

**ANNUAL REPORT OF LAWYER DISCIPLINE IN SOUTH CAROLINA
2021-2022**

COMPLAINTS PENDING & RECEIVED:

Complaints Pending June 30, 2021	818	
Complaints Received July 1, 2021 - June 30, 2022	1571	
Total Complaints Pending and Received		<u>2389</u>

DISPOSITION OF COMPLAINTS:

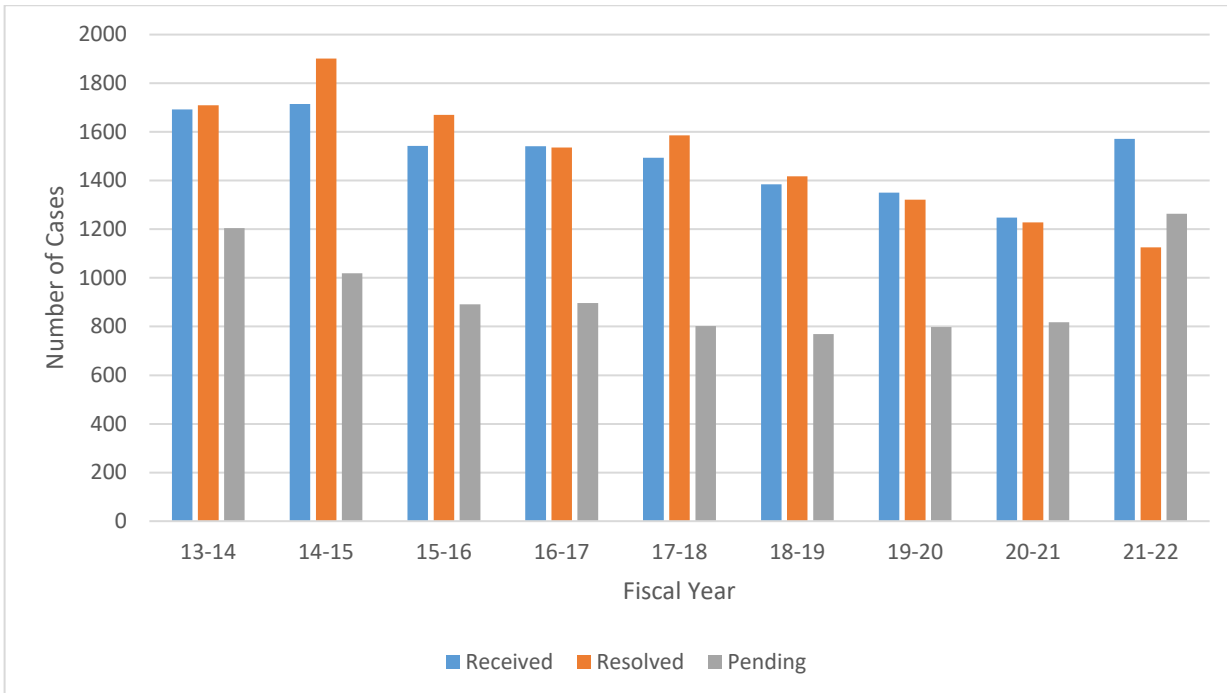
Dismissed:

By Disciplinary Counsel after initial review (no jurisdiction)	345	
By Disciplinary Counsel after investigation (lack of evidence)	610	
By Commission	28	
By Disciplinary Counsel - other	<u>1</u>	
Total Dismissed		<u>984</u>

Not Dismissed:

Referred to Other Agency	0	
Closed But Not Dismissed	3	
Closed Due to Death of Lawyer	13	
Deferred Discipline Agreement	1	
Letter of Caution	68	
Admonition	5	
Public Reprimand	16	
Restitution Ordered	0	
Suspension	23	
Disbarment	10	
Bar to Future Admission/Debarment (out-of-state lawyer)	0	
Permanent Resignation in Lieu of Discipline	3	
Total Not Dismissed		<u>142</u>

Total Complaints Resolved	<u>1126</u>
Total Complaints Pending as of June 30, 2022	<u>1263</u>



Practice Type

Law firm	41.59%
Solo practice	31.17%
Public Defender	10.86%
Prosecutor	7.39%
Unknown	3.03%
Other Government	2.67%
Guardian Ad Litem	1.34%
Not practicing	1.16%
Other practice types	0.79%

Source of Complaints

Client	53.34%
Opposing Party	18.88%
Attorney	4.27%
Citizen	4.19%
Family/Friend of Client	3.21%
Bank	3.03%
Unknown	1.78%
Court Reporter/Other 3 rd Party	1.69%
Disciplinary Counsel	1.60%
Self-Report	1.34%
Prospective Client	1.07%
Family/Friend of Opposing Party	1.07%
Other sources, each less than 1%	4.55%

Case Type

Criminal	34.02%
Domestic	18.25%
General Civil	6.95%
Real Estate	6.23%
Probate/Estate Planning	5.7%
Personal Injury/Property Damage	5.08%
Not Client Related	4.81%
Unknown	4.36%
Post-Conviction Relief	2.23%
Debt Collection/Foreclosure	2.05%
Employment	1.51%
Workers Compensation	1.42%
Bankruptcy	1.16%
Other case types, each less than 1%	6.23%

Alleged Misconduct

Communication	17.36%
Dishonesty/Deceit/Misrepresentation	17.10%
Neglect/Lack of Diligence	16.21%
Unknown	6.41%
Other Conduct	4.90%
Lack of Competence	4.63%
Trust Account Issue	4.63%
Scope of Representation	3.29%
Civility	2.94%
Conflict of Interest	2.58%
Fees	2.49%
Failure to Pay Third Party	2.23%
Failure to Deliver Client File	2.14%
Confidentiality	1.96%
Declining/Terminating Representation	1.96%
Unauthorized Practice	1.60%
Other Litigation Misconduct	1.51%
Discovery Abuse	1.25%
Criminal Conduct	1.16%
Advertising Misconduct	1.07%
Other allegations, each less than 1%	1.04%

Note – the statistics on this page relate to the complaints received in FY 2021-2022

SUBSTANCE ABUSE/MENTAL HEALTH:

In the 2021-2022 fiscal year, ODC concluded 21 complaints in which substance abuse or mental health issues were brought to the attention of ODC. Those complaints represented a total of 13 lawyers. Issues included:

Depression:	7
Alcohol related:	7
Anxiety disorder:	1
Illegal Drugs:	2
Other:	4

UNLICENSED* LAWYER COMPLAINTS

In the 2021-2022 fiscal year, ODC concluded 3 complaints against 3 unlicensed lawyers. Home jurisdictions of unlicensed lawyers included:

Ohio	1
Georgia	2

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

ATTORNEY TO ASSIST ASSIGNMENTS:

Complaints Assigned to ATAs 29

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	7
Formal Charges Filed	7
Formal Charges Hearings	3
Incapacity Proceedings	2
Meetings of Full Commission	0

REQUESTS FOR DISMISSAL REVIEW:

Requests for Review by Complainant	73
Dismissal Affirmed by Panel	(73)
Letters of Caution Issued by Panel	0
Case Remanded for Further Investigation	0
Dismissal Review Pending	0

RECEIVER APPOINTMENTS:

Pending as of June 30, 2022	15
New Appointments	+10
Appointments Terminated	<u>(12)</u>
Pending as of June 30, 2022	13

SPECIAL RECEIVER/ATP APPOINTMENTS:

Serving as of June 30, 2022	2
Appointed	0
Discharged	<u>(1)</u>
Serving as of June 30, 2022	<u>1</u>

LAWYERS BEING MONITORED:

New Monitor Files Opened	40
Lawyers Currently Monitored	118

SUPREME COURT OF SOUTH CAROLINA

DISCIPLINARY ORDERS*:

Dismissal	1
Closed But Not Dismissed	0
Letter of Caution	0
Admonition	1
Public Reprimand	7
Definite Suspension	7
Disbarment	5
Debarment	0
Resignation in Lieu of Discipline	2
Transfer to Incapacity Inactive	1
Interim Suspension	15

*These figures represent the number of orders issued by the Supreme Court, not the number of complaints. Some orders concluded multiple complaints.

COMPLAINTS REFERRED TO SUPREME COURT:

Complaints resolved	45
Pending as of June 30, 2022	15