

In the Supreme Court of Georgia

Decided: MAY 10 1993

IN THE MATTER OF: WALLACE W. ROGERS, JR.
(Supreme Court Docket No. S93Y0668)

PER CURIAM.

The State Bar of Georgia filed a formal complaint against Respondent Wallace W. Rogers, Jr., alleging that he had violated Standards 21, 23, 44 and 68 of Bar Rule 4-102. After the Respondent failed to respond to the Bar's Notice of Investigation and failed to file an answer to the formal complaint, the Special Master granted the Bar's motion for default.

The Special Master found that the complainant retained Respondent to represent him on a criminal matter, and paid Respondent \$1000. Respondent thereafter failed to respond to the complainant's phone calls and letters, and failed to pursue the complaint's case. The Respondent refused to withdraw from representation of the complainant upon request and, additionally, refused to refund the unearned portion of his fee. The Special Master found that Respondent had violated Standards 21, 23, 44 and 68 of Bar Rule 4-102, but found as a mitigating circumstance that Respondent suffers from depression. The Special Master recommended an indefinite suspension from the practice of law, with

reinstatement being contingent upon Respondent's seeking of professional help.

The Review Panel of the State Bar has recommended to this court that the Respondent be suspended from the practice of law for a period of one year. The Review Panel also recommends that Respondent be required to submit himself to the State Bar Committee on Lawyer Impairment for assessment and monitoring; that Respondent waive any right of confidentiality under Part VII of the Bar Rules in order to allow the Office of General Counsel access to any information provided to the Committee on Lawyer Impairment; and that Respondent obtain psychological counselling for his depressed condition.

As a condition to reinstatement, the Review Panel recommends that Respondent be required to provide certification from the Committee on Lawyer Impairment that he does not suffer from a disability which affects his competence to practice law as defined by Bar Rule 4-104 (a). Additionally, the Review Panel recommends that reinstatement be conditioned on certification that Respondent has refunded \$1000 to the complainant in this case.

After reviewing the record in this case, we adopt all recommendations of the Review Panel and order that Respondent be suspended from the practice of law for one year, to begin on May 19, 1993, with the suspension to continue thereafter until Respondent has satisfied all conditions set out in this opinion. We further require Respondent to comply with Bar Rule 4-219 (c) by notifying each of his clients, within thirty days, of his inability

to represent them and their need to obtain new counsel.

All the Justices concur.