

SUPREME COURT OF GEORGIA

In the Matter of Tracey Dawn Gibson

S15Y0057, S15Y0058, S15Y0059, S15Y0060 · No. S15Y0057, S15Y0058, S15Y0059, S15Y0060 · Decided
April 20, 2015

SUMMARY

The Supreme Court of Georgia considered four disciplinary matters against Tracey Dawn Gibson, who failed to respond to Notices of Discipline and was therefore in default. The Court found violations involving trust-account management, neglect of client matters, unauthorized practice while suspended, and failure to cooperate with disciplinary investigations. The Court ordered that Gibson be disbarred and removed from the rolls of persons authorized to practice law in Georgia.

CASE DETAILS

COURT	Supreme Court of Georgia
JURISDICTION	Georgia
DECIDED	April 20, 2015
DOCKET	S15Y0057, S15Y0058, S15Y0059, S15Y0060
DISPOSITION	other
PROCEDURAL POSTURE	The State Bar sought Gibson's disbarment through four Notices of Discipline. After service by publication, Gibson failed to file Notices of Rejection and went into default. The Supreme Court of Georgia reviewed the disciplinary matters and imposed disbarment.
STANDARD OF REVIEW	The Court reviewed the disciplinary records and the facts deemed admitted by Gibson's default to determine the appropriate sanction.
PRECEDENTIAL VALUE	Published Supreme Court of Georgia disciplinary opinion; binding as to the procedural and disciplinary rules expressly applied.
PARTIES	State Bar of Georgia v. Tracey Dawn Gibson

TOPICS

[default](#) [service of process](#) [sanctions](#) [civil procedure](#) [remedies](#)

PRACTICE AREAS

[attorney discipline](#) [professional responsibility](#) [civil procedure](#) [remedies](#)

QUESTIONS PRESENTED

1. Whether Gibson's failure to file Notices of Rejection after service by publication placed her in default and waived her right to an evidentiary hearing.
2. Whether the admitted facts established violations of the cited Georgia Rules of Professional Conduct.
3. Whether disbarment was the appropriate sanction in light of the violations and aggravating circumstances.

HOLDINGS

1. Because Gibson was properly served by publication and failed to file any Notice of Rejection, she was in default, waived her right to an evidentiary hearing, and was subject to discipline determined by the Court.
2. The admitted facts established that Gibson violated Rules 1.3, 1.4, 1.15(I), 1.15(II), 1.15(III), 1.16, 3.2, 5.5, and 9.3 of the Georgia Rules of Professional Conduct.
3. Disbarment was the appropriate sanction for Gibson's violations.

KEY QUOTATIONS

“Accordingly, it is hereby ordered that the name of Tracey Dawn Gibson be removed from the rolls of persons authorized to practice law in the State of Georgia.” (at 4)

FACTUAL BACKGROUND

Gibson failed to maintain and properly administer her IOLTA account, including allowing an overdraft, using trust-account funds for personal expenses, and failing to correct the overdraft. She practiced law after being suspended without disclosing her lack of a current license, abandoned a divorce client after receiving a \$1,457 fee, and neglected a criminal representation. She also failed to respond timely and adequately to the Notices of Investigation and had a prior disciplinary record.

PROCEDURAL HISTORY

The State Bar attempted personal service at Gibson's registered address, but each sheriff's return stated non est inventus. The Bar then served Gibson by publication under Bar Rule 4-203.1(b)(3)(ii). Gibson filed no Notice of Rejection, thereby waiving an evidentiary hearing and defaulting. The Investigative Panel found probable cause that Gibson violated multiple Georgia Rules of Professional Conduct, and the Supreme Court independently reviewed the records before ordering disbarment.

DISPOSITION

other

CASES CITED

- In the Matter of Gibson, S14Y0076
- In the Matter of Gibson, S14Y0677

