

**ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA
2022-2023**

COMPLAINTS PENDING & RECEIVED

Complaints Pending June 30, 2022	1263	
Complaints Received July 1, 2022 - June 30, 2023	<u>1836</u>	
Total Complaints Pending and Received		<u>3099</u>

DISPOSITION OF COMPLAINTS

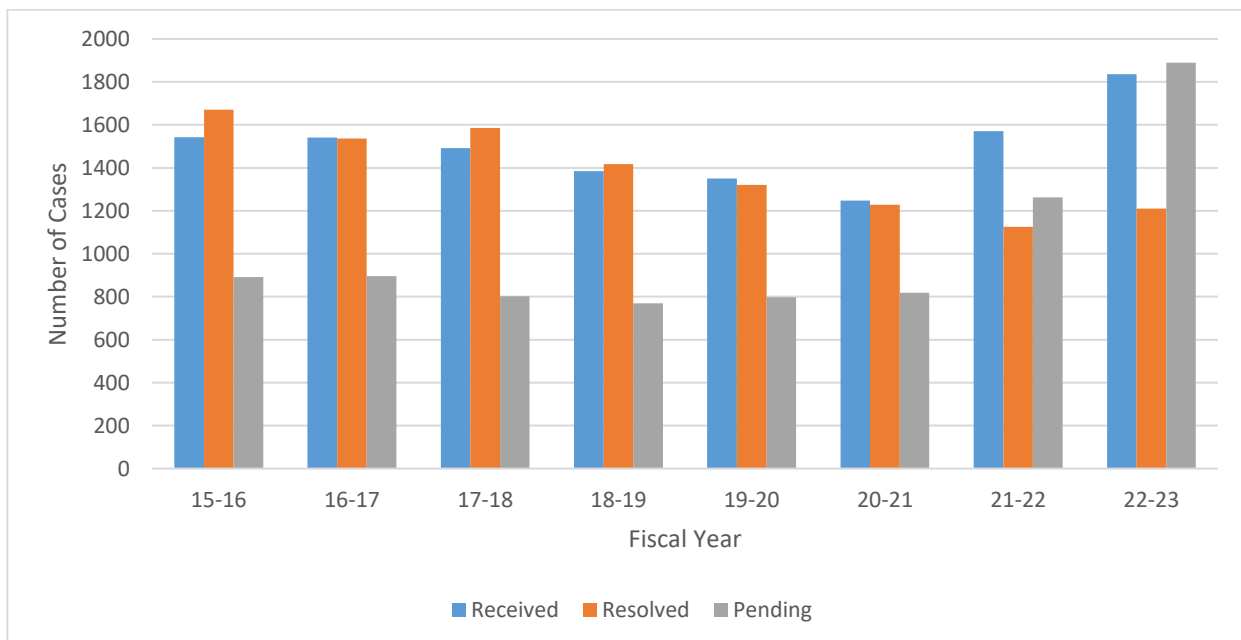
Dismissed

By Disciplinary Counsel after initial review	600	
By Disciplinary Counsel after investigation	447	
By Investigative Panel	39	
By Commission Counsel	<u>3</u>	
Total Dismissed		<u>1089</u>

Not Dismissed

Closed But Not Dismissed	28	
Closed Due to Death of Lawyer	35	
Deferred Discipline Agreement	0	
Letter of Caution – Issued by Investigative Panel	20	
Letter of Caution – Issued by Disciplinary Counsel	14	
Admonition	1	
Public Reprimand	3	
Definite Suspension	3	
Disbarment	15	
Bar to Future Admission/Debarment (out-of-state lawyer)	0	
Permanent Resignation in Lieu of Discipline	<u>2</u>	
Total Not Dismissed		<u>121</u>

Total Complaints Resolved	<u>1210</u>
Total Complaints Pending as of June 30, 2023	<u>1889</u>



Practice Type

Law firm	34.05%	Less than 1%
Solo practice	28.51%	Corporate/general counsel
Public defender	14.05%	Department of Social Services
Prosecutor	9.67%	Mediator/arbitrator/commissioner
Other government	4.63%	Not Practicing
Unknown	4.21%	
Guardian <i>ad litem</i>	3.06%	

Sources of Complaints

Client	49.92%	Less than 1%
Opposing Party	25.21%	Anonymous
Family/Friend of Client	4.96%	Disciplinary Counsel
Citizen	2.98%	Employee
Attorney	2.40%	Family/Friend of Opposing Party
Litigant	2.23%	Family/Friend of Witness/Victim/Ward
Unknown	1.82%	Family/Friend/Business Assoc. of Lawyer
Self-Report	1.65%	Judge
Court Rptr/Med.Prov/3d Party Payee	1.57%	Litigation Witness/Victim/Ward
Bank	1.40%	Public Official/Agency/Law Enforcement
Prospective Client	1.32%	Resolution of Fee Disputes Board

Case Type

Criminal	39.83%	Less than 1%
Domestic	19.26%	Corporate/Commercial/Business
Probate/Estate Planning	6.78%	Employment
General Civil	5.62%	Homeowners
Personal Injury/Property Damage	5.54%	Immigration
Not Client Related	4.55%	Intellectual Property
Real Estate	4.63%	Landlord/Tenant
Unknown	1.90%	Other Case Type
Workers Compensation	1.90%	Post-Conviction Relief
Debt Collection/Foreclosure	1.49%	Professional Malpractice
Bankruptcy	1.32%	Regulatory/Zoning/Licensing
Property/Contract Dispute	1.24%	Social Security/Federal Benefits
		Tax

Alleged Misconduct

Dishonesty/Deceit/Misrepresentation	22.07%	Less than 1%
Neglect/Lack of Diligence	16.78%	Advertising Conduct
Inadequate Communication	16.36%	Bar Admissions/Disciplinary Matter
Legal Issues only	9.42%	Criminal Conduct
Lack of Competence	4.55%	Discovery Abuse
Civility	3.22%	Domestic Conduct
Unknown	2.81%	Ex Parte Communication
Trust Account Conduct	2.64%	Failure to Pay Fee Dispute
Other Litigation Misconduct	2.64%	Probate Conduct
Fees	2.64%	Real Estate Conduct
Scope of Representation	2.56%	Sexual Conduct (Noncriminal)
Conflict of Interest	1.98%	Supervision
Failure to Deliver Client File	1.82%	Unauthorized Practice
Declining/Terminating Representation	1.40%	
Confidentiality	1.40%	
Failure to Pay Third Party	1.32%	
Other Conduct	1.32%	

SUBSTANCE ABUSE/MENTAL HEALTH

The Office of Disciplinary Counsel began reporting annual data related to substance abuse or mental health in concluded complaints for fiscal year 2013-2014. In the 2022-2023 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 2022-2023 fiscal year, ODC disposed of 13 complaints in which mental health or emotional impairment resulted in an attorney being unable to fulfil his/her professional responsibilities. These 21 complaints involved 8 attorneys. Overall, these 21 complaints are similar to the report for the previous year. These issues included:

- Aging/Dementia
- Other mental health
- Alcohol abuse
- Other substance abuse

For more information and additional resources regarding these issues, visit the Institute for Well-Being in Law at: <https://lawyerwellbeing.net>.

See also 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>.

UNLICENSED* LAWYER COMPLAINTS

In the 2022-2023 fiscal year, ODC concluded 8 complaints against 8 unlicensed lawyers. Home jurisdictions of unlicensed lawyers included:

North Carolina	1
Illinois	1
Florida	1
Georgia	2
Pennsylvania	1
California	2

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

COMMISSION ON LAWYER CONDUCT

COMMISSION PROCEEDINGS:

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

REQUESTS FOR DISMISSAL REVIEW:

Requests for Review by Complainant	62
Dismissal Affirmed by Panel	(60)
Letters of Caution Issued by Panel	0
Case Remanded for Further Investigation	<u>2</u>
Dismissal Review Pending	0

RECEIVER APPOINTMENTS:

Pending as of June 30, 2022	13
New Appointments	15
Appointments Terminated	<u>(14)</u>
Pending as of June 30, 2023	14

SPECIAL RECEIVER/ATP APPOINTMENTS:

Serving as of June 30, 2022	1
Appointed	0
Discharged	<u>(1)</u>
Serving as of June 30, 2023	0

LAWYERS BEING MONITORED:

New Monitor Files Opened	17
Lawyers Currently Monitored	107

SUPREME COURT OF SOUTH CAROLINA

DISCIPLINARY ORDERS*

Dismissal	0
Letter of Caution	0
Admonition	0
Public Reprimand	1
Definite Suspension	3
Disbarment	3
Resignation in Lieu of Discipline	1
Transfer to Incapacity Inactive	2
Interim Suspension	14
Disciplinary Reinstatements	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	22
Pending as of June 30, 2023	9