

**ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA
2019-2020**

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2019	769	
Complaints Received July 1, 2019 - June 30, 2020	1350	
Total Complaints Pending and Received		<u>2119</u>

DISPOSITION OF COMPLAINTS:

Dismissed:

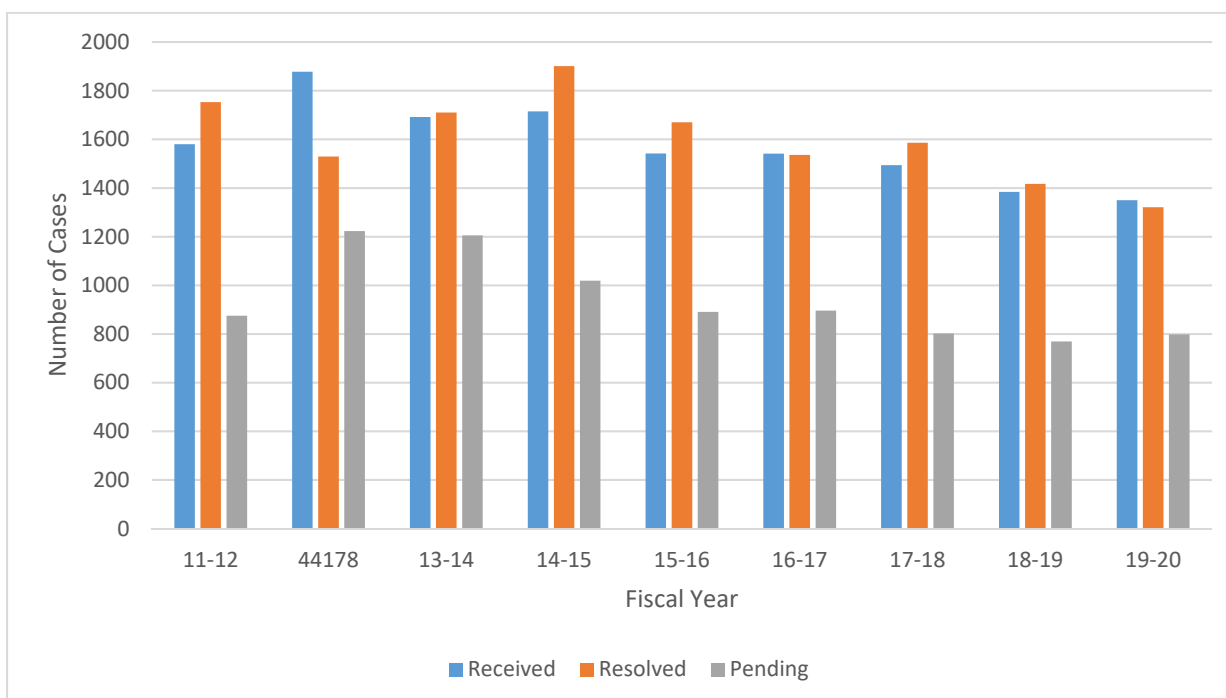
By Disciplinary Counsel after initial review (no jurisdiction)	351	
By Disciplinary Counsel after investigation (lack of evidence)	685	
By Investigative Panel Incl 19(e)	127	
By Supreme Court	<u>1</u>	
Total Dismissed		<u>1164</u>

Not Dismissed:

Referred to Other Agency	0	
Closed But Not Dismissed	10	
Closed Due to Death of Lawyer	4	
Deferred Discipline Agreement	4	
Letter of Caution	82	
Admonition	15	
Public Reprimand	3	
Restitution Ordered	2	
Suspension	26	
Disbarment	6	
Bar to Future Admission/Debarment (out-of-state lawyer)	0	
Permanent Resignation in Lieu of Discipline	<u>5</u>	
Total Not Dismissed		<u>157</u>

Total Complaints Resolved 1321

Total Complaints Pending as of June 30, 2020 798



Practice Type

Law firm	40.30%	Less than 1%:
Solo practice	26.37%	Corporate/General Counsel
Public defender	18.15%	Mediator/Arbitrator/Commissioner
Prosecutor	7.41%	Law Clerk
Unknown	2.30%	
Other Government	2.00%	
Not Practicing	1.41%	
Guardian ad Litem	1.33%	

Source of Complaints

Client	58.22%	Less than 1%
Opposing Party	19.04%	Court Reporter/Medical Provider/3rd Party
Attorney	4.37%	Unknown
Bank	4.15%	Judge
Family/Friend of Client	2.89%	Public Official/Agency/Law Enforcement
Citizen	2.00%	Anonymous
Self-Report	1.70%	Disciplinary Counsel
Family/Friend of Opposing Party	1.26%	Family/Friend of Witness/Victim
		Fee Disputes Board
		Prospective Client
		Family/Friend of Ward
		Litigation Witness/Victim
		Employee
		Family/Friend/Business Associate of Lawyer
		Receiver/ATP
		Litigant (ADR/Regulatory)

Case Type

Criminal	41.78%	Less than 1%:
Domestic	14.96%	Unknown
Personal Injury/Property Damage	8.74%	Immigration
Real Estate	5.41%	Homeowners Association
Probate/Estate Planning	5.19%	Social Security/Federal Benefits
General Civil	4.15%	Professional Malpractice
Not Client Related	2.59%	Corporate/Commercial/Business
Unknown	2.30%	Regulatory/Zoning/Licensing
Workers Compensation	2.00%	Landlord/Tenant
Debt Collection/Foreclosure	1.93%	Intellectual Property
Post-Conviction Relief	1.85%	
Property/Contract Dispute	1.56%	
Employment	1.48%	

Alleged Misconduct

Neglect/Lack of Diligence	26.67%	Less than 1%
Dishonesty/Deceit/Misrepresentation	18.07%	Scope of Representation
Communication	17.56%	Ex Parte Communication
Trust Account Conduct	6.52%	Sexual Conduct (Noncriminal)
Lack of Competence	5.70%	Criminal Conduct
Conflict of Interest	3.19%	Failure to Pay Fee Dispute
Failure to Deliver Client File	2.74%	Supervision
Fees	2.67%	Business Transaction Conduct
Civility	2.15%	Probate Conduct
Unknown	2.07%	
Other Litigation Misconduct	1.63%	
Confidentiality	1.41%	
Other Conduct	1.33%	
Failure to Pay Third Party	1.33%	
Advertising Conduct	1.33%	
Discovery Abuse	1.26%	
Declining/Terminating Representation	1.11%	
Unauthorized Practice	1.04%	

SUBSTANCE ABUSE/MENTAL HEALTH:

In the 2019-2020 fiscal year, ODC concluded 38 complaints in which substance abuse or mental health issues were brought to the attention of ODC. Those complaints represented a total of 13 lawyers. Of the complaints concluded that involved substance abuse or mental health issues, 81.58% resulted in some form of discipline against the lawyer. This is compared to an overall discipline rate of 11.88%. Issues included:

Depression:	5 lawyers
Alcohol related:	4 lawyers
Prescription drugs:	1 lawyer
Aging/dementia:	1 lawyers
Bipolar disorder:	1 lawyer
Anxiety disorder:	1 lawyer

For more information on current national statistics, trends and recommendations regarding these issues, see the report of the 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 2019-2020 fiscal year, ODC concluded 11 complaints against 9 unlicensed lawyers. Of the complaints concluded involving unlicensed lawyers, 9.09% resulted in some form of discipline against the lawyer. This is compared to an overall discipline rate of 11.88%. Home jurisdictions of unlicensed lawyers included:

Georgia	2
New York	2
California	1
Florida	1
Illinois	1
Missouri	1
Texas	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	5
Reports Filed by ATAs	0
Outstanding ATA Reports	5

Attorneys to Assist Disciplinary Counsel are often consulted on investigations without being assigned a field investigation.

COMMISSION ON LAWYER CONDUCT

COMMISSION PROCEEDINGS:

Meetings of Investigative Panels	6
Formal Charges Filed	4
Formal Charges Hearings	4
Incapacity Proceedings	2
Meetings of Full Commission	0

REQUESTS FOR DISMISSAL REVIEW:

Requests for Review by Complainant	99
Dismissal Affirmed by Panel	(99)
Letters of Caution Issued by Panel	0
Case Remanded for Further Investigation	<u>0</u>
Dismissal Review Pending	<u><u>2</u></u>

RECEIVER APPOINTMENTS:

Pending as of June 30, 2019	10
New Appointments	+15
Appointments Terminated	<u>(6)</u>
Pending as of June 30, 2020	19

SPECIAL RECEIVER/ATP APPOINTMENTS:

Serving as of June 30, 2019	0
Appointed	2
Discharged	<u>(0)</u>
Serving as of June 30, 2020	<u><u>2</u></u>

LAWYERS BEING MONITORED:

New Monitor Files Opened	36*
Lawyers Currently Monitored	121

*includes 4 conditional admissions and 2 conditional reinstatements

SUPREME COURT OF SOUTH CAROLINA

DISCIPLINARY ORDERS*:

Dismissal	1
Closed But Not Dismissed	0
Letter of Caution	0
Admonition	6
Public Reprimand	2
Definite Suspension	8
Disbarment	2
Debarment	0
Resignation in Lieu of Discipline	3
Transfer to Incapacity Inactive	2
Interim Suspension	6

*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, 2020	30