

SUPREME COURT OF GEORGIA

In the Matter of Carl S. Von Mehren

S21Y1097 · No. S21Y1097 · Decided August 24, 2021

SUMMARY

The Supreme Court of Georgia accepted Carl S. Von Mehren's petition for voluntary discipline after finding admitted violations of Georgia Rules of Professional Conduct 1.3, 1.15(I)(a), and 1.16(d). The Court imposed a six-month suspension based on deficiencies in maintaining escrow funds and records and failing to protect a client's interests during termination of representation.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	All the Justices
JURISDICTION	Georgia
DECIDED	August 24, 2021
DOCKET	S21Y1097
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary matter arising from Von Mehren's petition for voluntary discipline after the State Bar filed a formal complaint.
STANDARD OF REVIEW	The Supreme Court reviewed the entire disciplinary record and determined whether the recommended sanction was appropriate.
PRECEDENTIAL VALUE	Published Supreme Court of Georgia disciplinary opinion
PARTIES	Carl S. Von Mehren v. State Bar of Georgia

TOPICS

trust administration trusts adverse possession real estate

PRACTICE AREAS

legal ethics and professional responsibility attorney discipline trust-account administration real estate law

QUESTIONS PRESENTED

1. Whether the Supreme Court should accept Von Mehren's petition for voluntary discipline.

2. Whether a six-month suspension was an appropriate sanction for violations of Georgia Rules of Professional Conduct 1.3, 1.15 (I) (a), and 1.16 (d).

HOLDINGS

1. The court accepted Von Mehren's petition for voluntary discipline.
2. A six-month suspension from the practice of law was an appropriate sanction for Von Mehren's admitted violations.

KEY QUOTATIONS

“Accordingly, we hereby accept Von Mehren’s petition for voluntary discipline and order that he be suspended from the practice of law for six months.” (at 10)

“Because there are no conditions on Von Mehren’s reinstatement other than the passage of time, there is no need for him to take any action either through the State Bar or this Court to effectuate his return to the practice of law.” (at 10)

FACTUAL BACKGROUND

In one matter, Von Mehren retained \$70,000 in an escrow account after a real estate closing but failed to maintain accurate records, and the account balance repeatedly fell below the required amount. In a second matter, he agreed to pursue an adverse-possession claim, misplaced the client's supporting affidavit, and later discontinued representation without clearly documenting the termination or ensuring that the client obtained replacement counsel. The client subsequently went into default in a trespass action, although the default was opened and the matter ultimately settled.

PROCEDURAL HISTORY

The State Bar filed a formal complaint concerning two disciplinary matters. Von Mehren petitioned for voluntary discipline under Bar Rule 4-227 (c), and Special Master Catherine Koura recommended acceptance of the petition and a six-month suspension. The Supreme Court of Georgia reviewed the record, accepted the petition, and imposed the recommended six-month suspension.

DISPOSITION

other

CASES CITED

- In the Matter of Morse, 266 Ga. 652, 653 (470 SE2d 232) (1996)
- In the Matter of Duncan, 301 Ga. 898, 899 (804 SE2d 342) (2017)
- In the Matter of Graziano, 299 Ga. 7, 7 (785 SE2d 537) (2016)
- In the Matter of Buckley, 291 Ga. 661, 662 (732 SE2d 87) (2012)

