

SUPREME COURT OF GEORGIA

In the Matter of Trent Carl Gaines

S16Y1335 · No. S16Y1335 · Decided September 12, 2016

SUMMARY

The Supreme Court of Georgia rejected Trent Carl Gaines’s petition for voluntary discipline seeking a three-year suspension after he admitted to federal bid-rigging conspiracy and conspiracy to commit mail fraud involving foreclosure auctions. The Court concluded that the lengthy criminal conduct, pattern of offenses, and personal financial motive made the proposed suspension inappropriate, despite mitigating factors including cooperation, remorse, and no prior disciplinary record.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	All the Justices
JURISDICTION	Georgia
DECIDED	September 12, 2016
DOCKET	S16Y1335
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding based on a petition for voluntary discipline filed before issuance of a formal complaint.
STANDARD OF REVIEW	The Court independently evaluated the proposed sanction in light of the admitted misconduct, aggravating and mitigating factors, and cited disciplinary precedent.
PRECEDENTIAL VALUE	Published disciplinary opinion; the Court's sanction and restitution analysis are precedential within Georgia attorney-discipline proceedings.

TOPICS

foreclosure real estate criminal procedure

PRACTICE AREAS

legal ethics and professional discipline criminal law antitrust real estate

QUESTIONS PRESENTED

1. Whether Gaines's petition for voluntary discipline seeking a three-year suspension should be accepted.
2. Whether the admitted bid-rigging and related fraudulent conduct warranted a sanction more severe than the proposed three-year suspension.
3. Whether payment of court-ordered restitution constituted a mitigating factor in the disciplinary proceeding.

HOLDINGS

1. The petition for voluntary discipline seeking a three-year suspension was rejected because the proposed sanction was not appropriate for Gaines's lengthy and extensive criminal conduct.
2. Payment of restitution ordered by the sentencing court was not a mitigating factor in the disciplinary proceeding.

KEY QUOTATIONS

“Having carefully considered the petition, response, the precedent cited by both parties, and the lengthy criminal conduct to which Gaines has admitted, we cannot agree that a three-year suspension is the appropriate sanction in this matter.” (at 3-4)

FACTUAL BACKGROUND

Gaines, a Georgia attorney and real estate investor, pleaded guilty in federal court to bid-rigging conspiracy and conspiracy to commit mail fraud. From approximately 2006 through 2011, he and co-conspirators rigged bids at public foreclosure auctions, conducted secret second auctions, transferred titles, made payoffs, and caused artificially suppressed purchase prices to be reported. He received a downward departure for substantial assistance and was sentenced to incarceration, supervised release, restitution, a fine, and a special assessment.

PROCEDURAL HISTORY

Trent Carl Gaines filed a petition for voluntary discipline seeking a three-year suspension after pleading guilty in federal court to two counts of bid-rigging conspiracy and two counts of conspiracy to commit mail fraud. The State Bar opposed the petition, arguing that the proposed suspension was inadequate. The Supreme Court of Georgia rejected the petition.

DISPOSITION

other

CASES CITED

- In the Matter of Thompson, 266 Ga. 157 n. 1 (464 SE2d 818) (1996)
- In the Matter of Temple, 2016 Ga. LEXIS 382 (2016)
- In the Matter of Thompson, 297 Ga. 790 (778 SE2d 226) (2015)
- In the Matter of Davis, 292 Ga. 897 (742 SE2d 734) (2013)

- In the Matter of Schrader, 271 Ga. 601 (523 SE2d 327) (1999)

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