

SUPREME COURT OF GEORGIA

In re Meaney

298 Ga. 136 (2015) · Decided November 16, 2015

SUMMARY

The Supreme Court of Georgia imposed a three-month suspension on James A. Meaney III as reciprocal discipline following his Tennessee suspension. Reinstatement in Georgia was conditioned on proof that Meaney had been reinstated to practice law in Tennessee.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	All the Justices
JURISDICTION	Georgia
DECIDED	November 16, 2015
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding arising from respondent's suspension in Tennessee.
STANDARD OF REVIEW	The Court reviewed the record and the Review Panel's recommendation in the reciprocal-discipline proceeding.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	James A. Meaney III v. State Bar of Georgia

TOPICS

administrative law agency adjudication appellate procedure

PRACTICE AREAS

attorney discipline professional responsibility reciprocal discipline

QUESTIONS PRESENTED

1. Whether reciprocal discipline should be imposed under Georgia Bar Rule 9.4(b) based on Meaney's Tennessee suspension.
2. Whether Georgia should impose a discipline different from the Tennessee discipline because the Georgia rules do not authorize a practice-monitor sanction and because Meaney argued that a three-month

suspension would be unduly severe.

3. What condition should govern Meaney's potential reinstatement to practice law in Georgia.

HOLDINGS

1. Meaney failed to establish any Rule 9.4(b)(3) ground warranting discipline different from the Tennessee discipline, so reciprocal discipline was appropriate.
2. Georgia imposed a three-month suspension because identical discipline was not possible where the Tennessee sanction included a practice monitor, a sanction not provided for by Georgia's rules.
3. Before seeking reinstatement in Georgia, Meaney must provide proof that he has been reinstated to practice law in Tennessee; the State Bar must submit a notice of compliance, after which the Court will grant or deny reinstatement.

FACTUAL BACKGROUND

Meaney was suspended from practicing law in Tennessee after continuing to practice while temporarily suspended for failing to satisfy continuing legal education requirements, pay a professional privilege tax, and respond to a disciplinary investigation. Tennessee imposed an 11-month-and-29-day suspension, with three months served actively and the remainder probated, and included a practice-monitor requirement. Meaney later complied with Tennessee's practice requirements but objected to reciprocal discipline in Georgia.

PROCEDURAL HISTORY

The Review Panel of the State Bar of Georgia recommended a three-month suspension as reciprocal discipline after Meaney received an 11-month-and-29-day suspension in Tennessee, including three months of active suspension and the remainder on probation. Meaney objected to the notice of reciprocal discipline and argued that the recommended punishment was unduly severe. The Supreme Court of Georgia adopted the Review Panel's recommendation, imposing a three-month suspension conditioned on proof of reinstatement in Tennessee.

DISPOSITION

other

CASES CITED

- In the Matter of Bounds, 294 Ga. 724 (755 SE2d 745) (2014)
- In the Matter of Arthur, 291 Ga. 658 (732 SE2d 86) (2012)

OPINION

PER CURIAM.

Per curiam. This disciplinary matter is before the Court on the Report and Recommendation of the Review Panel of the State Bar, recommending that respondent James A. Meaney III (State Bar No.

500491) be suspended for three months as substantially similar reciprocal discipline, following his receipt of a suspension in Tennessee. Meaney acknowledged service of the notice of reciprocal discipline, filed pursuant to Rule 9.4 (b) of the Georgia Rules of Professional Conduct, as set forth in Bar Rule 4-102 (d), and filed an objection, to which the Bar responded and supplemented the record with documents from the Tennessee proceedings.

Meaney's Tennessee suspension was the result of his having continued the practice of law in that state while temporarily suspended from practice in that state for failure to comply with that state's continuing legal education requirements, failure to pay a professional privilege tax, and failure to respond to the investigation of a disciplinary complaint, with a prior disciplinary infraction serving as an aggravating factor.

The Supreme Court of Tennessee ordered that Meaney be suspended for 11 months and 29 days, with three months served as an active suspension and the remainder probated. In addressing Meaney's exceptions to the notice of reciprocal discipline, the Review Panel concluded that a three-month suspension was within the range of authorized discipline and would not be unduly severe, despite Meaney's assertion that such a suspension would force him to close his practice, and that Meaney's subsequent compliance with Tennessee practice requirements does not remove the reason for reciprocal discipline, as the Tennessee discipline was imposed as a result of Meaney's continued practice of law while suspended for failure to comply with the relevant practice requirements.

Concluding that Meaney had failed to prove any of the elements, listed in Rule 9.4 (b) (3), that would justify the imposition of punishment different from that received in Tennessee, the Review Panel recommends that Meaney receive a three-month suspension. *137However, the imposition of identical discipline is not possible here, as Meaney's Tennessee suspension includes the use of a practice monitor during the probated portion of the suspension, a sanction not provided for by the Georgia Rules.

Thus, the Review Panel recommends that Meaney be suspended for three months with his reinstatement to practice here contingent on his reinstatement in Tennessee. In the Matter of Bounds, 294 Ga. 724 (755 SE2d 745) (2014); In the Matter of Arthur, 291 Ga. 658 (732 SE2d 86) (2012). Meaney has responded to the Review Panel's Report and Recommendation, arguing that the recommended punishment is unduly severe.

Decided November 16, 2015. Paula J. Frederick, General Counsel State Bar, Wolanda R. Shelton, Assistant General Counsel State Bar, for State Bar of Georgia. Having reviewed the record, this Court agrees with the Review Panel's recommendation that a three-month suspension is the appropriate sanction in this reciprocal discipline matter.

Accordingly, we direct that James A. Meaney III be suspended from the practice of law in the State of Georgia for three months. At the conclusion of the suspension imposed in this matter, if Meaney wishes to seek reinstatement, he must offer proof to the State Bar's Office of General Counsel that he has been reinstated to the practice of law in Tennessee. If the State Bar agrees that this condition has been met, the State Bar will submit a notice of compliance to this Court, and this Court will issue an order granting or denying reinstatement.

Meaney is reminded of his duties under Bar Rule 4-219 (c). Three-month suspension with conditions for reinstatement. All the Justices concur.