



SUPREME COURT OF GEORGIA
Case No. S99Y1741

Atlanta **JAN 18 2000**

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

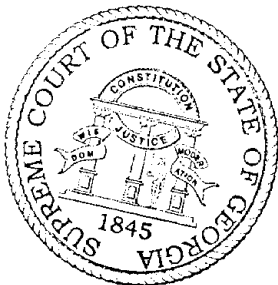
IN THE MATTER OF IYABO O. JOHNSON

This disciplinary proceeding is before the Court on the petition for voluntary discipline of the Respondent, Iyabo O. Johnson. Pursuant to State Bar Rule 4-227 (b) (2), Johnson filed this petition prior to the issuance of a formal complaint. In her petition Johnson admits to having violated Standards 4 (professional conduct involving dishonesty, fraud, deceit or wilful misrepresentation) and 65 (lawyer shall not commingle client's funds with her own or fail to account for trust property) of Bar Rule 4-102 (d) and requests this Court accept her petition and impose a Review Panel reprimand. The State Bar is in agreement with Johnson's petition. Having reviewed the record in this case, we agree that under the circumstances a Review Panel reprimand is the appropriate sanction.

The facts show that Johnson closed a real estate transaction on uncollected funds under pressure from a client. As a result, Johnson's escrow account was in a deficit for a 12-day period until the client brought in sufficient funds to cover the entire amount of the purchase price and closing costs. Fortunately for Johnson, no checks drawn on her escrow account were returned for insufficient funds as a result of this temporary deficit. However, when the IRS later interviewed Johnson in connection with an investigation of her client, Johnson was untruthful on two occasions, stating that she had received all the money from her client on the date of the closing. Johnson admits she was not truthful with the IRS because she wanted to avoid disclosure that her escrow account had been in a deficit because of this transaction. Ultimately, Johnson told the IRS the truth, cooperated in its investigation of the transaction and was not subject to criminal prosecution. Of the factors Johnson asserts in mitigation, we accept the following: that she has no prior disciplinary record, that she has been cooperative in the disciplinary process, that she did not engage in the prohibited conduct for dishonest or selfish motive as she did not use any escrow funds for her own benefit and did not benefit personally as a result of the transaction, that she made a good faith effort to rectify the consequences of her misconduct by eventually collecting S99Y1741

all the amounts owed for the closing from her client and making all the payments required, and that she fully admits to and is remorseful for her conduct.

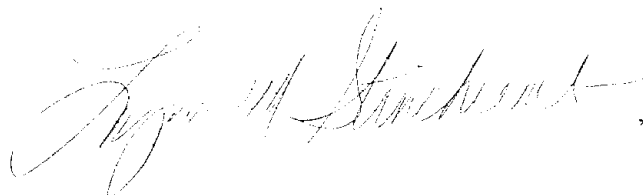
Accordingly, it is hereby ordered that at its next meeting the Review Panel administer a Review Panel reprimand declaring Johnson's conduct to be improper. Bar Rule 4-102 (b) (4).



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