

In the Supreme Court of Georgia

Decided: June 28, 2010

S10Y1025. IN THE MATTER OF MORRIS P. FAIR.

PER CURIAM.

This matter is before the Court on the Notice of Discipline filed by the State Bar against Respondent Morris P. Fair, Jr., State Bar Number 581019, in connection with three State Disciplinary Board Docket Nos. in which the State Bar claims Fair violated Rules 1.2; 1.3; 1.4; 1.5; 1.16; 3.2; 8.4; and 9.3 of the Rules of Professional Conduct found in Bar Rule 4-102 (d). Fair acknowledged service of the Notice of Discipline but did not file a rejection and accordingly, he is in default, has no right to an evidentiary hearing, and is subject to such discipline as may be determined by this Court, see Bar Rule 4-208.1 (b).

The following facts are admitted by Fair's default: in SDB 5681 a client retained Fair to represent her in a criminal case and paid him \$2,500. The client was unable to communicate with Fair even though she repeatedly called his office. The client appeared in court on August 11, 2008 but Fair did not. Fair sent another attorney who advised the court of Fair's calendar conflict and Fair

provided the court a letter dated August 7, 2008 regarding the conflict, but Fair did not advise his client of the conflict. The client appeared at the re-scheduled hearing on September 8, 2008, but Fair did not appear; he provided the court a letter dated September 8, 2008 regarding his calendar conflict but did not advise his client about the conflict. The client has not spoken to Fair since that hearing date. She sent a letter to Fair on November 19, 2008 terminating his representation and requesting her files and return of unearned fees. Although he acknowledged service of the Notice of Investigation, Fair did not respond.

In SDB 5682 a client retained Fair in August 2008 to obtain custody of his child and paid Fair \$500. Fair did not return the client's phone calls and did not file any pleadings in his client's case. In October 2008 Fair met with the client and apologized, saying he would refund the \$500 and would represent the client at no cost. Fair did not refund the money and did not work on the case. Fair acknowledged service of the Notice of Investigation but did not file a response.

In SDB 5788 a client retained Fair in March 2006 regarding possible state and federal criminal charges. The client paid Fair \$5,000. Fair did not return the client's phone calls, and, although he met with the prosecuting attorneys a few times, he did not communicate with them to the extent the client requested.

Fair did not provide the client's file upon request by the client and his new counsel. Fair told the client he would refund the money and wrote a check for \$300 that the bank refused to honor. New counsel filed a lawsuit seeking refund of unearned fees and the court awarded a default judgment against Fair. Fair was personally served with the Notice of Investigation but submitted an untimely response.

In aggravation of punishment we note that Fair has one prior attorney discipline; he has shown a pattern of misconduct; he has multiple offenses; he has substantial experience in the practice of law, having been admitted in 2000; and he shows indifference towards making restitution. We have reviewed the record and disagree with the State Bar's recommendation that a Review Panel reprimand is the appropriate sanction in this matter. We find that Fair's violations of Rules 1.2, 1.3, and 8.4, and his consistent indifference to the consequences of his conduct, warrant that he be disbarred. Therefore, it is hereby ordered that the name of Morris P. Fair be removed from the rolls of persons authorized to practice law in the State of Georgia. Fair is reminded of his duties pursuant to Bar Rule 4-219 (c).

Disbarred. All the Justices concur.