

SUPREME COURT OF GEORGIA

In the Matter of L. Nicole Brantley

S21Y0339 · No. S21Y0339 · Decided March 1, 2021

SUMMARY

The Supreme Court of Georgia rejects L. Nicole Brantley’s petition for voluntary discipline arising from her failure to refund unearned client fees and timely pay a fee-arbitration award. The Court concludes that her disciplinary history, initial denials and lack of candor, delayed restitution, and other aggravating circumstances make the proposed Review Board reprimand insufficient, and remands the matter for an evidentiary hearing.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	All the Justices
JURISDICTION	Georgia
DECIDED	March 1, 2021
DOCKET	S21Y0339
DISPOSITION	remanded
PROCEDURAL POSTURE	The Supreme Court of Georgia reviewed a Special Master's recommendation that it accept Brantley's petition for voluntary discipline and impose a Review Board reprimand. The Court rejected the proposed discipline and remanded for an evidentiary hearing.
PRECEDENTIAL VALUE	Published Supreme Court of Georgia disciplinary opinion; binding as to the Court's disposition and stated principles governing voluntary-discipline petitions.
PARTIES	L. Nicole Brantley v. State Bar of Georgia

TOPICS

[administrative law](#) [judicial review of agency action](#)

PRACTICE AREAS

[legal ethics](#) [attorney discipline](#) [professional responsibility](#) [administrative law](#)

QUESTIONS PRESENTED

1. Whether the proposed Review Board reprimand was sufficient discipline for Brantley's violation of Rule 1.16(d) in light of her prior disciplinary history, the circumstances of the misconduct, and the aggravating factors.
2. Whether the Court should accept or reject Brantley's petition for voluntary discipline.

HOLDINGS

1. The proposed Review Board reprimand was insufficient because the Court had to consider the misconduct in the context of Brantley's extensive disciplinary history, her willful refusal to refund client fees, her failure to appear at fee arbitration, her delayed payment, and her initial lack of candor.
2. The petition for voluntary discipline was rejected, and the matter was remanded for an evidentiary hearing.

KEY QUOTATIONS

“For these reasons, we conclude that Brantley’s proposed discipline is insufficient. Accordingly, we reject Brantley’s petition for voluntary discipline and remand for an evidentiary hearing.” (9)

FACTUAL BACKGROUND

Brantley was retained in a criminal matter and received a \$6,000 advance fee. After the client discharged her, she failed to refund the unearned portion, did not submit a written withdrawal request, and failed to appear at a related hearing. Although she agreed to be bound by fee arbitration, she did not appear at the arbitration hearing and did not pay the resulting \$4,000 award within the required 90 days; she made installment payments only after the State Bar grievance and Formal Complaint. The Court also considered her extensive prior disciplinary history, including a 180-day suspension in 2016.

PROCEDURAL HISTORY

The State Bar filed a Formal Complaint alleging that Brantley violated Georgia Rule of Professional Conduct 1.16(d) by failing to refund unearned fees after termination of the representation and by failing to timely pay a related fee-arbitration award. Brantley later filed a petition for voluntary discipline admitting the misconduct and proposing installment payment of the award. After payment was completed, the Special Master recommended acceptance of the petition and a Review Board reprimand. The Supreme Court concluded that the proposed discipline was insufficient and remanded for an evidentiary hearing.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The petition for voluntary discipline is rejected, and the matter is remanded for an evidentiary hearing.

CASES CITED

- In the Matter of Brantley, 299 Ga. 732, 791 S.E.2d 783 (2016)
- In the Matter of Brantley, 301 Ga. 653, 802 S.E.2d 252 (2017)
- In the Matter of Morse, 266 Ga. 652, 653, 470 S.E.2d 232 (1996)
- In the Matter of Hunt, 304 Ga. 635, 641-642, 820 S.E.2d 716 (2018)
- In the Matter of Thomson, 266 Ga. 157, 158 n.1, 464 S.E.2d 818 (1996)
- In the Matter of Veach, 851 S.E.2d 590, 592 (Ga. 2020)

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