

In the Supreme Court of Georgia

Decided June 29, 2020

S20Y0957. IN THE MATTER OF DON SMART.

PER CURIAM.

Don Smart (State Bar No. 653525), who was admitted to the State Bar of Georgia in 1975, has filed a petition for voluntary surrender of his license,<sup>1</sup> see Bar Rule 4-227 (b) (2), stating that on February 4, 2020, he entered a guilty plea in Chatham County Superior Court to one count of theft by conversion. He states further that the theft charge arose from his conduct in the administration of an estate, in the course of which he sold real property on the estate's behalf, deposited the sales proceeds, totaling \$509,618.68, into his trust account, and then, rather than disbursing the funds to the estate, converted the funds to his own use. Smart admits that, by

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<sup>1</sup> Smart is currently under interim suspension. See *In the Matter of Smart*, 305 Ga. 724 (827 SE2d 685) (2019).

his conduct, he has violated the Georgia Rules of Professional Conduct found in Bar Rule 4-102 (d). Specifically, Smart's admitted conduct constitutes a violation of Rules 1.15 (I) (c), 1.15 (II) (b), and 8.4 (a) (2), the maximum sanction for any of which is disbarment. The State Bar has filed a response, asking the Court to accept the petition.

Having reviewed the petition and response, we agree to accept Smart's petition for voluntary surrender of his license, which is tantamount to disbarment. See Rule 1.0 (r). Accordingly, it is hereby ordered that the name of Don Smart be removed from the rolls of persons authorized to practice law in the State of Georgia. Smart is reminded of his duties pursuant to Bar Rule 4-219 (b).

*Voluntary surrender of license accepted. All the Justices concur.*