

ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA 2014- 2015

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2014	1205
Complaints Received July 1, 2014 - June 30, 2015	<u>1715</u>
Total Complaints Pending and Received	<u><u>2920</u></u>

DISPOSITION OF COMPLAINTS:

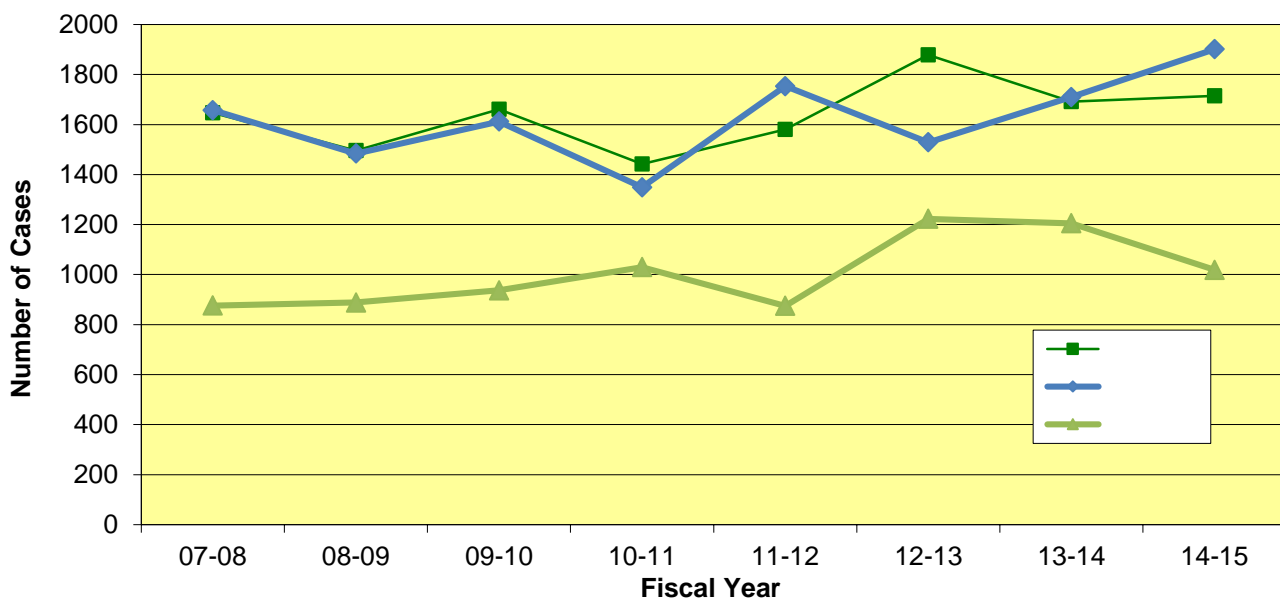
Dismissed:

By Disciplinary Counsel after initial review	349
By Disciplinary Counsel after investigation	1070
By Investigative Panel	91
By Supreme Court	<u>1</u>
Total Dismissed	1511

Not Dismissed:

Referred to Other Agency	3
Closed But Not Dismissed	6
Closed Due to Death of Lawyer	15
Deferred Discipline Agreement	3
Letter of Caution	133
Admonition	27
Public Reprimand	33
Suspension	26
Disbarment	140
Bar to Future Admission (out-of-state lawyer)	3
Irrevocable Resignation	1
Contempt of Supreme Court	<u>0</u>
Total Not Dismissed	390

Total Complaints Resolved (1901)
Total Complaints Pending as of June 30, 2015 1019



Practice Type

Law firm	41.16%	Less than 1%:
Solo practice	28.08%	Corporate/general counsel
Public defender	20.45%	Guardian <i>ad litem</i>
Prosecutor	7.74%	Mediator/arbitrator/commissioner
Other government	1.39%	Not practicing

Sources of Complaints

Client	60.52%	Less than 1%:
Opposing Party	17.83%	Public Official/Agency/Law Enforcement
Attorney	4.85%	Fee Disputes Board
Bank	4.47%	Litigation Witness/Victim
Family/Friend of Client	3.00%	Family/Friend of Victim
Court Rptr./Med.Prov./3d Party Payee	2.51%	Disciplinary Counsel
Citizen	1.31%	Self-Report
Anonymous	1.30%	Ward
Judge	1.09%	Family/Friend of Ward
		Family/Friend of Opposing Party
		Family/Friend/Business Assoc. of Lawyer
		Employee of Lawyer

Case Type

Criminal	42.29%
Domestic	11.92%
Personal Injury	7.63%
Real Estate	6.94%
General Civil	5.77%
Debt Collection/Foreclosure	5.25%
Probate	4.72%
Post-Conviction Relief	3.55%
Not Client Related	2.28%
Workers Compensation	2.12%
Employment	1.32%
Bankruptcy	1.17%
Social Security/Federal Benefits	1.06%

Less than 1%:

Professional Malpractice
Corporate/Commercial/Business
Immigration
Homeowners' Assn Dispute
Landlord/Tenant
Property/Contract Dispute
Regulatory
Tax
Intellectual Property

Alleged Misconduct

Neglect	28.82%
Dishonesty/Deceit/Misrepresentation	21.12%
Inadequate Communication	17.55%
Trust Account Misconduct	8.91%
Failure to Deliver Client File	3.63%
Discovery Abuse/Litigation Misconduct	3.62%
Failure to Pay Third Party	2.70%
Conflict of Interest	2.26%
Improper Fees	2.15%
Advertising Misconduct	2.04%
Incivility	1.93%
Unauthorized Practice	1.54%
Lack of Competence	1.10%

Less than 1%:

Declining/Terminating Representation
Scope of Representation
Inadequate Nonlawyer Supervision
Failure to Pay Fee Dispute
Personal Conduct (not client-related):
Criminal Conduct
Real Estate Misconduct
Probate Conduct
Business Transaction Conduct
Bar Admissions/Disciplinary Matter

SUBSTANCE ABUSE/MENTAL HEALTH:

In the 2014-2015 fiscal year, ODC concluded 26 complaints in which substance abuse or mental health issues were brought to the attention of ODC. This represents a 46.84% decline from the previous year. Of the complaints concluded that involved substance abuse or mental health issues, 50% resulted in some form of discipline against the lawyer. This is compared to an overall discipline rate of 20.16%. Issues included:

Depression	18
Alcohol Abuse	7
Bipolar Disorder	1

YEARS IN PRACTICE*:

In the 2014-2015 fiscal year, complaints were filed against 1156 lawyers. Of those lawyers, 11.59% were in their first six years of practice. A total of 29.23% of lawyers complained about were in their first twelve years of practice.

<u>Years in Practice</u>	<u>Number of Lawyers</u>
up to 6:	134
7 - 12:	204
13 - 18:	176
19 - 24:	191
25 - 30:	156
31 - 36:	107
37 - 42:	127
43 - 48:	47
49 - 54:	12
55 - 60:	1
61 and up:	1

*The statistical significance of this data is dependent on the number of lawyers in active practice in each category. Information about the demographics of practicing lawyers can be obtained from the South Carolina Bar.

PRIOR DISCIPLINE

In the 2014-2015 fiscal year, 41.93% of concluded complaints involved lawyers who had some form of previous disciplinary caution or sanction.

UNLICENSED* LAWYER COMPLAINTS

In the 2014-2015 fiscal year, ODC concluded 18 complaints against unlicensed lawyers. This represents a 28.57% increase over the previous year. Of the complaints concluded involving unlicensed lawyers, 50% resulted in some form of discipline against the lawyer. This is compared to an overall discipline rate of 20.16%. Home jurisdictions of unlicensed lawyers included:

Georgia	3	Illinois	1
Florida	3	New York	1
Iowa	2	Ohio	1
Massachusetts	2	Texas	1
North Carolina	2	Utah	1
		Washington	1

*An unlicensed lawyer is a lawyer who is not licensed in South Carolina, but is admitted in another jurisdiction.

OFFICE OF DISCIPLINARY COUNSEL

ATTORNEY TO ASSIST ASSIGNMENTS:

Complaints Assigned to ATAs	3
Reports Filed by ATAs	11
Outstanding ATA Reports	4

COMMISSION ON LAWYER CONDUCT

COMMISSION PROCEEDINGS:

Meetings of Investigative Panels	6
Formal Charges Filed	6
Disciplinary Hearings	7
Incapacity Proceedings	0
Meetings of Full Commission	1

REQUESTS FOR DISMISSAL REVIEW:

Requests for Review by Complainant	118
Dismissal Affirmed by Panel	(103)
Letters of Caution Issued by Panel	(2)
Case Remanded for Further Investigation	<u>(1)</u>
Dismissal Review Pending	<u><u>12</u></u>

RECEIVER APPOINTMENTS:

Pending as of June 30, 2014	15
New Appointments	+ 22
Appointments Terminated	<u>(15)</u>
Pending as of June 30, 2015	<u><u>22</u></u>

ATTORNEYS TO PROTECT CLIENTS' INTERESTS:

Serving as of June 30, 2014	16
Appointed	+ 0
Discharged	<u>(14)</u>
Serving as of June 30, 2015	<u><u>2</u></u>

LAWYERS BEING MONITORED:

New Monitor Files Opened	61*
Lawyers Currently Monitored	118

*includes 7 conditional admissions

SUPREME COURT OF SOUTH CAROLINA

DISCIPLINARY ORDERS*:

Dismissal	1
Letter of Caution	1
Admonition	2
Public Reprimand	8
Definite Suspension	9
Disbarment	13
Bar to Future Admission	3
Transfer to Incapacity Inactive	6
Interim Suspension	12
Permanent Resignation in Lieu of Discipline	1

*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	211
Pending as of June 30, 2015	11