to inform the lawyer about the Bar Rules. One hundred and sixty seven cases met the "probable cause" test and were returned to the Office of the General Counsel for prosecution. This represents an increase from 166 such cases last year. One hundred and eighty cases are still under consideration by the Panel, a decrease from 191 such cases last year.

Sixty seven 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 2010-2011 as follows:

<u>Form of Discipline</u>	<u>Cases</u>
Investigative Panel Reprimands	28
Letters of Formal Admonition	39
Cases Dismissed with Letters of Instruction	48
Interim Suspensions	27



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:

Christopher L. Ray, Savannah, District 1

J. Maria Waters, Savannah, District 1

Joseph W. Dent, Albany, District 2

Laverne Lewis Gaskins, Valdosta, District 2

William D. NeSmith, Americus, District 3

Donna S. Hix, Columbus, District 3

Appointed to fulfill the unexpired term of William C. Rumer, Columbus

R. Javoyne Hicks White, Stone Mountain, District 4

Anne Workman, Decatur, District 4

Hubert J. Bell, Jr., Atlanta, District 5

Tywanda L. Harris Lord, Atlanta, District 5

H. Emily George, Forest Park, District 6 (term expiring)

Andrew J. Whalen, Griffin, District 6 (term expiring)

Christopher A. Townley, Rossville, District 7 (term expiring)

W. Wright Gammon, Cedartown, District 7 (term expiring)

Donald W. Huskins, Eatonton, District 8

John D. Newberry, Gray, District 8

Christine A. Koehler, Lawrenceville, District 9

Lyle Kilvington Porter, Lawrenceville, District 9

Larry L. Smith, Augusta, District 10

Walton Harden, Jr., Washington, District 10  
(appointment pending to fill unexpired term)

Preyesh K. Maniklal, Atlanta, At Large  
Appointed to fulfill the unexpired term of Kenneth G. Menendez, Atlanta

John G. Haubenreich, Atlanta, At Large

We have two ex-officio members, the president-elect of the State Bar of Georgia, Kenneth L. Shigley, Atlanta (term expiring), and the president-elect of the Younger Lawyers Division, Stephanie J. Kirijan (term expiring).

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

Eunice L. Mixon, Tifton

Elizabeth King, Atlanta (term expiring)

Michael A. Fuller, Macon

Lynn R. Smith, Newnan (term expiring)

Mark A. Douglas, Atlanta

Carol Fullerton, Albany

**ANNUAL REPORT OF THE REVIEW PANEL**  
**STATE DISCIPLINARY BOARD**  
**FOR OPERATIONAL YEAR 2010-2011**

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 Georgia Supreme Court 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 fifteen-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, 2010, to April 30, 2011:

<u>Form of Discipline</u>	<u>Cases</u>	<u>Lawyers</u>
Disbarments/Voluntary Surrenders	54	33
Suspensions	60	42
Public Reprimands	11	3
Review Panel Reprimands	8	5

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**

Thomas C. Rounds, Sandy Springs (term expiring)

Clarence Pennie, Kennesaw

Marlene E. Melvin, Monroe  
(appointment pending to fill unexpired term)

P. Alice Rogers, Atlanta

## **Lawyer Members**

### **Northern District:**

Lisa Rosenblum Strauss, Atlanta (term expiring)

Anthony B. Askew, Atlanta

C. Bradford Marsh, Atlanta

### **Middle District:**

Gregory L. Fullerton, Albany (term expiring)

Oliver Wendell Horne, Macon

Ralph F. Simpson, Tifton

### **Southern District:**

Jeffrey S. Ward, Brunswick (term expiring)

Thomas R. Burnside, III, Augusta

Sarah Brown Akins, Savannah

## **Ex-Officio Members**

Bryan M. Cavan, Atlanta (term expiring)

Amy V. Howell, Decatur (term expiring)

**ANNUAL REPORT OF THE  
FORMAL ADVISORY OPINION BOARD  
FOR OPERATIONAL YEAR 2010-2011**

By: James B. Ellington, 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 for the 2010-2011 Bar year was composed of the following lawyers:

**Members at Large**

**Term**

James B. Ellington, Chair, Augusta	2009 - 2011
Edward B. Krugman, Atlanta	2009 - 2011
James W. Friedewald, Marietta	2010 - 2012
Honorable Edward E. Carriere, Jr., Decatur	2010 - 2012
William Thomas Clark, Atlanta	2010 - 2012

**Georgia Trial Lawyers Association**

Jack J. Helms, Jr., Vice-Chair, Homerville	2009 - 2011
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**Georgia Defense Lawyers Association**

Theodore Freeman, Atlanta	2009 - 2011
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**Georgia Association of Criminal Defense Lawyers**

Christopher A. Townley, Rossville	2010 - 2012
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**Georgia District Attorneys' Association**

Kenneth W. Mauldin, Athens 2011 – 2012  
*(In April 2011, Kenneth Mauldin was appointed to fill the unexpired term of Gwendolyn Keyes Fleming who vacated the position in September 2010.)*

**Young Lawyers Division**

Brannon J. Arnold, Atlanta 2009 - 2011

**Emory University**

Professor James B. Hughes, Jr., Atlanta 2010 - 2012

**University of Georgia**

Professor C. Ronald Ellington, Athens 2009 - 2011

**Mercer University**

Professor Patrick E. Longan, Macon 2009 - 2011

**Georgia State University**

Professor Roy M. Sobelson, Atlanta 2010 - 2012

**John Marshall Law School**

Professor Jeffrey Alan Van Detta, Atlanta 2009 - 2011

**Investigative Panel**

John G. Haubenreich, Atlanta 2010 - 2011

**Review Panel**

Lisa Rosenblum Strauss, Atlanta 2010 - 2011

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.

During the 2010-2011 Bar year, the Board received three (3) new requests for formal advisory opinions. The issues addressed in the requests and the current status of each request are as follows:

- Formal Advisory Opinion Request No. 10-R1 - Regarding Rules 1.10 and 1.7(a) as they relate to the City of Atlanta Law Department representing both the Police Department and the Citizen's Review Board.

The Formal Advisory Opinion Board declined this request for the drafting of a formal advisory opinion, determining that the issue raised in the request was not of general interest to the Bar at large. The Board also concluded that the issue raised in the request did not relate to prospective conduct, but rather current ongoing conduct that should be directed to the State Disciplinary Board.

- Formal Advisory Opinion Request No. 10-R2 - Regarding piecemeal residential real estate transactions that are not supervised by Georgia lawyers.

The Formal Advisory Opinion Board has this request under consideration to determine whether to accept or decline the request for the drafting of a formal advisory opinion.

- Formal Advisory Opinion Request No. 10-R3 - What are the ethical obligations of a lawyer under Rules 3.3, 3.4, and 8.4(a)(4) associated with offers to plead guilty in exchange for a dismissal at an administrative law hearing?



The Formal Advisory Opinion Board declined this request for the drafting of a formal advisory opinion, determining that the issue raised in the request was not of general interest to members of the Bar at large. The requestor has asked the Board to reconsider its decision to decline the request. The Board will consider the request for reconsideration at its next meeting.

One (1) request for formal advisory opinion was received and accepted in a previous Bar year, but remains pending with the Formal Advisory Opinion Board. The issues addressed in the request and the current status of the request are as follows:

- Formal Advisory Opinion Request No. 05-R6 - Is a lawyer obligated to notify a client's creditors or third persons when the lawyer receives the proceeds of a client's settlement or judgment? If the lawyer is obligated to notify a third person, is the lawyer then obligated to pay that third person, even over the client's objections?

The issues raised in this request are governed by Rule 1.15(I). The Board approved a proposed opinion, which appeared in the June 2007 issue of the Georgia Bar Journal for 1<sup>st</sup> publication. Comments were received in response to the publication. However, because a proposed amendment to Rule 1.15(I) was pending with the State Disciplinary Rules and Procedures Committee, the Board tabled any further action regarding the request. The proposed amendment to Rule 1.15(I) is currently pending with the Supreme Court. This request remains tabled pending the Supreme Court's action on the proposed amendment to Rule 1.15(I).

Three (3) formal advisory opinions were filed with the Supreme Court during the 2010-2011 Bar year. The issues addressed in each of the opinions and the current status of each is as follows:

- Formal Advisory Opinion No. 10-1 - May different public defenders employed by the same agency represent co-defendants when a single public defender would have an impermissible conflict of interest in doing so?

The Formal Advisory Opinion Board approved this opinion for 2<sup>nd</sup> publication and filing with the Supreme Court. The opinion, formerly known as Proposed Formal Advisory Opinion No. 07-R1, appeared in the June 2010 issue of the Georgia Bar Journal for 2<sup>nd</sup> publication and was filed with the Supreme Court on June 15, 2010. Pursuant to Bar Rule 4-403(d), the requestor filed a petition for discretionary review with the Supreme Court on July 5, 2010. The Supreme Court issued an order granting the petition on January 18, 2011. Briefs were filed by both the requestor and the State Bar of Georgia pursuant to the Rules of the Supreme Court. Three Amicus Briefs have also been filed in the Supreme Court. The requestor has petitioned the Court for oral argument. That petition has been granted, and oral argument is scheduled for September 2011.

- Formal Advisory Opinion No. 10-2 - May an attorney who has been appointed to serve both as legal counsel and as guardian *ad litem* for a child in a termination of parental rights case advocate termination over the child's objections?

The Formal Advisory Opinion Board has approved this opinion for 2<sup>nd</sup> publication and filing with the Supreme Court. The opinion, formerly known as Proposed Formal

Advisory Opinion No. 09-R3, appeared in the December 2010 issue of the Georgia Bar Journal for 2<sup>nd</sup> publication and was filed with the Supreme Court on January 18, 2011. Pursuant to Rule 4-403(d), the State Bar of Georgia filed a petition for discretionary review with the Supreme Court on February 4, 2011. The requestor also filed a petition for discretionary review with the Supreme Court on February 7, 2011. The Supreme Court issued an order granting both petitions on March 7, 2011. Briefs were filed by both the State Bar of Georgia and the requestor pursuant to the Rules of the Supreme Court. Three Amicus Briefs have also been filed in the Supreme Court. The opinion is pending in the Supreme Court.

- Formal Advisory Opinion No. 11-1 - Ethical Considerations Bearing on Decision of Lawyer to Enter into Flat Fixed Fee Contract to Provide Legal Services.

The proposed opinion appeared in the April 2010 issue of the Georgia Bar Journal for 1<sup>st</sup> publication. In light of the comments received in response to the publication, the Formal Advisory Opinion Board added language to the proposed opinion to express more completely the views already contained in the opinion and to correct a grammatical error. The Board did not consider the changes to be substantive and made a final determination to approve the proposed opinion for 2<sup>nd</sup> publication and filing with the Supreme Court. The opinion, formerly known as Proposed Formal Advisory Opinion No. 08-R5, appears in the June 2011 issue of the Georgia Bar Journal for 2<sup>nd</sup> publication, and will be filed with the Supreme Court on or after June 15, 2011.

Following the adoption of the Georgia Rules of Professional Conduct in 2001, the Formal Advisory Opinion Board reviewed all existing formal advisory opinions to determine to what extent, if any, the newly adopted rules impacted the opinions. The outcome for two (2) of the forty-two (42) opinions reviewed remains pending. The issues addressed in the opinions and the current status of each opinion are as follows:

- Formal Advisory Opinion No. 05-1 - Ethical propriety of a lawyer interviewing the officers and employees of an organization when that organization is the opposing party in litigation without consent of organization.

This opinion, a redrafted version of Formal Advisory Opinion No. 87-6, was filed with the Supreme Court on August 29, 2008, pursuant to Bar Rule 4-403(d). The opinion addresses issues governed by Rule 4.2. Because a proposed amendment to Rule 4.2 was pending with the State Disciplinary Rules and Procedures Committee, the Supreme Court was asked to suspend further consideration of the opinion until a final determination is made regarding the amendment to Rule 4.2. The proposed amendment to Rule 4.2 is pending with the Supreme Court.

- Formal Advisory Opinion No. 86-1 - Lawyer Serving Simultaneously as State Legislator and Part-time Solicitor.

At its March 25, 2010 meeting, the Formal Advisory Opinion Board was asked to review this opinion to determine whether it is impacted by the application of O.C.G.A. § 16-10-9a(1). During its review, the Board noted errors within the opinion and the headnote language that was added to the opinion following adoption of the Georgia Rules of Professional Conduct. The Board also determined that O.C.G.A.

§16-10-9a(1) and advisory opinions issued by the Georgia Attorney General's Office answer the question presented in the opinion, thus providing adequate guidance to Georgia attorneys. Accordingly the Board decided that FAO No. 86-1 should be withdrawn. On July 14, 2010, the State Bar of Georgia filed a petition for withdrawal of Formal Advisory Opinion No. 86-1 with the Supreme Court. The petition remains pending with the Supreme Court.

Formal Advisory Opinions can be found in the [2010-2011 State Bar of Georgia Directory & Handbook](#) and on the State Bar of Georgia's website at [www.gabar.org](http://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 particular, I want to express my appreciation to Professor C. Ronald Ellington for his many years of service to the Board. Professor Ellington is retiring from the Board at the conclusion of this Bar year. In addition, it is essential that I express my sincere gratitude and appreciation to General Counsel Paula Frederick, Ethics Counsel Bill Smith, Assistant General Counsel John Shiptenko, and Betty Derrickson of the Office of the General Counsel of the State Bar of Georgia. Their unfailing efforts and assistance have been invaluable to the Board.

**ANNUAL REPORT OF THE OVERDRAFT NOTIFICATION  
PROGRAM FOR FISCAL YEAR 2010-2011**

By: Regina M. Putman-Kelley, Trust Account Overdraft Notification Coordinator

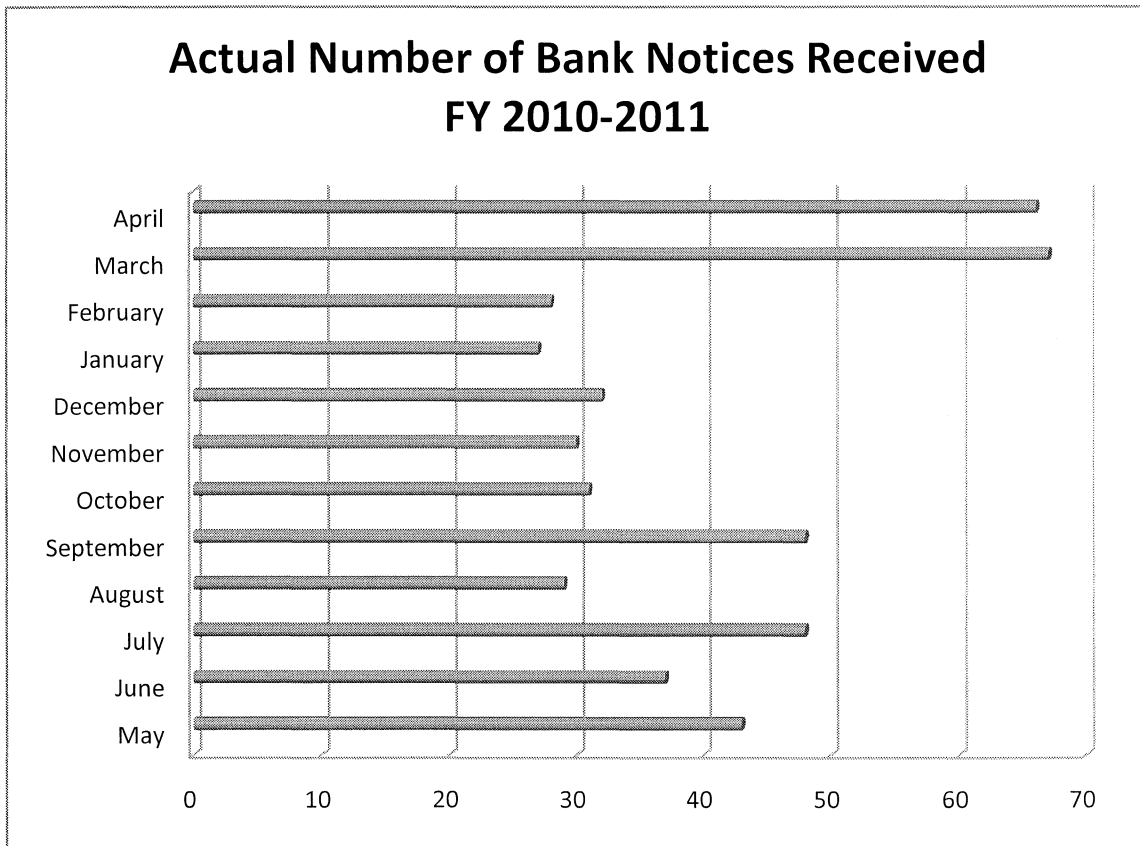
The Overdraft Notification Program received 486 notices from financial institutions approved as depositories for attorney trust accounts. Of the total number of notices received from financial institutions, four overdrafts were reported to the State Bar on the trust accounts of deceased Bar members, and one notice was reported to the State Bar on the trust account of a disbarred lawyer. 304 files were dismissed following the initial inquiry, 1 file was referred to Law Practice Management, and 10 files were forwarded to the Investigative Panel of the State Disciplinary Board for possible disciplinary action. (Several attorney files contained more than one overdraft notice regarding the same attorney trust account. Some files opened during the latter part of FY 2010 – 2011 remain open, pending final review and dismissal.)

**FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES  
FOR ATTORNEY TRUST ACCOUNTS**

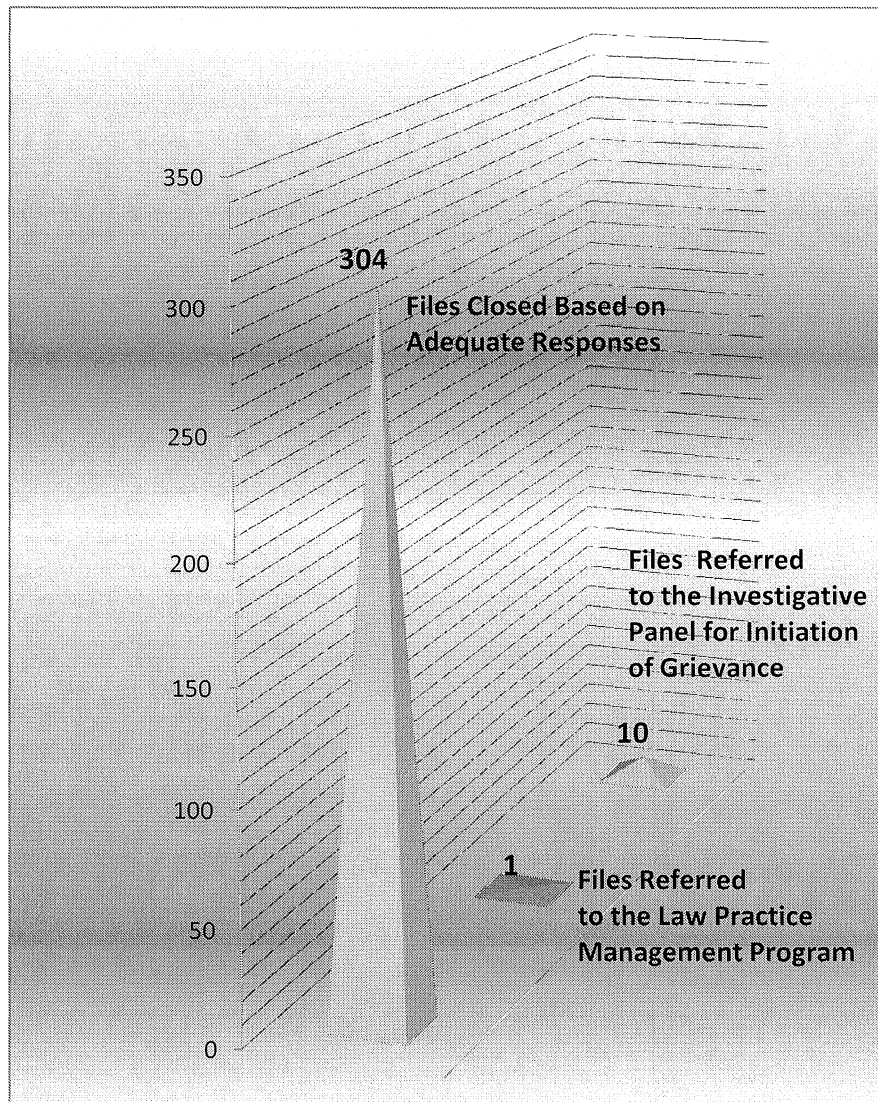
Recent bank failures and mergers have greatly affected the number of financial institutions currently approved as depositories for attorney trust accounts. Accordingly, lawyers should review the *List of Approved Financial Institutions*, which can be found on the State Bar of Georgia's web site, [www.gabar.org](http://www.gabar.org).

# Trust Account Overdraft Report FY 2010-2011

Month 2010/2011	ACTUAL # NOTICES RECEIVED	FILES CLOSED/ ADEQUATE RESPONSE	FILES CLOSED/ LPMP	GRIEVANCES INITIATED	TOTAL CLOSED
May	43	19	1	0	20
June	37	15	0	2	17
July	48	27	0	0	27
August	29	28	0	3	31
September	48	44	0	3	47
October	31	17	0	0	17
November	30	17	0	0	17
December	32	16	0	0	16
January	27	34	0	0	34
February	28	20	0	0	20
March	67	30	0	1	31
April	66	37	0	1	38
<b>TOTALS:</b>	<b>486</b>	<b>304</b>	<b>1</b>	<b>10</b>	<b>315</b>
<b>PERCENTAGES:</b>		<b>91%</b>	<b>0.63%</b>	<b>8.59%</b>	



# Trust Account Overdraft Report FY 2010-2011



**Disposition of Closed Overdraft Files FY 2010-2011**



**ANNUAL REPORT OF THE**  
**PRO HAC VICE PROGRAM**  
FOR OPERATIONAL YEAR 2010-2011

By: Kathy S. Jackson, *Pro Hac Vice* Paralegal

By order of November 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). Rule 102 (A)(2), renumbered to Rule 103 (A)(3), 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. Before the amendment, the Rule only required disclosure of discipline received in the past five years.

During the period of May 1, 2010 through April 30, 2011, the Office of the General Counsel reviewed 739 *pro hac vice* applications. Four applicants sought exemption from the application fee due to pro bono representation. The Office of the General Counsel has filed eighteen Objections with Georgia courts regarding the eligibility of the applicant.

**AMENDMENTS TO THE RULES, REGULATIONS,  
POLICIES AND BYLAWS OF THE STATE BAR OF GEORGIA**

**By: Robert 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(d) of Part I of the Rules of the State Bar of Georgia regarding Emeritus Members was amended by deleting the struck-through sections and inserting the sections underlined and italicized as follows:

**Rule 1-202. Classes of Members.**

.....

(d) **Emeritus Members.** Any member in good standing of the State Bar of Georgia who shall have attained the age of 70 years and who shall have been admitted to the practice of law ~~in the State of Georgia~~ for *at least* 25 years, 5 years of which must be as a member in good standing of the State Bar of Georgia, may retire from the State Bar upon petition to and approval by the ~~Executive Committee~~ *Membership Department*. Such a retired member shall hold emeritus status. An emeritus member of the State Bar shall not be required to pay dues or annual fees. An emeritus member of the State Bar shall not be privileged to practice law except that an emeritus member may handle pro bono cases referred by either an organized pro bono program recognized by the Pro Bono Project of the State Bar or a non-profit corporation that delivers legal services to the poor. An emeritus member may be reinstated to active or inactive membership upon application to the ~~Executive Director~~ *Membership Department* and payment of non-prorated dues for the year in which the emeritus members returns to active or inactive service.

Rule 1-202(e) of Part I of the Rules of the State Bar of Georgia regarding Disabled Members was amended by deleting the struck-through sections and inserting the sections underlined and italicized as follows:

**Rule 1-202. Classes of Members.**

(e) **Disabled Members.** Any member of the State Bar of Georgia who is found to be permanently disabled by the Social Security Administration or is in the process of applying to the Social Security Administration for such status may retire from the State Bar of Georgia upon petition to and approval by the ~~Board of Governors~~ Executive Committee. Such a disabled member shall hold disabled status and shall annually confirm in writing to the Membership Department this disabled status. A disabled member of the State Bar of Georgia holding disabled status under this paragraph shall not be privileged to practice law nor be required to pay dues or annual fees. A disabled member may be reinstated to active membership upon application to the State Bar of Georgia.

Rule 1-208 (b)(3) of Part I of the Rules of the State Bar of Georgia regarding Resignation from Membership was amended by the addition of a subsection (i) to section (b)(3) as follows:

**Rule 1-208. Resignation from Membership**

....

(b) 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 may apply for readmission to the State Bar upon completion of the following terms and conditions:

- (1) 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 if he had instead elected inactive status; and,

(3) submission to the membership section of the State Bar of a determination of fitness from the Board to Determine Fitness of Bar Applicants.

*i.) 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 on or after January 1, 2008.*

Rule 1-506 of Part I of the Rules of the State Bar of Georgia regarding the Clients' Security Fund Assessment was amended by deleting the struck-through sections and inserting the sections underlined and italicized as follows:

**Rule 1-506. Clients' Security Fund Assessment**

(a) The State Bar is authorized to assess each member of the State Bar a fee of \$100.00. This \$100.00 fee may be paid in minimum annual installments of ~~\$20.00~~ \$25.00 for a period of ~~five (5)~~ four (4) years. Each new member of the State Bar will also be assessed a similar amount upon admission to the State Bar. This fee shall be used only to fund the Clients' Security Fund and shall be in addition to the annual license fee as provided in Rule 1-501 through Rule 1-502.

(b) For a member who joins the State Bar after taking the Georgia Bar Examination, the Clients' Security Fund assessment shall be due and payable in ~~\$20.00~~ \$25.00 installments on July 1 of each year until the balance of \$100.00 is paid. The failure of a member to pay the minimum annual installments shall subject the member to the same penalty provisions, including late fees and suspension of membership, as pertain to the failure to pay the annual license fee as set forth in Bar Rules 1-501 and 1-501.1.

(c) For a member who is admitted as a Foreign Law Consultant or who joins without taking the Georgia Bar Examination, and who has not previously paid the Clients' Security Fund Assessment, the full assessment shall be due and payable prior to or upon registration with the State Bar.

# BYLAWS CHANGES

## ARTICLE III

### Section 8. New Positions, Unfilled Positions, Vacancies, and Lost Positions.

(a) If any new position is created in a circuit because of an increase in membership of such circuit, or if any new position is created as a result of legislation establishing a new judicial circuit, the President shall appoint an active member of the State Bar in such circuit to hold office for the remaining term.

(b) If no successor is elected as provided for in Section 3 of this Article III, the President shall, at the annual meeting or within thirty days thereafter, appoint a successor to the Board from the circuit so failing to elect, or in the case of a nonresident member, from the active nonresident members of the State Bar.

(c) If any other vacancy on the Board of Governors occurs at or between annual meetings of the State Bar, the President shall appoint an active member of the circuit in which the vacancy occurs to hold office for the unexpired term.

(d) In the event a position is eliminated for any reason under this Article III, the representative filling the post to be eliminated shall serve for the remainder of the term for which said representative was elected.

(e) If as a result of a change in the geographical boundaries of any judicial circuit a board member is no longer located within the geographic boundaries of the post to which the member was elected, the president shall appoint such representative to the circuit in which the member is actually located if a vacancy is created or exists in such circuit. If no vacancy exists in the circuit, the board member shall serve out the remainder of his or her term as described in subsection (d) above.

## ARTICLE V. OFFICERS

.....

### Section 2. The President.

The President shall:

(a) preside at all meetings of the State Bar;

(b) chair the Board of Governors and preside at all of its meetings;

(c) submit ~~in writing~~ to the Board of Governors *no later than the second* meeting of the Board which the President chairs, a proposed program of activities for the year, a list of the appointments of chairpersons and members of standing committees for the year as provided by the Rules and these Bylaws, and budgetary recommendations as deemed appropriate; and

(d) deliver a report at the annual meeting of the members on the activities of the State Bar during his or her term of office and furnish a copy of the report to the Supreme Court of Georgia.

.....

## **Section 6. The Treasurer.**

The Treasurer shall:

(a) deposit in accordance with the investment policy approved by the Board of Governors ~~the name of the State Bar~~ all funds received by the State Bar in a bank, or banks, or investment firm or firms designated by the Board of Governors;

(b) disburse all funds of the State Bar pursuant to the budget by means of checks or vouchers signed by the Treasurer and by one of the following: the Secretary, the President, the Immediate Past President, the President-elect, the Executive Director, the Acting Executive Director, the Assistant Executive Director or the General Counsel; however, in the absence of the Treasurer, the President or the Secretary shall sign all checks or vouchers;

(c) keep regular accounts which at all times shall be open to inspection by the members of the State Bar;

(d) report annually, and more frequently if required by the President or the Board of Governors, with regard to the financial affairs of the State Bar; and

(e) direct an annual audit of all funds, property and accounts of the State Bar performed by an independent certified public accountant selected by the Board of Governors, the report of which shall be delivered to the officers and made available to the membership.

## **ARTICLE VII. Committees**

### **Section 1. Standing Committees.**

(a) Creation of Standing Committees; Statement of Purpose. The Board of Governors may create standing committees for such purposes as it deems ~~deemed~~ appropriate. The ~~the~~ members of each standing committee ~~which~~ shall be appointed by the President. Any request for the creation of a standing committee shall be accompanied by a statement of purpose. A listing of the standing committees of the State Bar shall be published annually in the State Bar *Directory*. The

publication shall include a description of each committee's purpose, the names of current committee members and their respective terms.

~~(b) Number of Members. There shall be nine members of each standing committee, provided that the President may appoint no more than four additional members to each standing committee who shall serve only during that President's term. There may be non-voting advisory and liaison appointments to standing committees appointed by the President for his or her term.~~

(b) Appointment of Members.

(i) Three-year terms. There shall be a minimum of nine members of each standing committee appointed for three-year terms. Regardless of when the appointment was made, such term shall begin on July 1 of the year the appointing President took office, and expire on June 30 three years later, except for the Finance Committee which term shall begin on January 1 of the Bar year the appointing President took office, and expire on December 31 three years later. All such appointments shall be for staggered terms of three years so that, as reasonably as possible, one-third of all committee members appointed for three year terms shall retire at the end of each year.

(ii) One-year terms. The President may appoint additional members of each standing committee as the President deems appropriate. Regardless of when such additional committee members are appointed, the term of such appointees shall begin on July 1 of the year the appointing President took office and shall expire on the following June 30, except for the Finance Committee which term shall begin on January 1 and expire on the following December 31.

(iii) Non-voting advisory members. The President may appoint non-voting advisory and liaison members to each standing committee as the President deems appropriate. Regardless of when appointed, such term shall begin on July 1 of the year the appointing President took office and shall expire on the following June 30, except for the Finance Committee which term shall begin on January 1 and expire on the following December 31.

(iv) Appointments to fulfill quorum requirements. In the event of any appointee's resignation, incapacitation, or persistent inability to perform committee business, the President shall have the authority to appoint a replacement to serve for the duration of the original appointee's term. The President shall exercise all foregoing discretionary powers of appointment to advance the objective of enabling committees to obtain quorums and conduct regular committee business.

(v) Notice of Three-Year Term Appointments. Incoming Presidents shall inform the Board of appointments to fill expiring or vacant three-year terms on standing committees at the State Bar's Annual Meeting.

(vi) Notice of Other Appointments. Appointments to one-year terms or to non-voting advisory or liaison capacity on any standing committee shall be published in the State Bar Directory, provided, however, that nothing in this provision shall prohibit a President from exercising discretion to make additional such appointments after the Directory has been published or sent for publication.

(vii) Executive Committee Liaison Members. Not later than the second Board of Governors meeting during the President's term in office, the President may appoint an



Executive Committee Liaison member to such standing committees as the President chooses. Such Executive Committee Liaison Members shall serve for a term of one year, with such term expiring on the first June 30 after such appointment, except for the Finance Committee which term shall begin on January 1 and expire on the following December 31. Such members shall have full voting privileges and count towards a quorum at any meeting of a standing committee.

~~(e) Staggered Terms.~~ With the exception of the one-year presidential term appointments described in subsection (b), all appointments shall be for staggered terms of three years so that one-third of the members of each committee shall retire at the end of each year. Initially, committee members will be appointed for one, two and three year terms to achieve the staggered rotation of committee members. Committee members appointed for three year and two year terms may be reappointed for only one successive three year term. A committee member appointed for a one-year term may be reappointed for two successive three-year terms.

~~(c) (d) Chairperson, Co-chairs and Vice Chairperson or Vice Co-chairs.~~ Each year the President shall appoint a chairperson or co-chairs and a vice chairperson or vice co-chairs of each standing committee. ~~The chairperson may be reappointed for only one successive term.~~ A chairperson or, in the absence of the chairperson, the vice-chairperson may act on behalf of the committee when it is not practical or possible to confer with the committee.

~~(d) (e) Abolition of Standing Committees.~~ Standing Committees may be abolished by the Board of Governors following written notice to the chairperson and members of the Committee.

## **Section 2. Special Committees.**

(a) Creation of Special Committees; Statement of Purpose. The President may create special committees for such purposes as deemed appropriate. A list of the special committees of the State Bar shall be published annually in the State Bar *Directory*. The publication shall include a description of each committee's purpose and the names of current committee members. The President shall designate a specific term, not to exceed three years, for the work of the committee. The incoming President shall review the special committees whose terms are expiring to determine whether such committee or committees should continue. The President may extend the term of such special committees for a specific term, not to exceed three years.

(b) ~~Number of Non-voting and Liaison Members.~~ There shall be no more than twenty-one members of each special committee. There may be non-voting advisory and liaison appointments to special committees appointed by the President at his or her discretion.

(c) Terms of Members. All appointments shall be for the term of the committee as established by the appointing President. Should the President extend the term of the committee for a specific term, the President may reappoint any current members he or she may choose, appoint new members to replace the original members, or appoint additional members to the special

committee. The terms of the new or additional members shall be for the extended term as established by the appointing President.

(d) Chairperson, Co-chairs, and Vice Chairperson and Vice Co-chairs. The President shall appoint a chairperson or co-chairs and a vice-chairperson or vice co-chairs of each special committee.

The chairperson or, in the absence of the chairperson, the vice-chairperson may act on behalf of the committee when it is not practical or possible to confer with the committee.

(e) Executive Committee Liaison Members. Not later than the second Board of Governors meeting during the President's term in office, the President may appoint an Executive Committee Liaison member to such special committees as the President chooses. Such Executive Committee Liaison Members shall serve for a term of one year, with such term expiring on the first June 30 after such appointment. Such members shall have full voting privileges and count towards a quorum at any meeting of a special committee.

### **Section 3. Meetings Program Committees and Boards.**

Committees and Boards created by Part IV and Parts VI through XIV of these rules to oversee Programs of the State Bar shall have such terms and members as set out in said rules. Members of such committees and boards shall be appointed according to the rules establishing such committees and boards.

### **Section 4. Meetings.**

Committees shall meet when necessary to perform their duties and may act in writing or by ~~telephone~~ electronic conferencing in accordance with Article XII, Section 7 of these Bylaws.

## **Article XII**

### **Section 7. Electronic Conferencing.**

If prior notice has been provided, and if such facilities are available, any member of a Section or Committee may attend a meeting by electronic conferencing; provided that the device used enables the absent member to hear the comments of the Section or Committee members present at the meeting and to speak to those present at the meeting; and that the members present at the meeting can hear the comments of and speak to the absent member. Any member attending by electronic conferencing shall count towards a quorum of such meeting, shall have full rights to the floor, and shall be entitled to vote at such meeting as if physically present.

**ANNUAL REPORT OF THE  
CLIENTS' SECURITY FUND  
FOR OPERATIONAL YEAR 2010-2011**

**By: John A. Isakson, Chair**

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 2010-2011 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 \$100.00, to be paid over a five-year period, to fully fund and stabilize the Fund.

## **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 \$100.00 per lawyer to be paid over a period of five years. On October 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 \$1,000,000.00. The Bar Rules also limits the aggregate amount that can be paid to claimants in any one year to \$350,000.00.

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 \$25,000.00. Also, the aggregate amount the Trustees will pay to all claimants victimized by a single lawyer is limited to 10% 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 November 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 \$100.00 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 Fund's balance has grown from a low of \$361,823.00 in 1992 to \$2,507,285.00 as of May 30, 2011. The average fund balance has stabilized at approximately \$2,500,000.00.

These funds are held in the name of the Fund and the Trustees of the Fund maintain exclusive control of disbursements from 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 (6) lawyers and one (1) 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, one paralegal and one legal secretary from the Office of the General Counsel. In addition to your Chair, the following lawyers served as Trustees for the 2010-2011 operational year:

John A. Isakson, Chair, Atlanta, Georgia

Vera Sharon Edenfield, Vice-Chair, Statesboro, Georgia

Denny C. Galis, Athens, Georgia

Dana F. Braun, Savannah, Georgia

Byung Jin Pak, Atlanta, Georgia

Elena Kaplan, Atlanta, Georgia

Charles E. Peeler, Albany, Georgia

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.

### **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 August 22, 1995, the Supreme Court of Georgia approved the amendment to Standard 65, which became effective January 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 January 2, 2001. See, 2010-2011 State Bar of Georgia Directory & Handbook, Rule 1.15(III), p. H-39.

#### **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 of 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 statistical report the Fund for the 2010-2011 operational year:

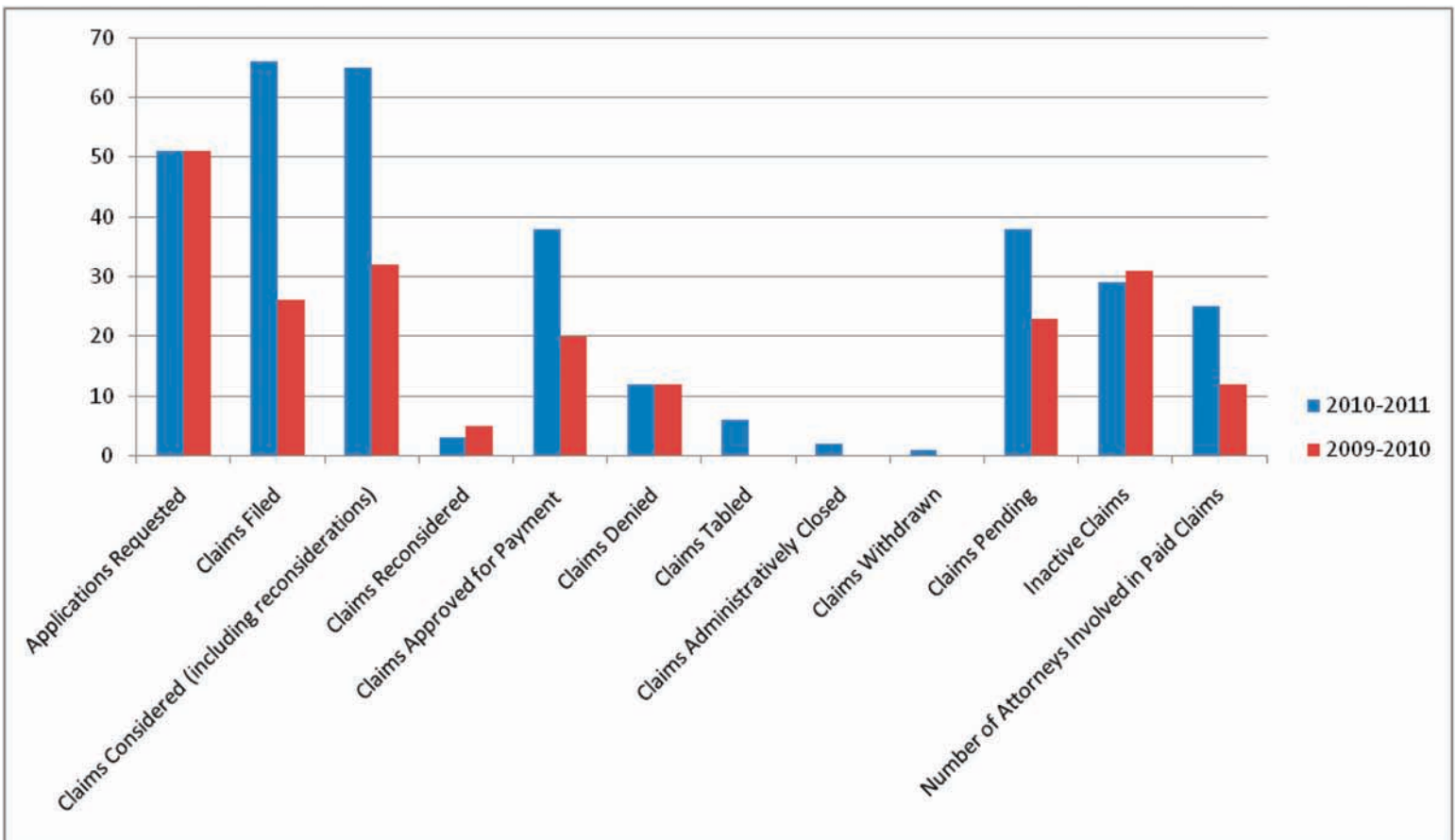
**Annual Statistics for Operational Year 2010-2011**

Financial Summary as of May 31, 2011

Fund Balance	\$ 2,507,285.00
Assessment Income	\$ 148,593.00
Restitution Income	\$ 7,917.00
Interest Income	\$ 23,017.00
Claims Paid	\$ 150,898.00
Expenses	\$ 60,833.00

## ACTIVITY SUMMARY

	<u>2010- 2011</u>	<u>2009- 2010</u>
Applications Requested	51	51
Claims Filed	66	26
Claims Considered (including reconsiderations)	65	32
Claims Reconsidered	3	5
Claims Approved for Payment	38	20
Claims Denied	12	12
Claims Tabled	6	0
Claims Administratively Closed	2	0
Claims Withdrawn	1	0
Claims Pending	38	23
Inactive Claims	29	31
Number of Attorneys Involved in Paid Claims	25	12





REVIEW PANEL REPRIMANDS

<u>DATE OF ORDER</u>	<u>RESPONDENT</u>	<u>DOCKET</u>
7/12/10	Clark Jones-Lewis	5557 5558 5559 5645
9/20/10	Melvin Robinson, Jr.	5616
1/10/11	Eric Shapiro	5618
1/10/11	Karen Suzanne Wilkes	5542
2/28/11	Hassan H. Elkhilil	5526

PUBLIC REPRIMANDS

<u>DATE OF ORDER</u>	<u>RESPONDENT</u>	<u>DOCKET</u>
9/20/10	Felicia Prudence Rowe	5316 5317 5334 5432 5433 5588
9/20/10	Jefferson Lee Adams	5394 5477 5478 5479
10/18/10	Leighton Reid Berry, Jr.	5778

SUSPENSIONS

<u>DATE OF ORDER</u>	<u>RESPONDENT</u>	<u>DOCKET</u>
<u>Indefinite</u>		
5/3/2010	Michael B. Seshul, Jr.	5648
6/1/10	Charles Philip Giallanza	5180
7/12/10	Jeffrey G. Gilley	5849 090193 080201
7/27/10	Morris P. Fair, Jr. 6/28/10 disbarment vacated Temporary suspension imposed	5681 5682 5788
10/4/10	Morris P. Fair, Jr.	5681 5682 5788
10/4/10	Kota Chalfant Suttle 2 years w/conditions for reinstatement	5761
11/22/10	Craig Steven Mathis (until Review Panel reprimand is administered)	5621
1/10/11	Arthur F. Millard 3 years w/conditions	5340
1/24/11	Douglas Liddell Kirkland	5833
1/24/11	Lynn McNeese Swank	5837
2/7/11	Tony Eugene Mathis	5898
3/7/11	Jennifer Dawn LeDoux 1 year w/conditions	5435
4/18/11	Melvin Ricks	5950 5951 5952

4/26/11	Gregory Bartko	5963
4/26/11	Robbie M. Levin 24 months w/conditions	5792

Definite

5/3/10	Michael B. Wallace 60 days	5692
7/12/10	H. Owen Maddux 5 months	5699
9/20/10	Jay Harvey Morrey 18 months	5616 5617
10/18/10	Ricardo L. Polk 3 months	5575 5643 5690 5691
10/18/10	Clifford E. Hardwick, IV 6 months	5544
4/18/11	Robert Douglas Ortman 12 months	5863

Interim Suspensions

6/9/10	Leighton Reid Berry, Jr.	100048
6/9/10	Michael Stuart Winner	100037
6/10/10	Pamela Gordon	100030
6/21/10	Melvin Ricks	090332
6/25/10	Rodney Frederick Tew	090244
7/14/10	Rex P. Cornelison, III	090333 090334 100031 100032 100112

8/11/10	Scott Chandler Huggins	100166
8/11/10	David Harrison Smith, II	090370 100063
9/8/10	Vanessa Flournoy	100185
9/10/10	Richard Hardin Kimberly, Jr.	100068
10/4/10	Kenneth H. Schatten	100058
12/2/10	Kevin Eugene Hooks	100084
12/2/10	Betty Walker-Lanier	100088
12/2/10	Lagrang Anthony	100156
12/2/10	Chima Earnest Okene	551121
12/15/10	Geoffrey Allan Evans	100109
12/30/10	Dock H. Davis	100143
2/2/11	James Pennywell McCall	100284
2/4/11	Kurt A. Raulin	100179
3/9/11	Matthew Marvin Wathen	141830
3/31/11	Adrienne Regina McFall	100247
3/31/11	Michael Rory Proctor	100240

Interim Suspensions Lifted

7/27/10	Michael Stuart Winner	100037
8/25/10	Scott Chandler Huggins	100166
9/20/10	Richard Hardin Kimberly, Jr.	100068
9/23/10	Vanessa Flournoy	100185

11/18/10	Kenneth H. Schatten	100058
1/24/11	Dock H. Davis	100143
1/24/11	Betty Walker-Lanier	100088
2/25/11	Kurt A. Raulin	100179

DISBARMENTS/VOLUNTARY SURRENDERS

<u>DATE OF ORDER</u>	<u>RESPONDENT</u>	<u>DOCKET</u>
6/1/2010	Benjamin S. Eichholz	5817
6/1/10	Lea Lange London	5636
6/28/10	Derrick L. Wallace	5712 5713 5767
6/28/10	Morris P. Fair, Jr.	5681 5682 5788
7/27/10	Disbarment vacated – Temporary suspension imposed	
6/28/10	Sai Hyun Lee	5750
6/28/10	Thomas Edwin Sasser, III	5787
6/28/10	Donald Keith Knight, Jr.	5626
7/12/10	Michael H. Graham	5615
9/20/10	Pamela Gordon	5844
9/20/10	Gary Allen Moss	5755
10/4/10	William F. Hinesley, III	5688 5734 5735
10/04/10	Jeffrey L. Levine	5831
10/18/10	Karen T. White	5795 5796
11/1/10	David Harrison Smith, II	5810
11/1/10	Iyabo Onipede	5917
11/1/10	Jennifer Rebecca Dolezal	5720 5721

11/22/10	Michael J.C. Shaw	5789
11/22/10	Carl W. Wright	5919
1/10/11	Sandra M. Fuller	5864
1/10/11	Pat Eugene Belcher, II	5887
1/24/11	Nina Lambert Roberts	5446 5612 5613 5614
2/7/11	Samuel Warren Cruse	5329 5686
2/28/11	Pamela V. Dada	5790
2/28/11	Brooks E. Blitch, III	5718
2/28/11	Jack Tarpley Camp	5972
3/7/11	Lecora Bowen	5914 5915
3/25/11	Kendra Lynn Weathington	5957 5958 5959
4/18/11	Rodney Frederick Tew	5683 5748
4/18/11	Craig Dean Miller	5945
4/26/11	Chase Arthur Caro	5294
4/26/11	Gregory C. Menefee	5506
4/26/11	Craig Steven Mathis	5980
4/26/11	John J. Lieb	5704 5853 5854 5855



REINSTATEMENTS GRANTED

DATE OF ORDER

RESPONDENT

DOCKET

7/12/10

Richard R. Harste

5400

REINSTATEMENTS DENIED

DATE OF ORDER

RESPONDENT

DOCKET

1/18/11

Joyce Marie Griggs

4239



State Bar  
of Georgia

Office of the General Counsel  
104 Marietta St. NW, Suite 100  
Atlanta, GA 30303-2743  
404.527.8700 | 800.334.6865  
FAX 404.527.8717  
[www.gabar.org](http://www.gabar.org)