

SUPREME COURT OF GEORGIA

In the Matter of David Roberson

273 Ga. 651, 544 S.E.2d 715 (2001) · No. S00Y1941 · Decided April 5, 2001

SUMMARY

The Supreme Court of Georgia reviewed a disciplinary matter involving attorney David Roberson's representation of a patient and her guardian in a medical malpractice settlement. The court found violations involving dishonesty, conflicts of interest, excessive fees, abandonment, failure to account for client funds, and commingling of trust property. Roberson was disbarred and required to make full restitution to the estate before seeking reinstatement.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Per Curiam; All the Justices
JURISDICTION	Georgia
DECIDED	April 5, 2001
DOCKET	S00Y1941
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary matter before the Supreme Court of Georgia on the Report of the Review Panel of the State Disciplinary Board recommending disbarment.
STANDARD OF REVIEW	The Supreme Court reviewed the disciplinary record and determined whether the State Bar proved the alleged violations by clear and convincing evidence and whether disbarment was the appropriate sanction.
PRECEDENTIAL VALUE	Published Georgia Supreme Court disciplinary opinion; precedential as to the reported disciplinary disposition and legal standards applied.
PARTIES	State Bar of Georgia

TOPICS

- probate procedure
- estate administration
- trusts
- breach of trust
- professional negligence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Roberson violated the specified Georgia disciplinary standards through dishonesty, conflicts of interest, excessive or inadequately documented fees, abandonment or disregard of the client's matter, and mishandling or failure to account for client funds and property.
2. Whether disbarment was the appropriate sanction for the proven violations.
3. Whether full restitution to the estate should be imposed as a condition before any petition for reinstatement.

HOLDINGS

1. The State Bar proved by clear and convincing evidence that Roberson violated Standards 4, 30, 31(a), 31(d)(2), 36, 44, 61, 63, and 65(A) of Bar Rule 4-102(d).
2. Disbarment was the appropriate sanction for Roberson's violations.
3. Before submitting any petition for reinstatement, Roberson must make full restitution to the estate of all money he received in connection with his representation of the estate.

KEY QUOTATIONS

“Based on the above stated facts, we find no evidence of mitigating factors and conclude that the State Bar proved by clear and convincing evidence that Roberson violated Standards 4, 30, 31(a), 31(d)(2), 36, 44, 61, 63, and 65(A) of Bar Rule 4-102(d).” (273 Ga. at 656)

“Accordingly, for his violations of Standards 4, 30, 31(a), 31(d)(2), 36, 44, 61, 63, and 65(A) of Bar Rule 4-102(d), Roberson is disbarred from the practice of law in Georgia.” (273 Ga. at 656)

FACTUAL BACKGROUND

Roberson represented a comatose patient and her husband in medical-malpractice and related litigation and later handled settlement, probate, guardianship, trust, and client-fund matters. He altered the contingent-fee agreement, made disputed payments from his trust account, paid himself and associated counsel substantial sums, and represented the settlement as including future medical services beyond those actually agreed upon, thereby inflating the stated settlement value and proposed fees. The patient's estate later sued Roberson and associated counsel for malpractice and related claims.

PROCEDURAL HISTORY

The State Bar filed a Formal Complaint in December 1997 alleging violations of multiple disciplinary standards. After an evidentiary hearing, the special master found that Roberson violated Standards 4, 30, 31(a), 31(d)(2), 36, 44, 61, 63, and 65(A) of Bar Rule 4-102(d). The Review Panel recommended disbarment conditioned on full restitution to the estate before any reinstatement petition, and the Supreme Court adopted that recommendation.

DISPOSITION

other

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