

SUPREME COURT OF GEORGIA

In the Matter of Steven H. Ballard

280 Ga. 504, 629 S.E.2d 809 (2006) · No. Nos. S06Y0638, S06Y0639, S06Y0640, S06Y0641, S06Y0642, S06Y0643 · Decided May 8, 2006

SUMMARY

The Supreme Court of Georgia considered six disciplinary matters involving attorney Steven H. Ballard. The court found violations including misuse of client trust funds, neglect and abandonment of client matters, dishonesty, and misrepresentation, and ordered that Ballard be disbarred.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Per Curiam; All the Justices
JURISDICTION	Georgia
DECIDED	May 8, 2006
DOCKET	Nos. S06Y0638, S06Y0639, S06Y0640, S06Y0641, S06Y0642, S06Y0643
DISPOSITION	other
PROCEDURAL POSTURE	The State Bar filed six notices of discipline alleging violations of Georgia Rules of Professional Conduct. Ballard acknowledged service but filed his Notice of Rejection outside the applicable 30-day period, placing him in default and eliminating his right to an evidentiary hearing. The matters were submitted to the Supreme Court of Georgia for determination of discipline.
STANDARD OF REVIEW	Upon default following an untimely Notice of Rejection, the court determined the appropriate discipline from the allegations in the notices of discipline and the applicable Bar Rules.
PRECEDENTIAL VALUE	Published Georgia Supreme Court disciplinary opinion; precedential as to the stated default and disciplinary principles.
PARTIES	State Bar of Georgia

TOPICS

- trusts
- breach of trust
- real estate
- commercial litigation
- remedies

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

trust-account regulation

real estate transactions

commercial litigation

QUESTIONS PRESENTED

1. Whether Ballard's untimely Notice of Rejection placed him in default and eliminated his right to an evidentiary hearing.
2. Whether Ballard violated the specified Georgia Rules of Professional Conduct through neglect, failure to communicate, mishandling of client funds, failure to protect client interests on termination, failure to expedite litigation, dishonesty, and other misconduct.
3. What discipline was appropriate for Ballard's six matters, including his repeated misuse of client funds, dishonesty, and prior disciplinary history.

HOLDINGS

1. Because Ballard filed his Notice of Rejection outside the 30-day period, he was in default, had no right to an evidentiary hearing, and was subject to discipline by the Supreme Court of Georgia.
2. Ballard violated Rules 1.3, 1.4, 1.15(I), 1.15(II), 1.16, 3.2, 4.1, and 8.4(a)(4) of Bar Rule 4-102(d), as alleged in the six notices of discipline.
3. Disbarment was warranted, and Ballard's name was removed from the rolls of lawyers authorized to practice law in Georgia.

KEY QUOTATIONS

"Because Ballard has shown an egregious pattern of disregard for his clients, the Rules of Professional Responsibility and the truth, we conclude that Ballard should be disbarred." (629 S.E.2d at 813)

"Accordingly, the name of Steven H. Ballard hereby is removed from the rolls of lawyers authorized to practice law in the State of Georgia." (629 S.E.2d at 813)

FACTUAL BACKGROUND

Across six matters, Ballard misused client and escrow funds, including accepting substantial funds for real-estate or commercial transactions and using them for personal purposes rather than holding them separately or applying them as directed. He prepared or presented false documents, made repeated false statements to clients and third parties, and failed to pursue or disclose the status of litigation and transactions. His misconduct included dismissing a personal-injury action without the client's consent, failing to answer or appeal in a commercial dispute, failing to file a dispossessory action, and issuing checks from trust accounts that were dishonored for insufficient funds. The court also considered his prior two-year suspension for trust-account violations.

PROCEDURAL HISTORY

The State Bar initiated six disciplinary matters against Ballard. Because Ballard's rejection was untimely, the court treated him as in default under the applicable Bar Rules and proceeded without an evidentiary hearing. The court reviewed the admitted disciplinary allegations, considered Ballard's prior suspension and the pattern of misconduct, and ordered disbarment.

DISPOSITION

other

CASES CITED

- In the Matter of Ballard, 279 Ga. 663, 619 S.E.2d 625 (2005)

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