

IN THE SUPREME COURT

STATE OF GEORGIA

DISCIPLINARY PROCEEDINGS

IN THE MATTER OF:)	SUPREME COURT DOCKET
)	NO. S17Y0552
)	
DAVID E. RALSTON)	STATE DISCIPLINARY BOARD
State Bar Number 592850,)	DOCKET NO. 6523
)	
Respondent.)	

REVIEW PANEL REPRIMAND

TO: DAVID E. RALSTON, Respondent.

Mr. Ralston, on December 8, 2016, the Supreme Court of Georgia ordered that you receive this Review Panel Reprimand for your violation of Rules 1.8(e) and 1.15(II)(b) of the Georgia Rules of Professional Conduct.

In April 2006, an associate in your firm was retained by clients to represent them in a personal injury action arising out of a March 2006 car accident. You were not involved in the initial representation, but became actively involved in 2008 and filed suit on behalf of the clients. While the case was pending, the clients told you that one of them had become unemployed and they were having difficulty meeting the basic necessities for themselves and their minor child, including paying rent and paying for prescription medication. They asked you to advance them money to be repaid from the proceeds of a settlement or trial. Believing that

the clients were truly in dire financial need, you advanced funds to them at no interest from an earned but undisbursed fee of approximately \$24,000.00 remaining in your trust account from an unrelated matter. Between 2010, and October 2011, you made 12 disbursements totaling \$22,000 to the clients.

A certified public accountant conducted a review of your trust account for the time period in question, determined that no misappropriation of funds occurred, and verified that the earned but undisbursed fee was the source of funds advanced to the clients.

Rule 1.8(e) provides that a lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that a lawyer may advance or pay for court costs and expenses of litigation. You stated that you were unaware of this rule when you made the advances and did not intentionally violate the rule; you were forthcoming with the State Bar in disclosing the advances and in providing evidence of them; you obtained no financial gain from advancing the funds at no interest; you are not seeking reimbursement for the \$22,000 advanced; and you have released any claim to a fee from the settlement of the case.

With regard to the Rule 1.15 (II) (b) violation, you admitted that you made the advances to your clients from earned fees in your trust account and stated that you were unaware that your actions violated Bar Rules. You stated that you have since established safeguards to prevent any commingling of client and personal

funds or retention of earned fees in your trust account.

The special master and the Court found the following factors in mitigation of your conduct: absence of a prior disciplinary record; absence of a selfish or dishonest motive; full and free disclosure to the disciplinary authority and cooperative attitude toward the proceedings; remorse; and your lengthy career in public service as a legislator and legislative leader.

Mr. Ralston, the Review Panel hopes this reprimand will serve as a reminder to be meticulous in handling your trust account and to promptly move earned fees from your trust account to your operating account so that you do not inadvertently commingle client funds with your own funds.

After I sign this Reprimand and present you with a copy, you are free to leave.

This _____ day of _____, 2017.

Anthony B. Askew
Chair, Review Panel
State Disciplinary Board

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CERTIFICATE OF ISSUANCE OF REPRIMAND

The undersigned Chair of the Review Panel of the State Disciplinary Board does hereby certify that the attached Review Panel Reprimand was administered to David Ralston before the Review Panel on the ____ day of _____, 2017.

Anthony B. Askew
Chair, Review Panel
State Disciplinary Board