



SUPREME COURT OF GEORGIA
Case No. S08Y1784

Atlanta October 6, 2008

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF WAYMON SIMS

This matter is before the Court on the Petition for Voluntary Discipline filed by Respondent Waymon Sims before the issuance of a formal complaint pursuant to Bar Rule 4-227 (b) (2). In the petition Sims admits to violating Rules 1.16 (a); 3.1 (a); and 9.3 of the Georgia Rules of Professional Conduct found in Bar Rule 4-102 (d), and seeks a Review Panel Reprimand. A violation of each of those rules may be punished by a public reprimand.

Sims admits that a client hired him to represent the client in a suit on a note and mortgage filed by a finance company; that he failed to respond to discovery or to a motion for summary judgment because he believed there was no defense to the action; that he filed discovery requests and nominally defended the action but did so only in order to obtain information and documents for possible use in a separate suit against the finance company regarding its lending practices; that instead of conducting such discovery Sims should have withdrawn from representation; that due to his failures to respond, summary judgment was entered in favor of the finance company, which extinguished any rights his client had to the real property; and that he failed to file a response to the Notice of Investigation in this matter as required under Bar Rule 4-204.3 (a). Sims admits that he violated Rule 1.16 (a) because by continuing the representation even though there was no defense, he violated Rule 3.1 (a), and he violated Rule 9.3 by failing to respond to the Notice of Investigation. In mitigation of discipline Sims offers that he regrets violating the disciplinary rules and expresses his sincere remorse, and that he has had no disciplinary infractions since 1992, when he accepted a formal letter of admonition and 1998, when a Review Panel reprimand was imposed, see S98Y0911. The State Bar has filed a response recommending that the Court accept the petition as being in the best interests of the public and stating that the State Bar is best served by

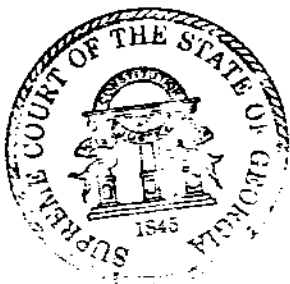
accepting the petition.

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The Court has reviewed the record and agrees that a Review Panel reprimand is the appropriate sanction in this case. Accordingly, we hereby accept the Petition for Voluntary Discipline and order that Sims receive a Review Panel reprimand pursuant to Bar Rule 4-102 (b) (4).

Review Panel Reprimand. All the Justices concur, except Hunstein, P.J., and Melton, J., who dissent.



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.

, Chief Deputy Clerk

S08Y1784. IN THE MATTER OF WAYMON SIMS.

MELTON, Justice, dissenting.

This matter represents Sims' third violation of the Georgia Rules of Professional Conduct. Given Sims' history of disciplinary infractions, I believe that a Review Panel Reprimand in this case is too lenient. Accordingly, I respectfully dissent from the opinion of the majority.

I am authorized to state that Presiding Justice Hunstein joins in this dissent.