ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA
2016- 2017

COMPLAINTS PENDING & RECEIVED:
Complaints Pending June 30, 2016 891
Complaints Received July 1, 2016 - June 30, 2017 1541
Total Complaints Pending and Received 2432

DISPOSITION OF COMPLAINTS:
Dismissed:
By Disciplinary Counsel after initial review 388
By Disciplinary Counsel after investigation 847
By Investigative Panel 48
By Supreme Court 2
Total Dismissed 1285

Not Dismissed:
Referred to Other Agency 0
Closed But Not Dismissed 3
Closed Due to Death of Lawyer 9
Deferred Discipline Agreement 3
Letter of Caution 103
Admonition 12
Public Reprindam 20
Suspension 35
Disbarment 45
Bar to Future Admission/Debarment (out-of-state lawyer) 0
Permanent Resignation in Lieu of Discipline 21
Total Not Dismissed 251

Total Complaints Resolved 1536
Total Complaints Pending as of June 30, 2017 896
### Practice Type

<table>
<thead>
<tr>
<th>Practice Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law firm</td>
<td>43.89%</td>
</tr>
<tr>
<td>Solo practice</td>
<td>27.33%</td>
</tr>
<tr>
<td>Public defender</td>
<td>18.66%</td>
</tr>
<tr>
<td>Prosecutor</td>
<td>7.62%</td>
</tr>
<tr>
<td>Other government</td>
<td>1.25%</td>
</tr>
</tbody>
</table>

**Less than 1%:**
- Corporate/general counsel
- Guardian ad litem
- Mediator/arbitrator/commissioner
- Not practicing

### Sources of Complaints

<table>
<thead>
<tr>
<th>Source of Complaints</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client</td>
<td>58.88%</td>
</tr>
<tr>
<td>Opposing Party</td>
<td>18.41%</td>
</tr>
<tr>
<td>Attorney</td>
<td>4.90%</td>
</tr>
<tr>
<td>Bank</td>
<td>4.77%</td>
</tr>
<tr>
<td>Family/Friend of Client</td>
<td>2.87%</td>
</tr>
<tr>
<td>Court Rptr./Med.Prov./3d Party Payee</td>
<td>1.70%</td>
</tr>
<tr>
<td>Citizen</td>
<td>1.17%</td>
</tr>
</tbody>
</table>

**Less than 1%:**
- Public Official/Agency/Law Enforcement
- Judge
- Litigation Witness/Victim/Ward
- Family/Friend of Witness/Victim/Ward
- Disciplinary Counsel
- Anonymous
- Family/Friend of Opposing Party
- Family/Friend/Business Assoc. of Lawyer
- Prospective Client
- Self-Report

### Case Type

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal</td>
<td>41.83%</td>
</tr>
<tr>
<td>Domestic</td>
<td>14.62%</td>
</tr>
<tr>
<td>Personal Injury/Property Damage</td>
<td>7.25%</td>
</tr>
<tr>
<td>Probate</td>
<td>5.40%</td>
</tr>
<tr>
<td>Real Estate</td>
<td>5.14%</td>
</tr>
<tr>
<td>Other Civil</td>
<td>5.14%</td>
</tr>
<tr>
<td>Not Client Related</td>
<td>4.68%</td>
</tr>
<tr>
<td>Post-Conviction Relief</td>
<td>3.43%</td>
</tr>
<tr>
<td>Debt Collection/Foreclosure</td>
<td>2.70%</td>
</tr>
<tr>
<td>Workers Compensation</td>
<td>2.57%</td>
</tr>
<tr>
<td>Bankruptcy</td>
<td>1.38%</td>
</tr>
<tr>
<td>Property/Contract Dispute</td>
<td>1.32%</td>
</tr>
<tr>
<td>Employment</td>
<td>1.12%</td>
</tr>
</tbody>
</table>

**Less than 1%:**
- Professional Malpractice
- Corporate/Commercial/Business
- Immigration
- Homeowners' Assn Dispute
- Landlord/Tenant
- Regulatory/Zoning/Licensing
- Tax
- Intellectual Property
- Social Security/Federal Benefits

### Alleged Misconduct

<table>
<thead>
<tr>
<th>Alleged Misconduct</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neglect/Lack of Diligence</td>
<td>27.98%</td>
</tr>
<tr>
<td>Inadequate Communication</td>
<td>19.68%</td>
</tr>
<tr>
<td>Dishonesty/Deceit/Misrepresentation</td>
<td>18.94%</td>
</tr>
<tr>
<td>Trust Account Misconduct</td>
<td>5.60%</td>
</tr>
<tr>
<td>Lack of Competence</td>
<td>4.55%</td>
</tr>
<tr>
<td>Conflict of Interest</td>
<td>3.69%</td>
</tr>
<tr>
<td>Failure to Deliver Client File</td>
<td>3.32%</td>
</tr>
<tr>
<td>Incivility</td>
<td>2.40%</td>
</tr>
<tr>
<td>Advertising Misconduct</td>
<td>2.28%</td>
</tr>
<tr>
<td>Discovery Abuse/Litigation Misconduct</td>
<td>1.97%</td>
</tr>
<tr>
<td>Failure to Pay Third Party</td>
<td>1.91%</td>
</tr>
<tr>
<td>Unauthorized Practice</td>
<td>1.91%</td>
</tr>
<tr>
<td>Improper Fees</td>
<td>1.72%</td>
</tr>
<tr>
<td>Criminal Conduct (personal)</td>
<td>1.17%</td>
</tr>
</tbody>
</table>

**Less than 1%:**
- Declining/Terminating Representation
- Scope of Representation
- Inadequate Nonlawyer Supervision
- Failure to Pay Fee Dispute
- Personal Conduct:
- Real Estate Misconduct
- Probate Misconduct
- Business Transaction Misconduct
- Bar Admissions/Disciplinary Matter
- Noncriminal Sexual Misconduct
**SUBSTANCE ABUSE/MENTAL HEALTH:**

In the 2016-2017 fiscal year, ODC concluded 21 complaints in which substance abuse or mental health issues were brought to the attention of ODC. This represents a 74.07% decrease from the previous year. Those complaints represented a total of 9 lawyers (compared to 18 in 2015-2016). Of the complaints concluded that involved substance abuse or mental health issues, 80.95% resulted in some form of discipline against the lawyer. This is compared to an overall discipline rate of 15.36%. Issues included:

- Depression/Anxiety/Bipolar: 5 lawyers
- Alcohol Addiction: 2 lawyers
- Illegal Drug Addiction: 2 lawyers

**UNLICENSED* LAWYER COMPLAINTS**

In the 2016-2017 fiscal year, ODC concluded 17 complaints against unlicensed lawyers. This equivalent to the previous year. Of the complaints concluded involving unlicensed lawyers, 35.29% resulted in some form of discipline against the lawyer. This is compared to an overall discipline rate of 15.36%. Home jurisdictions of unlicensed lawyers included:

- Georgia 5
- North Carolina 2
- California 2
- Arizona 1
- Florida 1
- Minnesota 1
- Missouri 1
- New York 1
- New Mexico 1
- Oklahoma 1
- Texas 1

*An unlicensed lawyer is a lawyer who is not licensed in South Carolina, but is 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: 7
- Formal Charges Filed: 9
- Formal Charges Hearings: 7
- Incapacity Proceedings: 1
- Meetings of Full Commission: 1

REQUESTS FOR DISMISSAL REVIEW:
- Requests for Review by Complainant: 73
- Dismissal Affirmed by Panel: 65
- Letters of Caution Issued by Panel: 0
- Case Remanded for Further Investigation: 1
- Dismissal Review Pending: 7

RECEIVER APPOINTMENTS:
- Pending as of June 30, 2016: 15
- New Appointments: + 9
- Appointments Terminated: (13)
- Pending as of June 30, 2017: 11

SPECIAL RECEIVER/ATP APPOINTMENTS:
- Serving as of June 30, 2015: 1
- New Appointments: + 1
- Appointments Terminated: (0)
- Serving as of June 30, 2016: 2

LAWYERS BEING MONITORED:
- New Monitor Files Opened: 27*
- Lawyers Currently Monitored: 107
*includes 4 conditional admissions

SUPREME COURT OF SOUTH CAROLINA

DISCIPLINARY ORDERS*:
- Dismissal: 1
- Letter of Caution: 0
- Admonition: 3
- Public Reprimand: 10
- Definite Suspension: 10
- Disbarment: 9
- Bar to Future Admission: 0
- Resignation in Lieu of Discipline: 4
- Transfer to Incapacity Inactive: 0
- Interim Suspension: 12

*SUPReme Court of South CARolina

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: 126
- Pending as of June 30, 2017: 30