

Final Copy

285 Ga. 674

S09Y0456. IN THE MATTER OF BENJAMIN S. EICHHOLZ.

**Per curiam.**

This reciprocal discipline matter is before the Court on the Report and Recommendation of the Review Panel of the State Bar, which recommends that the Court impose reciprocal discipline for a suspension Respondent Benjamin S. Eichholz received in the United States District Court for the Southern District of Georgia. See Rule 9.4 (b) of the Georgia Rules of Professional Conduct; Bar Rule 4-102. As we recently held in In the Matter of Stubbs, 285 Ga. 702 (\_\_\_ SE2d \_\_\_) (2009), however, the State Bar is not authorized to utilize the reciprocal discipline process when the disciplinary action at issue was taken by a federal trial court. Accordingly, this matter must be dismissed.

Dismissed. All the Justices concur, except Carley and Hines, JJ., who dissent, and Sears, C. J., disqualified.

**Hines**, Justice, dissenting.

For the reasons set forth in my dissent in In the Matter of Stubbs, 285 Ga. 702 (\_\_\_ SE2d \_\_\_) (2009), I respectfully dissent.

I am authorized to state that Justice Carley joins in this dissent.

**Decided June 29, 2009.**

Dismissal.

William P. Smith III, General Counsel State Bar, Jonathan W. Hewett, Assistant General Counsel State Bar, for State Bar of Georgia.

Weinstock & Scavo, Michael Weinstock, for Eichholz.

R. Wade Gustin, Mark A. Tate, Savage, Turner, Pinson & Karsman, Brent J. Savage, amici curiae.