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In the
Supreme Court of Georgia

No. S26Y1361

In the Matter of Robert David Arkin

Decided: October 14, 2026

PER CURIAM.

This disciplinary matter is currently before the Court on the report and recommendation of the State Disciplinary Review Board ("Review Board"), which was asked to review the report and recommendation of Special Master Noah H. Pines at the request of Robert David Arkin (State Bar No. 021575) pursuant to Bar Rules 4-214 and 4-216. In his report, the Special Master reviewed an amended petition for voluntary discipline filed by Arkin and rejected it, concluding that Arkin should receive a three-year suspension with four conditions for reinstatement, rather than the six-month suspension with three conditions for reinstatement requested by Arkin, for his violations of Rules 1.2, 1.3, 1.4, 1.7, 1.15(I), 1.15(II), 1.16, 3.2, and 8.4(a)(4) and (5) of the Georgia Rules of Professional Conduct ("Rules") found in Bar Rule 4-102(d) in connection with five separate matters. The maximum penalty for a violation of Rules 1.2, 1.3, 1.7, 1.15(I), 1.15(II), and 8.4(a)(4) and (5) is disbarment, whereas the maximum penalty for a violation of Rules 1.4, 1.16, and 3.2 is a public reprimand. Arkin filed exceptions to the Special Master's report pursuant to Bar Rule 4-214(c), but instead of analyzing the Special Master's conclusions of law and the recommended sanction as requested by Arkin, the Review Board recommended that the case be remanded back to the Special Master for a more complete analysis

of the conditions for reinstatement. Both Arkin and the State Bar have filed exceptions to the Review Board’s report in this Court. For the reasons discussed below, we reject the Review Board’s report and recommendation, accept the Special Master’s report and recommendation, and impose a three-year suspension with conditions, though we modify the conditions the Special Master proposed.

1. *Procedural History*

In July 2024, the State Bar filed formal complaints against Arkin. Prior to an evidentiary hearing, Arkin filed a petition for voluntary discipline. The Special Master held an evidentiary hearing on April 16–17, 2025, after which Arkin amended his petition for voluntary discipline. In his amended petition, Arkin admitted to violating Rules 1.2, 1.3, 1.4, 1.7, 1.15(I), 1.15(II), 3.2, and 8.4(a)(5). Arkin sought a six-month suspension with the following conditions for reinstatement: (1) reach an agreement with two of his former clients “to make regular payments towards full restitution”; (2) provide certification from a psychologist or similar therapist that he is fit to practice law; and (3) identify an experienced attorney who can provide regular monitoring of his law practice to ensure his ongoing fitness to practice law. The Special Master issued his report and recommendation on May 1, 2026.

2. *Special Master’s Report and Recommendation*

(a) *Findings of Fact*

The Special Master made the following findings of fact based on facts stipulated by Arkin and the State Bar, the evidence presented at the evidentiary hearing, and Arkin’s admissions in his petition for voluntary discipline.

State Disciplinary Board Docket (“SDBD”) No. 7788: In October 2020, a client retained Arkin to assist her in connection with locating a life insurance policy, in which she thought she was the named beneficiary, and paid him a \$2,000 retainer. Arkin’s associate and his legal assistant performed some work on the matter; however, they were unable to locate any insurance policy benefiting the client. The client then terminated the representation and requested a refund, after she could not reach anyone at the law firm. During the representation, the client also did not receive an invoice. The client’s file was closed on March 2, 2021, and the balance on the retainer at the time was \$1,182.50. On March 11, 2021, Arkin entered a final notation on the account regarding the retainer balance, in which he stated that he provided no services to the client, was unfamiliar with the matter, and would mail a check representing the balance of the retainer to the client. However, it was not until March 20, 2025 – four years after the file was closed – that Arkin, through counsel, sent the client a refund of the \$2,000 retainer she paid.

SDBD No. 7789: In 2017, a client hired Arkin to file a lawsuit against several defendants. Arkin eventually filed the lawsuit in Fulton County Superior Court; however, one of the defendants removed the case to federal court. The federal court concluded that the case should proceed in state court, and the case was remanded back to Fulton County Superior Court. However, Arkin subsequently determined that he should have filed the case in DeKalb County Superior Court, and he assured the client he would effectuate that transfer. A consent order was issued transferring the case to DeKalb County Superior Court and requiring the client to pay transfer costs within 20 days. However, Arkin did not notify the client that transfer costs were due; the client did not pay those costs; and one of the defendants filed a notice to memorialize the automatic dismissal of the case. Despite

the automatic dismissal, the client then paid the full transfer costs and the case was then transferred from Fulton County to DeKalb County. Several of the defendants then filed motions to dismiss based on the automatic dismissal, and while Arkin filed an “omnibus response,” the case was ultimately dismissed.

In April 2020, Arkin re-filed the lawsuit in Gwinnett County Superior Court, and almost a year later, he filed a motion to serve one of the defendants via publication, which was granted, but the court ultimately dismissed that defendant from the lawsuit, noting that “nearly three (3) months have lapsed and no proof of service as to this purported defendant has been filed.” Arkin also failed to discuss discovery requests with the client and never responded to the discovery requests. Two defendants filed motions to compel, citing Arkin’s failure to respond to their discovery requests, his failure to request an extension of time to respond, and his failure to respond to their good faith efforts to resolve the discovery dispute. Arkin did not respond to the motions to compel, and the defendants filed motions to dismiss. Arkin did not respond to the motions to dismiss, and the Gwinnett court entered an order granting the defendants’ motions to dismiss and dismissed the case with prejudice. Without telling the client, Arkin had another attorney file a notice of appeal on behalf of the client and his company. That same day, the clerk of court filed a letter notifying the new attorney that the notice of appeal was deficient, but the new attorney failed to correct those deficiencies. Arkin never informed the client that another attorney would be appealing on his behalf or otherwise working on his case. The Gwinnett court entered an order dismissing the appeal as to the remaining defendants and awarded attorney fees and expenses against the client in the amount of \$51,096.61. The client did not find out that the case was dismissed until he went on the court website to check on the status of the case. The client

hired another attorney to pursue a claim against Arkin and ultimately negotiated an agreement in June 2024 for Arkin to pay him \$100,000. As of the date of the hearing before the special master, the client had received \$69,500 from Arkin.

SDBD 7790: The client, who was 79 years old at the time of the Special Master's report, was the primary beneficiary of a trust, for which his mother served as trustee until her death in March 2017. Following the resignation of the successor trustee, the client consulted with Arkin about the trust, but Arkin failed to explain to the client that he could be his own trustee. Instead, in January 2019, Arkin was appointed trustee. Arkin did not terminate his representation of the client once he became trustee, and he did not get written informed consent from the client regarding the apparent conflict of interest. Arkin continued to act as the client's attorney.

In February 2019, Arkin transferred \$91,212.07 from the trust's investment account to a Wells Fargo brokerage account, and approximately a month later, Arkin transferred \$89,834.96 of the trust's assets to a SunTrust account owned by Robert Arkin, LLC. In January 2020, the client hired another attorney and requested an accounting from Arkin but did not receive one. The client then filed a civil suit against Arkin and his law firm and ultimately, the trial court granted summary judgment in favor of the client and removed Arkin as trustee. The court also ordered Arkin and his law firm to pay \$89,834.96 to the client as a successor trustee, and to pay \$18,890.00 in attorney fees. To date, Arkin has not paid the judgment or attorney fees, and he claimed at the hearing before the Special Master that the funds he took were to reimburse his law firm for expenses that the client directed him to pay. However, Arkin has not provided a complete accounting.

SDBD No. 7791: In addition to other IOLTA and operating accounts, Arkin maintained an IOLTA account with SunTrust/Truist Bank and an IOLTA account with Coastal States Bank. In August 2022, the State Bar received notice regarding an overdraft on the Truist account. Arkin claimed that the overdraft was a result of a clerical error. However, in his amended petition, he admitted commingling funds through a deposit of \$20,631.57 of personal funds into his IOLTA account, which he allowed to remain there.

SDBD No. 7792: In September 2019, a client hired Arkin to defend him in a federal civil suit and paid him \$2,000.00. Arkin also represented two other defendants in the lawsuit and filed answers on their behalf. But, in May 2020, Arkin sent a letter to the three defendants regarding his intent to withdraw; the court granted his motion to withdraw that same month. The client proceeded pro se, failed to appear at a pre-trial hearing, and filed a motion to be dismissed as a party to the case. On November 2, 2021, the client rehired Arkin for \$10,000. However, Arkin failed to file anything on behalf of the client to explain why the client missed the pre-trial hearing, and in December 2021, the court found the client in default for failing to comply with the pre-trial instructions and with a show-cause order. The court also denied the client's motion to be dismissed as a defendant. Arkin texted the client to say that he would file a motion to reconsider the finding of default, but he never did. The court ultimately awarded \$834,799.79 against the client, who did not know about the judgment until the opposing lawyer garnished his savings and checking account for \$24,000. When the client learned about the garnishment, he reached out to Arkin, who never responded. The client, who is a retired Vietnam War Veteran on a fixed income, hired another lawyer to try and stop the garnishment, but that lawyer was not successful. During the second period of

representation, Arkin did not file anything on behalf of the client except for an entry of appearance.

(b) *Arkin's additional evidence*

The Special Master noted that at the evidentiary hearing, Arkin testified that he suffered from a psychological disability from 2018 until 2023 — which occurred as a result of his divorce, the death of his brother and a work colleague, and a COVID-19 diagnosis — and that until about January 2024, “he felt emotionally immobilized, was not thinking clearly, and was not representing his clients.” Arkin “accepted responsibility for his actions” and was “embarrassed by his conduct.” Arkin described personal and work-related issues that, in his mind, led to these disciplinary cases. A board-certified psychologist who treated Arkin during the relevant time-period, Arkin’s ex-wife, and a Rabbi, all testified on Arkin’s behalf as well.

(c) *Conclusions of Law*

The Special Master noted that there was no dispute that

Arkin's acts and omissions violated Rules 1.2,¹ 1.3,² 1.4,³ 1.7(a)⁴ and (b),⁵ 1.15(I),⁶ 1.15(II),⁷ 3.2,⁸ and 8.4(a)(5).⁹

¹ Rule 1.2 provides, in relevant part, that a "lawyer shall abide by a client's decisions concerning the scope and objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued."

² Rule 1.3 provides, in relevant part, that a "lawyer shall act with reasonable diligence and promptness in representing a client ... [and] shall not without just cause to the detriment of the client in effect willfully abandon or willfully disregard a legal matter entrusted to the lawyer."

³ Rule 1.4 provides, in relevant part, that a lawyer shall "promptly inform the client of any decision or circumstance with respect to which the client's informed consent ... is required"; "reasonably consult with the client about the means by which the client's objectives are to be accomplished"; "keep the client reasonably informed about the status of the matter"; and "promptly comply with reasonable requests for information."

⁴ Rule 1.7(a) provides, in relevant part, that a "lawyer shall not represent or continue to represent a client if there is a significant risk that the lawyer's own interests or the lawyer's duties to another client, a former client, or a third person will materially and adversely affect the representation, except as permitted in (b)."

⁵ Rule 1.7(b) provides, in relevant part, that "[i]f client informed consent is permissible a lawyer may represent a client notwithstanding a significant risk of material and adverse effect if each affected client or former client gives informed consent confirmed in writing" after meeting certain requirements.

⁶ Rule 1.15(I) provides, in relevant part, that "upon request by the client or third person, [lawyer] shall promptly render a full accounting regarding [client or third person's] property" being held by attorney.

⁷ Rule 1.15(II) provides, in relevant part, that "no personal funds should ever be deposited in a lawyer's trust account, except that unearned attorney's fees may be so held until the same are earned."

⁸ Rule 3.2 provides, in relevant part, that a "lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client."

⁹ Rule 8.4(a)(5) provides, in relevant part, that "[i]t shall be a violation

Beyond what Arkin had stipulated to, the Special Master also concluded, as relevant to the arguments Arkin raises here, that Arkin violated additional Rules as follows. First, in SDBD 7790, he violated Rule 1.15(I)(a) by commingling funds belonging to the trust with funds in his business/operating account, instead of keeping them in his IOLTA account; Rule 1.15(II)(a) and (b) when he administered funds for payment of trust expenses from his operating account, not the IOLTA account where he had moved the funds; and Rule 8.4(a)(4)¹⁰ and (5) when he misused the trust funds he transferred from the Wells Fargo account into his IOLTA account and when he failed to pay the attorney fee award against him within 15 days of the order. In addition, in SDBD No. 7792, Arkin violated Rule 1.2(a) when he failed to abide by the scope of the representation by failing to respond to the show-cause order and by failing to adequately consult with the client about the impact of the client missing the pre-trial hearing, the impact of the default on the client's case, and the impact of the judgment against the client. Arkin violated Rule 1.3 by failing to file anything in response to the show-cause order and failing to file the motion for reconsideration of the court's entry of the default against the client. Arkin also violated Rule 1.16(d)¹¹ by failing to refund the unearned fee the client paid for the second period of representation since Arkin only filed an entry of

of the [Rules] for a lawyer to ... fail to pay any final judgment or rule absolute rendered against such lawyer for money collected by him or her as a lawyer within ten days after the time appointed in the order or judgment."

¹⁰ Rule 8.4(a)(4) provides that it shall be a violation of the Rules for a lawyer to "engage in professional conduct involving dishonesty, fraud, deceit, or misrepresentation."

¹¹ Rule 1.16(d) provides that "[u]pon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests."

appearance and took no other action.

(d) *ABA Standards*

Looking to the American Bar Association's Standards for Imposing Lawyer Sanctions for guidance in determining the appropriate level of discipline, see *In the Matter of Breault*, 318 Ga. 127, 136 (2024), the Special Master found that Arkin had a duty to his clients to consult and communicate with them and to perform the work for which he was hired but that he failed to do so. The Special Master found that he also violated his duties to safeguard trust funds and to avoid conflicts of interest.

Regarding Arkin's mental state, the Special Master found that the majority of Arkin's actions were knowing, not inadvertent or negligent, as he made the decisions in the client's cases and refused to communicate with his clients. The Special Master found that Arkin also controlled his IOLTA account and client and fiduciary property. As for the injury caused, the Special Master noted that one client ended up with over \$50,000 in attorney fees awarded against him; that another client had a judgment of over \$800,000 entered against him; and that all of his clients were involved in stressful situations that were only made worse by Arkin's failure to adequately represent them, communicate with them, and respond to lawyers who were hired to assist these clients after they terminated his representation.

The Special Master also concluded that under the relevant ABA Standards, the presumptive penalty was a suspension. See ABA Standards 4.12 (dealing improperly with client property); 4.32 (conflicts of interest). The Special Master noted that whether it was from anxiety or stress, Arkin violated his duties to his clients, multiple times in multiple matters, by failing to diligently represent them, failing to consult with them, and failing to

communicate with them.

Next, as for the aggravating factors, the Special Master considered Arkin's prior disciplinary history, as he received an investigative panel reprimand in 1995 and a formal letter of admonition in 2019. See ABA Standard 9.22(a). In addition, the Special Master found that Arkin committed a pattern of misconduct and multiple offenses, see ABA Standard 9.22(c) and (d); that two of his clients were vulnerable victims because they were elderly , see ABA Standard 9.22(h); and that Arkin had substantial experience in the practice of law, as he was admitted to the Bar in 1987, see ABA Standard 9.22(i). Finally, the Special Master determined that Arkin showed indifference to making restitution to any of his clients. ABA Standard 9.22(j).

As for mitigating factors, the Special Master considered Arkin's personal and emotional problems, see ABA Standard 9.32(c); his physical disability based on his COVID-19 diagnosis, see ABA Standard 9.32(h); his mental disability, as it affected his conduct as it related to his clients, see ABA Standard 9.32(i); his remorse, see ABA Standard 9.32(l); and the remoteness of his prior offenses, see ABA Standard 9.32(m).

(e) *Recommendation of Discipline*

As for the level of discipline, the Special Master noted that Arkin admitted to violating eight Rules, including six Rules that authorize disbarment as the maximum sanction; that Arkin had committed additional Rule violations; and that Arkin's conduct spanned five separate cases involving four different clients. The Special Master also noted that this Court has previously imposed lengthy suspensions and even disbarment for similar Rule violations and under similar circumstances. See *In the Matter of Morgan*, 303 Ga. 678, 680 (2018) (on petition for voluntary

discipline, imposing two-year suspension with conditions on reinstatement for lawyer who was suffering from personal and emotional problems and violated Rules 1.15(I), 1.15(II), and 8.4(a)(4)); *In the Matter of Hentz*, 300 Ga. 413, 414–15 (2016) (on special master’s report and recommendation, imposing a two-year suspension with conditions for reinstatement, including restitution and certification of fitness to practice law, on lawyer who was suffering from personal and emotional problems and violated Rules 1.3, 1.4, 1.16(d), and 9.3 in five matters and who had received prior discipline); *In the Matter of Peterson*, 290 Ga. 794, 795–96 (2012) (on special master’s report and recommendation, imposing three-year suspension with conditions for reinstatement on lawyer who suffered from physical impairment and violated Rules 1.3, 1.4, 1.16(d), and 8.1(a) in two matters and who had prior discipline in the form of two letters of admonition); *In the Matter of Lieb*, 289 Ga. 168, 170 (2011) (on special master’s report and recommendation, disbaring attorney with one prior instance of discipline who violated Rules 1.2, 1.3, 1.4, 1.16(d), 3.2, and 9.3 in three matters and who submitted evidence of his mental disability in mitigation); *In the Matter of Bagwell*, 286 Ga. 511, 511 (2010) (accepting petition for voluntary discipline and imposing a two-year suspension with reinstatement conditioned upon certification of fitness to practice law, where lawyer was suffering from mental impairments and violated Rules 1.3, 1.4, and 3.2 in five matters); *In the Matter of Edmunds*, 284 Ga. 97, 98–99 (2008) (on special master’s report and recommendation, imposing three-year suspension with conditions on lawyer suffering from mental health issues who violated Rules 1.3, 1.4, and 1.15(II) in eight matters).

The Special Master concluded that based on the record, a six-month suspension was not appropriate and rejected Arkin’s amended petition in which he sought a six-month suspension with

conditions. Instead, the Special Master recommended a three-year suspension with conditions for reinstatement including that Arkin must: (1) provide proof of payment of restitution to the client in SDBD No. 7789 per the settlement agreement he entered into with the client; (2) reach agreements with the clients in SDBD No. 7790 and 7792 to make regular payments toward full or agreed upon restitution; (3) obtain (within six months of reinstatement) certification from a psychiatrist or psychologist that he is fit to practice law; and (4) identify an experienced attorney who can provide regular monitoring of his law practice to ensure his ongoing fitness to practice law. The Special Master noted that recommending discipline in this matter had been a difficult task, as it was clear that Arkin was truly remorseful for what occurred and accepted responsibility, and that while Arkin's actions were knowing, the Special Master did not believe that he intended to harm his clients. The Special Master concluded, however, that, "whether from anxiety, from other psychological or physical factors, or from incompetence," Arkin severely harmed several of his clients and the legal profession.

3. Exceptions to Special Master's Report

(a) Arkin's Exceptions and Request for Review Pursuant to Rule 4-214(c)

Arkin raised four exceptions to the Special Master's report. First, Arkin claimed that the Special Master's bases for concluding that he violated Rules 1.15(I)(a), 1.15(II)(a) and (b), and 8.4(a)(4) in SDBD No. 7790 were clearly erroneous based on the record. Because the record evidence, he claimed, clearly showed that he did not commingle trust funds with business funds, the Special Master erred in basing Rule violations on this conclusion.

Second, Arkin argued that the Special Master's basis for concluding that he violated Rules 1.2 and 1.3 in SDBD No. 7792 was refuted by the record. Arkin claimed that filing a response to the court's show-cause order was outside the scope of his representation, and that the evidence showed that once he re-entered the case, his agreed-to representation was enumerated only as filing an entry of appearance, reviewing the case docket, filing a motion for additional time to amend the client's motion to dismiss, and filing a dispositive motion on the client's behalf.

Third, Arkin argued that the Special Master's conclusion that the majority of his actions were knowing, not inadvertent or negligent, was not supported by clear and convincing evidence. Rather, the record supported the finding that during the majority of the relevant time period, he was negligent – i.e., he failed “to heed a substantial risk that circumstances exist or that a result will follow, which failure is a deviation from the standard of care that a reasonable lawyer would exercise in the situation.” See ABA Standards, III: Black Letter Rules (Definitions).

As a final matter, Arkin argued that because some of the Special Master's conclusions were clearly erroneous, the Special Master's recommended length of sanction needed reconsideration by the Review Board. Arkin claimed that this Court most recently addressed the appropriate period for a suspension in a case with facts similar to those presented here in *In the Matter of Kirby*, 312 Ga. 341, 343 (2021) (approving a petition for voluntary discipline seeking a six-month suspension for an attorney who admitted violating Rules 1.2, 1.3, 1.4, and 1.16 in four separate client matters, where the attorney suffered personal and emotional problems and “various challenges ... in managing his practice and his stress”). Similarly, Arkin claimed that this Court has approved six-month suspensions in other recent, similar cases.

See *In the Matter of Johnson*, 303 Ga. 795, 798–800 (2018) (on special master’s report and recommendation, imposing six-month suspension for violations of Rules 1.3, 1.4, 1.5, 1.15(I), 1.16(d), and 5.5(a) in connection with seven client matters, where attorney had prior disciplinary history, but in mitigation was found to have suffered personal and emotional problems); *In the Matter of Brantley*, 299 Ga. 732, 733–35 (2016) (on special master’s report and recommendation, imposing 180-day suspension with conditions on reinstatement for violations of Rules 1.3, 1.4, 1.15(c), 1.16(d), 5.5(a), 8.1, and 9.3 in connection with five disciplinary matters, where attorney had five prior disciplinary actions, but in mitigation suffered personal and emotional problems).

(b) *State Bar’s Response*

The Bar responded that all of Arkin’s exceptions lacked merit. The Bar contended that the evidence in this case supported the Special Master’s conclusion that Arkin violated Rules 1.15(I)(a), 1.15(II)(a) and (b), and 8.4(a)(4) in SDBD No. 7790, as the evidence showed that Arkin paid trust expenses from his operating account, which authorized the Special Master to infer that he commingled business funds with client funds. As for the Rule 1.15(II)(a) and (b) violations, the Bar contended that the evidence showed that Arkin paid trust expenses from his operating account, meaning he did not administer those expenses from his trust account, had never fully accounted for the funds, and could not pay the client the \$89,834.96 owed. Thus, the Special Master could easily infer that Arkin used the funds for his personal use in violation of Rule 1.15(II)(b). See *In the Matter of Lemoine*, 322 Ga. 463, 474 (2025) (holding that Special Master was authorized to infer that attorney used fiduciary funds for his own personal expenses and livelihood based on testimony that,

among other things, only some of the IOLTA transfers he had made had been authorized). Finally, the Bar contended that Arkin failed to explain how the Special Master's Rule 8.4(a)(4) conclusion was clearly erroneous, as the record plainly demonstrated that he violated this Rule through engaging in dishonesty and misrepresentation by misappropriating the client's trust funds.

Next, the Bar contended that the Special Master properly concluded that Arkin violated Rules 1.2(a) and 1.3 in SDBD No. 7792. The client's understanding of the scope of representation was that Arkin would get him out of "trouble" in the federal case, and it would be reasonable for him to believe that Arkin would do anything necessary to improve the situation, which would include Arkin addressing the show-cause order.

As for his third exception, the Bar responded that the Special Master's findings as to Arkin's mental state were proper, and Arkin himself either readily admitted that he either acted knowingly in several instances or did not contest the finding that he acted knowingly. The Bar also noted that it was unclear how Arkin could have acted "knowingly" most of the time but only acted "negligently" in very specific instances if he was being impacted by personal difficulties that severely impacted his ability to practice law.

Finally, the Bar argued that the Special Master's recommendation of a three-year suspension was appropriate, and Arkin failed to distinguish this case from the numerous cases cited by the Special Master in support of his recommendation. The cases cited by Arkin, the Bar argued, are also distinguishable. First, the Bar noted that Arkin violated more than twice the amount of Rules as the attorney in *Kirby* and also involves, among other things, an attorney with two prior

instances of discipline, a six-figure judgment against a client due to Arkin's failure to perform the work, and the complete dismissal of a client's case due to Arkin's inaction. In addition, the Bar argued that in *Johnson* the respondent violated fewer Rules (including only one trust account violation in a single matter); none of the Rule violations involved dishonesty; the respondent timely refunded all unearned attorney fees and costs to his clients; and the respondent completed a consultation with the Law Practice Management Program of the State Bar, as well as legal education courses to better his legal practice. 303 Ga. at 799. Finally, in *Brantley*, the Bar asserted that there were "various significant factors in mitigation," and most of the violations involved improper or incomplete communication with clients, the affected clients had not suffered lasting harm, and the violations resulted from negligence, not willful behavior. 299 Ga. at 734–35. Accordingly, the State Bar urged the Review Board to reject Arkin's exceptions and to adopt the Special Master's report and recommendation.

4. *Review Board's Report and Recommendation*

The Review Board noted that while it extensively reviewed the findings of facts, conclusions of law, and application of the ABA Standards, it would provide no analysis because its recommendation was to remand to the Special Master. Specifically, the Review Board noted that the Special Master imposed as a condition to reinstatement that "[Arkin] must reach agreements with two of his clients to make regular payments towards full or agreed upon restitution." However, the Review Board noted that there were no findings by the Special Master of what full restitution would be to the client in SDBD No. 7792 if an agreement could not be reached. Specifically, the Review Board noted that the Special Master found that the client paid

\$10,000 to Arkin for work that he did not do, the client had a judgment for over \$800,000 against him, and \$24,000 was garnished from him. However, the Review Board found that it was unclear what restitution amount should be levied against Arkin in favor of the client.

Similarly, the Review Board was skeptical of the practicality of the third and fourth conditions the Special Master recommended, because (1) the third condition was ambiguous as to whether the psychiatric or psychological evaluation was to occur six months prior to reinstatement or within six months of Arkin's reinstatement to the legal profession; and (2) the fourth condition could be hard to enforce, as it "may be too idealistic despite the merits and safeguards it may entail."

Accordingly, the Review Board made no recommendation of discipline, because it believed the Special Master's report to be incomplete. Thus, it instead recommended that the case be remanded back to the Special Master for a complete analysis and additional fact finding on the issues of restitution and Arkin's reinstatement after a suspension or disbarment.

5. Exceptions Filed in this Court

In his exceptions, Arkin continues to raise the four arguments that he made in the proceedings below regarding the Special Master's report and recommendation. He asks the Court to enter a sanction commensurate with the nature of the actions here, or, alternatively, to remand to the Special Master after reversing the conclusions that are contrary to the record evidence. The State Bar has filed a response to those exceptions, similar to the one it filed before the Review Board.

The State Bar has also filed exceptions in this Court, contending that a remand is unnecessary in these

circumstances.¹² As the State Bar notes, this Court exercises “the ultimate discretion in disciplinary proceedings,” *In the Matter of Turk*, 267 Ga. 30, 31 (1996), and this power extends to determining conditions for reinstatement. See *In the Matter of Barge*, 264 Ga. 498, 499 (1994) (“Under Georgia’s system of attorney discipline, the ultimate decision on all questions, including reinstatement, has always been made by this [C]ourt.”). Thus, it contends that the Court can alter all conditions for reinstatement as it deems appropriate, and the extensive fact finding made by the Special Master in his report provides the Court with the information it needs to complete this task. See *In the Matter of Melnick*, 319 Ga. 730, 735 n.9 (2024) (rejecting the Review Board’s recommendation that the disciplinary case be remanded to the Special Master to recommend “an exact and specific punishment” since “there [was] no need to remand to the Special Master because no additional fact finding [was] necessary in this matter and this Court exercises the ultimate discretion in disciplinary proceedings”). Furthermore, the Bar contends that remanding to determine the amount of “full restitution” due to the client in SDBD No. 7792 would require the Special Master to delve into the underlying merits of that legal matter which goes beyond the fact finding typically required in disciplinary proceedings. Such an undertaking, the Bar argues, would be more typical for a malpractice lawsuit. The Bar further notes that the issue of what constitutes “full restitution” will only be relevant if the Bar and Arkin cannot come to an agreement. Finally, as for the third and fourth conditions of reinstatement, the Bar contends that this Court can simply accept, strike, or alter those conditions as it deems appropriate without remanding the case

¹² The State Bar also argued that the Review Board lacks authority to remand to the Special Master, but we do not address this argument as it is unnecessary given our ultimate conclusion in this matter.

given its plenary authority over matters of attorney discipline.

Arkin responds that should this Court reject his arguments, a remand would be necessary. Specifically, he claims that should this Court accept the Special Master's recommendation, it would have an insufficient record with which to calculate a potential restitution amount needed for reinstatement. Further, Arkin argues that the Bar raises serious due process concerns in noting that restitution will only become relevant at the time of reinstatement.

6. *Analysis*

At the outset, we note that this Court “generally defers to the factual findings and credibility determinations made by the special master unless those findings or determinations are clearly erroneous.” *In the Matter of Eddings*, 314 Ga. 409, 416 (2022). However, “we review de novo the conclusions of law reached below on what rules were violated and what level of discipline is appropriate.” *In the Matter of Tuggle*, 317 Ga. 255, 258 (2023). Under this framework, having reviewed the record and briefs filed before this Court, we conclude that Arkin's exceptions to the Special Master's report and recommendation lack merit.

We first address the argument that the Special Master erred in concluding that in SDBD No. 7790 Arkin violated Rule 1.15(I)(a) by holding funds belonging to the trust in his operating account, instead of his IOLTA account; Rule 1.15(II)(a) and (b) when he administered funds for payment of trust expenses from his operating account, not the IOLTA account where he had moved the funds; and Rule 8.4(a)(4) when he misused the trust funds he transferred from the Wells Fargo account into his IOLTA account. Here, the record supports the Special Master's finding that Arkin violated Rule 1.15(I)(a) by not keeping the trust money

separate, given that he made several payments from his operating account for trust expenses. Thus, Arkin's argument to the contrary lacks merit. Moreover, Rule 1.15(II)(a) and (b) provide that all funds held by a lawyer for a client shall be deposited in and administered from a trust account and that lawyers are prohibited from using funds withdrawn from trust accounts for their own personal use. Because the evidence shows that Arkin paid trust expenses from his operating account and never fully accounted for all the funds he transferred, there is no error in the Special Master's conclusions. There is also no error in the Special Master's conclusion that Arkin violated Rule 8.4(a)(4) based on his failure to pay back and fully account for all of the funds that he transferred into his operating account, and Arkin does not explain how the Special Master's findings in this regard are clearly erroneous.

Arkin's claim that the Special Master erred in concluding that he violated Rules 1.2(a) and 1.3 by failing to respond to the show-cause order also lacks merit. As the Bar noted in its response, the Special Master had the discretion to credit the testimony of the client in SDBD No. 7792 that he hired Arkin to address the show-cause order over that of Arkin. And the record shows that Arkin testified that it was possible that the client expected him to respond to the show-cause order. Moreover, the omission of this specific task in the retainer agreement did not somehow absolve Arkin of the responsibility of responding to the show-cause order because failing to respond to it would (and did) frustrate the overall objectives of the representation.

As for Arkin's mental state, we agree with the Special Master's determination that the majority of Arkin's actions were knowing. Arkin himself admits that he acted knowingly in certain circumstances, including when he failed to provide an accounting

in SDBD No. 7790, and when he failed to file a motion for reconsideration in SDBD No. 7792. Moreover, in cases involving a failure to act with reasonable diligence and promptness in representing a client, ABA Standard 4.42 provides that a suspension is warranted regardless of whether the attorney knowingly failed to perform services or simply engaged in a pattern of neglect. Accordingly, Arkin's third enumeration fails.

We also reject Arkin's argument that this Court should impose a six-month suspension.¹³ The aggravating factors and the cases cited by the Special Master support a lengthier suspension, particularly given the number of Rule violations with respect to multiple clients, even when considering the mitigating factors, including Arkin's mental and physical health during the relevant time period. See, e.g., *Hentz*, 300 Ga. at 413 (lawyer suffering numerous personal problems received a two-year suspension with conditions for reinstatement of restitution and certification that he was fit to practice, for his violations of Rules 1.2, 1.3, 1.16(d), and 9.3 in five client matters); *Edmunds*, 284 Ga. at 99 (accepting petition for voluntary discipline and imposing a three-year suspension with reinstatement conditioned on certification that lawyer was fit to practice law, based on lawyer's violations of Rules 1.3, 1.4, and 1.15(II) in eight matters and where lawyer was suffering from personal problems at the time); *In the Matter of Simpson*, 284 Ga. 446, 447 (2008) (imposing four-

¹³ We also note that the determination of whether to impose a three-year suspension, as the Special Master recommended, or impose the sanction of disbarment was a close call. Although we afford no deference to a special master's recommendation of discipline, see *In the Matter of Toombs*, 324 Ga. 472, 482 (2026), we note that the Special Master's report and recommendation in this matter was exceptionally thorough and thoughtful and that the State Bar did not seek a more severe sanction in its filings before the Review Board or this Court.

year suspension with conditions for readmission for lawyer who violated Rules 1.3, 1.15(I)(a) and (b), 1.15(II)(a) and (b), and 8.4(a)(1) in three matters and was suffering from mental impairment). Moreover, the cases cited by Arkin are distinguishable, including that in *Kirby*, the attorney committed fewer Rule violations, violated no trust account rules, and the harm to his clients based on his misconduct was less severe. See 312 Ga. at 343.

Turning now to the Review Board's recommendation, because this Court has "inherent and exclusive power to regulate the practice of law, it is this [C]ourt that must exercise the ultimate discretion in disciplinary proceedings," *Turk*, 267 Ga. at 31, we conclude that it is not necessary for the Court to remand to the Special Master to modify the conditions for reinstatement. As for the condition that Arkin must reach an agreement with the clients in SDBD Nos. 7790 and 7792 to make regular payments toward full or agreed upon restitution, we disagree with the Review Board that further fact finding is necessary. While we recognize the Review Board's concern with the ambiguous nature of a condition that requires restitution without identifying a specific amount,¹⁴ neither the Bar nor Arkin claimed that they would have any difficulty reaching an agreement with the clients regarding the amount owed. In addition, this Court frequently imposes restitution as a condition of reinstatement without providing a specific dollar amount. See *In the Matter of Patel*, 321 Ga. 523, 526 (2025) (disbarring attorney and providing that no readmission would be considered without full restitution having

¹⁴ While Arkin also now makes this argument, he raised no such concerns before the Review Board. In fact, we note that in his amended petition, he specified as a condition for reinstatement that he "reach [an] agreement with [the clients in SDBS Nos. 7790 and 7792] to make regular payments toward full restitution," without offering any specific amounts owed.

been made by Patel without specifying exact amount); *In the Matter of Roberson*, 273 Ga. 651, 655 (2001) (generally stating, “prior to submitting any petition for re[admission], [disbarred attorney] shall make full restitution to the estate of all moneys he received in regard to his representation of the estate”).

Next, with regard to the third condition, we clarify that Arkin must obtain a certificate of fitness to practice law from a licensed psychologist or psychiatrist as a condition *precedent* to his reinstatement. See, e.g., *In the Matter of Moore*, 300 Ga. 407, 409 (2016) (conditioning reinstatement “upon [lawyer] providing a detailed, written evaluation by a licensed psychologist or psychiatrist certifying that he is mentally competent to practice law”). Finally, we decline to impose a condition on Arkin that he must identify an experienced attorney to monitor his law practice to ensure his ongoing fitness to practice (for what appears to be an indefinite period). Regular practice-monitoring is not a sanction provided for by the Rules. See *In the Matter of Meaney*, 298 Ga. 136, 137 (2015) (holding, in reciprocal discipline case, that “the use of a practice monitor” during a probated portion of a suspension is “a sanction not provided for by the [Rules in Georgia]”). Instead, because Arkin’s misconduct at least relates in part to the management of his law practice, and because he will be permitted to operate his own law practice once his suspension has been lifted, we direct Arkin upon reinstatement to have his law practice evaluated by the State Bar’s Law Practice Management Program and to implement its recommendations within six months of his reinstatement. See *In the Matter of Sammons*, S26Y0848, slip op. at 13 (Aug. 11, 2026) (2026 WL 2298993, *6). We also encourage Arkin to use other resources available from the State Bar that are designed to prevent a future failure to meet the professional obligations of a Georgia lawyer.

7. *Conclusion*

Having reviewed the record and the filings in this Court, we agree with the Special Master that a three-year suspension is appropriate and is consistent with sanctions imposed in similar cases. We also conclude that there is no need to remand this matter to the Special Master as recommended by the Review Board. At the conclusion of the three-year suspension, Arkin may seek reinstatement by demonstrating to the State Bar's Office of General Counsel that he has met the conditions for reinstatement; specifically prior to seeking reinstatement Arkin must submit (1) proof of payment of restitution to the client in SDBD No. 7789 per the settlement agreement he entered into with the client; (2) proof that Arkin has reached agreements with the clients in SDBD Nos. 7790 and 7792 to make regular payments toward restitution; and (3) a written evaluation by a licensed psychologist or psychiatrist certifying that Arkin is mentally competent to practice law. If the State Bar agrees that the conditions have been met, it will submit a notice of compliance to this Court, and this Court will issue an order granting or denying reinstatement. Should the Court grant his petition for reinstatement, Arkin must arrange for an evaluation by the State Bar's Law Practice Management Program, and within six months of his reinstatement, implement its recommendations. Arkin is reminded of his duties under Bar Rule 4-219(b).

Three-year suspension with conditions. All the Justices concur.