



SUPREME COURT OF GEORGIA
Case No. S99Y0953.

Atlanta

APR 30 1999

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF JAMES L. EASTHAM

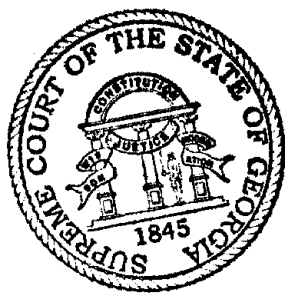
This disciplinary proceeding is before the Court on the special master's recommendation that Respondent James L. Eastham be given a public reprimand for violating Standards 4 (lawyer shall not engage in professional conduct involving dishonesty, fraud, deceit, or wilful misrepresentation); 22 (lawyer shall not withdraw from employment until he has taken reasonable steps to avoid foreseeable prejudice to the rights of his client and delivered all papers and property to which the client is entitled); 23 (lawyer who withdraws from employment shall promptly refund any part of a fee paid in advance that has not been earned); and 44 (lawyer shall not wilfully abandon or disregard a legal matter entrusted to him) of Bar Rule 4-102 (d). Neither party requested a Review Panel review or filed exceptions to the report. The State Bar filed a Formal Complaint against Eastham, which he failed to answer. Accordingly, the facts alleged and violations charged therein are deemed admitted. Bar Rule 4-212 (a).

Eastham agreed to represent a client in a domestic relations matter and accepted delivery of a \$700 fee and certain documents. He did not contact the client prior to the scheduled hearing date and failed to appear at the hearing, citing medical reasons. Eastham told the client he would meet her before the rescheduled hearing the following day, but did not do so, arrived late to the hearing, and was unprepared to represent the client. He returned her file and attempted to leave the courtroom. The trial judge required a medical excuse and, after Eastham left, his client was forced to represent herself in the matter and reached a temporary agreement with the opposing party. Eastham did not return the unearned fee or certain evidence to the client.

We have reviewed the record and agree with the special master that Eastham should receive a public reprimand for his negligent representation of his client. Although Standards 4 and 44 may be punished by disbarment, the recommended sanction for violations of Standards 22 and 23 is a public reprimand. Accordingly, it is hereby ordered

that for his violations of Standards 4, 22, 23, and 44 of Bar Rule 4-102 (d), Respondent James L. Eastham be administered a public reprimand in open court pursuant to Bar Rule 4-102 (b) (3) by a judge of the superior court where Eastham resides or where his disciplinary infractions occurred. It is further ordered that Eastham refund to his client the entire fee paid within 60 days from the date of this order.

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.

Lynn M. Stinchcomb, Chief Deputy Clerk