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In the
Supreme Court of Georgia

No. S26Y0255

In the Matter of Terri Sharonda Herron

Decided: September 9, 2026

Per Curiam.

This disciplinary matter is before the Court on the report and recommendation of the State Disciplinary Review Board ("Review Board"), which reviewed the report and recommendation of Special Master LaVonda Rochelle DeWitt at the request of Terri Sharonda Herron (State Bar No. 305043), who has been a member of the State Bar since 2008. The State Bar charged Herron with violating Rules 1.2(a), 1.3, 1.4(a), 1.16(d), and 3.2 of the Georgia Rules of Professional Conduct ("GRPC" or "Rules") in connection with four client matters. The maximum penalty for a violation of Rules 1.4, 1.16, and 3.2 is a public reprimand. The maximum penalty for a violation of Rules 1.2 and 1.3 is disbarment. Following an evidentiary hearing, the Special Master issued her report and recommendation, in which she concluded that Herron violated the Rules with which she was charged and recommended a six-month suspension from the practice of law. The Review Board majority adopted the Special Master's factual findings, conclusions of law as to the Rules violated, and recommended discipline. Upon our review of the record, we agree that Herron violated the Rules with which she was charged in each of the four client matters but conclude for the reasons that follow that a suspension for 12 months is the appropriate sanction in this case.

I. Proceedings Before the Special Master

A. Complaints

In February 2024, the State Bar filed four formal complaints in connection with four client matters, all of which concerned domestic-relations cases. The State Bar charged Herron with violations of Rules 1.2(a) (a lawyer shall abide by a client's decision concerning the scope and objectives of representation and shall consult with the client as to the means by which they are to be pursued); 1.3 (a lawyer shall act with reasonable diligence and promptness in representing a client); 1.4(a) (requiring a lawyer to keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information); 1.16(d) (upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as refunding any fee that has not been earned); and 3.2 (a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client). Herron acknowledged service of the complaints and filed her answers, in which she denied all Rule violations.

B. Witness List

The Special Master entered a scheduling order, which provided that witness lists were due September 16, 2024. On September 16, 2024, Herron submitted her witness list, in which she listed six witnesses and stated that she "reserves the right to name additional witnesses." The Special Master issued her pretrial order, which listed the six witnesses Herron identified and provided that any amendments to the pretrial order "shall be made only upon order of the Special Master upon good cause shown." During the December 4, 2024 pretrial conference, Herron named for the first time an additional witness, Susan Cox, who

Herron said would testify as an expert in the field of domestic relations and give an opinion on whether Herron's actions in these matters were reasonably diligent. The next day, Herron moved to amend the pretrial order to add Cox as a witness. In the motion, Herron argued that, in preparation for the evidentiary hearing, "the issues narrowed and it became clear that there were specific issues peculiar to domestic relations practice that impacted how [Herron] handled each of the underlying cases" and that she "came to believe these peculiarities would best be explained by an experienced practitioner."

On December 6, 2024, the Special Master denied Herron's motion to amend the pretrial order to add Cox as a witness. In her order, the Special Master found that Herron's explanation as to why she did not timely disclose Cox as a witness was insufficient because the issues presented had not changed since the formal complaints were filed and that a lawyer's area of practice is not relevant to her duty to act with diligence. However, over the State Bar's objection, the Special Master allowed Herron to submit an affidavit from Cox as an offer of proof for the record.

The Special Master then held an evidentiary hearing, at which all four clients testified and Herron testified in her own defense. Following the hearing, the Special Master issued her report and recommendation.

C. Special Master's Report and Recommendation

1. Factual Findings

(a) State Disciplinary Board Docket (SDBD) No. 7670

The Special Master recounted that Herron's client in this matter was the defendant in a divorce action filed by her ex-hus-

band. The parties attended a mediation and reached an agreement that the ex-husband would pay \$1,750 per month in child support. Per the agreement, the parties' attorneys were to submit child-support worksheets to the court. On March 12, 2020, the opposing attorney submitted a child-support addendum to the court, which erroneously listed the ex-husband's child-support obligation as only \$1,373 per month. The court then entered the final judgment and decree of divorce, which incorporated the erroneous \$1,373 amount. The ex-husband then began paying the client \$1,373 per month.

On March 24, 2020, the client emailed Herron, notifying her of the incorrect child-support amount and asking her how the amount could be corrected. Herron did not respond. The client attempted to contact Herron again on April 23, 2020, and February 20, 2021, but Herron did not respond then either. Almost a year later, on March 2, 2021, the client filed a grievance with the State Bar.

Nine months later, on December 13, 2021, Herron tried to file a motion to set aside the final order in the client's divorce case, but the filing was rejected. On January 26, 2022, Herron filed the motion to set aside under a new case number. The ex-husband's attorney filed a response to the motion, in which she stated that she sent several emails to Herron to finalize the proceedings but did not receive a response. The court scheduled a hearing on the motion to set aside for June 21, 2022, which was rescheduled for September 8, 2022, due to Herron having a conflict. On September 9, 2022, following the hearing, the court entered an order granting the motion to set aside and correcting the child-support obligation. It took over two years from the time the client first notified Herron of the incorrect child-support amount for the issue to be resolved.

(b) *SDBD No. 7671*

Herron was retained by the client in this matter after the client was served with a final order in a legitimation proceeding that awarded primary custody of the client's daughter to the child's father and required the client to pay child support. Herron moved to set aside the final order. On August 19, 2019, the court entered an order setting aside the portion of the order awarding primary custody to the father. The court also ordered the parties to mediate and scheduled a final hearing to determine custody for September 16, 2019. Although the client originally retained Herron only to seek to set aside the final order, Herron continued to represent the client and attended the mediation. At the mediation, the parties reached an agreement under which neither party was responsible for paying child support. Herron was responsible for submitting the child-support worksheet and addendum to the court and claimed that she prepared the required documents and left them with court personnel. On October 1, 2019, the judge's staff attorney emailed Herron and asked her to submit a short final order and a final case disposition form. Herron did not respond to the request.

In February 2020, the client emailed Herron that her driver's license had been suspended and \$4,000 was deducted from her tax refund because of nonpayment of child support. The client asked for a copy of the final order from her case to provide to the Division of Child Support Services to show that she did not owe any child support. Herron did not respond. On March 10, 2020, the client emailed Herron again. Herron responded that same day and told the client that she had completed the work the client had retained her to do when the original order was set aside. In response, the client wrote that Herron had told her, the opposing party, and the mediator that Herron would submit a

child-support agreement, and that the client would have sought other representation if she knew that Herron was not going to do anything else in her case. The client then asked Herron again to send her a copy of the final order. Herron did not respond.

The client then attempted to resolve the issue herself and was informed by the Division of Child Support Services that the previously existing child-support order was enforceable because there was no final order changing the child-support obligation. The client then contacted the court and asked how she could obtain a final order. The judge's staff attorney informed the client that Herron was supposed to submit the child-support worksheet and addendum, that the court did not have those documents, and that the court previously attempted to contact Herron without success. On February 18, 2021, the client emailed Herron about the issue and Herron responded, stating that someone would assist the client the following week. Over a month later, on March 28, 2021, the client emailed Herron again because she had not heard from anyone from Herron's office. In this email, the client told Herron that she was struggling as a single mother, was homeless for six months, and could not afford to pay child support that she was not responsible for paying. The client was not able to get assistance from Herron and, with the help of an Atlanta Legal Aid attorney, filed an action for modification of custody and child support against the father.

On April 15, 2021, the judge's staff attorney emailed Herron for a third time, informing her that the matter remained open without a final order and that if she did not provide an order, the court would be forced to issue a show cause order. On April 19, 2021, Herron filed the requested documents with the court. On April 29, 2021, the court entered the final order.

On May 10, 2021, the client emailed Herron to inform her

that the documents submitted by Herron listed the incorrect birthyear for the client's daughter. Herron did not respond and did not submit the corrected information to the court until October 9, 2021.

The client testified at the evidentiary hearing that she did not receive her tax refunds for 2020 and 2021 — almost \$10,000 — due to the amount of outstanding child support that the Division of Child Support Services believed she owed.

(c) *SDBD No. 7673*

Herron represented the client in this matter in a legitimization, custody, and child-support action against his children's mother. After hiring Herron, the client had difficulties communicating with her and getting status updates. And although Herron filed a petition for legitimization, custody, and child support in Fulton County, the client was not aware that Herron had filed the petition. The client later testified at the evidentiary hearing that he was certain he told Herron that the children's mother was living in Gwinnett County — not Fulton County — prior to Herron filing the petition.

On November 26, 2019, dissatisfied with Herron's communication, the client emailed Herron, terminating her representation and asking for a refund of unearned fees. Herron responded, telling the client that he would not be charged for getting the lawsuit served. On December 6, 2019, the client emailed Herron to ask about the status of his refund. On that same day, Herron responded, informing the client that once the judge signed the attorney withdrawal order, she would send him a detailed billing statement and return the unused funds. However, Herron had not yet moved to withdraw from the case. On February 1, 2020, the client contacted Herron again, telling her that he wanted her firm

off his case, a refund of unearned fees, and a copy of his file. Herron did not respond.

Herron eventually asked the court to transfer the case to Gwinnett County and on February 19, 2020, the court transferred the case. Herron did not move to withdraw from the case, so she remained the counsel of record. On June 18, 2020, the mother filed a counterclaim against the client to establish paternity and child support and served discovery on the client through Herron. Herron failed to respond to discovery and failed to inform the client of the discovery request. On September 3, 2020, the mother moved to compel discovery against the client. Again, Herron failed to respond to the motion and failed to inform the client of the motion. On October 12, 2020, the court entered an order granting the motion to compel and ordered that the client fully respond to the discovery within ten days. Again, Herron failed to inform the client about the order and did not respond to the discovery requests.

On December 30, 2020, the client emailed Herron, stating that he had not received the accounting he requested and was completely “in the dark” about what was happening in his case. Herron did not respond. And, on January 13, 2022 — without authorization from the client — Herron filed a voluntary dismissal of the petition for legitimation and moved to withdraw as counsel. However, the mother’s counterclaim remained pending and on January 20, 2022, the mother moved for contempt and sanctions against the client.

On January 24, 2022, the court conducted a hearing on the counterclaim. Again, Herron failed to inform the client about the hearing and neither Herron nor the client appeared. On January 26, 2022, the court entered a final order, which obligated the client to pay child support to the mother in the amount of \$1,400 per

month. The court also ordered the client to pay \$4,020 in attorney fees within 30 days of the order. On receiving the final order, the client emailed Herron telling her that he did not receive notice of the hearing and did not know what was going on in his case. Later, the client filed a pro se motion to set aside the final order, which the trial court denied. The client then paid the attorney fees assessed against him.

On February 28, 2022, the client filed a grievance against Herron with the State Bar. After the grievance was filed, Herron paid the client the \$4,020 of attorney fees assessed against him and refunded the attorney fees he paid her in installments over about one year. Herron made the last payment to the client in August 2024, around two and a half years after he filed the grievance against her.

The client testified at the evidentiary hearing that he did not get the opportunity to present his case to the court and struggled to pay the sanctions against him.

(d) *SDBD No. 7674*

The client was involved in a family court legal action in New York involving his minor daughters, who lived in Georgia, and his New York counsel advised the client to seek counsel in Georgia. On October 4, 2021, the client retained Herron and paid her \$5,500. Both the client and his New York attorney had trouble communicating with Herron. The client testified that because of these difficulties, he terminated Herron's representation around January 2022. However, although the client was adamant at the evidentiary hearing that he sent a letter terminating Herron's representation and requesting a refund of the attorney fees, he was not able to recall the method by which he sent the letter and it was not clear whether Herron received it. However, in March

2022, the client filed a grievance against Herron, such that Herron was aware by at least that time that the client had requested a refund. At the time the grievance was filed, Herron had not filed anything on the client's behalf in Georgia. On October 30, 2022 — around seven months after the grievance was filed — Herron refunded \$3,600 of the client's retainer. On November 30, 2022, Herron refunded the remaining \$1,700 of the client's retainer and on July 24, 2023, Herron refunded the \$200 consultation fee to the client.

The client testified that he did not have the money to retain another lawyer to assist him while he waited for his refund.

(e) Impact of COVID-19 Pandemic

The Special Master also addressed Herron's argument that the delays in resolving these matters were the result of the COVID-19 pandemic and attendant statewide judicial emergency orders. The Special Master found that, as to SDBD Nos. 7670, 7671, and 7673, nothing in the statewide judicial emergency order prevented Herron from moving these cases forward. And the Special Master found that SDBD No. 7674 did not fall within the time period covered by the statewide judicial emergency order.

2. Rule Violations

Based on her factual findings, the Special Master concluded that Herron violated the Rules with which she was charged. The Special Master determined that Herron violated Rule 1.2(a) in SDBD No. 7673 by failing to notify and consult with the client about the developments in his case, including the discovery requests and the motion to compel filed against him. The Special Master determined that Herron violated Rule 1.3 in SDBD Nos. 7670, 7671, and 7673 by failing to diligently pursue correcting the child-support error, failing to file the child-support

worksheet with the court, and failing to prosecute the legitimation case. The Special Master determined that Herron violated Rule 1.4(a) in SDBD Nos. 7670, 7671, and 7673, because the clients tried to contact her several times and she failed to respond. The Special Master determined that Herron violated Rule 1.16(d) in SDBD Nos. 7673 and 7674 by failing to promptly refund unearned fees and by failing to return the requested file upon the termination of her representation. Finally, the Special Master determined that Herron violated Rule 3.2 in SDBD Nos. 7670, 7671, and 7673 by delaying the completion of the matters because of her failure to take the appropriate steps in each case.

3. *Assessment of Proper Sanction*

After determining that Herron violated the Rules with which she was charged, the Special Master applied the framework set out in the *ABA Standards for Imposing Lawyer Sanctions* (1992) (“ABA Standards”).¹ In assessing the duty violated, the Special Master determined that Herron violated the duty of diligence and the duty to her clients to consult and communicate with them and to perform the work for which she was hired. In assessing Herron’s mental state, the Special Master determined that Herron’s actions were knowing because “[w]hile [Herron] may not have purposefully delayed her clients’ cases, she was acutely aware that her inaction and her lack of communication was a detriment to those she represented.” In assessing the injury caused, the Special Master determined that Herron’s clients suffered harm due to Herron’s failure to perform the work for which

¹ See ABA Standard 3.0 (when imposing a sanction, “a court should consider the following factors: (a) the duty violated; (b) the lawyer’s mental state; (c) the potential or actual injury caused by the lawyer’s misconduct; and (d) the existence of aggravating or mitigating factors”).

she was hired.

The Special Master then concluded that five aggravating factors applied. The Special Master determined that Herron showed a pattern of misconduct; that she committed multiple offenses; that she refused to acknowledge the wrongful nature of her conduct because she “spent a significant amount of time blaming the pandemic, her staff, and even her own clients for her failures”; that her victims were vulnerable because they were involved in domestic relations disputes and had minor children who were at the core of the litigation; and that she had substantial experience in the practice of law. See ABA Standard 9.22(c), (d), (g), (h), and (i).

As for mitigating factors, the Special Master explained that it was undisputed that Herron had no prior discipline but that “the absence of a prior disciplinary record as a mitigating factor is far outweighed by the multitude of aggravating factors in this matter.” The Special Master also explained that although Herron alleged personal or emotional problems during the relevant period, she did not provide any evidence that these problems affected her ability to practice law. Therefore, the Special Master gave limited weight to this as a mitigating factor. See ABA Standard 9.32(a) and (c).

In light of this assessment, the Special Master determined that a suspension of six months was appropriate.

II. Review Board’s Report and Recommendation

Herron filed before the Review Board exceptions to the Special Master’s report and recommendation. Upon its review, the Review Board majority adopted the Special Master’s findings of fact, conclusions of law as to the Rules violated, determinations regarding the applicable aggravating and mitigating factors, and

discipline recommendation. However, one member of the Review Board dissented, believing that the case should be remanded to the Special Master so that Herron could present her complete defense to the allegations against her by introducing expert testimony from Cox. Herron filed exceptions in this Court to the Review Board's report and recommendation.

III. *Analysis*

1. *Rule Violations*

We first address Herron's argument that the Special Master and Review Board erred in determining that Herron violated the Rules with which she was charged in three of these client matters. According to Herron, the conclusions that she violated Rules 1.3, 1.4(a), and 3.2 in SDBD Nos. 7670 and 7671 and Rule 1.16(d) in SDBD No. 7674 are controverted by the record.² We review de novo the conclusions of law reached below on what rules were violated. See *In the Matter of Tuggle*, 317 Ga. 255, 258 (2023).

As to SDBD No. 7670 and 7671, the record shows that Herron violated Rule 1.3 by failing to diligently pursue correcting the child-support amount and by failing to promptly file the child-support worksheet and addendum with the court and address the error in the birthyear. She violated Rule 1.4(a) by failing to respond to her clients' communication requests. And she violated Rule 3.2 because her failure to act in the respective cases delayed the completion of the matters. At the evidentiary hearing, the client in SDBD No. 7670 testified that she reached out to Herron multiple times to ask her to fix the child-support amount in the order and did not receive any response from Herron or anyone in

² Herron concedes that she violated the Rules with which she was charged in SDBD No. 7673.

her office; that, prior to filing her grievance, she had been trying to get in touch with Herron for almost a year; and that Herron did not file the motion to set aside the order until around January 2022, almost two years after the client first emailed her about the child-support error. The client in SDBD No. 7671 testified that Herron told her after the mediation that Herron would submit the required paperwork to reflect the new agreement, under which neither party would be obligated for child support; that she emailed Herron in February 2020 when she discovered that her license was suspended due to unpaid child support under the former order and Herron did not promptly respond; that she attempted to reach Herron several additional times without success; and that the client received help from an attorney from Atlanta Legal Aid, who filed a separate action to modify the client's child-support obligations, and only after that did Herron file the proper documents so that the original case could be resolved.

Herron argues that her delay in submitting the appropriate filings was not unreasonable given several external factors, including the statewide judicial emergency, the fact that she was required to obtain the opposing party's signature before filing the child-support worksheet, and the fact that the clients had filed grievances against her, which led her to initially believe that she should not take any further action in their cases. However, Herron presented these same arguments below, and the Special Master did not credit Herron's testimony and instead found that these external factors did not affect Herron's ability to respond to her clients or to perform the work for which she was hired. We "generally defer" to a special master's credibility determinations if they are not clearly erroneous. See *In the Matter of Eddings*, 314 Ga. 409, 416 (2022), citing *In the Matter of Braziel*, 306 Ga. 385, 387 (2019). We also reject Herron's arguments that she was not aware that the child-support worksheet in SDBD No. 7671 was

not properly filed with the court and that she had only been hired to set aside the custody order. The record shows that the client in that matter repeatedly communicated to Herron that there was an issue with the final order, Herron attended the mediation with the client after filing the motion to set aside, and the client testified that Herron told her she would file the child-support worksheet.

As for SDBD No. 7674, the record supports the conclusion that Herron violated Rule 1.16(d) by failing to protect her client's interests upon her termination. Although the Special Master explained in her report that the record did not include clear and convincing evidence that the client intended to terminate Herron's representation before filing the grievance, the record clearly shows that Herron was made aware of this intent on the filing of the grievance in March 2022, and Herron did not fully refund the unearned fees until July 2023. The fact that it took over a year to refund the client his unearned fees, considered together with his testimony at the evidentiary hearing that he was waiting to receive his refund so that he could afford to hire another attorney, adequately supports the conclusion that Herron violated Rule 1.16(d). See *In the Matter of Holliday*, 308 Ga. 216, 218 (2020) (Rule 1.16(d) violation occurred where attorney did not return the full unearned fee until after the client filed a grievance); *In the Matter of Free*, 290 Ga. 75, 76 (2011) (same).

In sum, the Special Master and Review Board correctly concluded that Herron violated the Rules with which she was charged.

2. *Mental State*

Herron also takes issue with the determination below that she acted knowingly, rather than negligently, in SDBD No. 7673.

Although non-binding, the ABA Standards define “negligence” as “the failure of a lawyer to heed a substantial risk that circumstances exist or that a result will follow, which is a deviation from the standard of care that a reasonable lawyer would exercise in the situation,” and they define “knowledge” as “the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result.” ABA Standards, “Definitions.” Here, the record shows that Herron’s mental state in SDBD No. 7673 was knowing, because she acted with a conscious awareness of the nature of her misconduct. According to the record, Herron was aware that the client sent her an email in November 2019 to terminate her representation and request a refund of unearned fees. Although Herron responded to this email, she failed to promptly withdraw from the case or to provide the client with his refund. Moreover, on December 6, 2019, she told the client that she would return the fees once the judge signed the attorney withdrawal order when she knew that she had not yet moved to withdraw from the case. In fact, Herron did not file the motion to withdraw until January 2022, more than one year after the client first tried to terminate her representation. Further, despite knowing that the client first sought the return of unearned fees in November 2019, Herron did not return all the unearned fees to the client until August 2024. Given this record, we have no trouble concluding that Herron acted knowingly.

3. Aggravating and Mitigating Factors

Herron contends that several of the Special Master’s determinations about the aggravating and mitigating factors were erroneous. She argues that the following factors should not apply in aggravation: pattern of misconduct, multiple offenses, refusal to acknowledge wrongful conduct, and vulnerability of the victim.

See ABA Standard 9.22(c), (d), (g), and (h). She further argues that the following factors should apply in mitigation: absence of dishonest or selfish motive, personal or emotional problems, restitution, cooperative attitude, physical disability, and remorse. See ABA Standard 9.32(b), (c), (d), (e), (h), and (l). We review de novo whether the facts amount to an aggravating or mitigating factor. See *In the Matter of Melnick*, 319 Ga. 730, 738 (2024).

In aggravation, the record supports the conclusion that Herron displayed a pattern of misconduct and committed multiple offenses, because she violated several Rules in connection with four separate client matters. The record also supports that Herron’s clients were vulnerable, given that they hired Herron to represent them in divorce and custody matters. See *In the Matter of Barksdale*, 318 Ga. 150, 154–55 (2024) (vulnerability of victim considered in aggravation where client hired attorney to represent her in a contentious modification of child custody action). But we agree with Herron that merely refusing to acknowledge wrongful conduct should not be considered as a factor in aggravation. See *In the Matter of Taylor*, 323 Ga. 214, 236 (2025) (“[R]efusing to admit guilt from the outset generally means the mitigating effect of showing remorse — one factor among many — is absent, not that the aggravating effect of refusing to ‘acknowledge [the] wrongful nature of [one’s] conduct’ is present.”).

We now turn to the mitigating factors that Herron argues are applicable. As to the absence of a dishonest or selfish motive, Herron has not pointed to any evidence in the record that supports applying this factor in mitigation. Although our review of the record shows that she answered in the negative when asked at the evidentiary hearing if she was “trying to deceive or be dis-

honest with” her clients, the record also shows that Herron knowingly failed to perform the work for which she knew she was hired and failed to promptly return her clients’ unearned fees despite knowing that her clients requested that she do so. See *Melnick*, 319 Ga. at 739 (declining to consider in mitigation that the attorney lacked a dishonest or selfish motive because “[t]he Special Master did not make any factual findings from which we could conclude that Melnick’s willful and knowing actions lacked a selfish or dishonest motive”). With respect to personal or emotional problems, the Special Master properly applied only “limited” weight to this factor given that the only evidence offered in support was Herron’s own testimony. See *id.* at 738 (agreeing with the Special Master that personal and emotional problems should be given *some* weight even though the attorney failed to offer evidence that he had marital difficulties for many years; had cared for both his parents through long-term serious illnesses; had ongoing health issues of his own; and had participated in counseling); *In the Matter of Greene*, 320 Ga. 527, 531 n.8 (2024) (declining to consider alleged personal and emotional problems in mitigation because no documented proof of the attorney’s prior mental health diagnosis appeared in the record). As for restitution, that factor should not apply in mitigation because Herron provided restitution to her clients only after they filed their grievances against her. See *Melnick*, 319 Ga. at 738–39 (“[attorney’s] payment of money to his client is not a mitigating factor because he did not make any good faith effort to make restitution ... until after his client hired new counsel ... and had filed a grievance with the Bar”). As for cooperative attitude, although Herron participated in the evidentiary hearing, nothing from the Special Master’s findings supports applying this factor in mitigation. Compare *In the Matter of Braziel*, 318 Ga. at 392 (applying cooperative attitude as a mitigating factor where Special Master found that

attorney “ha[d] been cooperative”). As for physical disability, Herron testified that she had undergone an emergency surgery in May 2019, was infected with Covid in February 2020, had an additional surgery in April or May 2021, and had a third surgery at some point after that. Physical disability was not mitigating here because even taking as true Herron’s testimony about her surgeries in May 2019 and April or May 2021 and her illness in February 2020, she failed to explain with sufficient specificity or appropriate evidence how her medical issues contributed to her misconduct, which began in the fall of 2019 and continued through the spring of 2022. See *In the Matter of Hunt*, 304 Ga. 635, 642 n.13 (2018) (noting with approval that Special Master did not apply physical disability as a mitigating factor where attorney “made no attempt at the mitigation hearing to explain how his illness or treatment might relate to his violations of the Rules”). Cf. *In re Peterson*, 290 Ga. 794, 795 (2012) (applying physical disability or impairment as a mitigating factor based on a letter of support that referenced the attorney’s medical issues and extended hospitalization at the time of the misconduct and conditioning attorney’s return to the practice of law after his suspension on “certification from a physician or the Lawyer’s Assistance Program that his physical impairment no longer impedes his ability to practice law”). Finally, as to remorse, we decline to apply this factor as mitigation because it is not supported by the record in at least three of the four client matters at issue. Although Herron relies on her own testimony that she “felt bad about how [the client’s] case [giving rise to SDBD 7673] was handled” and that the client from SDBD 7673 still calls her, she has not pointed to, and we cannot discern from the record, any expression of remorse as to the other three disciplinary matters. Instead, the record as a whole shows that throughout the proceedings, Herron placed blame on external factors, including her clients, staff, and the

COVID-19 pandemic. Cf. *Melnick*, 319 Ga. at 739 (agreeing with the Special Master and Review Board that a lack of remorse could be considered in aggravation and was evidenced by the attorney’s “attempts to cast blame on his client and his characterization of any harm to her as ‘very minimal.’”). Cf. *Green*, 320 Ga. at 531 n.8 (declining to consider remorse as a mitigating factor where it was not supported by the record).

In sum, we reject Herron’s arguments that we should consider additional factors in mitigation but agree with her that merely refusing to acknowledge wrongful conduct should not be considered as an aggravating factor. Even excluding that aggravating factor, we conclude that the substantial aggravating factors present here outweigh the limited weight given to the mitigating factors.

4. *Exclusion of Cox’s Testimony*

Herron also contends that the Special Master erred by excluding Cox’s testimony. According to Herron, her “ability to offer expert testimony from a seasoned domestic relations practitioner regarding whether [her] actions were reasonably diligent” was “of grave importance to her defense.” But Herron was allowed to submit an affidavit from Cox. Although the Special Master did not consider the affidavit in reaching her recommendation, the Review Board did, and a majority concluded that excluding Cox’s testimony was not clear error and, in the alternative, that its review of the affidavit showed that Cox’s testimony would not have made a difference in the outcome.

The record shows that Herron failed to reasonably consult with the client in SDBD 7673 about his case in violation of 1.2(a) by not keeping him abreast of the various discovery requests and motion to compel filed against him; failed to act with reasonable

diligence in representing her clients in SDBD Nos. 7670, 7671, and 7673 in violation of Rule 1.3 by not promptly pursuing the work for which she had been hired; failed to keep her clients in SDBD Nos. 7670, 7671, and 7673 reasonably informed about their cases in violation of Rule 1.4(a) by not responding to her clients' many attempts to contact her about their cases; failed to take reasonable steps to protect her clients' interests upon her termination in violation of Rule 1.16(d) by not returning unearned fees in SDBD Nos. 7673 and 7674 and her client's file in SDBD No. 7673 despite her clients' many requests to do so; and failed to make reasonable efforts to expedite litigation consistent with the interests of her clients in SDBD Nos. 7670, 7671, and 7673 in violation of Rule 3.2, because her inaction in these matters significantly delayed the resolution of her clients' cases. Given the extent of Herron's misconduct and her clear violations of the Rules, we agree with the Review Board that Cox's proffered testimony about the reasonableness of Herron's conduct would not change our conclusions about the Rules violated or the appropriate sanction.

5. *Discipline*

Finally, Herron argues that a public reprimand is the appropriate sanction for this matter. However, Herron's argument is based on her misguided belief that she only violated the Rules with which she was charged in SDBD No. 7673, as the cases she cites in support of a public reprimand involve attorney misconduct in a single matter. Rather, based on Herron's multiple Rule violations in these four client matters, the determination that she acted knowingly, and the injury and potential injury to her clients, the presumptive sanction, at a minimum, is suspension. *In the Matter of Taylor*, 323 Ga. 214, 232 (2025) (citing ABA Standard 4.42). See also *In the Matter of Golub*, 313 Ga. 686, 693 (2022)

(“ABA Standard 4.42 states that a suspension is generally appropriate when a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client, as was the case here where Golub knowingly failed to perform services for his client and neglected these matters by failing to communicate with her or her son and failing to consult with them about the cases.”). And when considered alongside the limited weight assigned to the mitigating factors (Herron’s lack of prior discipline and her personal or emotional problems) and the substantial aggravating factors in this case (pattern of misconduct, multiple offenses, substantial experience in the practice of law, vulnerable victims), we conclude that the six-month suspension recommended by the Special Master and Review Board is not sufficient, and that a 12-month suspension is the appropriate sanction for Herron’s misconduct. See, e.g., *Golub*, 313 Ga. 692–94 (imposing one-year suspension with conditions as sanction for attorney who violated six rules, including Rules 1.2(a), 1.3, 1.4(a), 1.16(d), and 3.2; knowingly failed to work on his client’s cases; violated the duty of diligence; failed to communicate with clients and consult with them about their cases; had received a panel reprimand in the past and had substantial experience in the practice of law; and whose clients were vulnerable and suffered “significant” injury); *In re Miller*, 291 Ga. 30, 30–31 (2012) (suspending attorney for 12 months with conditions for violations of Rules 1.2, 1.3, and 1.4 where client had difficulty contacting and communicating with the attorney and attorney had substantial experience in the law and no prior disciplinary history); *In the Matter of Hudson*, 283 Ga. 79, 79–80 (2008) (accepting voluntary petition and suspending attorney for one year for violations of four rules, including Rules 1.3 and 1.16(d) in two client matters and Rule 1.4 in one client matter, and where attorney agreed to represent two clients and accepted retainers from them but then failed to do the

work as promised and failed to communicate with the clients about their cases; the clients had to seek other representation and suffered harm that ranged from “needless worry to a dismissal of an action”; and the attorney had no prior disciplinary history and was cooperative during the disciplinary proceedings).

6. *Conclusion*

For the reasons set out above, we hereby order that Herron be suspended from the practice of law in this State for 12 months. Because there are no conditions on Herron’s reinstatement, she need not 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 12 months later. Herron is reminded of her duties under Bar Rule 4-219(b).

12-month suspension. All the Justices concur.