

SUPREME COURT OF GEORGIA

In the Matter of Morris P. Fair, Jr.

S16Y0917 (Ga. Apr. 26, 2016) · No. S16Y0917 · Decided April 26, 2016

SUMMARY

The Supreme Court of Georgia rejected Morris P. Fair, Jr.'s petition for voluntary discipline arising from his representation of a habeas corpus client. Fair admitted violating Georgia Rules of Professional Conduct 1.3 and 1.4, but the Court concluded that a Review Panel reprimand was inappropriate in light of his prior disciplinary history and the Court's earlier denial of a petition involving the same matter.

CASE DETAILS

COURT	Supreme Court of Georgia
JURISDICTION	Georgia
DECIDED	April 26, 2016
DOCKET	S16Y0917
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary matter before the Supreme Court of Georgia on Fair's second petition for voluntary discipline arising from his representation of a habeas corpus client.
STANDARD OF REVIEW	The Court reviewed the record as a whole in determining whether the proposed voluntary discipline was an appropriate sanction.
PRECEDENTIAL VALUE	Published disciplinary decision
PARTIES	Morris P. Fair, Jr. v. State Bar of Georgia

TOPICS

post-conviction relief

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

habeas corpus representation

QUESTIONS PRESENTED

1. Whether the Court should accept Fair's second petition for voluntary discipline and impose a Review Panel reprimand for his admitted violations of Rules 1.3 and 1.4.
2. Whether Fair's proposed sanction was appropriate in light of the admitted conduct, disputed factual representations, and prior disciplinary history.

HOLDINGS

1. A Review Panel reprimand was not an appropriate sanction for Fair's admitted violations of Rules 1.3 and 1.4, particularly in light of his prior disciplinary history and the Court's prior rejection of a voluntary-discipline petition concerning the same matter.

KEY QUOTATIONS

“Having reviewed the record as a whole, we cannot agree that imposition of a Review Panel reprimand is the appropriate sanction in this matter, particularly in light of Fair’s prior disciplinary history” (4)

“Accordingly, this Court rejects Fair’s petition for voluntary discipline.” (4)

FACTUAL BACKGROUND

Fair represented a client in a habeas corpus matter and admitted that he failed to act with reasonable diligence and promptness, did not always promptly return the client's calls, and failed to timely file a post-hearing brief. He sought a Review Panel reprimand and proposed a 12-month probationary period, along with restitution and law-practice-management measures. The State Bar disputed several factual assertions and emphasized Fair's prior disciplinary offenses, including formal admonitions, an indefinite suspension, and interim suspensions.

PROCEDURAL HISTORY

Fair previously filed a petition for voluntary discipline concerning the same underlying matter, and the Supreme Court of Georgia denied it. In the present petition, he admitted violations of Georgia Rules of Professional Conduct 1.3 and 1.4 and sought a Review Panel reprimand with a proposed 12-month probationary period. The State Bar opposed the requested sanction and recommended denial of the petition, citing disputed factual assertions and Fair's prior disciplinary history. The Supreme Court rejected the petition.

DISPOSITION

other

CASES CITED

- In the Matter of Fair, 297 Ga. 869 (778 SE2d 794) (2015)
- In the Matter of Fair, 288 Ga. 17 (701 SE2d 160) (2010)
- In the Matter of Fair, 292 Ga. 308 (736 SE2d 430) (2013)
- In the Matter of Boykin, 290 Ga. 871 (725 SE2d 324) (2012)

