

SUPREME COURT OF GEORGIA

In the Matter of Xavier Cornell Dicks

295 Ga. 181 (2014) · No. S14Y0689 · Decided May 5, 2014

SUMMARY

The Supreme Court of Georgia disbarred Xavier Cornell Dicks for abandoning a client, mishandling a mechanic's lien action, failing to notify the client of dismissals, and related disciplinary violations. The Court considered the post-remand report addressing alleged mental impairment and mitigating circumstances, as well as additional aggravating conduct. The Court ordered that Dicks's name be removed from the rolls of persons authorized to practice law in Georgia.

CASE DETAILS

COURT	Supreme Court of Georgia
JURISDICTION	Georgia
DECIDED	May 5, 2014
DOCKET	S14Y0689
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding before the Supreme Court of Georgia on the Review Panel's post-remand report and recommendation recommending disbarment.
STANDARD OF REVIEW	The Supreme Court considered the entire disciplinary record and reviewed the special master's findings and the Review Panel's recommendation.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential disciplinary decision.

TOPICS

appellate procedure

remedies

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Dicks established mental impairment or related mitigating circumstances during the post-remand evidentiary proceedings.
2. Whether disbarment remained the appropriate sanction in light of Dicks's violations, aggravating factors, prior discipline, and failure to establish mitigation.

HOLDINGS

1. Dicks did not establish through admissible evidence that he was mentally impaired at a relevant time or that his alleged mitigating circumstances could not have been presented without such impairment.
2. Disbarment was the appropriate sanction for Dicks's misconduct, and his name was properly removed from the rolls of persons authorized to practice law in Georgia.

KEY QUOTATIONS

“Having considered the entire record in this matter, the Court agrees that disbarment remains the appropriate sanction.” (5)

FACTUAL BACKGROUND

Dicks was retained in June 2007 to enforce a mechanic's lien for \$175,000, but filed the enforcement action after the statute of limitations expired. He failed to appear at a dismissal hearing, did not timely notify his client of the dismissals, and later presented the client with a release in exchange for a promise to pay \$25,000, without advising the client to have independent counsel review it. Dicks also failed to respond timely to the State Bar's notice of investigation and paid only approximately \$6,000 of the promised restitution.

PROCEDURAL HISTORY

After the State Bar filed a formal complaint, Dicks petitioned for voluntary discipline. The special master and Review Panel recommended disbarment, and the Supreme Court initially disbarred him in 2012. On reconsideration, the Court vacated that opinion and remanded for an evidentiary hearing concerning possible mental impairment and mitigation. After the remand proceedings, the special master and Review Panel again recommended disbarment, and Dicks filed no written exceptions.

DISPOSITION

other