

SUPREME COURT OF GEORGIA

In re Powell

274 Ga. 89 (Ga. 2001) · Decided June 11, 2001

SUMMARY

The Supreme Court of Georgia reviewed a disciplinary proceeding involving Eric Karlton Powell, whose West Virginia law license had been annulled following his guilty pleas to misdemeanor prostitution charges. Although the disciplinary board recommended a letter of formal admonition, the court held that disbarment was the appropriate sanction under Georgia Bar Rule 4-102(d), Standard 67.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	All the Justices
JURISDICTION	Georgia
DECIDED	June 11, 2001
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which the State Bar of Georgia sought disbarment based on Powell's annulment of his West Virginia law license. The Supreme Court of Georgia reviewed recommendations for a lesser sanction and imposed disbarment.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia

TOPICS

remedies

administrative law

agency adjudication

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Powell's annulment of his West Virginia law license constituted a violation of Georgia Bar Rule 4-102(d), Standard 67.
2. Whether disbarment, rather than a public reprimand or letter of formal admonition, was the appropriate sanction.

HOLDINGS

1. Powell's annulment of his West Virginia law license established a violation of Standard 67 of Bar Rule 4-102(d).
2. Disbarment was the appropriate sanction, and Powell was disbarred from practicing law in Georgia.

KEY QUOTATIONS

“public confidence in the profession is enhanced when lawyers who are admitted in more than one jurisdiction are prevented from avoiding the effect of discipline in one jurisdiction by practicing in another.”
(90)

“We do not agree that a public reprimand or letter of admonition is sufficient in this case, and agree with the State Bar that disbarment is the appropriate sanction in this case.” (90)

FACTUAL BACKGROUND

Powell was licensed to practice law in Georgia and West Virginia and had no prior disciplinary or legal problems before 1997. In West Virginia, he pleaded guilty in 1998 to eight misdemeanor counts of prostitution and, as part of a plea agreement, voluntarily surrendered his law license; that license was annulled on January 13, 1999. Powell notified the Georgia State Bar, admitted that the annulment established a violation of Georgia Bar Rule 4-102(d), Standard 67, but argued that disbarment was too severe.

PROCEDURAL HISTORY

The State Bar filed a Formal Complaint, which Powell timely answered. A special master recommended a public reprimand, and after the State Bar filed exceptions, the Review Panel of the State Disciplinary Board recommended a letter of reprimand by an eight-to-three vote. The Supreme Court of Georgia rejected the lesser sanctions and disbarred Powell.

DISPOSITION

other

CASES CITED

- In the Matter of E. Marie Wilson-Lindsay, 268 Ga. 648, 492 S.E.2d 671 (1997)