



SUPREME COURT OF GEORGIA

Case No. S99Y1336.

Atlanta November 16, 1999

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF LARRY JAMES EATON

This disciplinary proceeding is before the Court on the State Bar's Investigative Panel's Notice of Discipline and Respondent Larry James Eaton's Petition for Voluntary Discipline seeking the imposition of a Review Panel reprimand.

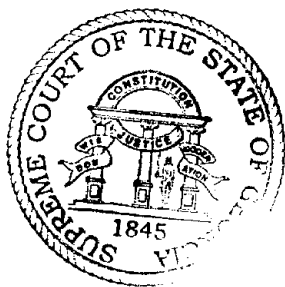
The Investigative Panel issued a Notice of Discipline finding that Eaton violated Standards 4 (professional conduct involving dishonesty, fraud, deceit, or wilful misrepresentation); 44 (lawyer shall not without just cause to the detriment of his client wilfully abandon or disregard a legal matter entrusted to him); 61 (lawyer shall promptly notify a client of the receipt of the client's funds, securities or other properties and deliver such properties to the client); 63 (lawyer shall maintain complete records of all of a client's properties that come into the lawyer's possession and promptly render appropriate accounts to the client); and 65 (lawyer shall not commingle his client's funds with his own, and shall not fail to account for trust property held in a fiduciary capacity) of Bar Rule 4-102 (d) in his dealings with a former client. On September 28, 1999, Eaton filed both a Petition for Voluntary Discipline, in which he admits violating Standard 44 of Bar Rule 4-102 (d), and a Notice of Rejection. However, as the Notice of Rejection was not timely filed pursuant to Bar Rule 4-208.3, Eaton is in default; has no right to an evidentiary hearing; and is subject to such discipline and further proceedings as may be determined by this Court. See Bar Rule 4-208.1 (b).

This matter began in January 1998 when Eaton agreed to represent a client in defending a malicious prosecution action, which had been filed by two of his siblings, and to file a petition to terminate the life estate of the client's mother in certain property in which the client had a reversionary interest and from which he desired to dispossess his two siblings. The client paid Eaton a \$1,000 retainer and \$95 toward filing fees. Eaton filed responsive pleadings and attended a hearing in the malicious prosecution action, which was ultimately resolved in the client's favor. Although Eaton prepared pleadings to terminate the life estate, Eaton and the client agreed to postpone filing, first until the 30-day time period expired for an appeal of the malicious prosecution case, and then until after the client's mother recuperated from an illness. During this wait, Eaton, who is a quadriplegic, was injured in a wheelchair lift accident resulting in severe damage to his dominant hand and requiring substantial "face down" rest. Consequently, Eaton asked an assistant to file and serve the pleadings, to note whether an answer had been filed, and to send out discovery which Eaton had prepared. Eaton claims that due to the assistant's misleading Eaton as to the status of the case, he relayed misinformation to the client. The client subsequently determined that the pleadings had not been filed and filed

the instant grievance. Upon learning of the grievance, Eaton contacted the client and returned the entire file and the \$1,095 to him, which included money Eaton earned in the malicious prosecution case. Based on the above conduct and the fact that Eaton is in default, we find that Eaton violated Standards 4, 44, 61, 63, and 65 of Bar Rule 4-102 (d).

In mitigation, we note that Eaton acknowledges, in his Petition, that he had ultimate responsibility for the handling of the client's case, and notes that he has voluntarily reduced his practice by 20% to 30% in light of his physical limitations. We also note Eaton's physical disability as a factor in mitigation. In aggravation, we note that Eaton previously received two Investigative Panel reprimands for his violations of Standards 4, 22 (which sets forth the requirements for a lawyer's withdrawal from employment) and 44. Pursuant to Bar Rule 4-208, the confidentiality of the imposition of those reprimands is waived by this subsequent disciplinary proceeding and may be used in aggravation of discipline.

We have reviewed the record and agree with the Investigative Panel that a Review Panel reprimand is the appropriate sanction to be imposed. Accordingly, it is hereby ordered that the Review Panel administer a Review Panel reprimand pursuant to Bar Rule 4-102 (b) (4) declaring Eaton's conduct to be improper.



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