



SUPREME COURT OF GEORGIA

Case No. S00Y0961; S00Y0963

Atlanta

APR 28 2000

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

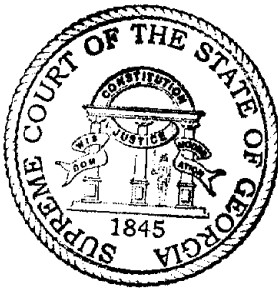
IN THE MATTER OF MICHAEL M. WHITE.

These disciplinary matters are before the Court on Respondent Michael M. White's Petition for Voluntary Discipline. White admits to having violated Standards 22 (lawyer shall not withdraw from employment until he has taken reasonable steps to avoid foreseeable prejudice to the rights of his client); 23 (lawyer who withdraws from employment shall promptly refund any unearned fees); and 44 (lawyer shall not willfully abandon or disregard legal matter entrusted to him) of Bar Rule 4-102 (d) and asks this Court to accept his petition in which he seeks the imposition of a Review Panel reprimand with conditions. Although violations of Standards 22 and 23 are punishable by public reprimand, and violations of Standard 44 may be punished by disbarment, the State Bar and the special master recommend acceptance of White's petition. Having reviewed the record in this case, we agree that, under the circumstances presented, a Review Panel reprimand with conditions is an appropriate sanction, and we accept White's petition.

White filed his Petition for Voluntary Discipline in an attempt to resolve two pending disciplinary matters. In regard to Case No. S00Y0961, State Disciplinary Board Docket No. 3940, White admits that he agreed to represent a client in a civil suit, but wilfully neglected the matter by not timely filing suit, by not serving the defendants once he did file suit, and by allowing the client's action to be dismissed involuntarily. White asserts that he did refund \$3,600 to the client, which amount represented the attorney's fees paid to White along with other expenses incurred by the client. In regard to Case No. S00Y0963, State Disciplinary Board Docket No. 3941, White admits that he tentatively undertook to represent a client in a criminal matter subject to the client's payment of an agreed attorney's fee. Although the client paid White \$5,000, a portion of the fee, the client failed to pay the entire fee. As a result of the nonpayment, White withdrew from representing the client. White, however, neglected to take reasonable steps to avoid foreseeable prejudice to the client and failed to refund that portion of the fee which had been paid, but not earned.

As factors in mitigation, White shows that he has been a member of the State Bar of Georgia since 1986 and has had no prior discipline, that he has made restitution to one of his aggrieved clients and has agreed to make full restitution to the other client, and that he has accepted full responsibility for his actions and has expressed remorse. We agree with the State Bar and the special master that the foregoing constitute mitigating factors for consideration in determining the appropriate sanction.

Accordingly, it is hereby ordered that the Review Panel administer a Review Panel reprimand declaring White's conduct to be improper. Bar Rule 4-102 (b) (4). It is further ordered that White pay for and attend the next available session of the State Bar's Ethics School and that he provide proof of said attendance, along with proof of his refund of \$5,000 to former client, Eugene S. Hahn, to the Office of the General Counsel of the State Bar of Georgia.



SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

A handwritten signature in cursive script, reading "Lynn M. Gresham".

, Chief Deputy Clerk