

SUPREME COURT OF GEORGIA

In re Mays

810 S.E.2d 478 (Ga. 2018) · Decided February 19, 2018

SUMMARY

The Georgia Supreme Court disbarred Natalie Dawn Mays after she defaulted in a disciplinary proceeding. The court found that her neglect of a client's bankruptcy and related matters, failure to communicate, failure to refund an unearned fee, and failure to cooperate with the State Bar violated multiple Georgia Rules of Professional Conduct.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Per Curiam; All the Justices
JURISDICTION	Georgia
DECIDED	February 19, 2018
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding initiated by the State Bar of Georgia through a Notice of Discipline seeking disbarment. The respondent failed to acknowledge service, failed to file a Notice of Rejection, and defaulted.
STANDARD OF REVIEW	The Court reviewed the disciplinary record and deemed the factual allegations admitted by Mays's default.
PRECEDENTIAL VALUE	Published disciplinary opinion; binding precedent of the Supreme Court of Georgia.
PARTIES	State Bar of Georgia

TOPICS

bankruptcy

administrative law

PRACTICE AREAS

attorney discipline

professional responsibility

bankruptcy

QUESTIONS PRESENTED

1. Whether Mays's default and deemed admissions established violations of the Georgia Rules of Professional Conduct.
2. Whether disbarment was the appropriate sanction for Mays's professional misconduct.

HOLDINGS

1. Because Mays failed to file a Notice of Rejection after proper service by publication, she was in default, waived her right to an evidentiary hearing, and the alleged facts were deemed admitted.
2. Mays's admitted conduct violated Georgia Rules of Professional Conduct 1.3, 1.4, 1.5, 1.16, and 3.2.
3. Disbarment was the appropriate sanction for Mays's misconduct.

FACTUAL BACKGROUND

Mays was retained in 2013 to represent a client in a bankruptcy case and received a \$4,000 fee. She repeatedly failed to communicate with the client, failed to respond to the client's personal-injury attorney and bankruptcy trustee, and was sanctioned and terminated as counsel by the bankruptcy court in 2017. She did not refund the unearned portion of the fee and failed to respond to the State Bar's investigation.

PROCEDURAL HISTORY

After Mays failed to respond to the client's grievance and the State Bar's Notice of Investigation, she was placed under an indefinite suspension. The State Bar later served a Notice of Discipline by publication after unsuccessful service at her address of record. Mays failed to file a Notice of Rejection, waived an evidentiary hearing, and defaulted. The Supreme Court of Georgia reviewed the deemed-admitted facts and ordered disbarment.

DISPOSITION

other

CASES CITED

- In the Matter of Mays, S17Y1976 (July 27, 2017)
- In the Matter of Archer, 292 Ga. 553, 554, 739 S.E.2d 386 (2013)
- In the Matter of Shaw, 292 Ga. 149, 150, 734 S.E.2d 405 (2012)

OPINION

PER CURIAM.

PER CURIAM. This disciplinary matter is before the Court on a Notice of Discipline seeking the disbarment of Natalie Dawn Mays (State Bar No. 479761). Mays failed to acknowledge service of the Notice of Discipline mailed to her at the post office box address on file with the State Bar's membership department.

The State Bar then properly served Mays by publication pursuant to Bar Rule 4-203.1 (b) (3) (ii), but she failed to file a Notice of Rejection. Therefore, she is in default, has waived her right to an evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court. See Bar Rule 4-208.1 (b).

The facts, as deemed admitted by Mays's default, are as follows. In August 2013, a client retained Mays to represent her in connection with a bankruptcy case and paid Mays \$4,000. The client thereafter tried to contact Mays on numerous occasions about her case, but Mays failed to respond. Mays also failed to respond to the client's attorney in a pending personal injury lawsuit in order to settle that lawsuit and to the bankruptcy trustee.

In April 2017, the bankruptcy court entered orders sanctioning Mays and terminating her as counsel for the client. Mays did not refund the unearned portion of the fee that the client had paid. The client filed a grievance with the State Bar, and a Notice of Investigation was issued.

Although Mays was served by publication pursuant to Bar Rule 4-203.1 (b) (3) (ii), she failed to file a sworn, written response as required by Bar Rule 4-204.3. Mays is currently under an indefinite suspension for her failure to adequately respond to the State Bar's investigation of this matter. See *In the Matter of Mays*, S17Y1976 (July 27, 2017).

The Investigative Panel found that by this conduct Mays violated Georgia Rules of Professional Conduct 1.3, 1.4, 1.5, 1.16, and 3.2. See Bar Rule 4-102 (d). The maximum sanction for a violation of Rule 1.3 is disbarment.

The maximum sanction for a violation of the other rules is a public reprimand. In aggravation of discipline, the Investigative Panel found that Mays acted wilfully in collecting a fee from the client and then abandoning her legal matter; acted with a selfish motive; has substantial experience in the practice of law, having been admitted to the bar in 1994; has a prior disciplinary history, having received an Investigative Panel reprimand on October 3, 2008; and failed to respond adequately to the Notice of Investigation.

Having reviewed the record, we conclude that disbarment is the appropriate sanction in this matter. See *In the Matter of Archer*, 292 Ga. 553, 554, 739 S.E.2d 386 (2013); *In the Matter of Shaw*, 292 Ga. 149, 150, 734 S.E.2d 405 (2012).

Accordingly, it is hereby ordered that the name of Natalie Dawn Mays be removed from the rolls of persons authorized to practice law in the State of Georgia. Mays is reminded of her duties pursuant to Bar Rule 4-219 (c). Disbarred. All the Justices concur.