

SUPREME COURT OF GEORGIA

In re Proctor

295 Ga. 858 (2014) · Decided October 6, 2014

SUMMARY

The Georgia Supreme Court considered Michael Rory Proctor’s petition for reinstatement after an indefinite suspension from the practice of law. The Court found that Proctor satisfied the conditions imposed for reinstatement, including treatment, fitness evaluations, and restitution, and ordered that he be reinstated.

CASE DETAILS

COURT	Supreme Court of Georgia
JURISDICTION	Georgia
DECIDED	October 6, 2014
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Georgia reviewed a petition for reinstatement from an attorney who had been indefinitely suspended and whose reinstatement was conditioned on compliance with specified treatment, evaluation, restitution, and procedural requirements.
STANDARD OF REVIEW	The Court reviewed the reinstatement record to determine whether Proctor had satisfied the conditions previously imposed for reinstatement.
PRECEDENTIAL VALUE	Published opinion; precedential value limited to the reinstatement determination and application of the conditions imposed in this disciplinary matter.

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics attorney discipline professional licensing

QUESTIONS PRESENTED

- Whether Proctor satisfied the conditions previously imposed for reinstatement to the practice of law.

HOLDINGS

1. Proctor met the conditions imposed for reinstatement, and his petition was accepted.

KEY QUOTATIONS

“Having reviewed the record, the Court agrees that Proctor has met the conditions imposed for reinstatement.” (295 Ga. at 859)

“Accordingly, this Court hereby orders that Michael Rory Proctor’s petition for reinstatement be accepted and that he be reinstated as an attorney licensed to practice law in the State of Georgia.” (295 Ga. at 859)

FACTUAL BACKGROUND

Michael Rory Proctor had been suspended on an interim basis since March 2011 and later received an indefinite suspension conditioned on, among other things, continued psychiatric treatment, a professional determination that his incapacity had ended, payment of specified restitution, and Review Panel consideration of a reinstatement petition. In support of his May 2014 petition, Proctor submitted treatment and psychological evaluations stating that he was fit to practice, a release authorizing access to treatment records, and documentation showing that he had paid the required restitution.

PROCEDURAL HISTORY

The Court had previously accepted Proctor's petitions for voluntary discipline and imposed an indefinite suspension, conditioned in part on his satisfaction of specified requirements before seeking reinstatement. Proctor filed a reinstatement petition in May 2014 with supporting medical, treatment, release, and restitution documentation. The State Bar and the Review Panel recommended reinstatement, and the Supreme Court accepted the recommendation.

DISPOSITION

other

CASES CITED

- In the Matter of Proctor, 292 Ga. 643 (740 SE2d 168) (2013)

OPINION

In re Proctor

295 Ga. 858

PER CURIAM.

Per curiam. This disciplinary matter is before the Court on the Report and Recommendation of the Review Panel, recommending that the Court accept the petition for reinstatement filed by Michael Rory Proctor (State Bar No. 588428). To resolve two formal complaints as well as six other disciplinary matters, this Court accepted the petitions for voluntary discipline filed by Proctor, who had been suspended on an interim basis since March 2011, see In the Matter of Proctor, 292

Ga. 643 (740 SE2d 168) (2013). The Court imposed an indefinite suspension on Proctor's ability to practice law, and conditioned his reinstatement, in relevant part, on him: (1) not seeking reinstatement any earlier than March 14, 2014; (2) continuing treatment with his current psychiatrist or a duly-qualified successor and taking any steps necessary to allow access to their reports by the Office of the General Counsel ("OGC"), the Committee on Lawyer Assistance ("CLA"), or this Court; (3) submitting a current psychological evaluation from a qualified psychiatrist or psychologist expressing the doctor's professional opinion that Proctor's incapacity has ended and he is fit to practice law; (4) submitting proof that he has paid specific amounts of restitution to various former clients; (5) submitting his petition for reinstatement to the Review Panel for issuance of a report and recommendation to this Court; and (6) not undertaking the practice of law until this Court issues an opinion granting or denying his petition for reinstatement. Proctor's petition for reinstatement, which was filed in May 2014, included letters from the psychiatrist who has been treating him since 2006 and from a licensed psychologist, both of whom document his continued treatment and compliance with scheduled appointments and with his medication regimen, and both of whom opine that Proctor's incapacity has ended and that he is fit to return to the practice of law. Proctor also attached a copy of a release allowing the OGC, the CLA, and this Court access to his treating psychiatrist's records. Finally, he attached documentation that he has paid the required restitution to all of the clients specified in this Court's opinion. Relying on the proffered documentation, both the State Bar and the Review Panel concluded that Proctor satisfied the conditions for readmission, and both recommended that his petition be granted. Having reviewed the record, the Court agrees that Proctor has met the conditions imposed for reinstatement. Accordingly, this *859Court hereby orders that Michael Rory Proctor's petition for reinstatement be accepted and that he be reinstated as an attorney licensed to practice law in the State of Georgia. Decided October 6, 2014. Paula J. Frederick, General Counsel State Bar, Jonathan W. Hewett, Assistant General Counsel State Bar, for State Bar of Georgia. Wilson, Morton & Downs, James E. Spence, Jr., for Proctor. Reinstated. All the Justices concur.