



SUPREME COURT OF GEORGIA

Case No. S95Y0054

no results!

Atlanta April 14, 1995

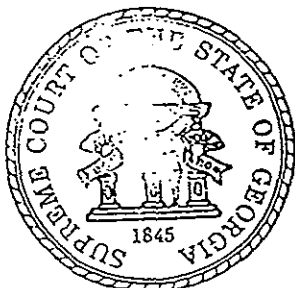
The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

IN THE MATTER OF: LINELL A. BAILEY

By per curiam opinion, this court previously disbarred Bailey on February 13, 1995 and Bailey has filed a motion for reconsideration. Bailey had admitted the allegations of the formal complaint, summary judgment had been entered against him, and the Special Master and the Review Panel had recommended disbarment. The motion for reconsideration, as amended, alleges new evidence of psychological impairment. He asserts that this psychological impairment caused the violations of Bar Rule 4-102 (d) which led to the disbarment, that he is seeking treatment and is expected to recover fully, and that he should only be suspended from practicing law until he has sufficiently recovered. It appears that Bailey's previous admissions and the grant of summary judgment relate to the existence of Rule 4-102 (d) violations only and do not prevent the exercise of discretion in determining the appropriate sanction for those violations. See, e.g., In the Matter of Lewis, 262 Ga. 37 (3) (415 SE2d 173) (1992); In the Matter of Peek, 257 Ga. 349 (359 SE2d 677) (1987). Accordingly, it is hereby ordered that Bailey's motion for reconsideration be granted, that the per curiam opinion disbarring Bailey be vacated, that Bailey be suspended from the practice of law until further order of this Court, and that the matter be remanded to the Special Master for consideration of Bailey's new evidence of psychological impairment on the question of the appropriate sanction. See In the Matter of Blount, 264 Ga. 539 (449 SE2d 300) (1994); In the Matter of Chew, 264 Ga. 501 (448 SE2d 443) (1994).

All the Justices concur, except Fletcher and Hunstein, JJ., who dissent, and Thompson, J., not participating.



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.

Lynn M. Stinson, Chief Deputy Clerk