



SUPREME COURT OF GEORGIA
Case No. S07Y0052

Atlanta November 6, 2006

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF MICHAEL B. SYROP

This disciplinary matter has a complicated procedural history. The State Bar filed a Notice of Discipline against Respondent Michael B. Syrop in 2003 charging him with violating Rules 1.2; 1.3; 1.4; and 1.16 of the Georgia Rules of Professional Responsibility, see Bar Rule 4-102 (d). It recommended a Review Panel reprimand but this Court rejected that recommendation and remanded the case for the State Bar to file a formal complaint, see S03Y1607 (January 12, 2004). According to the special master's findings, neither the State Bar nor Syrop received a copy of this order, however, and, thinking that the Court had not ruled on the matter, the State Bar filed a Notice of Respondent's Failure to Reject Notice of Discipline to prompt the Court to act. Instead, the Court believed the State Bar had ignored its earlier order and simply re-filed the same documents and, therefore, decided to "rule on the case as it now appears before us," S03Y1607 (October 25, 2004; not reported). The Court imposed a two-year suspension on Syrop for violating the above-stated rules. Syrop discovered he had been suspended and took all appropriate actions to suspend his practice and notify the proper parties, including the judges in the Cobb Judicial Circuit. During the seven weeks he actually was suspended, he lost many clients and incurred debt to cover expenses. The State Bar, recognizing there was at least a procedural error in the Court's order, filed a motion for reconsideration and Syrop also filed a motion for reconsideration. The Court issued an order on December 9, 2004 vacating the October 25 opinion, again rejecting the Review Panel reprimand recommendation, and remanding the case for the filing of a formal complaint. The State Bar filed a formal complaint in January 2005 and the special master held an evidentiary hearing in June 2005, after which he filed his Report.

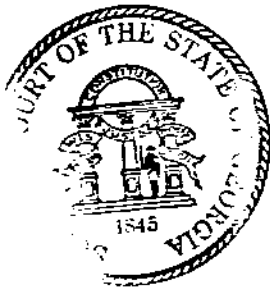
In his Report, the special master found that a client in California hired Syrop to represent him in Georgia on a claim for money damages arising from the storage of household furnishings and fine art allegedly lost or damaged during transport. Syrop filed the complaint and defendants removed the case to federal court. Syrop had no experience litigating in federal court and had trouble communicating with his client. As a result of problems on both sides, Syrop failed to respond to discovery requests in a timely manner or file proper mandatory disclosures. He also filed a dismissal without prejudice and a withdrawal of counsel that were not in compliance with federal rules. One of the main issues in the case is that the State Bar originally misstated that the federal court dismissed the action with prejudice and that is what this Court believed when issuing its earlier orders in this case. The special master found that Syrop filed the dismissal without prejudice and believed he had his client's consent to do so. The federal court actually dismissed the action without prejudice and the client retained new counsel and re-filed the case, ultimately being awarded \$12,000 from one of the three defendants. The special master held that Syrop did not violate Rule 1.2 because he believed he had his client's permission to dismiss the case without prejudice (and in communication with the court, the client himself urged that the matter be dismissed without prejudice); that Syrop did violate Rule 1.3 in that he wilfully disregarded legal matters entrusted to him by failing to comply with the federal rules (but did not wilfully abandon his client); that Syrop did not violate Rule 1.4 because, although there was miscommunication between Syrop and his client, the evidence showed that the client was sufficiently apprised as to the status and merits of his case; and that Syrop did violate Rule 1.16 by failing to withdraw from the case in accordance with the federal rules.

The special master recommended an Investigative Panel reprimand as the appropriate discipline in this matter. He noted in aggravation that Syrop had an Investigative Panel reprimand in 1998, but also noted in mitigation that Syrop was suffering from clinical depression during the relevant time period, which he has taken steps to treat through medication and therapy; that he has restricted his practice to areas in which he feels most competent; that he has sought the assistance of the State Bar's Lawyer's Assistance Program to avoid future problems; that four judges from

Cobb County wrote letters in support of Syrop; that he has shown remorse and accepted responsibility for his misconduct; and that he suffered a seven-week suspension and the attendant ignominy and loss of clients, due primarily to the miscommunication between the State Bar and this Court as to what actually occurred in federal court.

Syrop sought a Review Panel review as to the level of discipline, arguing that his suspension was sufficient punishment and no other punishment is warranted. The Review Panel issued a report approving the special master's findings of fact and conclusions of law, except that it found Syrop had violated Rule 1.4. It recommended only a Review Panel reprimand, however, because of the miscommunication between the State Bar and this Court that resulted in Syrop's seven-week suspension. The Court approves and adopts the special master's findings and conclusions, and agrees with the Review Panel that Syrop violated Rule 1.4. Therefore, the Court finds that a Review Panel reprimand is the appropriate sanction in this matter after weighing the violations and the mitigating factors. Accordingly, the Court hereby orders that for his violations of Rules 1.3, 1.4 and 1.16, Michael B. Syrop be administered a Review Panel reprimand pursuant to Bar Rules 4-102 (b) (4) and 4-220 (b).

All the Justices concur, except Melton, J., who dissents.



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.

, Chief Deputy Clerk