

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		<u>2432</u>

DISPOSITION OF COMPLAINTS:

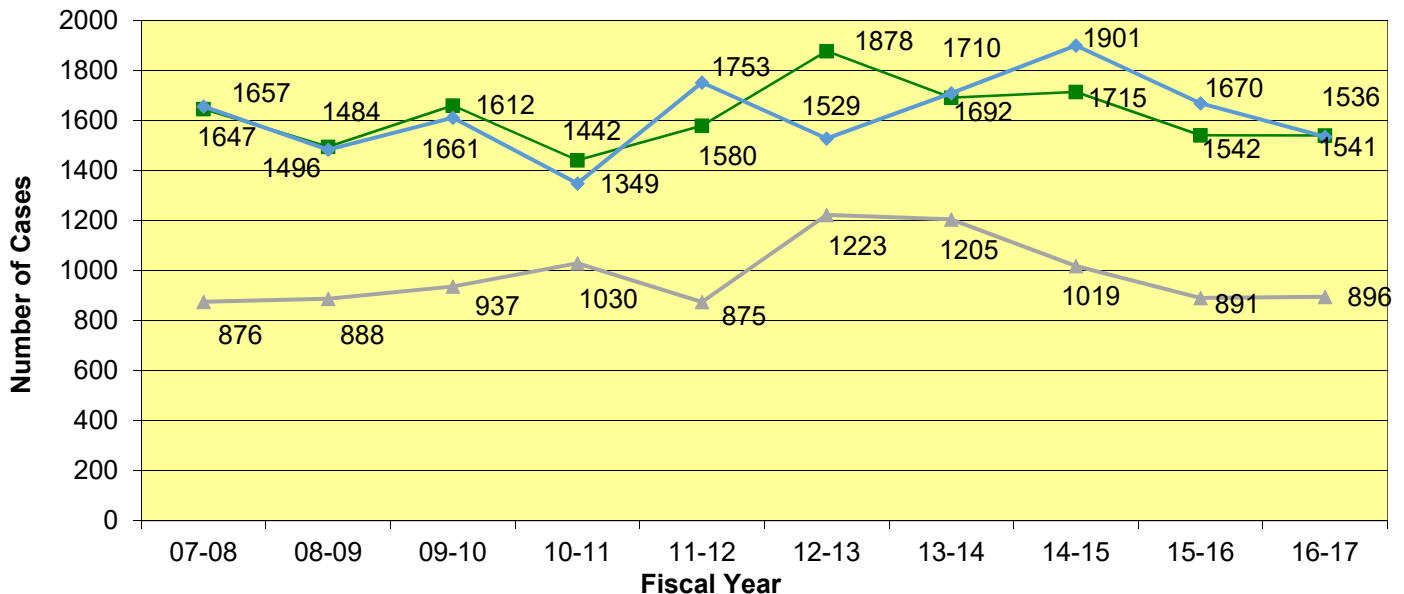
Dismissed:

By Disciplinary Counsel after initial review	388	
By Disciplinary Counsel after investigation	847	
By Investigative Panel	48	
By Supreme Court	<u>2</u>	
Total Dismissed		<u>1285</u>

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 Reprimand	20	
Suspension	35	
Disbarment	45	
Bar to Future Admission/Debarment (out-of-state lawyer)	0	
Permanent Resignation in Lieu of Discipline	<u>21</u>	
Total Not Dismissed		<u>251</u>

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



Practice Type

Law firm	43.89%	Less than 1%:
Solo practice	27.33%	Corporate/general counsel
Public defender	18.66%	Guardian <i>ad litem</i>
Prosecutor	7.62%	Mediator/arbitrator/commissioner
Other government	1.25%	Not practicing

Sources of Complaints

Client	58.88%	Less than 1%:
Opposing Party	18.41%	Public Official/Agency/Law Enforcement
Attorney	4.90%	Judge
Bank	4.77%	Litigation Witness/Victim/Ward
Family/Friend of Client	2.87%	Family/Friend of Witness/Victim/Ward
Court Rptr./Med.Prov./3d Party Payee	1.70%	Disciplinary Counsel
Citizen	1.17%	Anonymous
		Family/Friend of Opposing Party
		Family/Friend/Business Assoc. of Lawyer
		Prospective Client
		Self-Report

Case Type

Criminal	41.83%	Less than 1%:
Domestic	14.62%	Professional Malpractice
Personal Injury/Property Damage	7.25%	Corporate/Commercial/Business
Probate	5.40%	Immigration
Real Estate	5.14%	Homeowners' Assn Dispute
Other Civil	5.14%	Landlord/Tenant
Not Client Related	4.68%	Regulatory/Zoning/Licensing
Post-Conviction Relief	3.43%	Tax
Debt Collection/Foreclosure	2.70%	Intellectual Property
Workers Compensation	2.57%	Social Security/Federal Benefits
Bankruptcy	1.38%	
Property/Contract Dispute	1.32%	
Employment	1.12%	

Alleged Misconduct

Neglect/Lack of Diligence	27.98%	Less than 1%:
Inadequate Communication	19.68%	Declining/Terminating Representation
Dishonesty/Deceit/Misrepresentation	18.94%	Scope of Representation
Trust Account Misconduct	5.60%	Inadequate Nonlawyer Supervision
Lack of Competence	4.55%	Failure to Pay Fee Dispute
Conflict of Interest	3.69%	Personal Conduct:
Failure to Deliver Client File	3.32%	Real Estate Misconduct
Incivility	2.40%	Probate Misconduct
Advertising Misconduct	2.28%	Business Transaction Misconduct
Discovery Abuse/Litigation Misconduct	1.97%	Bar Admissions/Disciplinary Matter
Failure to Pay Third Party	1.91%	Noncriminal Sexual Misconduct
Unauthorized Practice	1.91%	
Improper Fees	1.72%	
Criminal Conduct (personal)	1.17%	

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	Florida	1	New York	1
North Carolina	2	Minnesota	1	Oklahoma	1
California	2	Missouri	1	Texas	1
Arizona	1	New Mexico	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	<u>(1)</u>
Dismissal Review Pending	<u><u>7</u></u>

RECEIVER APPOINTMENTS:

Pending as of June 30, 2016	15
New Appointments	+ 9
Appointments Terminated	<u>(13)</u>
Pending as of June 30, 2017	11

SPECIAL RECEIVER/ATP APPOINTMENTS:

Serving as of June 30, 2015	1
Appointed	+ 1
Discharged	<u>(0)</u>
Serving as of June 30, 2016	<u><u>2</u></u>

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

*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