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In the
Supreme Court of Georgia

No. S26Y1037

In the Matter of Stephen Earl Whitted

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”) addressing a notice of discipline issued to Stephen Earl Whitted (State Bar No. 756796)—who is a member of both the Georgia and Maryland State Bars—pursuant to Rule 9.4 of the Georgia Rules of Professional Conduct (“GRPC”) found in GRPC 4-102(d). The notice of reciprocal discipline arose out of the Supreme Court of Maryland’s August 1, 2024 disciplinary opinion,¹ which indefinitely suspended Whitted from the practice of law for his misconduct occurring in the state of Washington and his violations of the Washington Rules of Professional Conduct (“WRPC”).² The violations were based on Whitted repeatedly filing pro se frivolous lawsuits with false allegations against his ex-

¹ See *Attorney Grievance Commission of Maryland v. Whitted*, 487 Md. 501 (2024).

² In accordance with the Maryland Attorneys’ Rules of Professional Conduct’s choice of law provision, the Supreme Court of Maryland analyzed whether Whitted violated the WRPC because the alleged misconduct occurred in Washington. See Maryland Attorneys’ Rules of Professional Conduct 19-308.5(b)(1) (providing that the rules of the jurisdiction in which the tribunal sits where the misconduct occurred will apply). Whitted is not a member of the Washington State Bar.

wife, her new husband, their attorneys, and judicial officers. Whitted timely responded to the notice of reciprocal discipline, arguing that the Supreme Court of Maryland violated his due process rights and requesting that this Court decline to impose any discipline. However, the Review Board rejected Whitted's due process arguments and recommended that this Court impose reciprocal discipline and suspend Whitted from the practice of law in Georgia until further order. Whitted has not filed exceptions to the Review Board's report and recommendation. Upon our review of the record, we agree that Whitted should be suspended from the practice of law in Georgia until the suspension is modified or dissolved in Maryland, at which time he can petition this Court for a modification or reinstatement.

On August 1, 2024, the Supreme Court of Maryland issued its opinion, indefinitely suspending Whitted from the practice of law in Maryland. In its disciplinary opinion, the Supreme Court of Maryland recounted that from 2010 through 2019, Whitted filed frivolous lawsuits with false allegations and engaged in abusive litigation against his ex-wife, her new husband, their attorneys, their attorneys' law firms, and judicial officers in multiple forums, including the Superior Court of Washington for King County and the United States District Court for the Western District of Washington.³ See *Whitted*, 487 Md. at 512–21. Based on Whitted's conduct, the Supreme Court of Maryland determined that Whitted violated WRPC 3.1⁴ by filing repeated retaliatory

³ The Supreme Court of Maryland also observed that Whitted filed meritless lawsuits in the Superior Court of Fulton County and the United States District Court for the Northern District of Georgia. See *Whitted*, 487 Md. at 512–14.

⁴ WRPC 3.1 provides, in relevant part, that “[a] lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is

claims against his ex-wife and others that lacked any merit; WRPC 8.4(a)⁵ because he violated WRPC 3.1; WRPC 8.4(c)⁶ by making misrepresentations to the Washington courts; and WRPC 8.4(d)⁷ by engaging in conduct that was prejudicial to the administration of justice. See *id.* at 529–34. Given these WRPC violations and his extensive and persistent misuse of the judicial system, the Supreme Court of Maryland determined that an indefinite suspension from the practice of law in Maryland was warranted. See *id.* at 546.

In August 2025, the State Bar served Whitted with the notice of reciprocal discipline based on his indefinite suspension in Maryland. The State Bar informed Whitted that it would recommend that this Court impose substantially similar discipline unless Whitted informed the State Bar and the Review Board of a reason that the imposition of substantially similar discipline is unwarranted based on any of the grounds set forth in GRPC 9.4(b)(3).⁸

a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.”

⁵ WRPC 8.4(a) provides that it is professional misconduct for a lawyer to “violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.”

⁶ WRPC 8.4(c) provides that it is professional misconduct for a lawyer to “engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”

⁷ WRPC 8.4(d) provides that it is professional misconduct for a lawyer to “engage in conduct that is prejudicial to the administration of justice.”

⁸ GRPC 9.4(b)(3) provides the following:

If neither party objects within 30 days, the State Disciplinary Review Board shall recommend imposition of substantially similar discipline and shall file that recommendation with the Clerk of the State Disciplinary Boards within 60 days after the

Whitted filed a timely response, requesting that this Court decline to impose any discipline because the foreign proceeding

time for the filing of objections expires. A copy of the State Disciplinary Review Board's report and recommendation shall be served upon the respondent, and the Clerk shall file the record in the case with the Supreme Court of Georgia within 10 days after the report and the recommendation is filed. The Office of the General Counsel or the respondent may object to imposition of substantially similar discipline by demonstrating that:

- (i) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (ii) There was such infirmity of proof establishing the misconduct as to give rise to the clear conviction that the court could not, consistent with its duty, accept as final the conclusion on that subject; or
- (iii) The discipline imposed would result in grave injustice or be offensive to the public policy of the jurisdiction; or
- (iv) The reason for the original disciplinary status no longer exists; or
- (v)

- (A) The conduct did not occur within the state of Georgia; and

- (B) The discipline imposed by the foreign jurisdiction exceeds the level of discipline allowed under these Rules; or

- (vi) The discipline would if imposed in identical form be unduly severe or would require action not contemplated by these Rules.

If the State Disciplinary Review Board finds that it clearly appears upon the face of the record from which the discipline is predicated that any of those elements exist, the State Disciplinary Review Board shall make such other recommendation to the Supreme Court of Georgia as it deems appropriate. The burden is on the party seeking different discipline in this jurisdiction to demonstrate that the imposition of the same discipline is not appropriate.

did not comport with due process, see GRPC 9.4(b)(3)(i), and because imposing identical discipline would result in grave injustice given the violations of due process that occurred, see GRPC 9.4(b)(3)(iii). Whitted’s due process arguments were based on his assertions that the Supreme Court of Maryland determined that he “violated” Maryland Attorneys’ Rules of Professional Conduct (“MARPC”) 300.1(5) (The Preamble),⁹ 8.5(a) (Disciplinary Authority),¹⁰ and 8.5(b) (Choice of Law)¹¹ despite these Rules not being charged against him, and that he cannot have violated the WRPC because WRPC 8.5(a) provides that “[a] lawyer not admitted in this jurisdiction is ... subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction.” Additionally, Whitted requested oral argument before the Review Board. The State Bar responded, arguing that Whitted failed to establish any grounds to avoid the imposition of reciprocal discipline. Upon reviewing the parties’ briefs, the Review Board granted Whitted’s request for oral argument and scheduled the same for January 16, 2026.

⁹ MARPC Rule 300.1(5) provides:

An attorney’s conduct should conform to the requirements of the law, both in professional service to clients and in the attorney’s business and personal affairs. An attorney should use the law’s procedures only for legitimate purposes and not to harass or intimidate others. An attorney should demonstrate respect for the legal system and for those who serve it, including judges, other attorneys and public officials. While it is an attorney’s duty, when necessary, to challenge the rectitude of official action, it is also an attorney’s duty to uphold legal process.

¹⁰ MARPC Rule 8.5(a) provides, in relevant part, that “[a]n attorney admitted by the Supreme Court to practice in this State is subject to the disciplinary authority of this State, regardless of where the attorney’s conduct occurs.”

¹¹ See, *supra*, n. 2.

However, Whitted failed to appear.

On March 9, 2026, the Review Board issued its report and recommendation, in which it found that Whitted failed to establish that any of the factors outlined in GRPC 9.4(b)(3) were applicable to warrant lesser discipline. Therefore, it recommended that Whitted be suspended from the practice of law in Georgia until the suspension is modified or dissolved in Maryland. See *In the Matter of Hawley*, 321 Ga. 686, 687 (2025) (pursuant to GRPC 9.4(b)(3), “the Review Board shall recommend substantially similar discipline unless the parties object or it clearly appears from the face of the record that certain factors exist which would give the Review Board discretion to make such other recommendation as it deems appropriate”). Although the Review Board did not specifically address Whitted’s due process arguments, it noted that Whitted was afforded notice and an opportunity to be heard in the Maryland disciplinary proceeding, as a hearing was held from February 12 through February 14, 2024, at which Whitted presented testimony and evidence on his own behalf. Whitted has not filed exceptions before this Court challenging the Review Board’s report and recommendation of a suspension until further order.

After careful review, we agree with the Review Board that Whitted has failed to establish that any of the factors outlined in GRPC 9.4(b)(3) warrant a different punishment, either greater or less than that imposed in Maryland. See GRPC 9.4(b)(3) (“The burden is on the party seeking different discipline in this jurisdiction to demonstrate that the imposition of the same discipline is not appropriate.”). There is nothing in the Supreme Court of Maryland’s opinion suggesting that Whitted violated any provisions of the MARPC. Further, WRPC 8.5(a) is not applicable in this matter because WRPC 8.5(a) only determines whether Whitted is subject to Washington’s disciplinary authority – it says nothing

about whether Whitted may be held responsible for a violation of Washington’s rules by another state’s disciplinary authority. Therefore, recognizing that GRPC 9.4(b) “contemplates the imposition of substantially similar discipline as imposed in another jurisdiction,” *Hawley*, 321 Ga. at 687, we conclude that a suspension until further order of this Court is appropriate in this reciprocal discipline matter. Accordingly, it is hereby ordered that Stephen Earl Whitted is suspended from the practice of law in Georgia until further order of this Court. See *In the Matter of Hawley*, 321 Ga. 686, 687 (2025) (suspending attorney from the practice of law in Georgia based on discipline imposed in Tennessee “until further order of this Court”); *In the Matter of Kirkland*, 288 Ga. 480, 481 (2011) (suspending attorney from the practice of law in Georgia “until such time as he can demonstrate that he has been reinstated in Florida”); *In the Matter of Friedman*, 289 Ga. 214, 215 (2011) (ordering an indefinite suspension of the attorney’s right to practice law in Georgia based on Kentucky’s decision to temporarily, but indefinitely, suspend the attorney). If the Supreme Court of Maryland modifies or dissolves its order, he may petition for modification of this order or for reinstatement. Whitted is also reminded of his obligation under GRPC 9.4(b) to promptly inform the Office of the General Counsel of the State Bar of Georgia of any further disciplinary action taken by the Supreme Court of Maryland or any other court.

Suspended until further order. All the Justices concur.