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 1492
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 0
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 0
Total 151

Total Complaints Resolved 1586
Total Complaints Pending as of June 30, 2018 802
PRACTICE TYPE:

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

SOURCES OF COMPLAINTS:

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

CASE TYPE:

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

ALLEGED MISCONDUCT:

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

Note - the statistics on this page relate to the complaints received in FY 2017-18
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 fulfill 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


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
- Illinois 4
- Florida 2
- Georgia 2
- Kentucky 1
- California 1
- District of Columbia 1
- Massachusetts 1
- Missouri 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 0
Dismissal Reviews Pending 8

RECEIVER APPOINTMENTS:

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

SPECIAL RECEIVER/ATP APPOINTMENTS:

Serving as of June 30, 2017 2
Appointed 0
Discharged (2)

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