

SUPREME COURT OF GEORGIA

In re Majors

276 Ga. 878 (2003) · Decided July 10, 2003

SUMMARY

The Supreme Court of Georgia disbarred Ned Majors for violating Georgia Bar disciplinary standards involving conflicts of interest, improper handling of fiduciary funds, commingling, and inadequate recordkeeping. The court held that Majors failed to preserve objections to the evidentiary hearing and found aggravating circumstances supporting disbarment.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Per curiam; All the Justices
JURISDICTION	Georgia
DECIDED	July 10, 2003
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary matter before the Supreme Court of Georgia on the Report and Recommendation of the Review Panel of the State Disciplinary Board, which recommended disbarment after adopting the special master's findings and most of the conclusions of law.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential disciplinary decision.
PARTIES	Ned Majors v. State Bar of Georgia

TOPICS

- preservation of error
- appellate procedure
- trust administration
- trustee duties
- corporate law

PRACTICE AREAS

- attorney discipline
- legal ethics
- professional responsibility
- trust account regulation
- corporate law

QUESTIONS PRESENTED

1. Whether the record supported findings that Majors violated Standards 30, 65(A), and 65(D) of Bar Rule 4-102(d).

2. Whether Majors was entitled to a new evidentiary hearing based on alleged defects in the hearing proceedings despite failing to preserve objections.
3. Whether disbarment was an appropriate sanction for the established disciplinary violations and aggravating circumstances.

HOLDINGS

1. The facts supported the conclusion that Majors violated Standards 30, 65(A), and 65(D) of Bar Rule 4-102(d), each of which could be punished by disbarment.
2. Majors was not entitled to a new hearing because he failed to preserve objections concerning the manner in which the evidentiary hearing was conducted.
3. Disbarment from the practice of law in Georgia was warranted.

KEY QUOTATIONS

“These facts, which are amply supported by the record before the special master, mandate the conclusion that Majors violated Standards 30, 65 (A) and 65 (D) of Bar Rule 4-102 (d).” (879)

“Accordingly, it is hereby ordered that Majors be disbarred from the practice of law in Georgia.” (880)

FACTUAL BACKGROUND

Majors was a Georgia lawyer and a corporate officer, registered agent, and corporate counsel for Tax Lien Acquisitions, Inc. He represented the corporation in litigation involving its co-owner without disclosing the conflict or obtaining the corporation's consent, and he accepted service of his own complaint as the corporation's registered agent. Majors also improperly withdrew personal funds from an IOLTA account, failed to account for funds, and failed to maintain records showing the balances held for each client or fiduciary.

PROCEDURAL HISTORY

The State Bar filed a Formal Complaint, and a special master conducted an evidentiary hearing and issued a Report and Recommendation. The Review Panel adopted the special master's findings and most conclusions of law, found violations of Standards 30, 65(A), and 65(D) of Bar Rule 4-102(d), and recommended disbarment. Majors challenged the manner in which the evidentiary hearing was conducted, but the Court held that he failed to preserve those objections and affirmed the disciplinary determination and sanction.

DISPOSITION

other