

## ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA 2013- 2014

### COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2013	1223
Complaints Received July 1, 2013 - June 30, 2014	<u>1692</u>
Total Complaints Pending and Received	<u>2915</u>

### DISPOSITION OF COMPLAINTS:

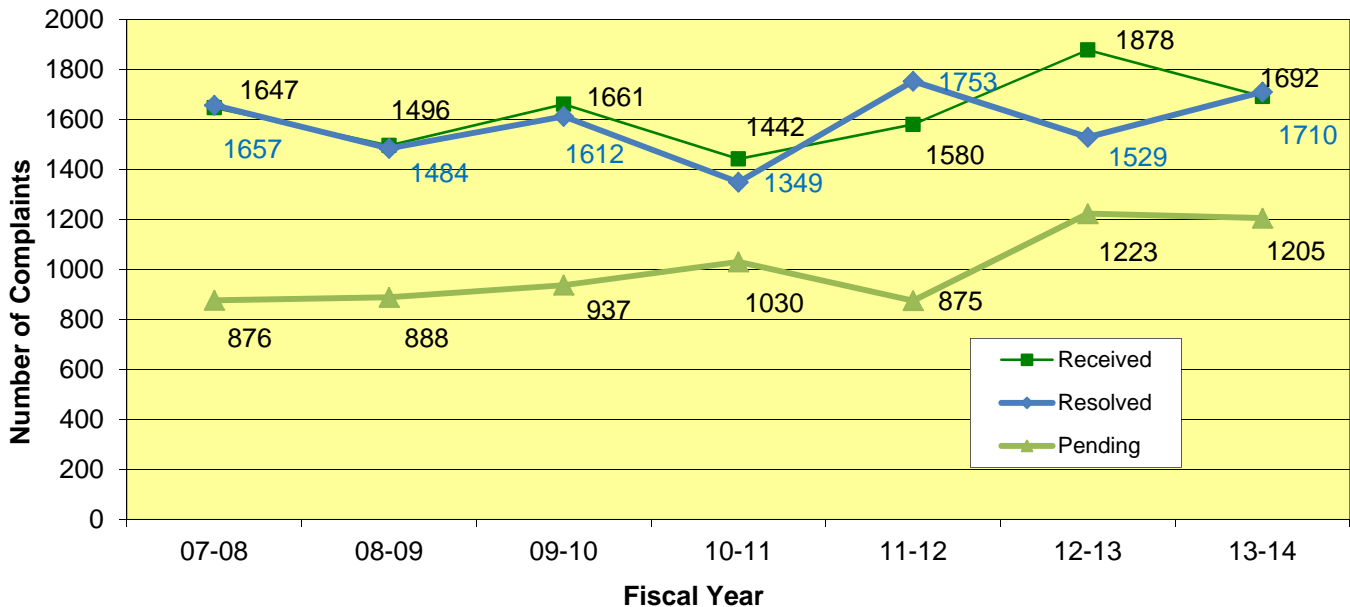
#### Dismissed:

By Disciplinary Counsel after initial review	409
By Disciplinary Counsel after investigation	1015
By Investigative Panel	22
By Supreme Court	<u>3</u>
Total Dismissed	1449

#### Not Dismissed:

Referred to Other Agency	1
Closed But Not Dismissed	2
Closed Due to Death of Lawyer	6
Deferred Discipline Agreement	1
Letter of Caution	166
Admonition	26
Public Reprimand	6
Suspension	26
Disbarment	21
Bar to Future Admission (out-of-state lawyer)	2
Irrevocable Resignation	0
Contempt of Supreme Court	<u>4</u>
Total Not Dismissed	261

Total Complaints Concluded (1710)  
Total Complaints Pending as of June 30, 2014 1205



### Practice Type

Solo practice	36.75%	Out-of-state	1.54%
Law firm	35.86%	Corporate counsel	<1.00%
Public defender	16.74%	Guardian <i>ad litem</i>	<1.00%
Prosecutor	6.65%	Mediator/arbitrator	<1.00%
Other government	1.66%	Not practicing	<1.00%

### Sources of Complaints

Client	58.61%	Public Official/Agency	<1.00%
Opposing Party	14.03%	Family/Friend of Opposing Party	<1.00%
Attorney	5.62%	Fee Disputes Board	<1.00%
Bank	5.27%	Family/Friend of Victim	<1.00%
Family/Friend of Client	3.43%	Victim	<1.00%
Court Reporter/Third Party Payee	2.24%	Anonymous	<1.00%
Judge	1.36%	Prospective Client	<1.00%
Citizen	1.36%	Litigation Witness	<1.00%
Disciplinary Counsel	1.12%	Law Enforcement	<1.00%
Self-Report	1.12%	Medical Provider	<1.00%
Family/Friend of Ward	1.07%	Family/Friend of Lawyer	<1.00%
		Employee of Lawyer	<1.00%

### Case Type

Criminal	41.48%
Domestic	13.03%
General Civil	7.95%
Real Estate	7.89%
Personal Injury	6.46%
Probate	4.96%
Debt Collection/Foreclosure	4.06%
Post-Conviction Relief	3.89%
Not Case Related	2.93%
Property/Contract Dispute	1.32%
Employment	1.20%
Workers Comp	1.20%
Bankruptcy	<1.00%
Corporate/Commercial/Business	<1.00%
Regulatory	<1.00%
Professional Malpractice	<1.00%
Social Security/Federal Benefits	<1.00%
Immigration	<1.00%
Homeowners' Assn Disputes	<1.00%
Landlord/Tenant	<1.00%

### Alleged Misconduct

Neglect	24.08%
Inadequate Communication	18.87%
Dishonesty/Deceit/Misrepresentation	16.88%
Trust Account Misconduct	7.44%
Other Litigation Misconduct	4.54%
Failure to Deliver Client File	4.42%
Improper Fees	3.75%
Conflict of Interest	2.96%
Failure to Pay Third Party	2.42%
Lack of Competence	2.12%
Advertising Misconduct	1.88%
Discovery Abuse	1.75%
Incivility	1.75%
Unauthorized Practice	1.15%
Declining/Terminating Representation	1.01%
Scope of Representation	<1.00%
Inadequate Nonlawyer Supervision	<1.00%
Failure to Pay Fee Dispute	<1.00%
<b>Personal Conduct (not client-related):</b>	
Criminal Conduct	1.27%
Real Estate Misconduct	<1.00%
Probate Conduct	<1.00%
Business Transaction Conduct	<1.00%
Domestic Conduct	<1.00%
Bar Admissions/Disciplinary Matter	<1.00%
Sexual Misconduct (not criminal)	<1.00%

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

In 46 complaints concluded in the 2013-2014 fiscal year, substance abuse or mental health issues were brought to the attention of ODC. This represents 17.62% of the complaints that were not dismissed this year. Issues included:

Depression	12
Alcohol Abuse	11
Illegal Drugs	5
Prescription Drugs	3
Aging Issues/Dementia	1

### **YEARS IN PRACTICE:**

In the 2013-2014 fiscal year, complaints were filed against 1166 lawyers. Of those lawyers, 17.15% were in their first six years of practice. A total of 33.62% of lawyers complained about were in their first twelve years of practice. The statistical significance of this data is dependent on the number of lawyers in active practice in South Carolina in each category. Information about the demographics of practicing lawyers can be obtained from the South Carolina Bar.

<b><u>Years in Practice</u></b>	<b><u>Number of Lawyers</u></b>
up to 6:	200
7 - 12:	195
13 - 18:	190
19 - 24:	186
25 - 30:	139
31 - 36:	129
37 - 42:	91
43 - 48:	21
49 - 54:	5
55 - 60:	6
61 - 66:	2
67 and up:	2

## COMMISSION ON LAWYER CONDUCT

### COMMISSION PROCEEDINGS:

Meetings of Investigative Panels	10
Formal Charges Filed	9
Disciplinary Hearings	7
Incapacity Proceedings	1
Meetings of Full Commission	1

### REQUESTS FOR DISMISSAL REVIEW:

Requests for Review by Complainant	128
Dismissal Affirmed	(120)
Case Remanded for Further Investigation	<u>(2)</u>
Dismissal Review Pending	<u><u>6</u></u>

### RECEIVER APPOINTMENTS:

Appointments	16
Discharged	<u>(1)</u>
Pending	<u>15</u>

### ATTORNEYS TO PROTECT CLIENTS' INTERESTS:

Serving as of July 1, 2013	35
Appointed	+ 3
Discharged	<u>(22)</u>
Serving as of June 30, 2014	<u>16</u>

### LAWYERS BEING MONITORED:

New Monitor Files Opened	48*
Lawyers Currently Monitored	114

\*includes 8 conditional admissions

## ATTORNEYS TO ASSIST DISCIPLINARY COUNSEL

### ATA ASSIGNMENTS:

Complaints Assigned to ATAs	8
Reports Filed by ATAs	14
Outstanding ATA Reports	6

## SUPREME COURT OF SOUTH CAROLINA

### DISCIPLINARY ORDERS\*:

Dismissal	3
Letter of Caution	2
Admonition	7
Public Reprimand	4
Definite Suspension	11
Disbarment	7
Bar to Future Admission	1
Transfer to Incapacity Inactive	0
Interim Suspension	18

\*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	68
Pending as of June 30, 2014	48