



**SUPREME COURT OF GEORGIA**

Case No. S03Y1651

Atlanta      October 17, 2003

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

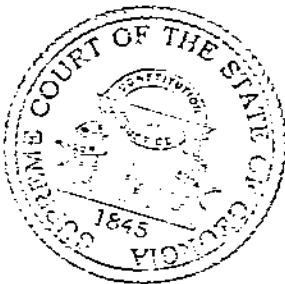
**IN THE MATTER OF HILLMAN JAMES TOOMBS.**

This matter is before the Court on the Notice of Discipline seeking a Review Panel reprimand filed against Respondent Hillman James Toombs pursuant to Bar Rule 4-208.1. Toombs was personally served with the Notice of Discipline, but failed to file a Notice of Rejection within 30 days and, consequently, he is in default, has no right to an evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court, Bar Rule 4-208 (b). In the Notice of Discipline, the State Bar alleged that Toombs violated Rules 1.2 and 8.4 of the Georgia Rules of Professional Conduct, see Bar Rule 4-102 (d).

According to the Notice, Toombs represented two clients in a personal injury claim they wished to pursue. Toombs filed and then negotiated a settlement of the case, but was unable to locate his clients at that time. He held the uncashed checks and unexecuted documents for over a year, then told defense counsel he had lost them. Defense counsel sent new checks and documents but Toombs still was unable to locate his clients so, on the day before the checks were to expire, he endorsed the checks in his clients' names and deposited them in his escrow account, signed the agreements in the clients' names with his signature as witness, and had a staff member notarize the signatures. Toombs eventually located his clients, who did not object to the settlement terms and who have received their checks.

Having reviewed the record, we agree that a Review Panel reprimand is the appropriate sanction in this case. We note in aggravation that in 1994 Toombs received an Investigative Panel reprimand for failing to properly notify a client of pending motions before withdrawing from his case, causing judgment to be entered against his client, and in 2002, Toombs received an Investigative Panel reprimand

for failing to act in a timely manner, thus causing his client's case to be dismissed.<sup>1</sup> In mitigation, however, it appears that the clients were pleased with the settlement and did not complain about Toombs' representation (the grievance was filed by defense counsel), and that Toombs had no selfish motive and acted out of a desire to help his clients. Accordingly, we hereby order that for his violations of Rules 1.2 and 8.4, Hillman James Toombs be administered a Review Panel reprimand pursuant to Bar Rules 4-102 (b) (4) and 4-220 (b).



**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from  
the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto  
affixed the day and year last above written.

 Lynn M. Hunscomb, Chief Deputy Clerk

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<sup>1</sup> In the event of a subsequent disciplinary action, the confidentiality of an Investigative Panel reprimand is waived, Bar Rule 4-208.