

APPENDIX G

RULES GOVERNING THE COMMITTEE ON DISCIPLINE FOR THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA

Revised Effective November 1, 2018

Rules Governing the Committee on Discipline for the United States District Court, Northern District of Georgia

1. Procedures Upon Receipt of a Referral

Upon receipt of a referral of a complaint of professional misconduct made under Local Rule 83.1(F)(3), the chairperson of the Committee on Discipline (the “committee”) must notify the attorney who is the subject of the complaint (the “attorney”) and provide the attorney at least 20 days to respond in writing, under penalty of perjury, to the matters set forth in the referral. At any time, if the complaint pertains to the conduct of a member of the State Bar of Georgia, the chairperson may ask that member about any grievances before the State Bar of Georgia involving that member. Upon receipt of the response from the attorney or the expiration of time for the response, whichever occurs sooner, the chairperson must call a meeting to initiate an investigation.

2. Investigation

The chairperson must appoint one or two members of the committee to investigate the facts set forth in the referral and the response, if any, from the attorney. The investigating member(s) of the committee have the authority to interview witnesses, review documents, obtain service of subpoenas and subpoenas *duces tecum* issued by the clerk for witnesses and documents, and discuss the matter directly with the attorney or, if represented, the attorney’s counsel. At the conclusion of the investigation, the investigator(s) must prepare proposed findings of fact, conclusions of law, and a recommendation (the “findings”) and distribute them to the committee. The committee must review the findings and prepare the committee’s own findings and serve them on the attorney. The attorney will have 20 days to acquiesce in or object to the committee’s findings. If the attorney acquiesces or does not timely object, then the committee must forward its findings to the chief district judge and serve a copy on the attorney.

3. Objections

If the attorney objects to the committee’s findings, the attorney must serve the committee with a written objection made under penalty of perjury within 20 days. Upon receipt of the objection, the chairperson must call a meeting of the committee. The committee must determine whether the objection warrants additional investigation. If the committee determines that additional investigation

is not necessary, the committee must submit its findings and a copy of the attorney's objection to the chief district judge and serve copies on the attorney. If the committee determines that additional investigation is necessary, the chairperson must appoint one or two members of the committee to conduct a supplemental investigation. The member(s) chosen to conduct the supplemental investigation must not have participated in the original investigation. The member(s) conducting the supplemental investigation have the authority to interview witnesses, review documents, obtain service of subpoenas and subpoenas *duces tecum* issued by the clerk for witnesses and documents, and discuss the matter directly with the attorney or, if represented, the attorney's counsel. At the conclusion of the supplemental investigation, the supplemental investigator(s) must prepare proposed findings and distribute them to the committee. The committee must review the findings and prepare the committee's final findings and submit them and a copy of the attorney's objection to the chief district judge and serve the attorney.

4. Meetings and Quorum

Committee members may attend any meeting by telephone or video conference, and a quorum shall consist of at least 3 members.

5. Methods of Notification and Service

When these rules require notification or service to the attorney who is the subject of the complaint, such notification or service must be made by certified mail or hand delivery to the attorney who is the subject of the complaint or, if represented, the attorney's counsel, unless the attorney or the attorney's counsel has consented in writing (including via email) to a different method. Failure of the committee to employ a required method of service must not delay the proceedings when the committee demonstrates that the attorney or, if represented, the attorney's counsel, received actual notice.

6. Disclosure

The investigative activities of the committee must remain confidential, except as otherwise ordered by the court. Upon request, the committee is authorized to furnish a copy of its findings and any other information or materials

pertaining to its investigation to the disciplinary arm of any state bar association to which the attorney belongs.

7. Dissent

Any member of the committee who dissents from the majority view of the findings submitted to the chief district judge may, but is not required to, transmit a dissent to the judge and serve a copy on the attorney.

8. Immunity

The members of the committee are representatives of the court and enjoy all immunities while acting in their official capacities on behalf of the court.