

SUPREME COURT OF GEORGIA

In re Bone

283 Ga. 147 (Ga. 2008) · Decided February 11, 2008

SUMMARY

The Georgia Supreme Court accepted James H. Bone's petition for voluntary discipline after he destroyed a recording of a Chapter 13 settlement conference, instructed staff to delete the original, and initially misrepresented the recording's nonexistence to the court. Finding mitigating factors, the Court suspended Bone from practicing law for three months for violating Georgia Rules of Professional Conduct 3.3(a)(1) and 3.4(f).

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Per curiam; All Justices
JURISDICTION	Georgia
DECIDED	February 11, 2008
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary matter submitted to the Supreme Court of Georgia on James H. Bone's petition for voluntary discipline.
PRECEDENTIAL VALUE	Published opinion

TOPICS

bankruptcy evidence

PRACTICE AREAS

legal ethics and professional responsibility bankruptcy

QUESTIONS PRESENTED

1. What sanction should be imposed for Bone's admitted violations of Georgia Rules of Professional Conduct 3.3(a)(1) and 3.4(f) in a petition for voluntary discipline?

HOLDINGS

1. The court accepted Bone's petition for voluntary discipline and suspended him from the practice of law for three months.

KEY QUOTATIONS

“Therefore, we accept the petition for voluntary discipline and hereby direct that Bone be suspended from the practice of law for a period of three months from the date of this opinion.” (148)

FACTUAL BACKGROUND

While serving as a Chapter 13 trustee, Bone conducted a settlement conference that was recorded with the participants' knowledge. After a participant requested a copy of the recording, Bone destroyed a compact disc, failed to send a prepared letter, and instructed staff to delete the original recording. He then filed a response stating that no recording existed because of mechanical error, later amended the response after an investigation, and ultimately provided a transcript pursuant to court order.

PROCEDURAL HISTORY

Bone, a Standing Chapter 13 Trustee for the United States Bankruptcy Court for the Northern District of Georgia, admitted violating Georgia Rules of Professional Conduct 3.3(a)(1) and 3.4(f). The State Bar of Georgia stated that it had no objection to the petition. After considering the admitted misconduct and mitigating factors, the Supreme Court of Georgia accepted the petition and imposed a three-month suspension.

DISPOSITION

other