

SUPREME COURT OF GEORGIA

In the Matter of William Lewis Vaughn

277 Ga. 33, 585 S.E.2d 881 (2003) · No. S03Y1786 · Decided September 8, 2003

SUMMARY

The Supreme Court of Georgia accepted William Lewis Vaughn's petition for voluntary surrender of his law license, which is tantamount to disbarment. Vaughn admitted violating professional-conduct rules concerning dishonesty in two HUD-1 settlement statements and willful delay in recording a security deed and mortgage release. The Court noted his prior disciplinary history and reminded him of his duties under Bar Rule 4-219(c).

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Per Curiam; All the Justices
JURISDICTION	Georgia
DECIDED	September 8, 2003
DOCKET	S03Y1786
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on the special master's recommendation to accept William Lewis Vaughn's petition for voluntary surrender of his license.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion
PARTIES	State Bar of Georgia v. William Lewis Vaughn

TOPICS

- deeds
- recording acts
- mortgages
- real estate

PRACTICE AREAS

- legal ethics and professional responsibility
- attorney discipline
- real estate transactions

QUESTIONS PRESENTED

- Whether the court should accept Vaughn's petition for voluntary surrender of his law license based on his admitted violations of Georgia Rules of Professional Conduct 1.3 and 8.4(a)(4).

2. Whether Vaughn's willful delay in recording a security deed violated Rule 1.3 even though the record contained no evidence or admission that the affected property owner was Vaughn's client.

HOLDINGS

1. Vaughn violated Rule 8.4(a)(4) by knowingly preparing two HUD-1 settlement statements containing false or materially inaccurate statements about the real-estate transactions.
2. Vaughn violated Rule 1.3 by willfully delaying for approximately three years the filing of a security deed and release of a second mortgage, even though the record did not establish that the affected property owner was his client.
3. The court accepted Vaughn's petition for voluntary surrender of his law license, recognizing that voluntary surrender is tantamount to disbarment and is warranted based on his admitted disciplinary violations.

KEY QUOTATIONS

"Although there is neither evidence nor an admission that the property owner whose security deed was not filed was Vaughn's client, we conclude that Rule 1.3 was violated because Vaughn's admitted willful three-year delay in filing the security deed could cause his client in the re-financing transaction "needless anxiety and undermine confidence in the lawyer's trustworthiness."" (882)

FACTUAL BACKGROUND

Vaughn admitted that, on two occasions while representing a mortgage company and preparing HUD-1 settlement statements for real-property sales, he knowingly prepared statements that misstated payments, property value, or other transaction facts. He also admitted that, after acting as settlement agent in a July 1999 refinancing, he willfully delayed until May 2002 the filing of a security deed and release of a second mortgage. The delay prevented the property owner from closing a sale in April 2002.

PROCEDURAL HISTORY

The State Bar disciplinary board's Investigative Panel found probable cause, the State Bar issued three formal complaints, and the Supreme Court appointed a special master. Vaughn filed a petition for voluntary surrender under Bar Rule 4-227(c), admitting violations of Rules 1.3 and 8.4(a)(4). The special master and the State Bar recommended acceptance of the petition, and the Supreme Court accepted it.

DISPOSITION

other

CASES CITED

- In the Matter of Vaughn, 275 Ga. 295, 565 S.E.2d 463 (2002)
- In the Matter of Vaughn, Case No. S00Y1933 (Sept. 8, 2000)

