

ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA 2015- 2016

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2015	1019
Complaints Received July 1, 2015 - June 30, 2016	<u>1542</u>
Total Complaints Pending and Received	<u>2561</u>

DISPOSITION OF COMPLAINTS:

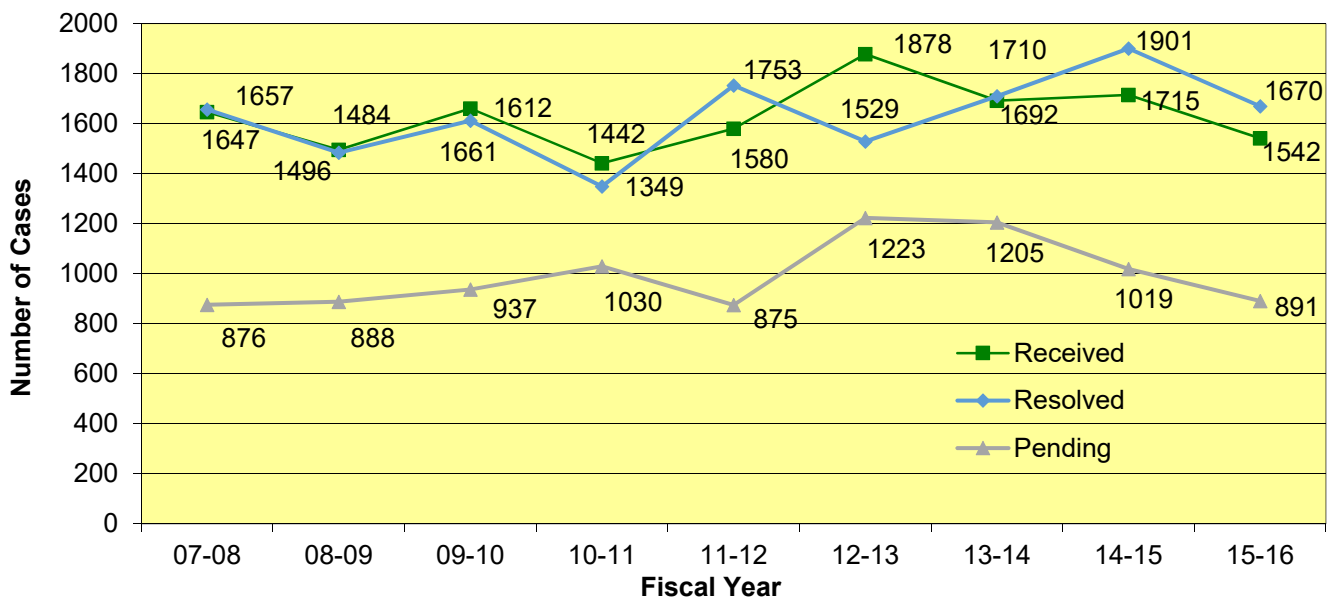
Dismissed:

By Disciplinary Counsel after initial review	413
By Disciplinary Counsel after investigation	918
By Investigative Panel	43
By Supreme Court	<u>1</u>
Total Dismissed	<u>1375</u>

Not Dismissed:

Referred to Other Agency	8
Closed But Not Dismissed	3
Closed Due to Death of Lawyer	18
Deferred Discipline Agreement	0
Letter of Caution	151
Admonition	15
Public Reprimand	10
Suspension	33
Disbarment	55
Bar to Future Admission (out-of-state lawyer)	0
Permanent Resignation in Lieu of Discipline	<u>2</u>
Total Not Dismissed	<u>295</u>

Total Complaints Resolved **(1670)**
Total Complaints Pending as of June 30, 2016 **891**



Practice Type

Law firm	48.19%	Less than 1%:
Solo practice	23.52%	Corporate/general counsel
Public defender	19.48%	Guardian <i>ad litem</i>
Prosecutor	5.54%	Mediator/arbitrator/commissioner
Other government	2.05%	Not practicing

Sources of Complaints

		Less than 1%:
Client	58.92%	Public Official/Agency/Law Enforcement
Opposing Party	18.58%	Fee Disputes Board
Bank	4.87%	Litigation Witness/Victim/Ward
Attorney	4.81%	Family/Friend of Witness/Victim/Ward
Family/Friend of Client	3.00%	Disciplinary Counsel
Court Rptr./Med.Prov./3d Party Payee	1.62%	Anonymous
Citizen	1.32%	Family/Friend of Opposing Party
Judge	1.20%	Family/Friend/Business Assoc. of Lawyer
Self-Report	1.02%	Employee of Lawyer

Case Type

Criminal	39.93%	
Domestic	14.32%	Less than 1%:
Real Estate	7.49%	Professional Malpractice
Personal Injury	6.23%	Corporate/Commercial/Business
Probate	5.87%	Immigration
General Civil	5.40%	Homeowners' Assn Dispute
Post-Conviction Relief	3.90%	Landlord/Tenant
Debt Collection/Foreclosure	3.42%	Regulatory/Zoning/Licensing
Not Client Related	3.18%	Tax
Workers Compensation	2.16%	Intellectual Property
Bankruptcy	2.04%	Social Security/Federal Benefits
Employment	1.14%	
Property/Contract Dispute	1.02%	

Alleged Misconduct

Neglect/Lack of Diligence	27.31%	
Dishonesty/Deceit/Misrepresentation	25.57%	
Inadequate Communication	14.44%	
Trust Account Misconduct	7.88%	Less than 1%:
Conflict of Interest	3.31%	Scope of Representation
Improper Fees	3.00%	Inadequate Nonlawyer Supervision
Lack of Competence	2.88%	Failure to Pay Fee Dispute
Failure to Deliver Client File	2.82%	Personal Conduct (not client-related):
Discovery Abuse/Litigation Misconduct	1.81%	Real Estate Misconduct
Incivility	1.62%	Probate Misconduct
Failure to Pay Third Party	1.62%	Business Transaction Misconduct
Advertising Misconduct	1.38%	Bar Admissions/Disciplinary Matter
Unauthorized Practice	1.26%	
Criminal Conduct (personal)	1.08%	
Declining/Terminating Representation	1.08%	

SUBSTANCE ABUSE/MENTAL HEALTH:

In the 2015-2016 fiscal year, ODC concluded 81 complaints in which substance abuse or mental health issues were brought to the attention of ODC. This represents a 311.54% increase from the previous year. However, those complaints represented a total of 18 lawyers (compared to 16 in 2014-2015). Of the complaints concluded that involved substance abuse or mental health issues, 87.5% resulted in some form of discipline against the lawyer. This is compared to an overall discipline rate of 15.93%. Issues included:

Depression:	13 lawyers
Alcohol Addiction:	3 lawyers
Aging/Dementia:	1 lawyer
Illegal Drug Addiction:	1 lawyer

YEARS IN PRACTICE*:

In the 2015-2016 fiscal year, complaints were filed against 1066 lawyers. Of those lawyers, 15.48% were in their first six years of practice. A total of 32.27% of lawyers complained about were in their first twelve years of practice.

<u>Years in Practice</u>	<u>Number of Lawyers</u>
up to 6:	165
7 - 12:	179
13 - 18:	168
19 - 24:	155
25 - 30:	137
31 - 36:	107
37 - 42:	97
43 - 48:	37
49 - 54:	15
55 - 60:	4
61 and up:	2

*The statistical significance of this data is dependent on the number of lawyers in active practice in each category. Information about the demographics of practicing lawyers can be obtained from the South Carolina Bar.

PRIOR DISCIPLINE

In the 2015-2016 fiscal year, 41.17% of concluded complaints involved lawyers who had some form of previous disciplinary caution or sanction. Of those complaints involving lawyers with prior discipline, 32.19% resulted in subsequent discipline.

UNLICENSED* LAWYER COMPLAINTS

In the 2015-2016 fiscal year, ODC concluded 18 complaints against unlicensed lawyers. This equivalent to the previous year. Of the complaints concluded involving unlicensed lawyers, 33.33% resulted in some form of discipline against the lawyer. This is compared to an overall discipline rate of 15.93%. Home jurisdictions of unlicensed lawyers included:

Georgia	4	Kentucky	1	Pennsylvania	1
Florida	3	Minnesota	1	Texas	1
North Carolina	2	Mississippi	1	Virginia	1
Arizona	1	New York	1	Washington	1

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

OFFICE OF DISCIPLINARY COUNSEL

ATTORNEY TO ASSIST ASSIGNMENTS:

Complaints Assigned to ATAs	8
Reports Filed by ATAs	3
Outstanding ATA Reports	2

COMMISSION ON LAWYER CONDUCT

COMMISSION PROCEEDINGS:

Meetings of Investigative Panels	6
Formal Charges Filed	10
Formal Charges Hearings	4
Incapacity Proceedings	0
Meetings of Full Commission	1

REQUESTS FOR DISMISSAL REVIEW:

Requests for Review by Complainant	89
Dismissal Affirmed by Panel	(83)
Letters of Caution Issued by Panel	(0)
Case Remanded for Further Investigation	<u>(1)</u>
Dismissal Review Pending	<u>5</u>

RECEIVER APPOINTMENTS:

Pending as of June 30, 2015	22
New Appointments	+ 15
Appointments Terminated	<u>(22)</u>
Pending as of June 30, 2016	<u>15</u>

ATTORNEYS TO PROTECT CLIENTS' INTERESTS:

Serving as of June 30, 2015	2
Appointed	+ 1
Discharged	<u>(2)</u>
Serving as of June 30, 2016	<u>1</u>

LAWYERS BEING MONITORED:

New Monitor Files Opened	45*
Lawyers Currently Monitored	113

*includes 7 conditional admissions

SUPREME COURT OF SOUTH CAROLINA

DISCIPLINARY ORDERS*:

Dismissal	1
Letter of Caution	3
Admonition	2
Public Reprimand	5
Definite Suspension	6
Disbarment	9
Bar to Future Admission	0
Transfer to Incapacity Inactive	4
Interim Suspension	10

*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	106
Pending as of June 30, 2016	19