

**ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA
2017-2018**

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2017	896
Complaints Received July 1, 2017 - June 30, 2018	<u>1492</u>
Total	2399

DISPOSITION OF COMPLAINTS:

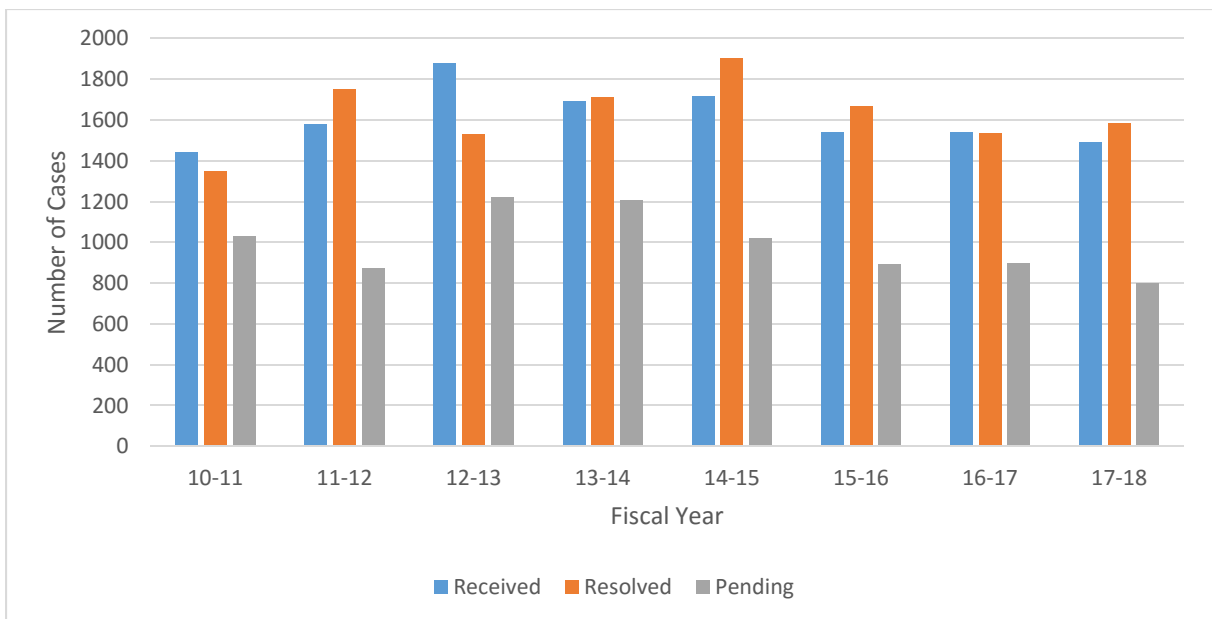
Dismissed:

By Disciplinary Counsel after initial review (no jurisdiction)	413
By Disciplinary Counsel after investigation (lack of evidence)	951
By Investigative Panel	71
By Supreme Court	<u>0</u>
Total	1435

Not Dismissed:

Referred to Other Agency	1
Closed But Not Dismissed	0
Closed Due to Death	8
Deferred Discipline Agreement	1
Letter of Caution	92
Admonition	9
Public Reprimand	14
Suspension	15
Disbarment	8
Bar to Future Admission/Debarment (out-of-state lawyer)	3
Permanent Resignation in Lieu of Discipline	<u>0</u>
Total	151

Total Complaints Resolved	<u>1586</u>
Total Complaints Pending as of June 30, 2018	<u>802</u>



PRACTICE TYPE:

Law firm	42.76%	Less than 1%
Solo practice	23.79%	Corporate/general counsel
Public defender	20.71%	Mediator/arbitrator/commissioner
Prosecutor	6.70%	Not practicing
Other government	1.74%	Department of Social Services
Unknown	1.41%	Law Clerk
Guardian <i>ad litem</i>	1.01%	

SOURCES OF COMPLAINTS:

Client	58.85%	Less than 1%
Opposing Party	19.30%	Citizen
Attorney	4.49%	Disciplinary Counsel
Bank	4.02%	Family/Friend of Opposing Party
Family/Friend of Client	2.68%	Family/Friend of Witness/Victim/Ward
Court Rptr./Med.Prov./3d Party Payee	1.74%	Family/Friend/Business Assoc. of Lawyer
Self-report	1.60%	Judge
Anonymous	1.27%	Litigant (ADR/Regulatory)
		Litigation Witness/Victim/Ward
		Prospective Client
		Public Official/Agency/Law Enforcement
		Receiver
		Resolution of Fee Disputes Board

CASE TYPE:

Criminal	44.84%	
Domestic	14.81%	Less than 1%
Personal Injury/Property Damage	7.17%	Social Security/Federal Benefits
Probate/Estate Planning	6.64%	Corporate/Commercial/Business
Real Estate	5.63%	Immigration
Not Client Related	3.22%	Landlord/Tenant
Debt Collection/Foreclosure	2.75%	Other Case Type
Property/Contract Dispute	2.55%	Professional Malpractice
Post Conviction Relief	2.41%	Regulatory/Zoning/Licensing
General Civil	2.08%	Tax
Workers Compensation	1.47%	Unknown
Employment	1.27%	
Homeowners Association	1.27%	
Bankruptcy	1.14%	

ALLEGED MISCONDUCT:

Neglect/Lack of Diligence	28.42%	
Dishonesty/Deceit/Misrepresentation	23.12%	
Inadequate Communication	18.30%	Less than 1%
Trust Account Misconduct	4.96%	Confidentiality
Lack of Competence	4.09%	Bar Admissions/Disciplinary Matter
Conflict of Interest	2.75%	Declining/Terminating Representation
Incivility	2.08%	Ex Parte Communication
Advertising Misconduct	1.81%	Failure to Pay Fee Dispute
Failure to Deliver Client File	1.74%	Other Conduct
Failure to Pay Third Party	1.68%	Real Estate Conduct
Fees	1.68%	Sexual Conduct (Noncriminal)
Scope of Representation	1.41%	
Criminal Conduct (personal)	1.34%	
Other Litigation Misconduct	1.21%	
Unknown	1.07%	
Unauthorized Practice	1.01%	

SUBSTANCE ABUSE/MENTAL HEALTH

The Office of Disciplinary Counsel (“ODC”) began reporting annual data in concluded complaints related to substance abuse or mental health in fiscal year 2013-2014. In the 2017-2018 fiscal year, ODC disposed of 8 lawyer complaints in which substance abuse was asserted or found to be related to or to form the basis for disciplinary action (if any). During the 2017-2018 fiscal year, ODC disposed of 9 complaints in which mental health or emotional impairment resulted in an attorney being unable to fulfil his/her professional responsibilities. These 9 complaints involved 4 attorneys. Overall, these 17 complaints represent a 19.05% decrease from the report for the previous year. These issues included:

- Panic attacks, stress
- Other mental health
- Alcohol Abuse
- Other substance abuse

For more information on current national statistics, trends and recommendations regarding these issues, see ABA National Task Force on Lawyer Well-Being (Aug.2017) found at <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>. See also Krill, Patrick R., *et al.*, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, Jour. of Addiction Med., Vol. 10, Issue 1, pp. 46-52 (Jan./Feb.2016).

UNLICENSED* LAWYER COMPLAINTS

In the 2017-2018 fiscal year, ODC concluded 19 complaints against 18 unlicensed lawyers. Of the complaints concluded involving unlicensed lawyers, 42.10% resulted in some form of discipline against the lawyer. This is compared to an overall discipline rate of 9.52%. Home jurisdictions of unlicensed lawyers included:

North Carolina	4	California	1
Illinois	4	District of Columbia	1
Florida	2	Massachusetts	1
Georgia	2	Missouri	1
Kentucky	1	Utah	1

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

ATTORNEY TO ASSIST ASSIGNMENTS

Complaints Assigned to ATAs	1
Reports Filed by ATAs	1
Outstanding ATA Reports	0

COMMISSION ON LAWYER CONDUCT

COMMISSION PROCEEDINGS:

Meetings of Investigative Panels	6
Formal Charges Filed	5
Formal Charges Hearings	2
Incapacity Proceedings	2
Meetings of Full Commission	0

REQUESTS FOR DISMISSAL REVIEW:

Requests for Review by Complainant	113
Dismissal Affirmed by Panel	(105)
Letters of Caution Issued by Panel	0
Case Remanded for Further Investigation	<u>0</u>
Dismissal Reviews Pending	8

RECEIVER APPOINTMENTS:

Pending as of June 30, 2017	11
New Appointments	+13
Appointments Terminated	<u>(11)</u>
Pending as of June 30, 2018	13

SPECIAL RECEIVER/ATP APPOINTMENTS:

Serving as of June 30, 2017	2
Appointed	0
Discharged	<u>(2)</u>
Serving as of June 30, 2018	0

LAWYERS BEING MONITORED:

New Monitor Files Opened	41*
Lawyers Currently Monitored	114

*includes 7 conditional admissions

SUPREME COURT OF SOUTH CAROLINA

DISCIPLINARY ORDERS*:

Dismissal	0
Letter of Caution	0
Admonition	3
Public Reprimand	10
Definite Suspension	8
Disbarment	4
Bar to Future Admission	2
Resignation in Lieu of Discipline	0
Transfer to Incapacity Inactive	1
Interim Suspension	5

*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	42
Pending as of June 30, 2018	27