



Supreme Court of Georgia
Case No. S00Y2043

Atlanta, NOV 30 2000

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF DAVID B. PITTMAN.

The State Bar seeks a public reprimand of David Bryan Pittman for violating Standard 44 of Bar Rule 4-102 (d) by wilfully disregarding a legal matter entrusted to him to the detriment of his client. Although the Review Panel found no violation of Standard 44, we disagree and conclude that Pittman should receive a public reprimand because he breached a duty that he owed the lender.

Pittman acted as closing attorney for loans that were provided by Vidalia Federal Savings and Loan. In 1992 and 1993, Pittman failed to give documents from twelve transactions to Vidalia Federal despite repeated requests from a bank officer. The missing documents included final title opinions, security deeds, and a final title insurance policy. In July 1995, the bank officer filed a grievance with the State Bar, and Pittman provided most of the missing loan documents.

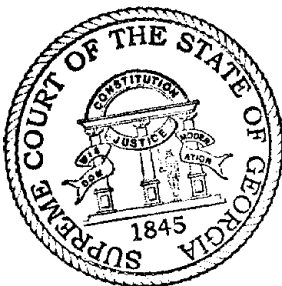
After an evidentiary hearing, the special master concluded that Pittman represented Vidalia Federal, he owed a duty to the bank arising out of the closing transactions on its loans, he wilfully disregarded legal matters by taking from 18 to 30 months to produce closing documents to the bank, and the bank was harmed through the cost of its efforts to secure the documents and its potential financial exposure.¹ Therefore, the special master held that Pittman violated Standard 44. On the matter of discipline, the special master recommended a public reprimand, rather than a more severe punishment, because Pittman furnished the missing documents contemporaneously with the filing of the complaint and the bank suffered minimal damage.

We have reviewed the record, agree with the report and recommendation of the special master, and find that Pittman has violated Standard 44. Therefore, we order that David B. Pittman be administered a public reprimand in open court by a judge of the superior court for the Middle Judicial Circuit and submit to a

¹ See *In the Matter of Dowdy*, 247 Ga. 488, 491, 277 SE2d 36 (1981) (attorney-client relationship may be implied from the parties' conduct when sufficient evidence that purported client sought and received advice or assistance from the attorney).

consultation, at his expense, with the Law Practice Management Program of the State Bar of Georgia within sixty days of this order.

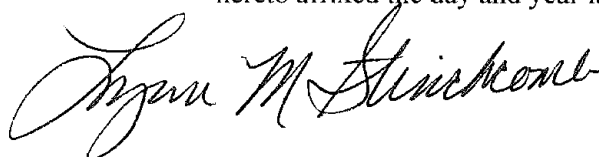
All the Justices concur, except Thompson, J., who dissents.



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.

 Chief Deputy Clerk