

S00Y0897

SUPREME COURT OF GEORGIA

ATLANTA

APR 25 2000

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF DAWN B. KEATON

On March 13, 2000, this Court disbarred Keaton from the practice of law in Georgia. Upon consideration of her motion for reconsideration, and her showing of disability at the time she was deemed to be in default, the motion for reconsideration is granted, the prior order disbaring Keaton is vacated, and the case is remanded to the Special Master for a determination of whether default should be opened, and if so, for a determination on the merits. All the Justices concur.



SUPREME COURT OF THE STATE OF GEORGIA,

CLERK'S OFFICE, ATLANTA

I 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.

In the Supreme Court of Georgia

Decided:

MAR 13 2000

S00Y0897. IN THE MATTER OF DAWN B. KEATON

PER CURIAM.

The State Bar filed a Formal Complaint against Respondent Dawn B. Keaton alleging violations of Standards 44 (lawyer shall not wilfully disregard or abandon a legal matter entrusted to her to the detriment of her client); and 68 (failure to respond to disciplinary authorities during the investigation of a complaint) of Bar Rule 4-102 (d). The State Bar perfected service on Keaton under Bar Rule 4-203.1 (b) (3) (ii) by obtaining a receipt of a Return of Service Non Est Inventus and by publication. Keaton failed to file an answer to the complaint as required by Bar Rule 4-212 (a) and, accordingly, the special master granted the State Bar's Motion for Default, rendering the facts alleged and violations charged in the Formal Complaint deemed admitted. The special master filed his report directly in this Court pursuant to Bar Rule 4-217 (c) as more than 30 days passed without either party requesting a Review Panel review. Thus, Keaton has waived her right to file exceptions with or to make request for oral argument to this Court, and is subject to discipline. See Bar Rule 4-217 (c). Although violation of Standard 68 may be punished by a public

reprimand, violation of Standard 44 subjects the respondent to disbarment, which is the sanction recommended by the special master in this case. We agree.

By virtue of her default, Keaton admits that she agreed to represent a client after he was arrested on felony charges in Fulton County, for which he paid Keaton a retainer fee. She appeared on the client's behalf at a pre-trial hearing and told him she would ask the District Attorney to dead-docket the case. Keaton did not contact the District Attorney in that regard, however, nor did she take any further action in the client's case. The client's numerous attempts to contact Keaton by telephone were unsuccessful as she never returned any of his calls, and Keaton failed to appear at trial to represent her client.

Keaton's actions respecting her client violated Standard 44, and her failure to respond in this disciplinary matter violated Standard 68. Although we note in mitigation Keaton's lack of previous discipline, we also note in aggravation her substantial experience in the practice of law, having been admitted to practice in 1987. Keaton not only wilfully abandoned her client's case, but also apparently has abandoned her law practice. See In the Matter of Sliz, 246 Ga. 797, 800-01 (273 SE2d 177) (1980) (Standard 44 "does not punish negligence by an attorney; it does punish wilful continued neglect amounting to abandonment").

We agree with the special master that disbarment is warranted as a result of Keaton's violations of Standards 44 and 68. Accordingly, Keaton is disbarred from the practice of law in Georgia. She is reminded of her duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.