



Supreme Court of Georgia
Case No. S99Y1182

Atlanta, **SEP 10 1999**

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF DANIEL L. BRITT.

This disciplinary proceeding is before the Court on the special master's recommendation that Respondent Daniel L. Britt be given a Review Panel reprimand with conditions for violating Standards 4 (lawyer shall not engage in professional conduct involving dishonesty, fraud, deceit, or wilful misrepresentation); 20 (lawyer shall not divide fee for legal services with another lawyer not a partner in or associate of his law firm without client's consent); 23 (lawyer fired from a case must refund any portion of a fee paid in advance that has not been earned); 63 (lawyer shall not fail to maintain complete records of client funds and property and to promptly render appropriate accounts); and 65 (A) and (D) (lawyer shall not commingle client funds with those of the attorney and shall not withdraw trust money for personal use) of Bar Rule 4-102 (d). Neither party requested a Review Panel review or filed exceptions to the report. The State Bar filed a Formal Complaint against Britt, which he failed to timely answer. Accordingly, the facts alleged and violations charged therein are deemed admitted. Bar Rule 4-212 (a).

Britt agreed to represent clients in a trust and estate matter for which they paid him \$6,000. Britt designated \$3,000 of this amount as an "initial retainer" and the remaining \$3,000 as "an advance deposit" on fees and costs. Britt placed the advance deposit in his attorney trust account. Shortly thereafter the clients discharged Britt and requested an accounting of the money they had paid him, an itemization of his professional time spent on their case, and a refund of unearned attorney's fees. Although Britt promised to comply with their requests, he failed to do so. Further, without the consent of his clients, Britt divided the fees paid by them with another attorney who was not his partner or associate. Britt failed to maintain complete records of the funds he held for his clients, failed to promptly render appropriate accounts of the funds in his possession belonging to his clients, withdrew money from his attorney trust account for his personal use which did not represent earned attorney's fees, failed to maintain records of his attorney trust account reflecting, at all times, the exact balance held for each client or other fiduciary, and commingled his client's funds with his own. Ultimately, Britt refunded \$3,000 to the clients after entering into fee arbitration under the program sponsored by the State Bar.

We have reviewed the record and agree with the special master that Britt should receive a Review Panel reprimand for his actions and that he be required to comply with the following two additional conditions: (1) that he submit within six months of the date of this order all his trust account records required to be maintained under Standards 63 and 65 (A) and (D) for the years 1996, 1997 and 1998 to the State Bar for an audit by it pursuant to Standard 65.4; and (2) that he submit to an evaluation by the Law Practice Management Program of his law practice at his expense, also within six months of this order, and implement any recommendations made concerning his law practice.

Accordingly, it is hereby ordered that Britt receive a Review Panel reprimand at the next meeting of the Review Panel, pursuant to Bar Rule 4-102 (b) (4) and that, within six months of the date of this order, he comply with the two additional conditions as set forth above.

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



I 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.

Lynne M. Stinchcomb, Chief Deputy Clerk