

SUPREME COURT OF GEORGIA

In the Matter of David G. Hammock

278 Ga. 385, 602 S.E.2d 658 (2004) · No. S04Y1744 · Decided September 13, 2004

SUMMARY

The Supreme Court of Georgia addressed attorney-discipline charges arising from three matters in which David G. Hammock failed to communicate with clients, neglected cases, misrepresented case status, and failed to protect a client's interests. The Court found violations of Standards 4 and 44, Bar Rule 4-102(d), and Georgia Rule of Professional Conduct 8.4(a)(4), and imposed a two-year suspension. Justices Hunstein and Thompson dissented, concluding that disbarment was warranted.

CASE DETAILS

|                       |                                                                                                                                                                                                                                             |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Georgia                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Per curiam                                                                                                                                                                                                                                  |
| JURISDICTION          | Georgia                                                                                                                                                                                                                                     |
| DECIDED               | September 13, 2004                                                                                                                                                                                                                          |
| DOCKET                | S04Y1744                                                                                                                                                                                                                                    |
| DISPOSITION           | other                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Attorney-disciplinary proceeding before the Supreme Court of Georgia on a special master's report recommending a suspension of at least six months. Neither party sought Review Panel review, filed exceptions, or requested oral argument. |
| STANDARD OF REVIEW    | The Supreme Court reviewed the special master's disciplinary findings and recommendation and independently determined the appropriate sanction.                                                                                             |
| PRECEDENTIAL VALUE    | Published opinion of the Supreme Court of Georgia; precedential disciplinary decision.                                                                                                                                                      |
| PARTIES               | State Bar of Georgia v. David G. Hammock                                                                                                                                                                                                    |

TOPICS

- civil procedure
- summary judgment
- contempt
- statute of limitations
- remedies

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Hammock violated Georgia disciplinary standards and Rule 8.4(a)(4) by neglecting client matters, failing to communicate, misrepresenting case status, abandoning litigation, and failing to protect a client's interests.
2. What disciplinary sanction was appropriate in light of Hammock's violations and prior disciplinary history.

## HOLDINGS

1. Hammock violated Standard 44 by failing to communicate with clients and properly handle their matters, and violated Standards 4 and 44 and Rule 8.4(a)(4) by misrepresenting the status of one case, abandoning another, and failing to protect a client's interests by defaulting on a summary-judgment motion.
2. A two-year suspension from the practice of law in Georgia was the appropriate sanction.

## KEY QUOTATIONS

*"We hold that Hammock violated both Standards 4 and 44, as well as Rule 8.4(a)(4), by misrepresenting the status of the first case and abandoning the second case, and by failing to protect his client's interests by defaulting on the summary judgment motion." (278 Ga. 387)*

*"Therefore, we hereby order that David G. Hammock is suspended from the practice of law in the State of Georgia for a period of two years from the date of this order." (278 Ga. 388)*

## FACTUAL BACKGROUND

In one divorce-related matter, Hammock failed to inform his client of an order affecting the client's Army separation pay, failed to adequately counsel the client, and submitted a late continuance motion containing misstatements. In a name-change matter, he failed to communicate with the client and falsely represented that required publication had been requested. In two personal-injury matters, he failed to prosecute or communicate, allowed one claim to become time-barred, failed to protect the client's interests in another case involving uninsured-motorist coverage, and misled the client about the status of the cases.

## PROCEDURAL HISTORY

The State Bar filed three formal disciplinary complaints arising from three matters handled by Hammock. After an evidentiary hearing, the special master found violations of Georgia disciplinary standards and Rule 8.4(a)(4), recommending a suspension of no less than six months. The Supreme Court concluded that a two-year suspension was warranted.

## DISPOSITION

other

## CASES CITED

- Case No. S02Y0191
- In the Matter of Warnock, 272 Ga. 2, 525 S.E.2d 81 (2000)
- In the Matter of Thompson, 277 Ga. 526, 591 S.E.2d 804 (2004)
- In the Matter of McAllister, 265 Ga. 420, 456 S.E.2d 576 (1995)

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