

SUPREME COURT OF GEORGIA

In re Pilgrim

279 Ga. 553 (Ga. 2005) · Decided June 30, 2005

SUMMARY

The Supreme Court of Georgia accepted Marc Albert Pilgrim’s petition for voluntary discipline based on two violations of Georgia Rule of Professional Conduct 1.3. The court suspended Pilgrim from practicing law in Georgia for six months after finding that his neglect caused clients to lose or impair employment-related claims.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Per curiam; All the Justices
JURISDICTION	Georgia
DECIDED	June 30, 2005
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary matters before the Supreme Court of Georgia on Marc Albert Pilgrim's petition for voluntary discipline seeking a six-month suspension in two State Disciplinary Board matters.
STANDARD OF REVIEW	The Court reviewed the disciplinary records and determined whether to accept the petition for voluntary discipline.
PRECEDENTIAL VALUE	Published Georgia Supreme Court disciplinary opinion
PARTIES	Marc Albert Pilgrim v. State Bar of Georgia

TOPICS

- employment law
- wrongful termination
- employment discrimination
- sexual harassment
- racial discrimination

PRACTICE AREAS

- attorney discipline
- professional responsibility
- legal malpractice

QUESTIONS PRESENTED

1. Whether the Supreme Court of Georgia should accept Pilgrim's petition for voluntary discipline based on his admitted violations of Rule 1.3 of Bar Rule 4-102(d).
2. What discipline should be imposed for the admitted violations, considering Pilgrim's prior discipline and mitigating circumstances.

HOLDINGS

1. The Court accepted Pilgrim's petition for voluntary discipline after reviewing the records and agreeing with the State Bar's recommendation.
2. Pilgrim was suspended from the practice of law in Georgia for six months for his violations of Rule 1.3 of Bar Rule 4-102(d).

KEY QUOTATIONS

“Accordingly, we accept Pilgrim’s petition. Pilgrim hereby is suspended from the practice of law in Georgia for a period of six months for his violations of Rule 1.3 of Bar Rule 4-102 (d) of the Georgia Rules of Professional Conduct.” (279 Ga. at 554-555)

FACTUAL BACKGROUND

In one matter, Pilgrim failed to notify a hearing officer that he had determined an age-discrimination claim should not be filed and failed to timely request that the client's employment claim be placed back on the hearing calendar, causing the client to lose the right to pursue the claim. In the second matter, Pilgrim filed a sexual-harassment and racial-discrimination lawsuit but took no further action, failed to update the client, and moved to dismiss without authorization. Pilgrim admitted violating Rule 1.3 in both matters and cited remorse, responsibility, and lack of dishonest or selfish motive in mitigation.

PROCEDURAL HISTORY

Pilgrim admitted violating Rule 1.3 of Bar Rule 4-102(d) in two matters. The State Bar recommended acceptance of his petition, and a special master recommended acceptance in one matter. The Supreme Court of Georgia reviewed the records, accepted the petition, and imposed a six-month suspension.

DISPOSITION

other

OPINION

PER CURIAM.

Per curiam. These disciplinary matters are before the Court on Respondent Marc Albert Pilgrim’s Petition for Voluntary Discipline in which he seeks the imposition of a six-month suspension in resolution of two disciplinary matters (State Disciplinary Board numbers 4679 and 4717).

The State Bar has filed a response recommending that this Court accept Pilgrim's Petition for Voluntary Discipline. With regard to State Disciplinary Board number 4679, the special master also has recommended that the Court accept Pilgrim's petition.

In his petition, Pilgrim admits having violated Rule 1.3 of Bar Rule 4-102 (d) of *554the Georgia Rules of Professional Conduct in each of the disciplinary matters at issue. The maximum penalty for a violation of Rule 1.3 is disbarment.

In SDB No. 4679, Pilgrim was hired by a client in or about March 1996 to handle a legal matter involving a claim for wrongful termination of employment, and the client paid a portion of Pilgrim's retainer. Although the client failed to pay the balance of the retainer as had been negotiated, Pilgrim appeared with the client at a Georgia Department of Human Resources' hearing in June 1996.

After the client alleged facts at the hearing that may have constituted a claim for age discrimination, the hearing officer suspended the hearing to allow Pilgrim to investigate whether it was necessary to file a complaint on the client's behalf with the Georgia Commission on Equal Opportunity. Pilgrim subsequently determined that sufficient facts did not exist to file a claim with the Georgia Commission on Equal Opportunity but he failed to inform the hearing officer for the Georgia Department of Human Resources of this decision and failed to ask the hearing officer to place the case on the hearings calendar within the time designated by statute.

Consequently, when Pilgrim did ask for the case to be placed on the calendar, the hearing officer refused to do so as Pilgrim had failed to comply with the statutory requirements and the client lost his rights to pursue the claim.

In SDB No. 4717, Pilgrim was hired by a client in January 2000 to represent her in a sexual harassment and racial discrimination claim against her employer. Although Pilgrim filed a lawsuit on the client's behalf in February 2000, he failed to take any further action on her behalf; did not contact her to inform her about the status of her case; and filed a motion to dismiss the case without the client's authorization.

We have reviewed the record in each of these matters and agree with the State Bar that Pilgrim's petition should be accepted. Although Pilgrim was subjected to discipline in 2003 in the form of an Investigative Panel reprimand and such discipline does constitute an aggravating factor, we note in mitigation of discipline that in his petition, Pilgrim states that he is remorseful; accepts full responsibility for the conduct he admits to in his petition and for the resulting consequences; and states that he did not have a dishonest or selfish motive.

Accordingly, we accept Pilgrim's petition. Pilgrim hereby is suspended from the practice of law in Georgia for a period of six months for his violations of Rule 1.3 of Bar Rule 4-102 (d) of the

Georgia Rules of Professional Conduct. Pilgrim is reminded of his duties under Bar Rule 4-219 (c). Six-month suspension. All the Justices concur. *555Decided June 30, 2005.

William P. Smith III, General Counsel State Bar, K. Gene Chapman, Assistant General Counsel State Bar, for State Bar of Georgia.