

# SUPREME COURT OF GEORGIA

## In the Matter of Michael J.C. Shaw

288 Ga. 403, 703 S.E.2d 663 (2010) · No. S10Y1670 · Decided November 22, 2010

### SUMMARY

The Supreme Court of Georgia accepted Michael J.C. Shaw’s petition for voluntary surrender of his law license, noting that the surrender was tantamount to disbarment. Shaw admitted to submitting fraudulent invoices and misappropriating approximately \$526,922 while working as an associate attorney, and the Court ordered his name removed from the rolls of persons authorized to practice law in Georgia.

### CASE DETAILS

|                       |                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Georgia                                                                                                                                        |
| WRITING FOR THE COURT | Per Curiam                                                                                                                                                      |
| JURISDICTION          | Georgia                                                                                                                                                         |
| DECIDED               | November 22, 2010                                                                                                                                               |
| DOCKET                | S10Y1670                                                                                                                                                        |
| DISPOSITION           | approved                                                                                                                                                        |
| PROCEDURAL POSTURE    | Attorney-discipline proceeding on Shaw's petition for voluntary surrender of his law license after the court rejected two earlier petitions seeking suspension. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                       |
| PARTIES               | Michael J.C. Shaw v. State Bar of Georgia                                                                                                                       |

### TOPICS

bankruptcy

### PRACTICE AREAS

legal ethics

attorney discipline

bankruptcy-related professional misconduct

### QUESTIONS PRESENTED

1. Whether the court should accept Shaw's petition for voluntary surrender of his law license as a sanction for his admitted professional misconduct.

2. Whether voluntary surrender of the license is tantamount to disbarment and requires removal of Shaw's name from the rolls of persons authorized to practice law in Georgia.

#### **HOLDINGS**

1. The court accepted Shaw's petition for voluntary surrender of his license as the appropriate sanction for his admitted misconduct.
2. Voluntary surrender of a law license is tantamount to disbarment; accordingly, Shaw's name was ordered removed from the rolls of persons authorized to practice law in Georgia.

#### **FACTUAL BACKGROUND**

While employed as an associate attorney handling bankruptcy and commercial-foreclosure litigation, Shaw performed services for firm clients, submitted invoices under the names of an investigator and a fictitious vendor, received checks, endorsed them to himself, and deposited the funds into his personal account. The invoices totaled approximately \$90,000 for investigative services and approximately \$403,000 for title examinations. After the firm discovered the misconduct in June 2009, Shaw was terminated and promptly repaid \$526,922; he admitted that most of the factual allegations were true.

#### **PROCEDURAL HISTORY**

Shaw previously sought six-month-to-one-year and two-to-four-year suspensions based on admitted misconduct, but the Supreme Court of Georgia rejected both requests. He then petitioned for voluntary surrender of his license, and the State Bar of Georgia asked the court to accept the petition. The court accepted the surrender and ordered Shaw's name removed from the rolls of persons authorized to practice law in Georgia.

#### **DISPOSITION**

approved

#### **CASES CITED**

- In the Matter of Shaw, 286 Ga. 725, 691 S.E.2d 544 (2010)
- In the Matter of Shaw, 287 Ga. 332, 695 S.E.2d 640 (2010)

#### **OPINION**

PER CURIAM.

703 S.E.2d 663 (2010) In the Matter of Michael J.C. SHAW. No. S10Y1670. Supreme Court of Georgia. November 22, 2010. Reconsideration Denied December 14, 2010. Johannes S. Kingma, Peter Werdesheim, Carlock, Copeland & Stair, Atlanta, for appellant. Paula J. Frederick, General Counsel, Kellyn O. McGee, Assistant General Counsel State Bar, for State Bar of Georgia.

PER CURIAM. This disciplinary matter is before the Court on Michael J.C. Shaw's (State Bar No. 638601) petition for voluntary surrender of his license. He states that in light of this Court's

rejection of his two earlier petitions that sought imposition of a suspension, he asks that the Court accept a voluntary surrender as a sanction for his misconduct. See *In the Matter of Shaw*, 286 Ga. 725, 691 S.E.2d 544 (2010) (rejecting six-month to one-year suspension); *In the Matter of Shaw*, 287 Ga. 332, 695 S.E.2d 640 (2010) (rejecting two- to four-year suspension).

The State Bar asks that the Court accept the petition for voluntary surrender. The prior opinions show that Shaw admitted, and the Court found, that Shaw had violated Rule 8.4(a)(4) of the Georgia Rules of Professional Conduct found in Bar Rule 4-102(d).

In his prior petitions Shaw, who has been a member of the Bar since 1999, admits that \*664 while he was employed as an associate attorney at a law firm in bankruptcy and commercial-foreclosure litigation, he performed work for clients, submitted invoices to the firm's accounting department, received checks, endorsed the checks over to himself, and deposited the funds into his personal checking account.

From 2003 to 2009 Shaw performed skip traces or other investigative services for clients himself, but submitted invoices in the name of Joe Rickman, a Clayton County investigator, who also performed those services for the firm.

The Rickman invoices were in the approximate total amount of \$90,000. From 2005 to 2009 Shaw performed title examination services for clients himself, but submitted invoices in the name of Tom Lee, a fictitious vendor.

The Lee invoices were in the approximate total amount of \$403,000. In June 2009 a client's billing review caused the firm to discover Shaw's misconduct, and he was terminated on June 22, 2009. Shaw states that he cooperated fully with the firm's investigation and promptly repaid the sum of \$526,922, as requested by the firm. Shaw states that while he assists his former clients by providing post-foreclosure confirmation affidavits as drafted by firm personnel, he has not had direct contact with former clients or practiced law since his termination.

Shaw attached the firm's letter advising the State Bar of Shaw's conduct pursuant to Rule 8.3 to his earlier petitions. He states that he "admits that most of the factual allegations contained therein are true." The letter provides, among other things, that Shaw obtained Lee's social security number from federal bankruptcy filings and submitted fraudulent W-9 forms in Lee's name to the firm.

Shaw also attaches letters in support of his petition from a client, seven lawyers, a Florida state representative, his psychologist Dr. Michael McGarry, and his pastoral counselor Reverend Vic Smith. We have reviewed the record and agree to accept Shaw's petition for voluntary surrender of his license, which is tantamount to disbarment.

Accordingly, it is hereby ordered that the name of Michael J.C. Shaw be removed from the rolls of persons authorized to practice law in the State of Georgia. Shaw is reminded of his duties pursuant

to Bar Rule 4-219(c). Voluntary surrender of license accepted. All the Justices concur.

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