



SUPREME COURT OF GEORGIA
Case No. S05Y0434

Atlanta

JAN 10 2005

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF EARNEST H. DELONG

This disciplinary matter is before this Court pursuant to Respondent Earnest H. DeLong's petition for voluntary discipline which he filed pursuant to Bar Rule 4-227 (b) prior to the filing of a Formal Complaint. In the petition, DeLong admits that after his mother died, he filed an application to be appointed as the administrator of her estate to which he attached a notarized acknowledgment of service and assent purportedly signed by his brother; that, in fact, his brother had not signed the documents; that he had instead signed his brother's name to those documents; that he had the signatures improperly notarized; and that he filed the documents with the probate court despite the improper notarization. He admits further that by these actions, he violated Rules 3.3 (a) (1); 3.4 (b) (1); and 8.4 (a) (4) of the Georgia Rules of Professional Conduct, see Bar Rule 4-102 (d). The maximum penalty for a violation of any of these rules is disbarment.

In mitigation, DeLong asserts that he believed he had his brother's permission to sign the documents on his behalf; that when apprised of his brother's objections, he immediately withdrew his application to be appointed as administrator of his mother's estate and consented to the appointment of his brother as permanent administrator of the estate; that he now has completely resolved with his brother all issues regarding the handling of their mother's estate, including a full accounting of all estate funds; that he is sincerely remorseful for his actions and accepts responsibility for them; that he has had no prior disciplinary record in 33 years of the practice of law; and that he fully cooperated with disciplinary authorities. Based on this record, DeLong requests that this Court accept his petition for voluntary

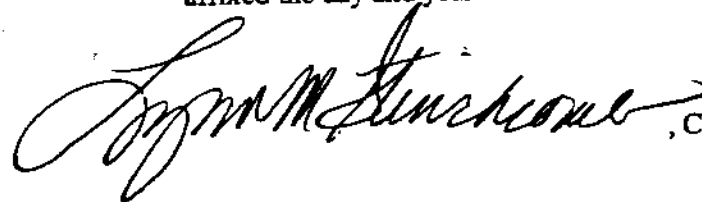
discipline and impose a review panel reprimand for his violation of Rules 3.3 (a) (1); 3.4 (b) (1) and 8.4 (a) (4) of the Georgia Rules of Professional Conduct, all a part of Bar Rule 4-102 (d). The State Bar has responded, raising no objection to DeLong's petition and urging that the interests of the public and the State Bar of Georgia would be best served by acceptance of DeLong's petition. This Court has reviewed the record and agrees with the State Bar that the mitigating circumstances present in this case weigh in favor of a lesser punishment. Accordingly, this Court accepts DeLong's petition for voluntary discipline and hereby order that the Review Panel administer a Review Panel reprimand pursuant to Bar Rule 4-102 (b) (4).

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