

In the Supreme Court of Georgia

Decided: **JUN 25 2001**

S01Y1305. IN THE MATTER OF THOMAS MATTHEW CONWAY

PER CURIAM.

This disciplinary matter is before the Court on Respondent Thomas Matthew Conway's Petition for Voluntary Suspension of Law License filed prior to the issuance of a Formal Complaint, pursuant to Bar Rule 4-227 (b) (2). In his petition, Conway admits violating Standard 4 (a lawyer shall not engage in professional conduct involving dishonesty, fraud, deceit, or wilful misrepresentation) of Bar Rule 4-102 (d) and seeks the imposition of a three-year suspension with conditions on reinstatement. The State Bar recommends the acceptance of Conway's petition as long as the three-year suspension is imposed from the date of this opinion with conditions on reinstatement. We agree with the State Bar's recommendation.

Conway, who has been a member of the Georgia bar since 1987, admits that in April 2000, while he was employed as in-house counsel for a Georgia company, he wrote four checks payable to himself which he signed without authorization; that the checks were from the company's patient trust fund and the personal account of the company's owner; and that the sole

purpose for cashing the checks was to support his drug and alcohol addiction. After Conway's employer brought charges against him in Fulton County, Conway was arrested and voluntarily ceased practicing law as of the date of his arrest. Immediately upon being released on bond, Conway entered an in-patient chemical dependency program in Buffalo, New York and, after his discharge from the facility on June 30, 2000, continued his therapy through one-on-one counseling and attendance at Alcoholics Anonymous (AA) meetings in Buffalo. Upon returning to Georgia, Conway received additional weekly counseling and regularly attended AA meetings. Conway has been employed only in non-legal positions during his time in Buffalo, where he worked as a warehouseman, and since his return to Georgia.

Based on our review of the record, we agree with the State Bar that Conway's petition should be accepted and note the following in mitigation of discipline: that Conway has continually made unconditional offers of restitution; has been cooperative throughout the disciplinary proceedings; has no prior disciplinary offenses; was motivated not by dishonesty or selfishness, but by his substance abuse problem; and is remorseful. Although a violation of Standard 4 of Bar Rule 4-102 (d) is punishable by disbarment, we note that in the present case there are several factors in mitigation of discipline and no factors in aggravation of discipline. See In the Matter of Brown, 272 Ga. 14 (524 SE2d 727) (2000); In the Matter of Carter, 273 Ga. 201 (539 SE2d 804) (2000); and In the Matter of Freeman, 269 Ga. 906 (506 SE2d 872) (1998).

Accordingly, Respondent Thomas Matthew Conway is suspended from the practice of law in Georgia for a period of three years from the date of this opinion. Prior to reinstatement, Conway must place himself under the

jurisdiction of the Lawyer Assistance Program (LAP); provide waivers allowing LAP to furnish information to the State Bar; pass the Multi-State Professional Responsibility Exam; obtain certification from LAP that he exhibits no symptom of any condition that would make him a danger to the public or to his clients; and obtain certification from the Office of General Counsel of the State Bar of Georgia that he has engaged in no conduct that would make him a danger to the general public or to his clients. Conway is reminded of his duties under Bar Rule 4-219 (c).

Three-year suspension with conditions on reinstatement. All the Justices concur.