Court of Appeals
of the State of Georgia

ATLANTA, October 22, 2018

The Court of Appeals hereby passes the following order:

A18A2039. IN RE D. DUSTON TAPLEY, JR.
A19A0219. IN RE DUSTON TAPLEY, JR.

These related cases concern Attorney D. Duston Tapley, Jr.'s ability to represent clients in the Oconee Judicial Circuit and Middle Judicial Circuit of Georgia. In February 2018, superior courts in both circuits entered orders summarizing their concerns with Tapley's capacity and accepting Tapley's consent agreement not to represent clients in their circuits. In April 2018, Tapley filed motions to recuse the judges who entered the February orders and motions to vacate the February orders, contending, generally, that the courts erred by finding that he is unfit to continue serving as counsel. The superior courts ruled against Tapley, and he filed these direct appeals. Appellate jurisdiction, however, appears to lie in the Supreme Court.

"Matters relating to the practice of law, including the admission of practitioners, their discipline, suspension, and removal, are within the inherent and exclusive power of the Supreme Court of Georgia." *Scanlon v. State Bar*, 264 Ga. 251, 252 (1) (443 SE2d 830) (1994); see Ga. Bar Rules & Regs. 14-1.1.

In the instant appeals, Tapley is challenging trial court findings as to his competency and ability to practice law. Thus, it appears that jurisdiction may lie in the Supreme Court. Moreover, the ultimate responsibility for determining appellate jurisdiction is vested in the Supreme Court. See *Saxton v. Coastal Dialysis & Medical*

Clinic, Inc., 267 Ga. 177, 178 (476 SE2d 587) (1996). In deference to the Supreme Court's jurisdiction, these appeals are therefore TRANSFERRED to the Supreme Court for disposition.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 10/22/2018
I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.
Witness my signature and the seal of said court hereto affixed the day and year last above written.

Stephen E. Castlen, *Clerk.*