



SUPREME COURT OF GEORGIA
Case No. S04Y0332

Atlanta January 12, 2004

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF JAMES EDWARD ALBERTELLI

This disciplinary matter is before the Court pursuant to the Report and Recommendation of a special master who recommends accepting Respondent James Edward Albertelli's petition for voluntary discipline which he filed pursuant to Bar Rule 4-227 (c) after the issuance of a Formal Complaint. Despite the fact that the State Bar alleged in the Formal Complaint that Albertelli committed four violations of Standard 4 of Bar Rule 4-102 (d), Albertelli admits only that he violated Standard 46 of Bar Rule 4-102 (d). A single violation of Standard 46 may be punished by public reprimand and Albertelli requests that disposition. The State Bar raises no objection to Albertelli's petition and the special master recommends that this Court accept the petition and impose a public reprimand.

This disciplinary matter arose out of Albertelli's actions in connection with his representation of a client who had been held in contempt for failure to pay child support as required by a final divorce decree. Albertelli admits, and the special master found, that before entering private practice he worked for several years as an assistant district attorney in Cobb County; that in that capacity he represented the State in a case which resulted in a plea to the charge of aggravated stalking by an individual defendant (and later a probation revocation action against the same individual); that after he left prosecution he undertook to represent that former defendant in a contempt action arising out of his alleged failure to pay child support as ordered; that in the course of that representation he issued a subpoena for documents and a deposition upon a former colleague in the District Attorney's office seeking discovery which was arguably irrelevant to the contempt action; that he failed to advise opposing counsel of the issuance of the subpoena or of any hearings later held on the issue; and that he issued the subpoena without first checking the status of

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the case, which, it turns out, previously had been resolved by the entry of a final order.

Based on these facts, we agree with Albertelli, the State Bar and the special master that Albertelli's actions violated Standard 46; that mitigating factors exist; and that a public reprimand is appropriate discipline in this case. Accordingly, it hereby is ordered that James Edward Albertelli 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 Respondent resides or where his disciplinary infraction occurred.


All the Justices concur, except Hunstein, J., disqualified



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