

SUPREME COURT OF GEORGIA

In the Matter of Gregory C. Menefee

In re Menefee, 286 Ga. 32 (Ga. 2009) · No. S09Y1593 · Decided October 19, 2009

SUMMARY

The Supreme Court of Georgia imposed reciprocal discipline on Gregory C. Menefee based on his temporary suspension in Kentucky for alleged misappropriation or improper handling of client funds. The court held that procedural defects concerning submission of the Kentucky disciplinary order were cured and suspended Menefee indefinitely in Georgia, with reinstatement conditioned on proof of reinstatement in Kentucky.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Per Curiam; All the Justices
JURISDICTION	Georgia
DECIDED	October 19, 2009
DOCKET	S09Y1593
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline matter before the Supreme Court of Georgia on the Review Panel's report and recommendation proposing an indefinite suspension based on discipline imposed in Kentucky.
PRECEDENTIAL VALUE	published precedential opinion

TOPICS

remedies civil procedure waiver appellate procedure

PRACTICE AREAS

attorney discipline reciprocal discipline professional responsibility

QUESTIONS PRESENTED

1. Whether Georgia should impose reciprocal discipline based on Menefee's Kentucky suspension.
2. Whether the failure to initially file a certified copy of the Kentucky disciplinary order with the Clerk required remand or dismissal of the reciprocal-discipline proceeding.

HOLDINGS

1. The initial failure to file a certified copy of the Kentucky disciplinary order with the Clerk did not require remand or refiling because the defect was cured when the Clerk obtained and served the certified order and the Office of General Counsel filed an amended notice.
2. Reciprocal discipline was appropriate, and Menefee was suspended indefinitely from practicing law in Georgia until he demonstrated that he had been reinstated in Kentucky.

KEY QUOTATIONS

“Thus, any procedural defect in the disciplinary proceedings has been cured, and the matter need not be returned to the Office of General Counsel for refiling.” (277)

“Accordingly, effective as of the date of this opinion, Menefee is hereby suspended from the practice of law in Georgia indefinitely.” (277)

FACTUAL BACKGROUND

The Supreme Court of Kentucky temporarily suspended Menefee on June 19, 2008, based on probable cause that he had misappropriated or improperly dealt with funds held for clients. The Kentucky order identified seven complaints involving thousands of dollars from eight clients in estate, residential mortgage, and bankruptcy matters. In the Georgia reciprocal-discipline proceeding, the initial notice to the Clerk lacked a certified copy of the Kentucky order, but Menefee received the order, acknowledged service, and stated that he would not contest reciprocal discipline.

PROCEDURAL HISTORY

The Supreme Court of Kentucky temporarily suspended Menefee after finding probable cause to believe that he had misappropriated or improperly dealt with client funds. Georgia's Review Panel recommended reciprocal discipline, although the initial notice filed by the Office of General Counsel did not include a certified copy of the Kentucky disciplinary order. The Clerk later obtained and served the certified order, and the Office of General Counsel filed an amended notice. The Supreme Court of Georgia held that the procedural defect had been cured and imposed reciprocal discipline.

DISPOSITION

other

CASES CITED

- In the Matter of Boniface, 285 Ga. 815, 684 S.E.2d 268 (2009)