



**SUPREME COURT OF GEORGIA**  
Case No. S03Y1403

Atlanta July 14, 2003

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

**IN THE MATTER OF LARRY J. BARKLEY.**

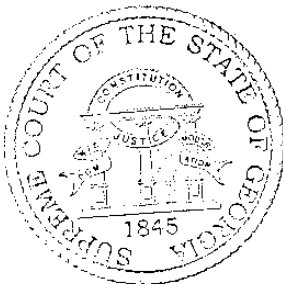
This disciplinary matter is before the Court on the Petition for Voluntary Discipline filed by Respondent Larry J. Barkley pursuant to Bar Rule 4-227 (b) (2) prior to the State Bar's issuance of a Formal Complaint. In his petition, Barkley seeks the imposition of a public reprimand for his admitted violations of Standards 30; 31(c); 32; and 61 of Bar Rule 4-102 (d). The State Bar recommends that this Court accept Barkley's petition.

Barkley admits engaging in the following conduct which led to the disciplinary violations: In December 1998, a decedent's daughter and granddaughter hired Barkley to represent them in a claim against two individuals relating to assets formerly owned by the decedent, and executed a contingency fee agreement whereby Barkley would retain one-third of amounts he recovered in the lawsuit. Barkley then filed suit and, in August 1999, after obtaining his clients' verbal consent, settled their claim against one of the individuals by agreeing to have his clients pay \$15,000 in exchange for the conveyance of certain real property by limited warranty deed to Barkley as attorney for the clients. Due to a lack of funds to pay the settlement amount, the clients then verbally authorized Barkley to borrow the \$15,000 from his bank, pay the money on the clients' behalf, secure the repayment of the money with a security deed from Barkley as the clients' attorney to Barkley individually, and use income from the rental or sale of the acquired property to repay the loan. The \$15,000 advanced was to bear interest at the same rate charged to Barkley by the bank. Although Barkley disclosed and transmitted in writing the terms of the arrangement to his clients, he acknowledges that his acquisition of a security interest in the property could have reasonably affected his representation of his clients; that he failed to inform his

clients that they may want to seek the advice of independent counsel in the transaction; and that his clients did not consent in writing to the conflict of interest resulting from the transaction.

Barkley also admits that he deposited the rent received on the property for three months in 1999 in his trust account; took one-third of the money as a contingency fee; did not disburse any of the funds to his clients as the balance in the trust account was not sufficient to repay the money he had advanced to the clients and to pay three years of past due taxes; after receiving authorization from his clients, settled the suit against the second individual for \$4,000 and used the money towards payment of the past due taxes; and failed to furnish regular reports of trust account receipts and disbursements to his clients.

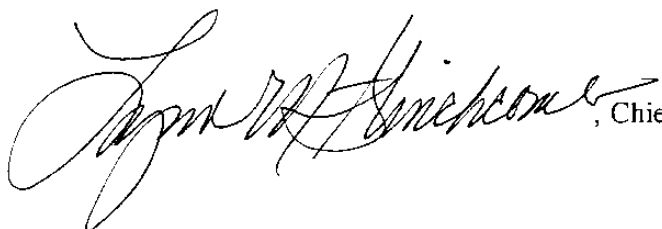
We have reviewed the record and agree with the State Bar that a public reprimand is the appropriate sanction in this matter. In mitigation of discipline, we note that Barkley has cooperated with disciplinary authorities; has no prior disciplinary record; and is remorseful for having violated the disciplinary rules. Accordingly, Barkley's petition for voluntary discipline is accepted. It is hereby ordered that for his violation of Standards 30, 31 (c), 32, and 61 of Bar Rule 4-102 (d), Larry J. Barkley be administered a public reprimand pursuant to Bar Rules 4-102 (b) (3) and 4-220 (c).



**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.

 , Chief Deputy Clerk