

# 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)