In the Supreme Court of Georgia

Decided: August 18, 2026

S25Y0423. IN THE MATTER OF FIAME MICHELLE SIMPSON.

PER CURIAM.

This disciplinary matter is before the Court on the Report and Recommendation of the State Disciplinary Review Board ("Review Board"), which adopted the Report and Recommendation of Special Master Kathryn Powers and recommended that this Court disbar Respondent Fiame Michelle Simpson (State Bar No. 100191) from the practice of law for her violations of Rules 1.15(I)(a), 1.15(II)(a) and (b), and 8.4(a)(4) of the Georgia Rules of Professional Conduct ("GRPC") found in Bar Rule 4-102(d). Simpson has filed exceptions to the Review Board's report, and the Bar has responded. We agree with the Review Board and the Special Master that Simpson's violations of the Rules are serious, particularly her "cover up" effort, which she acknowledges violated Rule 8.4(a)(4), and we agree that her violations require the imposition of serious discipline. However, because of the mitigating factors in this case—including that these are Simpson's first, and apparently only, disciplinary infractions in almost two decades of practicing law; that no client has complained about, or appears to have lost money or been deprived of promised services as the result of, Simpson's behavior; and that Simpson has taken steps to better understand the trust accounting rules so that she can avoid violations in the future—disbarment is not warranted. Accordingly, we conclude that a three-year suspension is the appropriate level of discipline under the specific facts of this case.

1. *Procedural History*

In July 2021, the Bar filed a Formal Complaint against Simpson, alleging that in 2017 and 2018, she misused one of her trust accounts to pay operating expenses for her business as well as personal expenses, ultimately overdrawing the trust account, and that, when confronted about the matter, she obfuscated and presented heavily redacted documents in an effort to conceal her wrongdoing. As the result of these actions, the Bar filed a Formal

Complaint charging Simpson, who has been a member of the Georgia Bar since 2006, with violating Rules 1.15(I)(a),[1] 1.15(II)(a)[2] and (b),[3] and 8.4(a)(4)[4] of the GRPC. Simpson acknowledged service of the Formal Complaint and filed a petition for voluntary discipline,

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[1] Rule 1.15(I)(a) provides that "[a] lawyer shall hold funds or other property of clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own funds or other property. Funds shall be kept in one or more separate accounts maintained in an approved institution . . . . Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of six years after termination of the representation." The maximum penalty for a violation of Rule 1.15(I)(a) is disbarment.

[2] Rule 1.15(II)(a) provides that "[e]very lawyer who practices law in Georgia . . . and who receives money or property on behalf of a client or in any other fiduciary capacity, shall maintain or have available one or more trust accounts as required by these rules. All funds held by a lawyer for a client and all funds held by a lawyer in any other fiduciary capacity shall be deposited in and administered from a trust account." The maximum penalty for a violation of Rule 1.15(II)(a) is disbarment.

[3] Rule 1.15(II)(b) provides that "[n]o personal funds shall ever be deposited in a lawyer's trust account, except that unearned attorney's fees may be so held until the same are earned. Sufficient personal funds of the lawyer may be kept in the trust account to cover maintenance fees such as service charges on the account. Records on such trust accounts shall be so kept and maintained as to reflect at all times the exact balance held for each client or third person. No funds shall be withdrawn from such trust accounts for the personal use of the lawyer maintaining the account except earned lawyer's fees debited against the account of a specific client and recorded as such." The maximum penalty for a violation of Rule 1.15(II)(b) is disbarment.

[4] Rule 8.4(a)(4) provides that "[i]t shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to . . . engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation." The maximum penalty for a violation of Rule 8.4(a)(4) is disbarment.

admitting only the alleged Rule 1.15 violations and suggesting that a public reprimand was the appropriate discipline. The State Bar objected to Simpson's petition and, following a hearing, the Special Master denied the petition. The Bar moved for partial summary judgment as to all of the Rule violations, and Simpson responded by generally conceding all Rule violations with which she was charged. The Special Master granted the Bar's motion, concluding that Simpson had violated all of the Rules alleged in the Formal Complaint. Simpson then filed an amended petition for voluntary discipline suggesting that a suspension of 12 to 24 months was the appropriate discipline given her circumstances. The Bar objected, arguing that the proper level of discipline was disbarment. The Special Master ultimately agreed with the Bar as to the level of discipline, as did the Review Board. Simpson then filed exceptions to the Review Board's Report and Recommendation, asserting various enumerations of error and arguing that a suspension of between two and three years is a more appropriate sanction for her misconduct. The Bar has responded, urging that the facts and circumstances warrant disbarment.

2. *The Special Master's Report and Recommendation*

(a) *Factual Findings*

The Special Master found, in relevant part, that Simpson was admitted to practice law in Georgia in 2006. She practiced mostly as a solo practitioner in the areas of entertainment law, real estate law, and some business transactional law. At all relevant times, Simpson maintained, at J.P. Morgan Chase Bank ("Chase"), an operating account (Acct. No. xxxxx0552) and an IOLTA account (Acct. No. xxxxx0522) that she considered to be her "general" IOLTA account in which she held any unearned client fees.[5] When testifying as to the usage of her general IOLTA and operating accounts, Simpson

[5] Simpson maintained a second IOLTA account at Chase in which she held clients' funds for business transactions, such as real estate transactions. She testified that she used that account to hold money that "[she] would never . . . earn," and she said that because she knew that the money in that account would never be hers, she did a much better job of keeping the proper accounting and records for that account. None of the alleged improprieties discussed in this matter are related to this second IOLTA account, so unless otherwise noted, all further mentions of an IOLTA account are meant to reference Simpson's general IOLTA account and not this second IOLTA account.

admitted she "wasn't diligent" in handling those accounts, "wasn't paying attention to the right account numbers," was "using them both simul[taneously], [with no] clear distinction . . . between those two accounts," and did not always transfer the funds from her IOLTA account to her business account as soon as they became earned funds and before using them to pay personal bills.[6]

From 2017 through 2018, Simpson became unable to fulfill her financial obligations in a timely manner, and, as a result, she occasionally used funds from her general IOLTA account to pay for personal obligations. She testified that most of the work she did was transactional and that she typically earned the fees shortly after obtaining them but that she was using those earned fees to pay bills

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[6] Although not included in the Special Master's report, Simpson explained at the evidentiary hearing that she "wasn't diligent" with accounting for the funds in her general IOLTA account because it was the account into which she deposited fees received in her business and entertainment work, and, in that work, she earned her fee as soon as she began work for those clients since she was reviewing contracts, offering advice, and the like. See *In the Matter of Tuggle*, 317 Ga. 255, 258 (2023) (noting this Court's authority to rely on undisputed material facts, even when not contained in the Special Master's report).

from the general IOLTA account without first transferring the funds into the operating account. She testified that she believed that she only used funds that she had earned to pay those bills but that, because "they should have been transferred out of [the IOLTA] account" before she used them, "everything [she] did with that [IOLTA] account was in violation of the rules." When asked if she commingled personal unearned funds with client funds, in violation of Rule 1.15, Simpson admitted, "Yes, I violated that."

In early November 2017, Simpson tried to pay a personal cell phone bill from her general IOLTA account, but Chase declined to process the charge due to insufficient funds in the account and notified the State Bar's Overdraft Coordinator. In response, the Overdraft Coordinator sent Simpson multiple inquiries that included requests for Simpson's bank records for the relevant IOLTA account, but Simpson failed to provide the records, instead engaging in an extended email exchange with the Bar as to why the records were needed. Eventually, in March 2018, the Bar initiated a grievance against Simpson,[7] who thereafter submitted bank statements for the relevant IOLTA account. But the bank statements that she submitted had been redacted and "electronically manipulated" so that sections of the account information, bank statement page numbers, and images of account deposit and withdrawal slips were removed from the statements.[8] In addition, Simpson disregarded the requests for copies of cancelled checks, deposit slips, and withdrawal items. The State Bar then

[7] On January 12, 2018, this Court entered an order amending Part IV of the Rules and Regulations for the Organization and Government of the State Bar of Georgia ("Bar Rules"), including Bar Rule 4-102(d), which contains the Georgia Rules of Professional Conduct. The January 12 order said, in relevant part, that "these amendments shall be effective as of July 1, 2018 and shall apply to disciplinary proceedings commenced on or after that date." The order also said that "the former rules shall continue to apply to disciplinary proceedings commenced before July 1, 2018"—such as this matter, which was commenced by the issuance of a grievance in March 2018—with the exception that "the State Disciplinary Board shall perform the functions and exercise the powers of the Investigative Panel under the former rules, and the State Disciplinary Review Board shall perform the functions and exercise the powers of the Review Panel under the former rules."

[8] A comparison of her redacted statements to the unredacted statements that the Bar later obtained supports the Special Master's conclusion that the redactions were an intentional effort to cover up the fact that Simpson had been using her general IOLTA account and her operating account essentially interchangeably and that her payment of the cell phone bill out of that IOLTA account was not an isolated occurrence.

mailed Simpson a Notice of Investigation to which she failed to respond.

In the end, the Bar subpoenaed the full records for Simpson's general IOLTA account from January 1, 2017, through August 31, 2018. The Special Master concluded that those records revealed that, on multiple occasions and over many months in 2017, Simpson failed to keep client funds separate from her personal funds; she deposited personal funds into her IOLTA account; and she withdrew funds from her IOLTA account for personal use.[9] Simpson

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[9] In terms of specifics, Simpson admitted on cross-examination that between September and December 2017, she paid "about nine utility bills" from her IOLTA account. Additionally, the records show that between January 1, 2017, and August 31, 2018, there were multiple transfers of money via check and cash into and out of Simpson's general IOLTA account from Simpson's general operating account and from other sources both known and unknown. At the hearing, Simpson admitted in response to questioning from the Bar that up to 14 of those transfers involved her depositing personal funds into her IOLTA account. Although the Special Master and the Bar seem willing to treat all of the remaining cash and electronic deposits and withdrawals from Simpson's IOLTA account as improper, there is insufficient evidence to reach that conclusion as to every deposit and withdrawal. This may be, in part, due to Simpson's lack of recordkeeping, but the Bar also failed to question her about the other transactions.

Nevertheless, it is clear that Simpon violated the recordkeeping aspects of Rules 1.15(I) and (II); that Simpson, at times, comingled personal and client funds in her general IOLTA account; and that Simpson paid personal and business obligations from that IOLTA account. Indeed, Simpson admitted as acknowledged that she kept no detailed records for the general IOLTA account and that failing to do so was error on her part. She admitted that what happened here was the natural consequence of her lack of diligence in handling the funds in the accounts, but she insisted that she was not intentionally misappropriating client funds;[10] that no client lost money; and that no client ever expressed dissatisfaction with her or with her work.

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much, explaining that she treated the two accounts interchangeably and was not "keeping track" of the money — a practice which she admitted *may* have led to the withdrawal of fees that "[m]ay not have" been earned but that she did not "do what [she] needed to do to prove whether or not they were," and that she "may have been" converting client funds to her own but could not say for certain because she "wasn't keeping accurate records."

[10] The Special Master concluded that Simpson "admitted to the conversion of client funds when she admitted there were times that she spent unearned fees that were in her IOLTA account on her personal needs," citing the statute for criminal theft by conversion. See OCGA § 16-8-4 ("A person commits the offense of theft by conversion when, having lawfully obtained funds . . . under an agreement or other known legal obligation to make a specified application of such funds, . . . he knowingly converts the funds or property to his own use in violation of the agreement or legal obligation."). But we note that the only evidence cited to support this apparent conclusion that Simpson committed the crime of conversion consisted of an excerpt of Simpson's testimony, which did not amount to an admission that Simpson ever knowingly or intentionally converted unearned client funds, but instead was an admission that, because she "didn't keep good records," she could not affirmatively attest that she had never withdrawn unearned fees from her general IOLTA account. See n.9, supra. To the extent that the Special Master found that Simpson "admitted" to the *crime* of conversion, that finding is clearly erroneous.

(b) *Rules Violations*

The Special Master determined that Simpson violated Rule 1.15(I)(a) by depositing personal funds via check and cash into her general IOLTA account; by using funds in her IOLTA account for personal obligations; and by failing to keep complete records of the funds contained within the general IOLTA account. The Special Master concluded that Simpson violated Rule 1.15(II)(a) by failing to hold and properly administer client funds from her general IOLTA account; Rule 1.15(II)(b) by repeatedly depositing and holding personal funds in her general IOLTA account, withdrawing trust account funds for personal use on multiple occasions, and failing to maintain adequate records of her IOLTA account; and Rule 8.4(a)(4) by submitting to the Bar documents that were redacted in ways that demonstrated an effort to conceal information.

(c) *Recommended Discipline*

In her final Report and Recommendation, the Special Master correctly noted that this Court relies on the ABA Standards for Imposing Lawyer Sanctions (1992) ("ABA Standards") for guidance in determining the appropriate punishment in disciplinary cases. See *In the Matter of Morse*, 265 Ga. 353, 354 (1995) (disciplinary authority should consider (a) the duty violated, (b) the lawyer's mental state, (c) the potential or actual injury caused by the misconduct, and (d) aggravating and mitigating factors). The Special Master concluded generally that Simpson had admitted that she failed to uphold "the duties expected of a lawyer" by committing the rule violations established herein and noted that Simpson's violations of the trust accounting rules implicated ABA Standard 4.11 (failure to preserve property of a client or third party), while her violations of Rule 8.4(a)(4) implicated ABA Standard 5.11 (failure to maintain personal integrity).

Turning to Simpson's mental state, the Special Master acknowledged Simpson's contention that she should be given some consideration because she lacked the intent to violate (or even contemporaneous knowledge that she *was* violating) Rules 1.15(I) and (II), but the Special Master concluded that her contention was "without merit" for two reasons: first, because neither of those rules requires any proof of personal knowledge or intent or other subjective component, see *In the Matter of Eddings*, 300 Ga. 419, 423 (2016) (Rules 1.15(I) and (II)(b) can be violated regardless of whether the attorney has knowledge of the violations); see also *In the Matter of Howard*, 292 Ga. 413 (2013) (imposing discipline for violations of Rules 1.15(I) and 1.15(II) resulting from a mistake); and second, because Simpson had been admitted to practice in 2006 after graduating from Harvard Law School.[11] The Special Master did not expressly address Simpson's mental state as to her Rule 8.4(a)(4)

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[11] We expressly reject any contention that the fact that Simpson graduated from Harvard Law School somehow provides her with enhanced knowledge of the Rules or otherwise disproves her assertion that she had no intent to violate Rules 1.15(I) and (II). And, while we agree with the Special Master that Rule 1.15(I) and (II) contain no specific intent requirement, we note that, when viewed in context, Simpson does not appear to be attempting to use her lack of intent as a *defense* to the Rule 1.15(I) and (II) violations. Indeed, she has admitted since her initial petition for voluntary discipline that she violated those Rules. Instead, Simpson seems to be looking for consideration in terms of aggravating and mitigating circumstances, based on her contention that she did not violate Rules 1.15(I) and 1.15(II) with the intent to harm her clients or anyone else—an assertion that, if believed, is an important consideration as to the penalty for her violations of the Rules. See *In the Matter of Davis*, 306 Ga. 381, 382 (2019) (recognizing lack of intent to cause harm as mitigating factor for violations of Rules 1.15(I), 1.15(II), 4.1(a) and 8.4(a)(4)); *In the Matter of Swain*, 290 Ga. 678, 679 (2012) (same as to Rule 8.4 violation).

violation, but her citation to ABA Standard 5.11(b) (disbarment appropriate where lawyer engages in “intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on [her] fitness to practice”) strongly suggests that she determined that Simpson acted knowingly and intentionally in violating Rule 8.4(a)(4).

The Special Master then noted Simpson’s argument that her misconduct caused no actual injury to any of her clients and concluded that Simpson’s argument ignored both the ABA Standards’ definition of injury — which encompasses not only harm to a client but also harm to the public, the legal system, and the profession, see ABA Standards, III, Definitions — and the ABA Standards’ explanation that the extent of the injury is determined “by the type of duty violated and the extent of actual *or* potential harm.” Id., II, Theoretical Framework (emphasis added). The Special Master noted that Simpson had admitted the potential for harm; that there was no evidence in this case to establish whether any of the funds belonging to Simpson’s clients were negatively impacted by her actions; and that Simpson's poor recordkeeping rendered it impossible to do a full accounting of the funds in her IOLTA account. The Special Master stressed the "potential injury that could have occurred," as a result of the violations of Rules 1.15(I) and (II). And, although the Special Master made no specific determination as to the harm that resulted from Simpson's violation of Rule 8.4(a)(4), we note that those violations caused, at a minimum, potential harm to the Bar, these disciplinary proceedings, and to the profession, generally. Ultimately, the Special Master concluded that disbarment was the presumptive discipline to be applied here, noting that each violation of the trust account rules can warrant disbarment on its own.

In aggravation of discipline, the Special Master concluded that, even if Simpson's commingling and misappropriation of client funds was inadvertent, her dishonest and selfish motive was demonstrated by her effort to "cover up" her malfeasance through her initial failure to cooperate with the Bar and her later misrepresentation and concealment of the contents of her general

IOLTA account by heavily redacting the bank statements she produced to the Bar. See ABA Standard 9.22(b). The Special Master further found in aggravation that Simpson had substantial experience in the practice of law and a "Harvard education," which should have rendered her knowledgeable as to the GRPC and as to the resources available to her through the Bar, which she failed to utilize.[12] See ABA Standard 9.22(i). Further, Simpson committed multiple offenses, having repeatedly violated Rules 1.15(I) and (II) between 2017 and 2018, see ABA Standards 9.22(d); and she failed to cooperate with the Bar and engaged in deceptive practices during the disciplinary proceedings.[13] See ABA Standards 9.22(e) and (f).

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[12] Once again, we expressly reject any contention that Simpson's "Harvard education" made her any more knowledgeable than others as to the GRPC or the resources available to her through the Georgia State Bar or any more culpable for her failure to comply with the GRPC. Nevertheless, we agree that Simpson's substantial experience in the practice of law is an appropriate factor to consider in aggravation of discipline.

[13] This Court generally declines "to rely on specific conduct in aggravation of discipline when that same conduct is also charged as a violation of the GRPC." *In the Matter of Cleveland*, 317 Ga. 515, 518 n.13 (2023). See also *In the Matter of Eddings*, 314 Ga. 409, 418 n.3 (2022) (noting that because the Court "concluded that [he] violated Rule 8.1 by his submission of false evidence during the disciplinary process, [it would] not rel[y] on that same conduct in aggravation of discipline under either ABA Standard 9.22(e) or (f)").

In terms of mitigating factors, the Special Master noted that Simpson had no prior disciplinary history;[14] that she had "personal problems" at the time of the offenses;[15] and that she had

Here, Simpson's deceptive conduct formed the basis for the Rule 8.4(a)(4) violation. Nevertheless, the facts show that, aside from her submission of the manipulated documents, Simpson initially tried to stall the Bar's investigation and otherwise failed to cooperate during these discipline proceedings.

[14] Although the Special Master found this factor to be "far outweighed by the multiple offenses committed" herein, we conclude that, under the specific circumstances of this case, Simpson's lack of prior disciplinary history is a strong mitigating factor. And while we generally defer to the Special Master's findings of fact, so long as they are not clearly erroneous, "whether the facts constitute an aggravating or mitigating factor is a matter we consider de novo." *In the Matter of Melnick*, 319 Ga. 730, 738 (2024) (reviewing the Special Master's finding that a mitigating factor of timely good faith restitution applied but nevertheless concluding that the attorney's payment of money to his client was not a mitigating factor because he did not make a good faith effort to make such restitution until after his client hired new counsel to investigate a malpractice claim and had filed a grievance with the Bar).

[15] Simpson offered in mitigation that she "suffered personal problems during this time, including eviction of her law practice that caused substantial disruption to her practice." The Special Master seemed to discount this factor somewhat by noting, quite correctly, that "disruption to [one's] law practice should never provide a reason to be dishonest or attempt to conceal information." Nevertheless, we highlight that Simpson testified to various personal problems that were causing her significant emotional and financial distress throughout 2017 and 2018. And although the "ABA Standards do not separately recognize financial difficulties as a mitigating factor," see *In the Matter of Polk*, 303 Ga. 675, 677 (2018) (finding no mitigating value in financial stress allegedly caused by an earlier disciplinary-related suspension), this Court has previously considered an attorney's personal stress as a mitigating factor, see *Melnick*, 319 Ga. at 738 (agreeing with the Special Master that an attorney's "personal or emotions problems are to be given some weight as a mitigating factor"); *In the Matter of Veach*, 310 Ga. 470, 471–72 (2020)

demonstrated remorse.[16] See ABA Standards 9.32(a), (c), and (l). Finally, the Special Master found Simpson's character and reputation to be a mitigating factor, see ABA Standards 9.32(g), acknowledging that Simpson had presented witnesses (three lawyers and her mother) to testify as to her character. The Special Master stated, however, that, while she had no reason to doubt the

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(concluding that Veach's allegation that he was suffering personal and emotional problems should weigh in mitigation of his punishment). Further, we note that the financial stress Simpson claimed to have been suffering in 2017 and 2018 was not the consequence of any disciplinary-related suspension, as was the case in *Polk*, but, rather, was the result of, among other factors, a potential eviction and dissolution of her law practice due to inability to make payments on time and the late fees that followed. See *In the Matter of Topmiller*, 293 Ga. 667, 668 (2013) (recognizing stress from financial difficulties in mitigation of discipline where those difficulties did not result from any discipline imposed for prior misconduct).

Further, although Simpson has not provided any documentary support for the personal or emotional stress she was experiencing, see ABA Standard 9.32(c), her claim is not one of a mental disability, see ABA Standard 9.32(i), which would require such evidence, and her testimony in the record was also corroborated by the testimony of her mother. Cf. *In the Matter of Greene*, 320 Ga. 527, 531 n.8 (2024) ("The [Review] Board considered in mitigation that [the attorney] provided documented proof of a prior mental health diagnosis. . . . [h]owever, no such documents are in the record before us, and so we decline to consider [this] as a mitigating factor."). Accordingly, we conclude that Simpson's personal, emotional, or financial stress could be given some weight as a mitigating factor. See *Melnick*, 319 Ga. at 738.

[16] The Special Master acknowledged Simpson's remorse but discounted it based on her finding that Simpson had made no effort to "mitigate" her misconduct prior to the December 2021 hearing in this matter.

sincerity of Simpson's character witnesses, the weight of their testimony was diminished by the fact that most of their opinions as to Simpson's character remained unchanged even after they were told that Simpson had admitted to the Rules violations.[17] Ultimately, the Special Master decided that the aggravating factors outweighed the mitigating factors and recommended that Simpson be disbarred for her violations of the GRPC, citing ABA Standard 4.12 ("Suspension is generally appropriate when a lawyer knows or should know that [s]he is dealing improperly with client property and causes injury or potential injury to a client." However, "[s]uspension should be reserved for lawyers who engage in misconduct that does not amount to misappropriation or conversion....").

[17] We note, however, that the witnesses mostly said that they thought Simpson's admitted violations were a mistake and an aberration, given what they knew of her, and suggested that, although she should be disciplined for her actions, disbarment was too harsh a punishment since they knew her to be a thorough attorney who does good work for her clients.

Simpson requested review by the Review Board, asserting generally that the Special Master had failed to give full weight and consideration to all of the mitigating factors presented; failed to apply the appropriate legal standards to the facts of this case; and failed to recommend the appropriate discipline in light of this Court's prior precedents, instead judging Simpson more harshly because she attended Harvard Law School. She requested that the Review Board consider recommending a two-to-three-year suspension for her violations. In its report and recommendation, the Review Board questioned only two aspects of the Special Master's Report: (1) her repeated references to the law school from which Simpson graduated and (2) her "puzzling" treatment of the character witnesses (i.e., finding their testimony to be of diminished value). The Review Board ultimately concluded, as to the former issue, that the overriding factor in those references to her education was the fact that Simpson was admitted to the practice of law in 2006 (such that she had substantial experience in the practice of law), and, as to the Special Master's treatment of the character witnesses, the Review Board concluded that the weighing of mitigating and aggravating factors was not affected by the Special Master's finding about the character witnesses. Ultimately, the Review Board voted to adopt the Special Master's recommendation that disbarment was the appropriate discipline for Simpson's violations of the GRPC, noting that, in making its recommendation, it had heavily weighed the fact that Simpson's actions went unchanged for a period of time after being alerted to the issues with the trust account, her deceptive practices, and her lack of cooperation with the State Bar during the disciplinary process.

Simpson timely filed exceptions to the Review Board's Report and Recommendation, asserting various enumerations of error and arguing that a suspension of between two and three years is the appropriate sanction for her misconduct. The Bar timely responded to Simpson's exceptions, asserting that they were the same exceptions argued to, and rejected by, the Review Board and that this Court should also reject them.

3. *Analysis and Conclusion*

“The primary purpose of a disciplinary action is to protect the public from attorneys who are not qualified to practice law due to incompetence or unprofessional conduct, but this Court is also concerned with the public’s confidence in the profession generally.” *In the Matter of Cook*, 311 Ga. 206, 213 (2021). The sanction imposed for disciplinary infractions, therefore, should be sufficient not only to penalize the offender for her wrongdoing and deter other attorneys from engaging in similar behavior, but also to indicate to the general public that the courts will maintain the ethics of the profession. See id. In *Tuggle*, we explained:

> because this Court recognizes that the Special Master is in the best position to determine the witnesses’ credibility, it *generally* defers to the factual findings and credibility determinations made by the Special Master unless those findings are clearly erroneous. Thus, if factual findings “are supported by the record,” we will generally not disturb them.

In the Matter of Tuggle, 317 Ga. 255, 258 (2023) (citations omitted). But “we review de novo the conclusions of law reached below on what rules were violated and what level of discipline is appropriate.” Id. Similarly, the question of whether facts found by the Special Master actually constitute an aggravating or mitigating factor is a matter we consider de novo. See *In the Matter of Melnick*, 319 Ga. 730, 738 (2024).

We have reviewed the record in this case and we conclude that the Special Master committed no error in finding that Simpson violated Rules 1.15(I)(a) and (II)(a) and (b) by paying personal bills from her general IOLTA account and comingling funds in her IOLTA account or in finding that she violated Rule 8.4(a)(4) by redacting bank statements in an effort to mask the extent of her misconduct from the Bar.[18] As noted throughout the discussion above, we accept the Special Master's conclusions that Simpson acted intentionally with respect to the Rule 8.4(a)(4) violation; that the violations of Rules 1.15(I) and (II) at issue herein require no proof of knowledge or intent, see *In the Matter of Eddings*, 300 Ga. 419, 423 (2016) (Rules 1.15 (I) and (II) (b) "make no reference to the attorney's

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[18] Indeed, Simpson admitted in her petition for voluntary discipline, as amended, that she paid personal bills from, and comingled money in, her IOLTA account and that she redacted her bank statements in an effort to mask the extent of that misbehavior.

knowledge or lack thereof with respect to activities of others relating to the attorney's trust account"); and that Simpson's violations of Rules 1.15(I) and (II) and 8.4(a)(4) had at least the *potential* to harm her clients, the profession, and the Bar. Further, we agree with the Special Master and the Review Board that, in aggravation, Simpson acted dishonestly in redacting her bank records; that she had substantial experience in the practice of law; and that this case involves multiple rule violations. See ABA Standards 9.22(b), (i), and (d).

In mitigation, we agree with the Special Master that Simpson had no prior disciplinary history; that, notwithstanding these lapses in judgment, she has a good character and reputation; and that she is remorseful. ABA Standards 9.32(a), (g), and (l). Additionally, evidence was presented that Simpson was suffering from emotional and "personal problems" at the time of the offenses. See ABA Standard 9.32(c). Importantly, the record reflects that the personal problems were related to financial stress that Simpson was suffering in 2017 and 2018 that was not the consequence of any disciplinary-related suspension, but rather, was related to a potential eviction and dissolution of her law practice due to inability to make payments on time and the late fees that followed. See *In the Matter of Topmiller*, 293 Ga. 667, 668 (2013) (accepting as mitigation financial stress that that did not result from any prior discipline for prior misconduct); cf. *In the Matter of Polk*, 303 Ga. 675, 677 (2018) (rejecting as mitigation stress that resulted from financial difficulties that followed a disciplinary sanction imposed for Polk's prior misconduct). Additionally, although the Special Master did not consider it as a factor in mitigation, the record also reflects that, in the time since Simpson's conduct at issue in these proceedings, Simpson has taken steps to prevent such offenses from happening again in the future, including her completion of Continuing Legal Education courses related to her misconduct and the Georgia Bar Law Practice Management Program Assessment. See ABA Standard 9.32(k). Further, Simpson switched her IOLTA account to a different bank from all of her other accounts to ensure that this does not happen again.

In terms of the discipline to be imposed, we respect and agree with the opinions of the Special Master and the Review Board that Simpson's violations are serious and carry the potential of significant harm. In particular, we acknowledge the repeated nature of her violations of Rules 1.15(I) and (II), involving the mishandling of funds in her IOLTA account, and the gravity of Simpson's Rule 8.4(a) violation, involving her submitting to the State Bar documents that were redacted in ways that demonstrated an effort to conceal information — rule violations which authorize this Court to disbar Simpson. Nevertheless, we exercise our discretion to impose a three-year suspension under the specific circumstances of this case.

Our decision to impose a suspension is due, in large part, to the facts that Simpson does not have any prior disciplinary history despite decades of practice; that, although her actions caused some harm to the legal system writ large, the record does not suggest that her actions resulted in any client claiming to have been deprived of any right to pursue legal relief or any services promised by, or money provided to, Simpson; and because the record contains evidence that Simpson has taken steps to avoid repeating her violations of Rules 1.15(I) and (II).[19]

Indeed, this case is similar to *In the Matter of Favors*, 283 Ga. 588 (2008), where an attorney deposited settlement funds into her escrow account and falsely advised her client that she had used some of those funds to pay a third party on the client's behalf, when she actually had used those funds for her own benefit. After the Bar began its investigation, Favors made false statements to the Bar that she had twice mailed the payment to the third party and did not know why it had not been received; she submitted to the Bar a copy of an altered bank statement, which she had affirmatively falsified; and she subsequently submitted to the third party a check that was returned for insufficient funds. She then lied to the Bar

[19] In addition, we conclude that, in weighing the factors to be considered in recommending discipline, the Special Master improperly considered the clearly erroneous finding that Simpson admitted to committing the crime of conversion with respect to her mishandling of funds in her IOLTA account. Accordingly, we depart from the Special Master's weighing of the factors to the extent that she concluded that Simpson admitted to the crime of conversion and weighed that in deciding punishment.

about why the check had been returned, asserting that it resulted from her failure to pay routine bank service charges when she actually knew her account had been overdrawn for several months due to the fact that she had been comingling her personal funds in the account and using client funds for her own benefit. It was not until years into the Bar's investigation that Favors finally admitted her actions to the Bar. Although we concluded that Favors violated Rules 1.15(I)(a) and (b), 1.15(II)(b), 8.1(a), and 8.4(a)(4), this Court imposed a three-year suspension based on various mitigating factors, including that she ultimately showed remorse, repaid the funds, had no prior disciplinary history, and was suffering personal and emotional factors that may have contributed to her behavior. *Favors*, 283 Ga. at 589. See also, e.g., *In the Matter of Dansby*, 274 Ga. 393, 394–95 (2001) (three-year suspension for an attorney who violated the predecessor of Rules 1.15(I) and (II) by commingling personal funds and client funds, where "the root cause of [his] misconduct . . . was not avarice or an intent to cheat a client, but poor judgment. . ."); *In the Matter of Hood*, 320 Ga. 440 (2024) (two-year suspension for an attorney with a prior disciplinary history, who violated, in relevant part, Rules 8.4(a)(4) and 8.1 based on knowingly making false statements to opposing counsel and courtroom personnel in one client matter and by knowingly submitting false statements and documentation to the Bar related to two different client matters, where his actions caused actual harm to his clients, the courts, and the public); *In the Matter of Morgan*, 303 Ga. 678, 679–80 (2018) (two-year suspension with conditions on reinstatement for an attorney with no prior discipline, who during a time of personal and emotional hardship violated Rules 1.15(I), 1.15 (II)(b), and 8.4(a)(4) by withdrawing $77,000 from client's estate and depositing it for his personal use, but who made a good faith effort at restitution); *In the Matter of Ballard*, 279 Ga. 663 (2005) (two-year suspension for attorney with no prior disciplinary history, who during a time of personal hardship, violated Rules 1.15(I) and 1.15 (II)(b), by repeatedly withdrawing non-earned fees from a client's funds which were being held in the attorney's IOLTA account, where his client ultimately suffered no legal or financial injury); *In the*

Matter of Veach, 310 Ga. 470 (2020) (18-month suspension for attorney with no prior disciplinary history, who during a time of personal and financial hardship violated Rules 1.15(I)(b), 1.15(II)(b), and 8.4(a)(4) by using client funds held in his IOLTA account for his own personal use for more than three years). Compare *In the Matter of David-Vega*, 318 Ga. 600, 605–08 (2024) (disbarment rather than suspension for attorney with prior disciplinary history who violated various Rules, including Rules 8.1 and 8.4(a)(4), by abandoning a client to his significant detriment, failing to respond to discovery in the malpractice lawsuit the client subsequently filed against her, making untruthful statements to the court, and fabricating and submitting falsified emails and texts to the Bar to conceal the misconduct); *In the Matter of Stephens*, 318 Ga. 375, 379 (2024) (disbarment where attorney, with no prior disciplinary history, violated Rules 1.15(I)(a) and 1.15 (II)(a) by negligently overdrawing her trust account, violated Rules 3.3(a)(1) and 8.4(a)(4) in a separate manner by repeatedly lying to a court and later to the Bar with the intent to deceive both, causing actual and serious injury to a party who sued her client and having a serious adverse effect on the underlying legal proceedings).

Accordingly, we hereby order that Simpson be suspended from the practice of law in this State for three years. Because there are no conditions on Simpson's reinstatement other than the passage of time, there is no need for her to take any action either through the State Bar or through this Court to effectuate her return to the practice of law. Instead, the suspension arising from this opinion will take effect as of the date this opinion is issued and will expire by its own terms three years later. Simpson is reminded of her duties pursuant to former Bar Rule 4-219(c), now found at Bar Rule 4-219(b).

Three-year suspension. All the Justices concur.