

SUPREME COURT OF GEORGIA

In the Matter of Douglas Grant Exley

296 Ga. 630 (2015) · No. S14Y1542, S14Y1543 · Decided February 16, 2015

SUMMARY

The Supreme Court of Georgia considers disciplinary matters involving Douglas Grant Exley, who accepted fees for two divorce representations but abandoned both clients, failed to communicate, and failed to refund the fees. Because Exley defaulted, the violations were deemed admitted, and the Court ordered his disbarment based on client neglect, communication failures, and related rule violations.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	All the Justices
JURISDICTION	Georgia
DECIDED	February 16, 2015
DOCKET	S14Y1542, S14Y1543
DISPOSITION	other
PROCEDURAL POSTURE	The State Bar of Georgia filed Notices of Discipline seeking disbarment in two disciplinary matters. The attorney was served by publication, failed to file Notices of Rejection and timely responses, and proceeded in default.
STANDARD OF REVIEW	The Court reviewed the disciplinary record and determined the appropriate sanction based on facts deemed admitted by default.
PRECEDENTIAL VALUE	Published opinion
PARTIES	State Bar of Georgia

TOPICS

family law procedure divorce family law

PRACTICE AREAS

attorney discipline legal ethics family law representation

QUESTIONS PRESENTED

1. Whether Exley's failure to file Notices of Rejection after proper service placed him in default and waived his right to an evidentiary hearing.
2. Whether disbarment was the appropriate sanction for abandoning two client representations, failing to communicate, failing to refund fees, and failing to respond to the State Bar's investigations.

HOLDINGS

1. An attorney who is properly served, fails to file a Notice of Rejection, and thereby defaults waives the right to an evidentiary hearing and becomes subject to the discipline and further proceedings determined by the Supreme Court.
2. Disbarment is the appropriate sanction for Exley's misconduct in abandoning two divorce representations, neglecting client matters, failing to communicate, failing to refund fees, and failing to respond to disciplinary investigations.

KEY QUOTATIONS

“Having reviewed the record, we conclude that disbarment is the appropriate sanction in this matter.” (at 632)

“Accordingly, it is hereby ordered that the name of Douglas Grant Exley be removed from the rolls of persons authorized to practice law in the State of Georgia.” (at 632)

FACTUAL BACKGROUND

In one matter, Exley accepted \$500 to represent a client in a divorce action, failed to communicate or take action, abandoned the representation, and failed to refund the fee. In the second matter, he accepted \$1,000 for a divorce representation, delayed sending documents, failed to file signed documents with the superior court, again abandoned the client, and failed to refund the fee. In both matters, he failed to provide timely sworn responses to Notices of Investigation.

PROCEDURAL HISTORY

The matters came before the Supreme Court of Georgia on the State Bar's Notices of Discipline. The State Bar had previously obtained an interim suspension in one matter. After personal service failed, service by publication was completed, but Exley filed no Notice of Rejection and waived an evidentiary hearing by default. The Court reviewed the admitted facts and ordered disbarment.

DISPOSITION

other

CASES CITED

- In the Matter of Exley, S14Y0972 (Ga. Apr. 14, 2014)

OPINION

PER CURIAM.

296 Ga. 630 FINAL COPY S14Y1542, S14Y1543. IN THE MATTER OF DOUGLAS GRANT EXLEY (two cases). PER CURIAM. These disciplinary matters are before the Court on Notices of Discipline seeking the disbarment of Douglas Grant Exley (State Bar No. 253555). Exley is currently under an interim suspension.

In the Matter of Exley, S14Y0972 (April 14, 2014). The State Bar attempted to serve Exley personally at the address listed with the State Bar, but the sheriff filed a return of service non est inventus. The State Bar then properly served Exley by publication, pursuant to Bar Rule 4-203.1 (b) (3) (ii). Exley failed to file a Notice of Rejection.

Therefore, he is in default, has waived his rights to an evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court. See Bar Rule 4-208.1 (b). The facts, as deemed admitted by virtue of Exley's default, show that, with regard to Case No. S14Y1542, Exley accepted \$500 from a client to represent him in a divorce action.

Exley then failed to communicate with or return calls from the client, or to take any action on his behalf. Moreover, Exley abandoned his representation of the client and failed to refund any portion of the fee that he had been paid. Exley was served by publication and mail with a Notice of Investigation, but he failed to file a timely sworn, written response, as required by Bar Rule 4-204.3.

Pursuant to the State Bar's motion, this Court suspended Exley on April 14, 2014. With regard to Case No. S14Y1543, the facts show that Exley accepted \$1,000 from a client to represent her in a divorce action. Exley initially failed to communicate with or return calls from the client, or to take any action on her behalf.

However, the client asked a friend to call Exley and pose as a new client, and Exley returned the call from the client's friend. When the client asked Exley why he had not been in communication, he stated that he was preparing to file her divorce action.

Although Exley did mail the relevant documents to the client's husband, he delayed in sending the documents to the client, despite her repeated requests, and failed to file the signed documents with the Superior Court. Exley then failed again to communicate with the client, abandoned his representation of her, and failed to refund any portion of the fee that he had been paid.

Exley again was served by publication and mail with a Notice of Investigation, but he failed to file a timely sworn, written response, as required by Bar Rule 4-204.3. The Investigative Panel found that by this conduct Exley violated Rules 1.3, 1.4, 1.16, and 9.3 of the Georgia Rules of Professional Conduct found in Bar Rule 4-102 (d).

The maximum sanction for a violation of Rule 1.3 is disbarment, and the maximum sanction for a violation of Rules 1.4, 1.16, and 9.3 is a public reprimand. In aggravation of discipline, the Investigative Panel found that Exley has experience in the practice of law, having been admitted in 2003, and that these two matters, taken together, suggest a pattern of client neglect and of failing to communicate.

Having reviewed the record, we conclude that disbarment is the appropriate sanction in this matter. Accordingly, it is hereby ordered that the name of Douglas Grant Exley be removed from the rolls of persons authorized to practice law in the State of Georgia. Exley is reminded of his duties pursuant to Bar Rule 4-219 (c). Disbarred. All the Justices concur.

Decided February 16, 2015. Disbarment. 3 Paula J. Frederick, General Counsel State Bar, Jenny K. Mittelman, Assistant General Counsel State Bar, for State Bar of Georgia. 4