



**SUPREME COURT OF GEORGIA**

Case No. S98Y0515.

Atlanta January 30, 1998

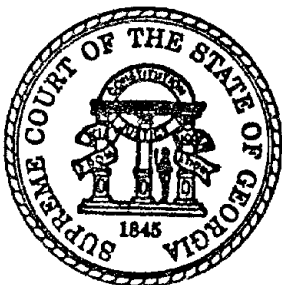
The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF TED B. HERBERT

The respondent, Ted B. Herbert, acknowledged service of the State Bar's Formal Complaint charging him with violating Standards 65 (A) (commingling client's funds with lawyer's and failing to account for trust property); 65 (D) (withdrawing funds from trust account for personal use); and 61 (failing to promptly notify client of receipt of funds and promptly delivering such funds to the client) of Bar Rule 4-102 (d), but failed to timely file an answer to the complaint. Accordingly, the special master granted the State Bar's motion for findings of fact and conclusions of law by default. The special master found that Herbert failed to deliver funds received and deposited to his trust account to his client, failed to notify his client of such receipt, and applied the funds towards his attorneys' fees without her consent, constituting violations of Standards 65 (A) and (D) and 61, as alleged by the State Bar. We have reviewed the record and agree with the special master and the Review Panel that Herbert's conduct violated the standards alleged and that a public reprimand is the appropriate sanction under the circumstances.

Accordingly, it is hereby ordered that for his violation of Standards 65 (A), 65 (D) and 61 of Bar Rule 4-102 (d), respondent Ted B. Herbert 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 Herbert resides or where his disciplinary infractions occurred, and that he refund \$750.00 to his client, Ms. McKay, within sixty (60) days of this order.



**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.

*Lynn M. Stinchcomb*

, Chief Deputy Clerk