

**ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA  
2020-2021**

**COMPLAINTS PENDING & RECEIVED:**

Complaints Pending June 30, 2020	<b>798</b>	
Complaints Received July 1, 2020 - June 30, 2021	<b>1248</b>	
<b>Total Complaints Pending and Received</b>		<b><u>2046</u></b>

**DISPOSITION OF COMPLAINTS:**

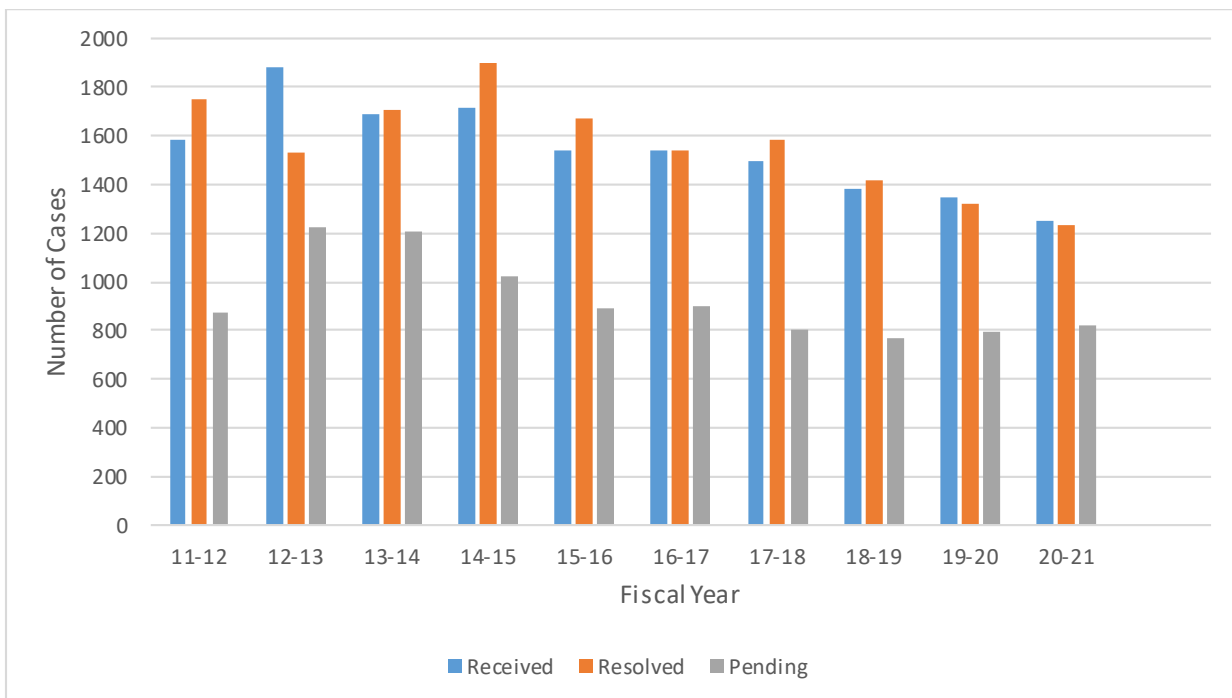
**Dismissed:**

By Disciplinary Counsel after initial review (no jurisdiction)	305	
By Disciplinary Counsel after investigation (lack of evidence)	544	
By Investigative Panel Incl 19(e)	184	
By Supreme Court	<u>0</u>	
<b>Total Dismissed</b>		<b><u>1033</u></b>

**Not Dismissed:**

Referred to Other Agency	0	
Closed But Not Dismissed	4	
Closed Due to Death of Lawyer	6	
Deferred Discipline Agreement	6	
Letter of Caution	107	
Admonition	9	
Public Reprimand	18	
Restitution Ordered	0	
Suspension	13	
Disbarment	22	
Bar to Future Admission/Debarment (out-of-state lawyer)	0	
Permanent Resignation in Lieu of Discipline	<u>10</u>	
<b>Total Not Dismissed</b>		<b><u>195</u></b>

<b>Total Complaints Resolved</b>	<b><u>1228</u></b>
<b>Total Complaints Pending as of June 30, 2021</b>	<b>818</b>



**Practice Type**

Law firm	46.01%	<b>Less than 1%:</b>
Solo practice	28.83%	Corporate/General Counsel
Public defender	11.32%	Mediator/Arbitrator/Commissioner
Prosecutor	4.89%	Law Clerk
Unknown	2.85%	Guardian Ad Litem
Other Government	2.61%	
Not Practicing	1.22%	

**Source of Complaints**

Client	56.35%	<b>Less than 1%:</b>
Opposing Party	17.18%	Family/Friend of Opposing Party
Bank	4.48%	Unknown
Attorney	4.15%	Litigant (ADR/Regulatory)
Citizen	3.83%	Public Official/Agency/Law Enforcement
Family/Friend of Client	3.01%	Anonymous
Court Reporter/3 <sup>rd</sup> Party	1.63%	Receiver / ATP
Self-Report	1.55%	Family/Friend of Witness/Victim
Disciplinary Counsel	1.38%	Fee Disputes Board
Judge	1.22%	Prospective Client
		Family/Friend of Ward
		Litigation Witness/Victim
		Employee
		Family/Friend/Business Associate of Lawyer

**Case Type**

Criminal	33.88%	<b>Less than 1%:</b>
Domestic	15.96%	
General Civil	6.59%	Homeowners Association
Personal Injury/Property Damage	6.43%	Landlord/Tenant
Real Estate	6.03%	Professional Malpractice
Probate/Estate Planning	5.37%	Corporate/Commercial/Business
Unknown	4.23%	Regulatory/Zoning/Licensing
Not Client Related	3.91%	Intellectual Property
Workers Compensation	2.36%	Immigration
Post Conviction Relief	2.12%	Social Security/Federal Benefits
Bankruptcy	2.04%	
Employment	1.63%	
Property/Contract	1.38%	
Personal Injury	1.22%	
Debt Collection/Foreclosure	1.14%	

## **Alleged Misconduct**

Neglect/Lack of Diligence	21.58%
Dishonesty/Deceit/Misrepresentation	20.44%
Communication	14.25%
Trust Account Conduct	5.62%
Unknown	5.37%
Lack of Competence	4.32%
Other	3.18%
Failure to Deliver Client File	3.18%
Scope of Representation	3.01%
Fees	2.93%
Conflict of Interest	2.36%
Civility	2.12%
Declining/Terminating Representation	1.79%
Failure to Pay Third Party	1.71%
Other Litigation Misconduct	1.38%
Advertising Conduct	1.14%
Unauthorized Practice	1.06%

### **Less than 1%:**

Bar Admissions/ Disciplinary Matter  
Discovery Abuse  
Ex Parte Communication  
Sexual Conduct (Noncriminal)  
Real Estate  
Criminal Conduct  
Failure to Pay Fee Dispute  
Supervision  
Business Transaction Conduct  
Probate Conduct  
Confidentiality

Note – the statistics on this page relate to the complaints received in FY 2020-2021

### **SUBSTANCE ABUSE/MENTAL HEALTH:**

In the 2020-2021 fiscal year, ODC concluded 14 complaints in which substance abuse or mental health issues were brought to the attention of ODC. Those complaints represented a total of 8 lawyers.

Depression:	4
Alcohol Abuse:	1
Illegal Drugs:	1
Bipolar Disorder:	1
Anxiety Disorder:	1

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/abaneews/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 2020-2021 fiscal year, ODC concluded 12 complaints against 11 unlicensed lawyers. Of the complaints concluded involving unlicensed lawyers, one resulted in public discipline against the lawyer. Home jurisdictions of unlicensed lawyers included: California; Louisiana; Maryland; Michigan; Minnesota; New York; North Carolina; and, Washington.

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

### **ATTORNEY TO ASSIST ASSIGNMENTS:**

Complaints Assigned to ATAs	2
Reports Filed by ATAs	2
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	8
Formal Charges Hearings	1
Incapacity Proceedings	1
Meetings of Full Commission	0

### REQUESTS FOR DISMISSAL REVIEW:

Requests for Review by Complainant	73
Dismissal Affirmed by Panel	(72)
Letters of Caution Issued by Panel	1
Case Remanded for Further Investigation	0
Dismissal Review Pending	<u>0</u>

### RECEIVER APPOINTMENTS:

Pending as of June 30, 2020	19
New Appointments	+10
Appointments Terminated	<u>(14)</u>
Pending as of June 30, 2021	15

### SPECIAL RECEIVER/ATP APPOINTMENTS:

Serving as of June 30, 2020	2
Appointed	2
Discharged	<u>(2)</u>
Serving as of June 30, 2021	<u><u>2</u></u>

### LAWYERS BEING MONITORED:

New Monitor Files Opened	32
Lawyers Currently Monitored	110

## SUPREME COURT OF SOUTH CAROLINA

### DISCIPLINARY ORDERS\*:

Dismissal	0
Closed But Not Dismissed	0
Letter of Caution	0
Admonition	0
Public Reprimand	5
Definite Suspension	5
Disbarment	5
Debarment	0
Resignation in Lieu of Discipline	2
Transfer to Incapacity Inactive	1
Interim Suspension	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	64
Pending as of June 30, 2021	22