

**OFFICE OF THE GENERAL COUNSEL**  
**STATE BAR OF GEORGIA**  
**ANNUAL REPORT FOR OPERATIONAL YEAR 2005 – 2006**

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**ANNUAL REPORT OF THE GENERAL COUNSEL**  
**FOR OPERATIONAL YEAR 2005-2006**

By: William P. Smith, III, General Counsel

I am pleased to present the 2005-2006 Report of the Office of the General Counsel. Enclosed herein are reports from the Investigative and Review Panels of the State Disciplinary Board, the Clients' Security Fund, the Formal Advisory Opinion Board, and the Trust Account Overdraft Notification Program. Following the reports is a compilation of Supreme Court Orders issued in disciplinary cases between May 1, 2005 and April 30, 2006.

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. 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 Matthews, the newest member of the Bar Counsel staff, provides secretarial and administrative assistance, particularly with regards to attorney disciplinary status requests, Fee Arbitration, and Clients' Security Fund. John Shiptenko is Assistant General Counsel for all Bar Counsel matters. He acts as staff liaison to the Formal Advisory

Opinion Board and the Fellows Foundation and handles insurance, contractual and employment matters for the Bar.

Deputy General Counsel Paula Frederick continues to serve in the managing attorney role for the OGC in addition to handling her disciplinary caseload. Senior Assistant General Counsel Jenny Mittelman helps manage the office and supervises the lawyers who handle disciplinary cases in addition to her duties as ethics and disciplinary counsel. Senior Assistant General Counsel Jonathan Hewett supervises the grievance counsel in addition to prosecuting disciplinary cases. Aided by Staff Investigators Dan O’Sullivan and Jim Rosser, Assistant General Counsel Gene Chapman, Kellyn McGee, and Rebecca Hall 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. Connie Henry, Clerk of the State Disciplinary Board, continues to coordinate the activity of the disciplinary boards. Regina Putnam Kelly serves as Trust Account Overdraft Notification Coordinator. Paralegal Carolyn Williams, legal secretaries Deborah Grant, Cathe Payne, Bobbie Kendall, and Receptionist Valerie Daniel 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 24 calls each weekday.

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

This year OGC lawyers participated in 52 presentations on the Georgia Rules of Professional Conduct and other ethics issues. Staff lawyers also contributed an Ethics

Column for publication in the Bar Journal and conducted one day-long session of “Ethics School” for lawyers referred by the Investigative Panel.

***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 Court Futures Committee 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.

**ANNUAL REPORT OF THE INVESTIGATIVE PANEL**  
**STATE DISCIPLINARY BOARD**  
**FOR OPERATIONAL YEAR 2005-2006**

By: John G. Haubenreich, 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 2005-2006 Investigative Panel consisted of two lawyers from each judicial district of the state, four 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 Atlanta, Athens, Macon, Cedartown, Tifton, Helen, Mableton, Marietta, Milledgeville, Albany, Augusta, and Savannah in conjunction with the 2005 Annual Meeting of the Bar.

The Bar received more requests for Grievance forms this year (4,392) than last (3,606). The number of Grievance forms returned to the Office of the General Counsel also increased. Last year's figure was 2,500; this year 2,719 forms were returned for screening and further consideration.

After review by an Assistant General Counsel, 2,351 Grievances were dismissed for their failure to state facts sufficient to invoke the jurisdiction of the State Bar. A total of 384 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 an

increase from 356 such Grievances in 2005. Each of those Grievances was referred to one of the district Panel members for further investigation.

Investigative Panel members who investigated grievances handled an average of 25 cases each during the Bar year. The Panel also set a goal of having each case reported within 150 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. One hundred and fifty-three Grievances were dismissed, 65 of those with a letter of instruction to inform the lawyer about the Bar Rules. Two hundred and fifty-two cases met the "probable cause" test and were returned to the Office of the General Counsel for prosecution. This represents a increase from 123 such cases last year. One hundred and sixty-nine cases are still under consideration by the Panel, a decrease from 194 such cases last year.

Forty 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. Two cases were referred to our Fee Arbitration Division and eleven to Ethics School.

The Investigative Panel imposed confidential discipline during 2005-2006 as follows:

<u>Form of Discipline</u>	<u>Cases</u>
Investigative Panel Reprimands	12
Letters of Formal Admonition	28
Cases Dismissed with Letters of Instruction	65

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:

Kathleen Horne, Savannah, District 1 (term expiring)

Wade W. Herring, II, Savannah, District 1 (term expiring)

Glenn Whitley, Tifton, District 2 (term expiring)

Joseph W. Dent, Albany, District 2 (term expiring)

Mary Jo Oliver, Fort Valley, District 3 (term expiring)

LaRae Dixon Moore, Columbus, District 3 (term expiring)

Patrick K. Whaley, Decatur, District 4 (term expiring)

Tara Lee Adayanthaya, Atlanta, District 4 (term expiring)

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

Mitchell G. Stockwell, Atlanta, District 5

H. Emily George, Forest Park, District 6

Andrew J. Whalen, Griffin, District 6

Christopher A. Townley, Rossville, District 7

W. Wright Gammon, Cedartown, District 7

Donald W. Huskins, Eatonton, District 8

Reginal L. Bellury, Milledgeville, District 8

Christine Ann Koehler, Lawrenceville, District 9

Lyle Kilvington Porter, Lawrenceville, District 9

Steven A. Hathorn, Covington, District 10

Dennis C. Sanders, Thomson, District 10

Patrise M. Perkins-Hooker, Atlanta, At Large

John G. Haubenreich, Atlanta, At Large

We have two ex-officio members, the president-elect of the State Bar of Georgia, J. Vincent Cook, Athens (term expiring), and the president-elect of the Younger Lawyers Division, Johnathan A. Pope, Canton (term expiring).

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

Carol Jackson, Cleveland

Eunice L. Mixon, Tifton

Elizabeth King, Atlanta

Michael A. Fuller, Macon (term expiring)

Lynn R. Smith, Newnan

Mark A. Douglas (term expiring)

I would like to present a gift of appreciation to those outgoing Panel members who are present at this meeting.

**ANNUAL REPORT OF THE REVIEW PANEL**  
**STATE DISCIPLINARY BOARD**  
**FOR OPERATIONAL YEAR 2005-2006**

By: Sharon Chester Barnes, 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 now 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 nonlawyers who were appointed by the Supreme Court.

The following is a brief summary of public disciplinary action taken by the Supreme Court of Georgia during the period from May 1, 2005, to April 30, 2006:

<u>Form of Discipline</u>	<u>Cases</u>	<u>Lawyers</u>
<i>Disbarments/Voluntary Surrenders</i>	<b>80</b>	<b>28</b>
Suspensions	39	27
<i>Public Reprimands</i>	<b>1</b>	<b>1</b>
Review Panel Reprimands	4	4
Investigative Panel Reprimands	1	1
Letters of Admonition	1	1

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***

Sadie Dennard (Sadie), Lithonia

Marlene E. Melvin (Marlene), Monroe (term expiring)

Clarence Pennie (Clarence), Kennesaw

P. Alice Rogers (Alice), Atlanta (term expiring)

*Lawyer Members*

**Northern District:**

Anthony B. Askew (Tony), Atlanta (term expiring)

Sharon Chester Barnes (Sharon), Alpharetta

C. Bradford Marsh (Brad), Atlanta

**Middle District:**

Lonnie T. Brown, Jr. (Lonnie), Athens

Althea L. Buafo (Althea), Macon (term expiring)

Gregory L. Fullerton (Greg), Albany

**Southern District:**

James B. Ellington (Jim), Augusta (term expiring)

Richard Keith Strickland (Rick), Brunswick

Jeffrey S. Ward (Jeff), Brunswick

*Ex-Officio Members*

George R. Reinhardt, Jr. (Rob), Tifton (term expiring)

Laurel Payne Landon (Laurel), Augusta (term expiring)

At this time, I would like to present gifts of appreciation to the outgoing Panel members who are present. The remainder of these gifts will be mailed to the recipients.

ANNUAL REPORT OF THE  
FORMAL ADVISORY OPINION BOARD  
FOR OPERATIONAL YEAR 2005-2006

By: James W. Friedewald, 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. In February 2005, a new position was added to the Board as the result of John Marshall Law School becoming an ABA approved law school. The membership of the Formal Advisory Opinion Board for the 2005-2006 Bar-year was composed of the following lawyers:

<i>Members at Large</i>	<i>Term</i>
James W. Friedewald, Chair, Marietta	2004 - 2006
Harold Michael Bagley, Atlanta	2004 - 2006
Walter W. Kelley, Albany	2004 - 2006
Edward B. Krugman, Atlanta	2005 - 2007
Harry Raymond Tear, Marietta	2005 - 2007
<i>Georgia Trial Lawyers Association</i>	
Nicholas C. Moraitakis, Atlanta	2005 - 2007
<i>Georgia Defense Lawyers Association</i>	
Alexander T. Galloway, Marietta	2005 - 2007
<i>Georgia Association of Criminal Defense Lawyers</i>	
Christopher A. Townley, Rossville	2004 - 2006

**Georgia District Attorney's Association**

Richard E. Currie, Waycross 2004 - 2006

*Young Lawyers Division*

Claire C. Murray, Atlanta 2005 - 2007

*Emory University*

James B. Hughes, Jr., Atlanta 2004 - 2006

*University of Georgia*

Professor C. Ronald Ellington, Athens 2005 - 2007

*Mercer University*

Patrick E. Longan, Macon 2005 - 2007

*Georgia State University*

Roy M. Sobelson, Atlanta 2005 - 2006

*(Appointed to fill the unexpired term of Anne S. Emanuel).*

*John Marshal Law School*

Jeffrey Alan Van Detta, Atlanta 2005-2007

*(Appointed to the Board following the Accreditation of John Marshal Law School)*

*Investigative Panel*

Christine Koehler, Lawrenceville 2005 - 2006

*Review Panel*

James B. Ellington, Atlanta 2005 - 2006

Factors that the Formal Advisory Opinion Board considers in determining whether a requested is accepted for the drafting of an 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.

Pursuant to an Order of the Supreme Court of Georgia issued on May 1, 2002 (effective July 1, 2002), the rules governing the issuance of Formal Advisory Opinion were modified. Under these rules, once the Formal Advisory Opinion Board accepts a request for the drafting of a formal advisory opinion and drafts a proposed opinion, the proposed opinion is published in the Georgia Bar Journal for first publication, and is subject to comments from Bar membership. All comments received by the Board are carefully reviewed and considered. The Board benefits from the perspective of lawyers whose practices could be affected by a proposed advisory opinion. After the Formal Advisory Opinion Board makes a final determination that a formal advisory opinion should be issued, the formal advisory opinion is published in the Georgia Bar Journal for second publication and filed with the Supreme Court of Georgia. This opinion is considered to be a Formal Advisory Opinion issued by the Formal Advisory Opinion Board. Once the opinion is filed, however, the person who requested the opinion and the State Bar of Georgia are given an opportunity to petition the Supreme Court of Georgia to review the opinion. If no review is requested, or if the Supreme Court declines to grant a review, the opinion shall be binding on the requestor and the State Bar. If the Supreme Court grants a petition for review or decides to review the opinion on its own motion and the opinion is then modified or approved by the Supreme Court, it shall be binding on all members of the Bar.

On June 12, 2000, the Supreme Court of Georgia issued the Georgia Rules of Professional Conduct, which became effective on January 1, 2001. Beginning in operational year 2000 - 2001, and continuing through the 2003-2004 Bar year, the Formal Advisory

Opinion Board reviewed all 42 previously issued formal advisory opinions to determine to what extent, if any, the adoption of the Georgia Rules of Professional Conduct changed the substance of the current opinions. The Board completed its review, and submitted a “Plan” for the reorganization of the opinions with the Supreme Court of Georgia, for which the Supreme Court had no objections.

The “Plan,” which has been implemented, places all previously issued formal advisory opinions in one of four categories: 1) Opinions issued by the State Disciplinary Board, 2) Formal Advisory Opinions issued by the Supreme Court of Georgia interpreting the Georgia Rules of Professional Conduct, 3) Formal Advisory Opinions issued by the Formal Advisory Opinion Board, and 4) Formal Advisory Opinions issued by the Supreme Court of Georgia interpreting the Standards of Conduct, Directory Rules, and/or Ethical Considerations. The fourth category is preceded by an introductory paragraph that provides a historical background and is then broken into two (2) sections. Section 1 is comprised of those opinions the Board deemed to be headnote appropriate. These opinions are preceded by an introductory paragraph that explains the application of the headnote to the opinions. Section 2 is comprised of those opinions that the Board believes need to be redrafted in light of the adoption of the Georgia Rules of Professional Conduct. The redrafted opinions address the same issues addressed in the original opinions but does so by interpreting the Georgia Rules of Professional Conduct, which it references. The redrafted opinions would be treated like new opinions, and as such, the redrafted opinions would be processed and published in compliance with Bar Rule 4-403(c).

The publication/issuance process began in April 2005, and continued through the 2005-2006 Bar-year. Subsequently, the following five (5) Formal Advisory Opinions have

been approved and issued by the Supreme Court of Georgia, pursuant to Bar Rule 4-403, and replace previously issued opinions. These opinions are binding upon all members of the State Bar of Georgia:

- Formal Advisory Opinion No. 05-2 (replaced FAO No. 90-1) - Corporate in-house counsel may enter into a binding “hold harmless” agreement with their employer in lieu of malpractice insurance.
- Formal Advisory Opinion No. 05-3 (replaced FAO No. 90-2) - Ethical propriety of a part-time law clerk representing a client before a judge who is presently employing the law clerk.
- Formal Advisory Opinion No. 05-8 (replaced FAO No. 96-2) - A lawyer shall not make an agreement prospectively limiting the lawyer’s liability to a client for malpractice unless permitted by law and the client is independently represented in making the agreement.
- Formal Advisory Opinion No. 05-9 (replaced FAO No. 97-1) - Ethical propriety of a law firm or corporate law department hiring attorneys to work for them on a temporary basis.
- Formal Advisory Opinion No. 05-10 (replaced FAO No. 98-1) - A Georgia attorney serving as local counsel can be disciplined for discovery abuses committed by an in-house or other out-of-state counsel when local counsel knows of the abuse and ratifies it by his or her conduct, and when the local counsel has supervisory authority over the out-of-state counsel.

Seven (7) additional opinions have also been redrafted. Five (5) of these opinions have been published and filed with the Supreme Court of Georgia. A petition for discretionary review

of each opinion has been filed with the Supreme Court, which remains pending. Two (2) opinions remain pending with the Board.

During the 2005-2006 operational year, the Board received eleven (11) new requests for formal advisory opinions. Two requests were accepted for the drafting of a formal advisory opinion. The issues raised in these requests are:

- Pursuant to Rule 1.15(I)(b), under what circumstances is an attorney obligated to deliver to a third person client funds held by the attorney when the client owes a financial obligation to the third person? Must the attorney have a fiduciary responsibility to the third person?
- What is the difference between a “lawyer referral service,” as referenced in Bar Rule 7.3(c)(1) and (2), and a “lay public relations or marketing organization,” as referenced in Bar Rule 7-3(c)(4)?

The Board declined eight (8) requests for formal advisory opinions. The issues raised in these requests were:

- May an attorney ethically represent two partners suing a third partner for embezzlement and contributions and reimbursement on unpaid trade debt, when the attorney represents one of the trade creditors (in other matters) that potentially may or may not file suit against all three partners to collect the trade debt, where the parent company of the trade creditor has waived any potential conflict arising from the representation?
- Whether an attorney presented with an agreement prepared as the result of mediation, can draw up the necessary documents to effectuate the divorce, even if the parties are

unrepresented by counsel. Does it matter if the mediator is certified by the Georgia ADR office and therefore bound by those ethical guidelines.

- Regarding closing attorney joint ventures with real estate brokers or other non-attorneys.
- Whether an in-house attorney for a financial institution may charge the borrower a reasonable fee for legal services rendered to the lender in connection with a commercial loan transaction.
- Whether affiliated business relationships in general constitute an ethical violation, namely the sharing of a legal fee with nonlawyers.
- Can the type of services described by the requestor be considered “marketing,” thus a lawyer may compensate such an organization for the services in compliance with Bar Rule 7.3(c).
- Is it ethical for a Georgia attorney to conduct a real estate closing but omit his name from the closing documents? Is it ethical for an attorney who conducts a real estate closing to make the representation that he is acting merely as a witness only or notary?
- Whether a lawyer representing the State of Georgia may communicate with a guardian of the person, after her ward has brought a statutory Petition for Judicial Inquiry and Protection of Rights in the Probate Court while represented by counsel?

One request for a formal advisory opinion remains pending, for which the Board needs to decide whether to accept or decline the request for the drafting of a formal advisory opinion.

The Board also considered two requests for opinions received in a previous Bar-year. The Board accepted one request for the drafting of a formal advisory opinion. The issue raised in this request is:

- What information is included within the confidentiality obligations arising from the professional relationship between an attorney and a client?

The Board declined the other request. The issues raised in this requests was:

- Does an attorney, representing a seller in a closing of a real estate transaction pursuant to the contract, have an obligation to the purchaser to "update" his title examination in a situation wherein approximately 3 months time lapses between the closing date and the date the warranty deed is recorded?

Upon consideration of a petition for discretionary review, the Supreme Court of Georgia approved and issued Formal Advisory Opinion No. 04-1, which the Board had approved and issued in a previous Bar-year. Pursuant to Rule 4-403, Formal Advisory Opinion No. 04-1 is now binding upon all members of the Bar.

- Formal Advisory Opinion No. 04-1 - If an attorney supervises the closing conducted by the non-lawyer entity, then the attorney is a fiduciary with respect to the closing proceeds and closing proceeds must be handled in accordance with Rule 1.15(II).

Formal Advisory opinions can be found in the 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. I particularly would like to

acknowledge and thank Mr. H. Michael Bagley. Mike has tirelessly served on the Board for more than 8 years, 3 of which he served as Chair. Particularly, Mike's dedication and effective leadership significantly impacted the review of all previously issued opinions in light of the adoption of the Georgia Rules of Professional Conduct. His guidance throughout this monumental undertaking has been invaluable.

I would also like to recognize Professor Anne Emanuel, who for more than 13 years imparted wisdom and learned advice. Her devotion to the Board was unmatched.

In addition, it is essential that I express my sincere gratitude and appreciation to Betty Derrickson and John Shiptenko of the Office of the General Counsel of the State Bar of Georgia, since their unfailing efforts and assistance have been invaluable to the Board.

***ANNUAL REPORT OF THE OVERDRAFT NOTIFICATION***

***PROGRAM FOR OPERATIONAL YEAR 2005-2006***

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

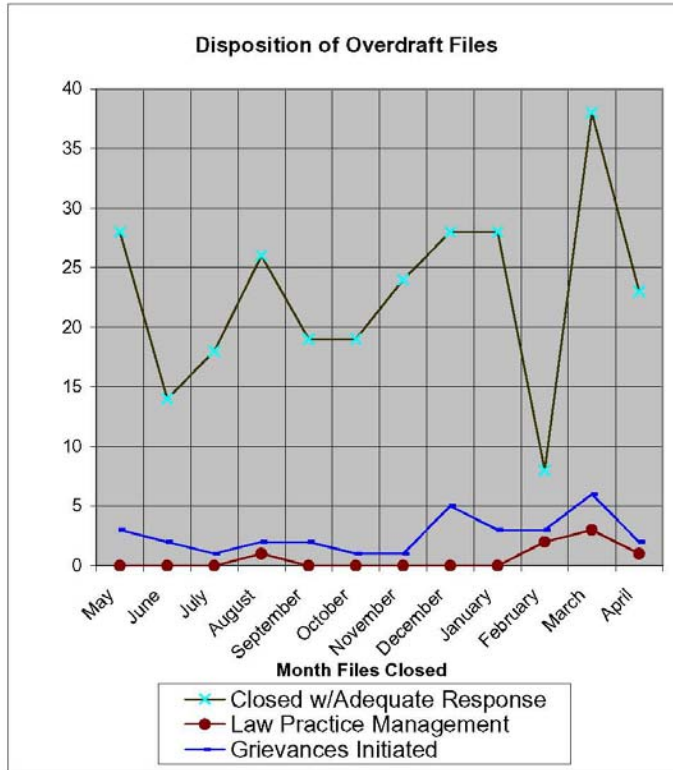
The Overdraft Notification Program received 448 notices from financial institutions approved as depositories for attorney trust accounts. 267 files were dismissed following the initial inquiry, 8 files were referred to Law Practice Management, and 31 files were forwarded to the Investigative Panel of the State Disciplinary Board for possible disciplinary action. (Several attorney files contained more than one overdraft notice. Of the total number of notices received from financial institutions, several overdrafts were reported to the State Bar as a result of bank error. Some files opened during the latter part of FY 2005 – 2006 remain open, pending dismissal.)

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

There are currently 236 Georgia financial institutions approved as depositories for attorney trust accounts. The List of Approved Financial Institutions is published annually in the *Georgia Bar Journal*. The List of Approved Financial Institutions can also be found on the State Bar of Georgia's web site, [www.gabar.org](http://www.gabar.org), so that it is always available to members of the Bar.

### Overdraft Notification Report FY 2005-2006

Month 2005/2006	ACTUAL # NOTICES RECEIVED	FILES CLOSED/ ADEQUATE RESPONSE	FILES CLOSED/ LPMP	GRIEVANCES INITIATED	TOTAL CLOSED
May	19	28	0	3	31
June	33	14	0	2	16
July	19	18	0	1	19
August	49	26	1	2	29
September	49	19	0	2	21
October	40	19	0	1	20
November	35	24	0	1	25
December	46	28	0	5	33
January	21	28	0	3	31
February	38	8	2	3	13
March	63	38	3	6	47
April	36	23	1	2	26
<b>TOTALS:</b>	<b>448</b>	<b>273</b>	<b>7</b>	<b>31</b>	<b>311</b>
<b>PERCENTAGES:</b>		<b>61%</b>	<b>1.56%</b>	<b>6.91%</b>	<b>68.08%</b>



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

The following changes have been approved by the Supreme Court of Georgia since the date of the last annual meeting.

I.

Amendments to Part VIII, Continuing Lawyer  
Competency, of the Rules of the State Bar of Georgia

**8-103, 8-104, 8-105 and 8-107 of Part VIII of the Rules of the State Bar of Georgia regarding continuing legal education requirements were amended. The changes deleted the requirement for an annual notarized affidavit showing compliance with CLE requirements and substituted in lieu thereof a requirement for an annual report.**

*Rule 8-103. Commission on Continuing Lawyer Competency.*

(A) Membership, Appointment and Terms:

\*\*\*

(B) Powers and Duties of the Board:

\*\*\*

(C) Finances:

(1) Purpose. The Commission should be adequately funded to enable it to perform its duties in a financially independent manner.

(2) Sources. Costs of administration of the Commission shall be derived from charges to members of the State Bar for continuing legal education activities.

(a) Sponsors of CLE programs to be held within the State of Georgia shall, as a condition of accreditation, agree to remit a list of Georgia attendees and to pay a fee for each active State Bar member who attends the program. This sponsor's fee shall be based on each day of attendance, with a proportional fee for programs lasting less than a whole day. The rate shall be set by the Commission.

(b) The Commission shall fix a reasonably comparable fee to be paid by individual attorneys who either (a) attend approved CLE programs outside the State of Georgia or (b) attend un-approved CLE programs within the State of Georgia that would have been approved for credit except for the failure of the sponsor to pay the fee described in the preceding paragraph. Such fee shall accompany the attorney's annual affidavit report.

(3) Uses. Funds may be expended for the proper administration of the Commission. However, the members of the Commission shall serve on a voluntary basis without expense reimbursement or compensation.

Rule 8-104. Education Requirements and Exemptions.

**(A) Minimum Continuing Legal Education Requirement.**

\*\*\*

**(B) Basic Legal Skills Requirement.**

\*\*\*

**(C) Exemptions.**

**(1) An inactive member shall be exempt from the continuing legal education and the reporting requirements of this Rule.**

**(2) The Commission may exempt an active member from the continuing legal education, but not the reporting, requirements of this rule for a period of not more than one (1) year upon a finding by the Commission of special circumstances unique to that member constituting undue hardship.**

**(3) Any active member over the age of seventy (70) shall be exempt from the continuing legal education requirements of this rule, including the reporting requirements, unless the member notifies the Commission in writing that the member wishes to continue to be covered by the continuing legal education requirements of this rule.**

**(4) Any active member residing outside of Georgia who neither practices in Georgia nor represents Georgia clients shall be exempt, upon written application to the Commission, from the continuing legal education, but not the reporting, requirements of this rule during the year for which the written application is made. This application shall be filed with the annual reporting affidavit report.**

**(5) Any active member of the Board of Bar Examiners shall be exempt from the continuing legal education but not the reporting requirement of this Rule.**

(D) Requirements for Participation in Litigation.

\*\*\*

***Rule 8-105. Reporting Requirements.***

On or before January 31 of each year, commencing in 1985, each active member shall make and file an Affidavit Annual Report with the Commission in such form as the Commission shall prescribe, reporting compliance with Rule 8-104.

**Rule 8-107. Non-Compliance.**

(A) Notice of Non-Compliance.

(1) In the event an active member shall fail to complete the required units at the end of each applicable period, the Affidavit Annual Report required under Rule 8-105 may be accompanied by a specific plan for making up the deficiency of necessary units within sixty (60) days after the date of the Affidavit Annual Report. The plan shall be deemed accepted by the Commission unless within fifteen (15) days after the receipt of the Affidavit Annual Report, the Commission notifies the affiant lawyer to the contrary. ~~Full completion of the affiant's plan shall be reported by Affidavit to the Commission not later than fifteen (15) days following the sixty (60) day period.~~ Failure by the affiant lawyer to complete the plan within the sixty (60) day period shall invoke the sanctions set forth in paragraph C.

(2) In the event that an active member shall fail to comply with these rules in any respect, the Commission shall promptly send notice of non-compliance. The notice shall specify the nature of the non-compliance and state that unless the non-compliance is corrected or a request for a hearing before the Commission is made within sixty (60) days, the statement of non-compliance shall be filed with the Supreme Court.

This notice, as well as any other notice or mailing required by Part VIII of these Rules, shall be mailed by first class mail to the member's current address contained in the membership records of the State Bar of Georgia. Service or actual receipt is not a prerequisite to actions authorized by these Rules.

(B) Hearing. If a hearing is requested, it shall be held within thirty (30) days by the full Commission, or one or more members designated by the Commission. Notice of the time and place of the hearing shall be given ten (10) days in advance. The party cited may be represented by counsel. Witnesses shall be sworn; and, if requested by the party cited, a complete electronic record or a transcript shall be made of all proceedings and testimony. The presiding member shall have the authority to rule on all motions, objections, and other matters presented in connection with the hearing. The hearing shall be conducted in conformity with the Georgia Rules of Civil Procedure, and the practice in the trial of civil cases. The party cited may not be required to testify over his or her objection. The chairman of the Commission who conducted the hearing shall (1) make findings of fact and determine whether the party cited has complied with the rules; and (2) upon a finding of noncompliance, shall determine whether there was reasonable cause for noncompliance. A

copy of the findings and determination shall be sent to the party cited. If it is determined that compliance has occurred, the matter shall be dismissed and the Commission's records corrected to reflect compliance. If it is determined that compliance has not occurred, the Commission shall proceed as follows:

(i) If the Commission determines that there was reasonable cause for noncompliance, the party cited shall be allowed fifteen (15) days to file a specific plan for correcting the noncompliance within the next sixty (60) days following submission of the plan. The plan shall be deemed accepted by the Commission unless, within fifteen (15) days after receipt, the Commission notifies the party cited. Completion of the plan shall be reported by ~~Affidavit~~ the lawyer in writing to the Commission not later than fifteen (15) days following the sixty (60) day period. If the party cited fails to file an acceptable plan, or fails to complete and certify completion within the sixty (60) day period, the Commission shall proceed as though there was not reasonable cause for noncompliance.

(ii) If the Commission determines that there was not reasonable cause for noncompliance, a record of the matter, including a copy of the findings, the determination, and the recommendation of the Commission for appropriate action, shall be filed promptly with the Supreme Court. If requested by the Commission, or the party cited, the record shall include a transcript of the hearing to be prepared at the expense of the requesting party.

(C) Supreme Court of Georgia Action.

...

## II.

### Amendments to Part VIII, Continuing Lawyer Competency, of the Rules of the State Bar of Georgia

Rule 8-104 of Part VIII of the Rules of the State Bar of Georgia regarding continuing legal education requirements was amended by adding a new subsection (b)(4) thereto as follows:

Rule 8-104. Education Requirements and Exemptions.

(A) ...

(B) **Basic Legal Skills Requirement.**

(1) ...

(2) ...

(3) ...

(4) **Confidentiality of proceedings.**

(a) *The confidentiality of all inquiries to, decisions of, and proceedings by the Transition Into Law Practice Program shall be respected. No disclosure of said inquiries, decisions and proceedings shall be made in the absence of the agreement of all participating.*

(b) *Except as expressly permitted by these rules, no person connected with the Transition Into Law Practice Program operated under the auspices of the Standards of the Profession Committee of the Commission on Continuing Lawyer Competency shall disclose any information concerning or comment on any proceeding under these rules.*

(c) *The Transition Into Law Practice Program operated under the auspices of the Standards of the Profession Committee of the Commission on Continuing Lawyer Competency may reveal private records when required by law, court rule, or court order.*

(d) *Any records maintained by the Transition Into Law Practice Program operated under the auspices of the Standards of the Profession Committee of the Commission on Continuing Lawyer Competency, as provided herein, shall be available to Counsel for the State Bar only in the event the State Bar or any department thereof receives a discovery request or properly executed subpoena requesting such records.*

III.

Amendments to Part VIII, Continuing Lawyer  
Competency, of the Rules of the State Bar of Georgia

**Rule 8-110 of Part VIII of the Rules of the State Bar of Georgia regarding continuing legal education requirements was amended by striking the current Rule in its entirety and substituting the following Rule in its place:**

***Rule 8-110. Immunity.***

*The State Bar, its employees, the Standards of the Profession Committee members and advisors, the Commission on Continuing Lawyer Competency, its employees, members and advisors, the Chief Justice's Commission on Professionalism, its employees, members, and advisors shall be absolutely immune from civil liability for all acts in the course of their official duties.*

ANNUAL FEE ARBITRATION POST-DECISION  
ACTIVITY REPORT FOR OPERATIONAL YEAR 2005–2006

By: Robert E. McCormack, Deputy General Counsel

**THE RULES OF THE FEE ARBITRATION PROGRAM OF THE STATE BAR OF GEORGIA REQUIRE THAT THE OFFICE OF THE GENERAL COUNSEL PROVIDE REPRESENTATION TO THE HOLDER OF AN ARBITRATION AWARD IN CERTAIN SPECIFIC CIRCUMSTANCES. IT IS THE POLICY OF THE OFFICE OF THE GENERAL COUNSEL TO PROVIDE REPRESENTATION IN ALL CASES GOVERNED BY RULE 6-502. RULE 6-502 REQUIRES THE GENERAL COUNSEL’S OFFICE TO PROVIDE REPRESENTATION TO AN AWARD HOLDER WHEN THE LAWYER, WITH WHOM THE AWARD HOLDER HAS A FEE DISPUTE, HAS REFUSED TO BE BOUND BY THE DECISION OF AN ARBITRATOR AND FAILS TO PAY THE AWARD AMOUNT WITHIN 30 DAYS.**

**THE STATISTICS FOR THIS PROGRAM DURING THE LAST YEAR (MAY 1 –  
APRIL 30) ARE AS FOLLOWS:**

<b>NEW CASES REFERRED TO BAR COUNSEL FOR REPRESENTATION:</b>	<b>4</b>
<b>CASES CARRIED OVER FROM PREVIOUS OPERATIONAL YEARS:</b>	<b>17</b>

**ANNUAL REPORT OF THE  
CLIENTS' SECURITY FUND  
FOR OPERATIONAL YEAR 2005-2006**

By: Honorable David P. Darden, Chair

In 1968, the State Bar of Georgia created the Clients' Security Fund as a public service of the legal profession in Georgia. The purpose of the Fund is to repay clients who have lost money due to a lawyer's dishonest conduct. Every lawyer in Georgia contributes to this fund. On behalf of the Trustees of the Clients' Security Fund, it is a pleasure to present the 2005-2006 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 a 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. That same year, the Board of Governors assessed each of the members of the State Bar the sum of \$100.00, paid over a five-year period, to fully fund and stabilize the Fund.

### **Administration of the Fund**

The Clients' Security Fund Board of Trustees was created to perform all acts necessary or proper to fulfill the purposes and effective administration of the Fund. The Rules, as amended on June 28, 2004, by order of the Supreme Court of Georgia, establishes that the Board of Trustees shall consist 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 a 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 2005-2006 operational year:

Andrew J. Hill, III

John T. McGoldrick

William T. McKenzie

Denny C. Galis

Charles Lee Davis

John A. Isakson (term expiring)  
(non-lawyer member).

The Trustees of the Fund 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. The Trustees of the Fund are greatly appreciated for their tireless service and dedication to this program.

### **Funding**

The membership of the State Bar of Georgia provides the principal funding for the

Clients' Security Fund. These funds are held in the name of the Fund and the Trustees of the Fund maintain exclusive control disbursements.

During the years following the inception of the Fund in 1968, the number of claims filed with the Fund increased dramatically. Reasons for the increase in the number of claims included, but was not limited to, an increased lawyer population and increased disciplinary efforts by the Office of the General Counsel. In response to the certainty that the Fund would very shortly be depleted, in 1989 and 1990 the Trustees of the Fund and the Executive Committee of the State Bar of Georgia began to study various funding mechanisms. The Trustees of the Fund also studied measures designed to prevent losses from occurring such as random audit and overdraft notification rules. While these measures helped to identify problems, the Trustees recognized that even these measures would not prevent theft from occurring. The most immediate solution was adequate funding.

For two years, the Trustees studied a number of different funding options, and ultimately proposed an assessment of \$100.00 per lawyer to be paid over a period of five years. New members of the Bar would also be assessed the same amount, again payable over five years. The Board of Governors of the State Bar of Georgia approved this proposal at its June 15, 1991 meeting, and the Supreme Court of Georgia approved the motion to amend the Bar Rules to provide for the assessment on April 2, 1992.

This funding mechanism was a significant development in the life of the Fund. The assessment appeared for the first time on the 1992-93 dues notice. In the first year, the assessment generated \$508,688.26 for the Fund. Fund revenue is supplemented by interest income, restitution payments from disbarred lawyers, and miscellaneous contributions.

Even with relatively substantial sources of income, there continued to be concerns

about the stability of the fund. It was determined that a secure source of funding is essential to the integrity of the Fund. This has been accomplished by the support of the Board of Governors and the Supreme Court. On June 13, 1997, the Supreme Court of Georgia approved an amendment to the Bar Rules that provides for future assessments triggered whenever the fund balance falls below a minimum of \$1,000,000. A cap of \$350,000.00 was also placed upon the aggregate amount that could be paid to claimants in any one year.

The Trustees also adopted certain administrative rules to help stabilize and manage the Fund. 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% 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.

The efforts of the State Bar of Georgia and the Trustees of the Fund have proved successful over the past years. The Fund balance has grown from a low of \$361,823.00 in 1992 to \$2,460,987.00 as of March 31, 2006. The average fund balance has stabilized at approximately \$2,400,000.00.

Recent efforts to ensure the stability of the fund include a recent amendment to the Bar Rules. 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 provides 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.

## **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, creating a trust account overdraft notification program. See, 2004-2005 State Bar of Georgia Directory & Handbook Rule 1.15(III), p. H-36. The program was approved by the Supreme Court of Georgia on August 22, 1995, and became effective January 1, 1996. The primary purpose of the overdraft notification rules is to prevent misappropriation of clients' funds by providing a mechanism for early detection of improprieties in the handling of attorney trust accounts.

### Payee Notification

During the 1993 legislative session, with the urging of the Trustees of the Fund, 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". The Fund will not pay claims filed by corporations or partnerships, nor will the Fund honor claims that are covered by insurance. Claims that are typically denied are those filed by corporations, government entities, or certain members of the attorney's family. Claims for losses determined to have resulted from malpractice or financial investments are also typically denied. The Trustees have also denied claims in which insufficient documentation was provided to support the claim; however, the Trustees have reconsidered such claims once additional information is provided.

Following is the statistical report on the operations of the Fund for the 2005-2006 operational year through March 31, 2006.

### **Annual Statistics for Operational Year 2005-2006**

#### **Financial Summary**

	<u>As of March 31, 2006</u>
Fund Balance	\$2,460,987
Assessment Income	\$ 136,364
Restitution Income	\$ 3,077
Interest Income	\$ 69,925
Claims Paid	\$ 52,820
Expenses	\$ 47,516

Activity Summary

June 1, 2005 - April 30, 2006

Applications Requested	75
Claims Filed	46
Claims Considered	14
Claims Approved for Payment	11
Amount Paid	\$53,650.00
Claims Denied	2
Claims Deferred	2
Claims Reconsidered	26
Reconsidered Claims Approved	16
Amount Paid	\$93,982.47
Reconsidered Claims Denied	2
Claims Administratively Closed	0
Claims Pending	69
Inactive Claims	29
Attorneys Involved in Paid Claims	11

**Part VIII**  
**Disciplinary Orders of the Supreme Court of Georgia**

FORMAL LETTERS OF ADMONITION

DATE OF ORDER

RESPONDENT

DOCKET

10/03/05

W. Eugene Jessup

4836

INVESTIGATIVE PANEL REPRIMANDS

DATE OF ORDER

RESPONDENT

DOCKET

10/24/05

James A. Meaney, III

4797

REVIEW PANEL REPRIMANDS

<u>DATE OF ORDER</u>	<u>RESPONDENT</u>	<u>DOCKET</u>
6/30/05	Suzanne M. Boykin	4827
07/08/05	Jeffrey Scott Denny	4793
10/24/05	Adam J. Conti	4638
2/13/06	Eldridge Suggs, IV	4887

PUBLIC REPRIMANDS

DATE OF ORDER

RESPONDENT

DOCKET

9/19/05

Wallace Anthony Kitchen

4848

SUSPENSIONS

<u>DATE OF ORDER</u>	<u>RESPONDENT</u>	<u>DOCKET</u>
<i>Indefinite</i>		
5/9/05	Spurgeon Green, III (90-days w/conditions for reinstatement)	4753
5/23/05	Anthony Gus Caroway (24 months w/conditions)	4738
7/8/05	Harry Rand (5 years + reinstatement process)	4540, 4541, 4683, 4684, 4685
9/19/05	Rodney B. Glass (1 year w/conditions)	4901
9/19/05	Steven H. Ballard (2 years w/conditions)	4639
11/21/05	Mark Sherman Fraser (9 months w/conditions)	4704
1/17/06	Travers W. Paine, III (suspend until termination of federal probation, but not for a period shorter than 20 months)	4814
2/27/06	Coatsey Ellison (6 months + 6 hours ethics CLE)	4730
<i>Definite</i>		
6/30/05	Marc Albert Pilgrim (6 months)	4679, 4717
2/27/06	E. Gilmore Maxwell (6 months)	4813
2/27/06	Ricky D. Jones	4904

(12 months w/6 months to apply retroactively to 1/12/04)

3/27/06	Lisa Paige Lenn (91 days beginning 3/27/06)	4817
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**4-204.3 – Failure to Respond to Disciplinary Investigation**

6/13/05	Lisa Paige Lenn	050029
7/13/05	Phillip Andrew Strickland	040340
7/13/05	Audrey Johnson	040330
8/1/05	Robert T. Guggenheim	040181, 050132
8/1/05	Jeffrey Ivan Garfinkel	050046
8/2/05	Charles Douglas Best	040338
8/8/05	Stacey Machele Jenkins	050116
10/19/05	Eric Julian Aycox	050079
12/28/05	Franklin Whitaker Thomas	050303
12/28/05	Jon A. Nixon	050230
12/28/05	Gary Dale Simpson	050270
1/27/06	Paul Christopher Williams	050316
1/27/06	Michael B. Butler	050205
3/1/06	Mary Kathryn Reagan	050390 – 050394
4/11/06	Renate Downs Moody	050367, 050405
4/11/06	Randy Scott Sabatini	050299

**4-204.3 – Interim Suspensions Lifted**

2/17/06	Jon A. Nixon	050230
3/23/06	Paul Christopher Williams	050316

***Reinstatements Following Suspension***

11/21/05	Rose Eugenie Goff	4498
11/21/05	Steven H. Koval	4262, 4263, 4265
1/17/06	William H. Norton	4665

DISBARMENTS

<u>DATE OF ORDER</u>	<u>RESPONDENT</u>	<u>DOCKET</u>
5/9/05	Clifton S. Fuller, Jr.	4837
5/23/05	William R. Gignilliat	4763
6/30/05	Swain Alvin Lewis	4875
6/30/05	William S. Shelfer, Jr.	4780
9/19/05	Christopher George Lazarou	4777, 4778
9/19/05	Marcelo Antonio Estrada	4869, 4870
9/19/05	Douglas Clark Rogers	4877
9/19/05	Milton D. Rowan	4819, 4820, 4821, 4822, 4823, 4824, 4825, 4889, 4890, 4891, 4892, 4893, 4894, 4895
10/3/05	Kenneth T. Israel	4853, 4854, 4855, 4856, 4857, 4858, 4859, 4860, 4861, 4862, 4863, 4720
10/03/05	James R. Vogel	4832, 4833, 4834, 4835
10/11/05	Robert T. Guggenheim	4930, 4931, 4932
10/24/05	Harold Michael Harvey	4612, 4613
10/24/05	William W. Gardner	4841
10/24/05	Audrey Johnson	4880, 4881,

		4882, 4883
10/24/05	Wallace Anthony Kitchen	4852
10/24/05	Patrick Scott Brown	4805
10/24/05	Barry Gordon Roberts	4979
11/7/05	Dakeer A. Farrar	4936
11/7/05	D. John Skandalakis	4670
11/7/05	John Clark Whatley, VI	4865
11/21/05	Spurgeon Green, III	4905, 4906, 4907, 4908, 4909, 4910
11/21/05	Frank B. Perry	4535
11/21/05	Charles Douglas Best	4911, 4912, 4913, 4914, 4915, 4916, 4917, 4918
1/17/2006	Mark Sherman Fraser (Bench disbarment confirmation)	5032
2/13/06	Ann Porges-Dodson	4934
2/13/06	Mary Willis Bast	4653
2/13/06	Charles F. Peebles	4921, 4922, 4923, 4924, 4925, 4926
2/27/06	Mark Benveniste	4963

REINSTATEMENTS DENIED

DATE OF ORDER

RESPONDENT

DOCKET

5/23/05

Marshall L. Cohen

4795

INACTIVE

DATE OF ORDER

RESPONDENT

DOCKET

10/6/05

Marcelo A. Estrada

4829, 4930