

2012- 2013 ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2012	874
Complaints Received July 1, 2012 - June 30, 2013	<u>1878</u>
Total Complaints Pending and Received	<u>2752</u>

DISPOSITION OF COMPLAINTS:

Dismissed:

By Disciplinary Counsel after initial review	305
By Disciplinary Counsel after investigation	944
By Investigative Panel	23
By Supreme Court	<u>0</u>
Total Dismissed	1272

Not Dismissed:

Referred to Other Agency	2
Closed But Not Dismissed	11
Closed Due to Death of Lawyer	7
Deferred Discipline Agreement	10
Letter of Caution	136
Admonition	23
Public Reprimand	22
Suspension	30
Disbarment	14
Bar to Future Admission (out-of-state lawyer)	1
Irrevocable Resignation	1
Incapacity (reciprocal)	<u>0</u>
Total Not Dismissed	257

Total Complaints Concluded	<u>(1529)</u>
Total Complaints Pending as of June 30, 2013	1223

Practice Type

Solo practice	42.62%	Not Practicing	<1.00%
Law firm	34.50%	Corporate counsel	<1.00%
Public defender	15.15%	Guardian <i>ad litem</i>	<1.00%
Prosecutor	3.60%	Law Clerk	<1.00%
Other government	2.56%	Mediator/arbitrator	<1.00%

Sources of Complaints

Client	58.57%	Public Official/Agency	<1.00%
Opposing Party	13.92%	Employee	<1.00%
Bank	6.21%	Family/Friend of Ward	<1.00%
Family/Friend of Client	4.66%	Fee Disputes Board	<1.00%
Attorney	4.12%	Citizen	<1.00%
Anonymous	2.30%	Prospective Client	<1.00%
Judge	1.18%	Litigation Witness	<1.00%
Family/Friend of Opposing Party	1.02%	Law Enforcement	<1.00%
Litigant (ADR only)	<1.00%	Medical Provider	<1.00%
Self-Report	<1.00%	Family/Friend of Lawyer	<1.00%
Court Reporter	<1.00%	Victim	<1.00%
Disciplinary Counsel	<1.00%	Ward	<1.00%
Third Party Payee	<1.00%	Family/Friend of Victim	<1.00%

Case Type

Criminal	35.58%
Domestic	14.24%
General Civil	8.22%
Real Estate	6.61%
Personal Injury	6.45%
Probate	5.97%
Debt Collection/Foreclosure	5.64%
Post-Conviction Relief	3.55%
Not Case Related	2.31%
Workers Comp	1.99%
Bankruptcy	1.29%
Corporate/Commercial/Business	1.13%
Employment	<1.00%
Professional Malpractice	<1.00%
Other Case Type	<1.00%
Immigration	<1.00%
Social Security/Federal Benefits	<1.00%
Regulatory	<1.00%
Tax	<1.00%

Alleged Misconduct

Neglect/Inadequate Communication	47.86%
Litigation Misconduct	16.52%
Trust Account Misconduct	13.42%
Conflict of Interest	4.23%
Advertising Misconduct	2.65%
Improper Fees	2.59%
Unauthorized Practice	2.42%
Failure to Pay Third Party	1.52%
Incivility	1.30%
Breach of Confidentiality	1.24%
Declining/Terminating Representation	1.01%
Failure to Pay Fee Dispute	<1.00%
Scope of Representation	<1.00%
Guardian ad litem Misconduct	<1.00%
Inadequate Nonlawyer Supervision	<1.00%
Personal Conduct (not client-related):	
Criminal Conduct	1.24%
Real Estate Misconduct	<1.00%
Probate Conduct	<1.00%
Business Transaction Conduct	<1.00%
Domestic Conduct	<1.00%
Bar Admissions/Disciplinary Matter	<1.00%

COMMISSION ON LAWYER CONDUCT

COMMISSION PROCEEDINGS:

Meetings of Investigative Panels	11
Formal Charges Filed	10
Disciplinary Hearings	5
Incapacity Proceedings	1
Meetings of Full Commission	1

REQUESTS FOR DISMISSAL REVIEW:

Requests for Review by Complainant	130
Dismissal Affirmed	(121)
Case Remanded for Further Investigation	<u>(1)</u>
Dismissal Review Pending	8

ATTORNEYS TO PROTECT CLIENTS' INTERESTS:

Serving as of July 1, 2012	33
Appointed	+20
Discharged	<u>(18)</u>
Serving as of June 30, 2013	<u>35</u>

LAWYERS BEING MONITORED:

New Monitor Files Opened	53
Lawyers Currently Monitored	120

ATTORNEYS TO ASSIST DISCIPLINARY COUNSEL

ATA ASSIGNMENTS:

Complaints Assigned to ATAs	15
Reports Filed by ATAs	16
Outstanding ATA Reports	12

SUPREME COURT OF SOUTH CAROLINA

SUPREME COURT DISCIPLINARY ORDERS*:

Dismissal	0
Letter of Caution	0
Admonition	8
Public Reprimand	12
Definite Suspension	8
Disbarment	4
Bar to Future Admission	1
Irrevocable Resignation	1
Transfer to Incapacity Inactive	1
Interim Suspension	17

*These figures represent the number of orders issued by the Supreme Court, not the number of complaints. Some orders conclude multiple complaints.

COMPLAINTS REFERRED TO SUPREME COURT:

Complaints resolved	78
Pending as of June 30, 2013	22