

SUPREME COURT OF GEORGIA

In re Branan

300 Ga. 779 (Ga. 2017) · Decided March 20, 2017

SUMMARY

The Supreme Court of Georgia accepted Jon Gary Branan's petition for voluntary discipline arising from his misrepresentation of the source of a client's debt in litigation. The Court imposed a one-month suspension and a Review Panel reprimand for violating Georgia Rule of Professional Conduct 3.3.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Per curiam
JURISDICTION	Georgia
DECIDED	March 20, 2017
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary matter on the attorney's petition for voluntary discipline filed before issuance of a formal complaint.
STANDARD OF REVIEW	The Court reviewed the disciplinary record to determine whether acceptance of the petition and imposition of the requested sanction were appropriate.
PRECEDENTIAL VALUE	published
PARTIES	State Bar of Georgia

TOPICS

evidence

PRACTICE AREAS

legal ethics

professional responsibility

attorney discipline

evidence

QUESTIONS PRESENTED

1. Whether the Court should accept Branan's petition for voluntary discipline for knowingly making false statements to a tribunal and knowingly offering false evidence.

2. Whether a one-month suspension and Review Panel reprimand were appropriate sanctions for Branan's violations of Georgia Rule of Professional Conduct 3.3.

HOLDINGS

1. Branan's admitted conduct violated Rule 3.3(a)(1) and (a)(4), which prohibit knowingly making a false statement of material fact or law to a tribunal and knowingly offering evidence the lawyer knows to be false.
2. The Court accepted Branan's petition for voluntary discipline and imposed a one-month suspension from the practice of law and a Review Panel reprimand.

KEY QUOTATIONS

“Therefore, we accept Branan’s petition for voluntary discipline and order that he be suspended from the practice of law in this State for one month and that he receive a Review Panel reprimand” (781)

“Together Rule 3.3 (a) (1) and (a) (4) provide that a lawyer shall not knowingly make false statement of a material fact or law to a tribunal and shall not knowingly offer evidence that a lawyer knows to be false.” (781)

FACTUAL BACKGROUND

Branan represented a client in a personal-injury action and personally guaranteed a \$10,000 bank loan arranged for the client, with repayment to come from the eventual settlement proceeds. After the case settled but before the proceeds were distributed, Branan sued the client and submitted a sworn statement falsely characterizing the debt as a personal loan from Branan. He obtained a writ of attachment against \$10,500 of the settlement funds, received the funds through an interpleader proceeding, and used them to pay the bank loan balance.

PROCEDURAL HISTORY

Jon Gary Branan petitioned for voluntary discipline, requesting a one-month suspension and a Review Panel reprimand for misrepresenting facts to a court. The State Bar recommended acceptance of the petition and the requested sanctions. The Supreme Court of Georgia accepted the petition and imposed the recommended discipline.

DISPOSITION

other

CASES CITED

- In the Matter of Wilkinson, 284 Ga. 548, 668 S.E.2d 707 (2008)
- In the Matter of Johnson, 281 Ga. 674, 641 S.E.2d 535 (2007)