

SUPREME COURT OF GEORGIA

In re Meyer

277 Ga. 192 (2003) · No. S03Y0187; S03Y0188; S03Y0189; S03Y0280 · Decided October 6, 2003

SUMMARY

The Supreme Court of Georgia disbarred M. Bernt Meyer for multiple violations of the Georgia Rules of Professional Conduct arising from mishandled real estate closing funds, client abandonment, failure to pursue a personal-injury claim, and failure to report felony convictions and prior bar resignation. The court found that Meyer knowingly committed multiple offenses and that the matters demonstrated a pattern of professional deception and client abandonment.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	All the Justices
JURISDICTION	Georgia
DECIDED	October 6, 2003
DOCKET	S03Y0187; S03Y0188; S03Y0189; S03Y0280
DISPOSITION	other
PROCEDURAL POSTURE	Four attorney-discipline matters were pending before the Supreme Court of Georgia. Meyer did not file Notices of Rejection or timely respond to the disciplinary proceedings, waiving his right to an evidentiary hearing. The State Bar recommended disbarment in each matter.
PRECEDENTIAL VALUE	Published opinion; precedential disciplinary decision of the Supreme Court of Georgia
PARTIES	State Bar of Georgia v. M. Bernt Meyer

TOPICS

- real estate
- guardianship procedure
- civil procedure

PRACTICE AREAS

- attorney discipline
- professional responsibility
- real estate transactions
- guardianship procedure

QUESTIONS PRESENTED

1. Whether Meyer's admitted conduct violated the charged Georgia Rules of Professional Conduct standards and Bar Rule 4-102(d).
2. What disciplinary sanction was warranted for the violations across the four pending matters.

HOLDINGS

1. Meyer knowingly violated Standards 3, 4, 22, 23, 44, 61, 63, 65, and 66 and Rule 9.3 of the Georgia Rules of Professional Conduct, all incorporated in Bar Rule 4-102(d).
2. Disbarment was warranted because the four matters involved multiple offenses demonstrating a pattern of professional deception and client abandonment.

KEY QUOTATIONS

“Accordingly, we agree with the State Bar’s recommendation and find that disbarment is the warranted sanction in these cases.” (277 Ga. 193)

“Meyer hereby is disbarred from the practice of law in Georgia and is reminded of his duties under Bar Rule 4-219 (c).” (277 Ga. 193)

FACTUAL BACKGROUND

In two real-estate loan-closing matters, Meyer acted as settlement agent and closing attorney, received seller proceeds, represented that he would pay property liens from his escrow account, and instead commingled and appropriated the funds for his own benefit. In a personal-injury representation, he failed to communicate with clients, failed to pursue the matter, and allowed the statute of limitations to expire. In a fourth matter, he failed to report several Florida felony convictions and his resignation from the Florida Bar, and he did not timely respond to the disciplinary proceedings.

PROCEDURAL HISTORY

The State Bar of Georgia filed Notices of Discipline alleging violations of multiple Georgia Rules of Professional Conduct standards and Bar Rule 4-102(d). Meyer's guardian acknowledged service, but Meyer did not file Notices of Rejection or timely respond. The matters proceeded to the Supreme Court of Georgia for determination of the appropriate sanction.

DISPOSITION

other

OPINION

PER CURIAM.

Per curiam. Respondent M. Bernt Meyer has four disciplinary matters currently pending before this Court. According to the Notices of Discipline filed by the State Bar, Meyer has violated

Standards 3, 4, 22, 23, 44, 61, 63, 65 and 66 and Rule 9.3 of the Georgia Rules of Professional Conduct, all of Bar Rule 4-102 (d). A violation of Standard 3, 4, 44, 61, 63, 65, or 66 is punishable by disbarment, while the sanction for a violation of Standard 22, 23 or Rule 9.3 is a public reprimand.

We note that Meyer was declared legally incapacitated in August 2002, and that his legal guardian, Scott Markowitz, acknowledged service of the Notices of Discipline issued in each of the above-captioned proceedings on July 28, 2003, pursuant to Bar Rule 4-203.1 (b) (1).

As no Notices of Rejection have been filed in any of these matters, Meyer's right to an evidentiary hearing has been waived and he is subject to such discipline as may be determined by this Court. The State Bar recommends in each of these cases that Meyer be disbarred.

Because of the circumstances, we believe that disbarment is the appropriate sanction for Meyer's numerous violations. The documents filed in Case Nos. S03Y0187 and S03Y0188 establish that on two separate occasions, Meyer acted as settlement agent and closing attorney for loan closing transactions involving the purchase of real estate.

In each instance, he received the seller's proceeds, deposited the funds into his attorney escrow account, represented to the purchaser that he would pay outstanding liens on the property from his escrow account, but failed to do so. Instead, Meyer breached his fiduciary duty by commingling the funds for payment of the liens with his personal funds and appropriating them for his own benefit.

When the purchasers discovered that the liens remained unpaid and contacted Meyer to demand proof of the liens' satisfaction, he either failed to respond to their queries or informed them that the receipts showing payment had been lost.

In Case No. S03Y0189, Meyer was hired by a couple to represent them in claims arising from personal injuries they sustained in an automobile collision. He subsequently failed to communicate with his clients regarding the status of their case, failed to return their telephone calls and did nothing to pursue the legal matter entrusted to him. Further, he allowed the statute of limitation to expire on their claim without filing a complaint.

Finally, in Case No. S03Y0280, the Investigative Panel of the State Bar of Georgia initiated a grievance against Meyer after learning that he had been convicted of felonies in the State of Florida in 1964, 1983 and again in 1987, but had never informed the State Bar of Georgia of his convictions. Nor did Meyer inform the *193Decided October 6, 2003. William P. Smith III, General Counsel State Bar, K. Gene Chapman, Assistant General Counsel State Bar, for State Bar of Georgia.

Scott Markowitz, for Meyer. State Bar of the fact that following his 1987 felony conviction he resigned his membership in the Florida Bar pursuant to the disciplinary rules of the Florida Bar. Considering these facts (all of which were admitted due to Meyer's failure to respond to the disciplinary process) and the fact that, although properly served with the relevant notices of investigation and notices of discipline, Meyer failed to respond in a timely manner, we find that Meyer knowingly violated Standards 3, 4, 22, 23, 44, 61, 63, 65 and 66 and Rule 9.3 of the Georgia Rules of Professional Conduct, all of Bar Rule 4-102 (d).

We note that Meyer has no prior disciplinary history, but find that as the four cases now before us involve multiple offenses, they suggest a pattern of professional deception and client abandonment. Accordingly, we agree with the State Bar's recommendation and find that disbarment is the warranted sanction in these cases. Meyer hereby is disbarred from the practice of law in Georgia and is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.