



SUPREME COURT OF GEORGIA
Case No. S07Y0801

Atlanta June 4, 2007

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

IN THE MATTER OF NEWELL McAFEE HAMILTON

This disciplinary matter is before the Court pursuant to the Report and Recommendation of a special master on Respondent Newell McAfee Hamilton's petition for voluntary discipline which he filed pursuant to Bar Rule 4-227 (c) after the State Bar filed two Formal Complaints and the Investigative Panel found probable cause to proceed on six other client grievances. The special master recommends that the Court accept Hamilton's petition and impose a Review Panel Reprimand with conditions for his admitted violations of Rules 1.3, 1.4 and 9.3 of the Georgia Rules of Professional Conduct found in Bar Rule 4-102 (d).

The record reflects that Respondent has been a member of the Bar since 1997; that beginning in 2003, he began to experience difficulties in his family life; that as a result of those difficulties coupled with significant medical and dental problems and professional pressure from a very heavy caseload (including numerous serious felony cases and three death penalty cases), he developed severe depression, began to suffer from anxiety attacks and started to abuse alcohol; in December 2005, he fired two office workers after learning of certain misdeeds which included misleading him about the work they were supposed to have been doing (including filing complaints he had entrusted to them for that purpose); and over these years he was prescribed certain medications for his physical and mental conditions that compounded the problems he had keeping up with the demands of his practice. During this time frame (2004 - July 2006), Hamilton failed to provide at least eight clients with the level of assistance they deserved and for which some of them had paid. In August of 2006, however, Hamilton reached out and, with the help of friends and family, he has undertaken significant efforts to rectify the various issues that led to his failure to provide proper assistance to his clients, including addressing his depression and substance abuse; contacting clients who had filed grievances (and others as well) and offering an unqualified, written apology for his inattentiveness and lack of respect for their legal matters; *reimbursing retainers or fees paid where he thought he had not earned the fee;*

referring many of his existing cases to other attorneys; and correcting the outstanding issues in other cases. The record reflects that Hamilton has changed the way that he runs his practice so that he is less dependent on office staff, under less stress, and accepting only a manageable caseload; that he fully accepts responsibility for his actions; and that he is truly sorry for any pain or harm he may have caused his clients.

Based on the above, this Court agrees with the Respondent, the State Bar and the special master that Hamilton has repeatedly violated Rules 1.3, 1.4, and 9.3 of the Rules of Professional Conduct found in Bar Rule 4-102 (d). In mitigation, this Court finds that before these disciplinary matters Respondent had no prior disciplinary record; that he fully accepts responsibility for his behavior and is deeply remorseful for his conduct; that he has taken, and is taking, steps to remedy the alcohol and substance abuse and the other pressures recited above which fueled his misbehavior; that he has reimbursed the fees paid to him where he had not adequately performed the work; and that, since August 2006, he has cooperated fully in these disciplinary proceedings. This Court further agrees that the appropriate sanction in this very unusual case is as proposed by Respondent. Accordingly, it hereby is ordered that for his violations of Rules 1.3, 1.4, and 9.3, Newell McAfee Hamilton continue with the treatment program recommended by the Lawyers' Assistance Program and his physicians; that he provide, as requested, to the Office of General Counsel written updates and treatment records showing his progress; that he waive his right to confidentiality of his treatment records to the Office of General Counsel or the Lawyers' Assistance Program (except for any matters that may be contained in those records concerning other members of his family or third persons); and that he be administered a Review Panel reprimand pursuant to Bar Rules 4-102 (b) (4) and 4-220 (b).

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.

A handwritten signature in black ink, appearing to read "John H. [unclear]", is written over the seal and text.

, Chief Deputy Clerk