

In the Supreme Court of Georgia

Decided: May 4, 2020

S20Y1015. IN THE MATTER OF TIMOTHY PAUL HEALY.

PER CURIAM.

This disciplinary matter is before the Court pursuant to the Petition for Voluntary Surrender of License filed by Timothy Paul Healy (State Bar No. 342175). In his petition, Healy requests that the Court allow him to surrender his license pursuant to Bar Rule 4-104, in lieu of accepting discipline for numerous alleged violations of the Georgia Rules of Professional Conduct. Because the Bar consents to the requested treatment and because the sealed record supports it, the Court accepts the petition.

The parties agree that Healy, who has been a member of the State Bar since 1979, is the subject of numerous grievances alleging a myriad of violations of the Georgia Rules of Professional Conduct, see Bar Rule 4-102 (d), many of which are punishable by disbarment.

Although Healy does not admit all of the facts contained in the various grievances, he acknowledges that there is some factual basis to support a finding that he has committed numerous ethical violations. In November 2019, before he received any sort of referral from the State Bar under Bar Rule 4-104, Healy sought and obtained an alcohol and drug evaluation and submitted the written results thereof to the State Bar. Although the evaluation provided significant insight into Healy's condition, it did not include any sort of assessment of Healy's fitness to practice law. The Bar then requested that Healy submit to an additional evaluation and that, in the meantime, he discontinue taking new cases and refer or withdraw from all of his open cases. Healy agreed to do so.

In December 2019, a healthcare provider confirmed the findings of the earlier assessment and opined that Healy's conditions would impair his ability to practice law and would place the public at risk or peril. Thereafter, Healy undertook additional treatment but ultimately decided, in conjunction with his healthcare providers, that "to facilitate his recovery over the longer term, to

maximize his potential to restore himself to good health and otherwise deal with the outstanding grievances,” he would give up the practice of law. This petition for voluntarily surrender of license followed.

Healy asserts that he has taken significant steps to wind down his practice, including referring his remaining caseload to other lawyers where possible and withdrawing from all other cases. Healy asks that this Court accept his petition in lieu of discipline for the alleged disciplinary infractions now pending in the State Bar. See *In the Matter of Rand*, 279 Ga. 555, 556 (616 SE2d 452) (2005) (implying Special Master authorized to choose whether to make a recommendation based on disciplinary violations or Rule 4-104). Healy promises that, if the Court accepts his petition, he will not seek reinstatement, even if he ultimately recovers from his diagnosed conditions. Healy further agrees and acknowledges that, should he renege on his promise not to seek reinstatement, he could be prosecuted for the violations of the Georgia Rules of Professional Conduct alleged in the currently pending grievances, and charged

with a new violation of the Georgia Rules of Professional Conduct based on his action of seeking reinstatement in violation of his promise. The State Bar has responded to Healy's petition and consents to the treatment requested therein.

This Court has reviewed the record in this case and finds that Healy has admitted the existence of sufficient grounds for his permanent removal from the practice of law under Bar Rule 4-104. Accordingly, this Court accepts Healy's petition for voluntary surrender of license, which is tantamount to disbarment. See Georgia Rule of Professional Conduct, 1.0 (r). Accordingly, the name of Timothy Paul Healy is hereby removed from the rolls of persons entitled to practice law in the State of Georgia. Healy is reminded of his duties under Bar Rule 4-219 (b).

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