



**SUPREME COURT OF GEORGIA**  
Case No. S02Y1197

Atlanta      **SEP 13 2002**

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

**IN THE MATTER OF MICHAEL JOSEPH DAVIS, JR.**

This disciplinary matter is before the Court pursuant to the Notice of Discipline filed by the State Bar alleging that Davis violated Rules 1.2 (a lawyer shall abide by a client's decisions concerning the objectives of representation and shall consult with the client as to the means by which they are to be pursued) and 1.3 (a lawyer shall act with reasonable diligence and promptness in representing a client and shall not without just cause wilfully abandon or disregard a legal matter to the detriment of the client) of Bar Rule 4-102 (d). Although the maximum sanction for a violation of either Rule 1.2 or 1.3 is disbarment, we agree with the Investigative Panel's determination that, under the circumstances presented here, a public reprimand is the appropriate sanction for Davis' conduct.

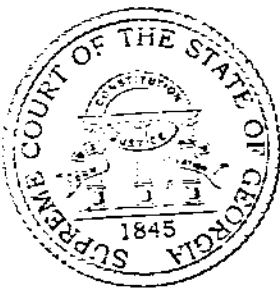
According to the facts set forth in the Notice of Discipline, service of which Davis acknowledged and the contents of which Davis failed to reject, the Investigative Panel of the State Disciplinary Board found probable cause as to the following: in late 2000, a client retained Davis, a member of the Bar since 1981, to represent him in the appeal of a criminal conviction that had been docketed in the Court of Appeals; Davis received partial payment for this representation and advised the client's former counsel he would be taking over the representation, causing the client's former counsel to file an application to withdraw from representation, which application was granted by the Court of Appeals; without just cause, Davis failed to timely file a brief and enumeration of errors on behalf of his client, which failure resulted in the dismissal of the client's appeal. Davis' actions clearly caused the client to suffer needless worry and concern

but did not completely foreclose his appellate rights. See Rowland v. State, 264 Ga. 872 (2) (452 SE2d 756) (1995); Reese v. State, 216 Ga. App. 773 (456 SE2d 276) (1995). Although Davis has one prior disciplinary action in his past, we believe, based on our review of the record, that a public reprimand is the appropriate sanction for Davis' conduct. Accordingly, it hereby is ordered that Michael Joseph Davis, Jr. be administered a public reprimand in open court pursuant to Bar Rules 4-102 (b) (3) and 4-220 (c) by a judge of the superior court where Davis resides or where the actions resulting in this disciplinary action occurred.

**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.



*Lyndee M. Strickland*, Chief Deputy Clerk