

**ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA
2018-2019**

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2018	802	
Complaints Received July 1, 2018 - June 30, 2019	1384	
Total Complaints Pending and Received		<u>2186</u>

DISPOSITION OF COMPLAINTS:

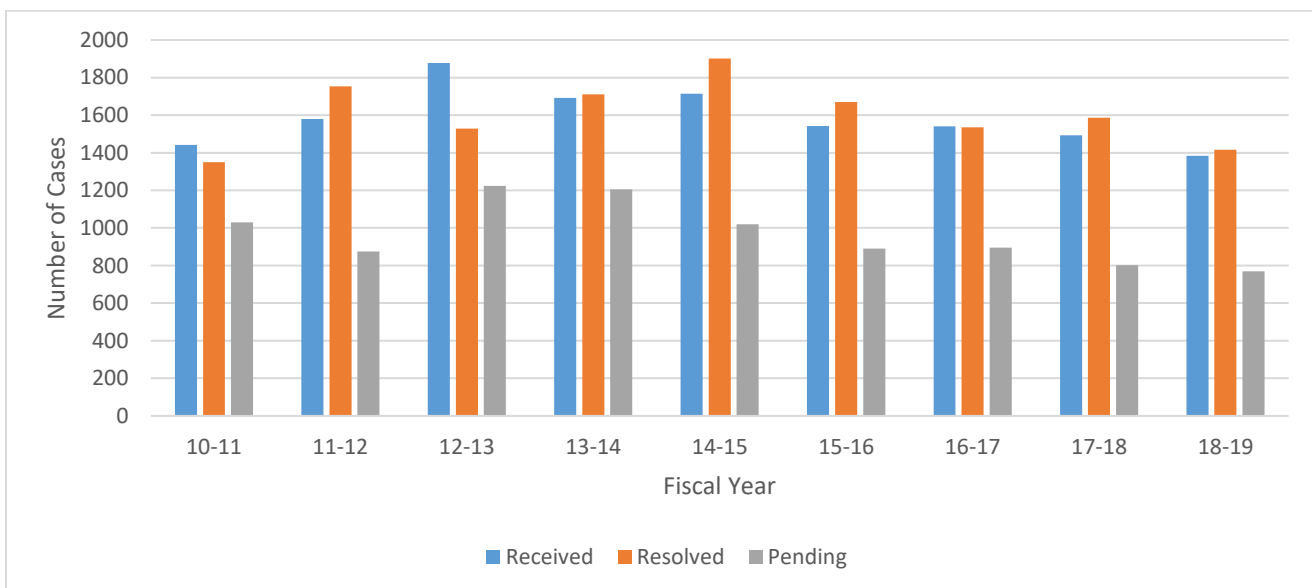
Dismissed:

By Disciplinary Counsel after initial review (no jurisdiction)	328	
By Disciplinary Counsel after investigation (lack of evidence)	824	
By Investigative Panel	74	
By Supreme Court	<u>0</u>	
Total Dismissed		<u>1226</u>

Not Dismissed:

Referred to Other Agency	1	
Closed But Not Dismissed	9	
Closed Due to Death of Lawyer	2	
Deferred Discipline Agreement	1	
Letter of Caution	100	
Admonition	9	
Public Reprimand	22	
Suspension	26	
Disbarment	12	
Bar to Future Admission/Debarment (out-of-state lawyer)	3	
Permanent Resignation in Lieu of Discipline	<u>4</u>	
Total Not Dismissed		<u>191</u>

Total Complaints Resolved	<u>1417</u>
Total Complaints Pending as of June 30, 2019	<u>769</u>



Practice Type

Law firm	43.93%	Less than 1%:
Solo practice	24.64%	Guardian ad Litem
Public defender	20.09%	Not Practicing
Prosecutor	7.23%	Law Clerk
Other government	1.16%	Corporate/General Counsel
Unknown	1.16%	

Source of Complaints

Client	61.42%	Less than 1%
Opposing Party	16.91%	Disciplinary Counsel
Bank	5.13%	Judge
Family/Friend of Client	4.55%	Family/Friend of Witness/Victim
Attorney	3.68%	Fee Disputes Board
Self-Report	1.45%	Family/Friend/Business Associate of Lawyer
Citizen	1.01%	Anonymous
Court Reprtr./Med. Prov./3rd Party Payee	1.01%	Unknown
		Public Official/Agency/Law Enforcement
		Prospective Client
		Family/Friend of Opposing Party
		Receiver/ATP
		Employee
		Litigant (ADR/Regulatory)

Case Type

Criminal	45.81%	Less than 1%:
Domestic	12.36%	Unknown
Personal Injury/Property Damage	8.60%	Immigration
Probate/Estate Planning	6.00%	Homeowners Association
Real Estate	5.78%	Social Security/Federal Benefits
Not Client Related	3.25%	Professional Malpractice
Post-Conviction Relief	2.96%	Corporate/Commercial/Business
Property/Contract Dispute	2.60%	Regulatory/Zoning/Licensing
Debt Collection/Foreclosure	2.31%	Landlord/Tenant
General Civil	1.52%	Intellectual Property
Bankruptcy	1.37%	
Workers' Compensation	1.16%	
Employment	1.01%	

Alleged Misconduct

Neglect/Lack of Diligence	30.49%	Less than 1%:
Dishonesty/Deceit/Misrepresentation	20.45%	Confidentiality
Inadequate Communication	17.05%	Advertising Conduct
Trust Account Conduct	6.79%	Unknown
Lack of Competence	4.34%	Failure to Pay Fee Dispute
Fees	2.82%	Supervision
Conflict of Interest	2.53%	Discovery Abuse
Failure to Deliver Client File	2.17%	Other Conduct
Civility	1.81%	Business Transaction Conduct
Unauthorized Practice	1.73%	Real Estate Conduct
Declining/Terminating Representation	1.37%	Ex Parte Communication
Failure to Pay Third Party	1.30%	Sexual Conduct (Noncriminal)
Criminal Conduct	1.23%	Bar Admissions/Disciplinary Matter
Other Litigation Misconduct	1.08%	
Scope of Representation	1.01%	

SUBSTANCE ABUSE/MENTAL HEALTH:

In the 2018-2019 fiscal year, ODC concluded 20 complaints in which substance abuse or mental health issues were brought to the attention of ODC. Those complaints represented a total of 14 lawyers. Of the complaints concluded that involved substance abuse or mental health issues, 65.00% resulted in some form of discipline against the lawyer. This is compared to an overall discipline rate of 12.63%. Issues included:

Alcohol Related:	5 lawyers
Illegal Drugs:	3 lawyers
Depression:	2 lawyers
Bipolar:	3 lawyers
PTSD:	1 lawyer
Other:	1 lawyer

For more information on current national statistics, trends and recommendations regarding these issues, see 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>. See also Krill, Patrick R., et al., The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, Jour. of Addiction Med., Vol. 10, Issue 1, pp. 46-52 (Jan./Feb.2016).

UNLICENSED* LAWYER COMPLAINTS

In the 2018-2019 fiscal year, ODC concluded 21 complaints against 20 unlicensed lawyers. 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 12.63%. Home jurisdictions of unlicensed lawyers included:

Florida	11
California	6
New York	2
Maryland	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	0
Reports Filed by ATAs	0
Outstanding ATA Reports	0

Attorneys to Assist Disciplinary Counsel are often consulted on investigations without being assigned a field investigation.

COMMISSION ON LAWYER CONDUCT

COMMISSION PROCEEDINGS:

Meetings of Investigative Panels	6
Formal Charges Filed	5
Formal Charges Hearings	4
Incapacity Proceedings	0
Meetings of Full Commission	1

REQUESTS FOR DISMISSAL REVIEW:

Requests for Review by Complainant	109
Dismissal Affirmed by Panel	(109)
Letters of Caution Issued by Panel	0
Case Remanded for Further Investigation	<u>0</u>
Dismissal Review Pending	<u>10</u>

RECEIVER APPOINTMENTS:

Pending as of June 30, 2018	13
New Appointments	+13
Appointments Terminated	<u>(16)</u>
Pending as of June 30, 2019	10

SPECIAL RECEIVER/ATP APPOINTMENTS:

Serving as of June 30, 2018	0
Appointed	0
Discharged	<u>(0)</u>
Serving as of June 30, 2019	<u>0</u>

LAWYERS BEING MONITORED:

New Monitor Files Opened	38*
Lawyers Currently Monitored	116

*includes 4 conditional admissions and 5 conditional reinstatements

SUPREME COURT OF SOUTH CAROLINA

DISCIPLINARY ORDERS*:

Dismissal	0
Closed But Not Dismissed	1
Letter of Caution	0
Admonition	3
Public Reprimand	2
Definite Suspension	10
Disbarment	2
Debarment	2
Resignation in Lieu of Discipline	2
Transfer to Incapacity Inactive	1
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	60
Pending as of June 30, 2019	8