

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Donald Keith Knight, Jr.

390 S.C. 248, 701 S.E.2d 29 (2010) · No. No. 26884 · Decided October 11, 2010

SUMMARY

The Supreme Court of South Carolina considered reciprocal discipline following the respondent's voluntary surrender of his Georgia law license, which Georgia treated as tantamount to disbarment. The court held that the respondent had not shown grounds for imposing lesser discipline and disbarred him from practicing law in South Carolina, retroactive to June 28, 2010.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Toal, C.J.; Pleicones, J.; Beatty, J.; Kittredge, J.; Hearn, J.
JURISDICTION	South Carolina
DECIDED	October 11, 2010
DOCKET	No. 26884
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding arising from the Supreme Court of Georgia's acceptance of respondent's voluntary surrender of his law license, which Georgia treated as tantamount to disbarment.
STANDARD OF REVIEW	Under Rule 29, RLDE, the court imposes identical reciprocal discipline unless the party seeking different discipline demonstrates, or the court finds from the face of the record, one of the rule's specified exceptions.
PRECEDENTIAL VALUE	Published opinion; precedential South Carolina Supreme Court decision concerning reciprocal attorney discipline.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether respondent's Georgia voluntary surrender of his law license constituted discipline equivalent to disbarment for purposes of South Carolina's reciprocal-discipline rule.
2. Whether respondent demonstrated under Rule 29(d), RLDE, that South Carolina should impose a lesser discipline, particularly because the reason for an alleged transfer to incapacity inactive status no longer existed.
3. Whether respondent should be disbarred from practicing law in South Carolina retroactive to the date of the Georgia discipline.

HOLDINGS

1. Respondent's voluntary surrender under the Georgia rule was a form of discipline equivalent to disbarment, not a transfer to incapacity inactive status.
2. Respondent failed to demonstrate that identical discipline would be inappropriate in South Carolina.
3. Disbarment was the appropriate reciprocal sanction, effective retroactively to June 28, 2010.

KEY QUOTATIONS

“When a lawyer has been disciplined in another jurisdiction, this Court will impose the identical discipline or incapacity inactive status unless the lawyer or disciplinary counsel demonstrates, or the Court finds, that it clearly appears on the face of the record from which the discipline is predicated” (253-54)

“We therefore find disbarment is the appropriate sanction to impose as reciprocal discipline in this matter.” (255)

FACTUAL BACKGROUND

The Supreme Court of Georgia accepted respondent's voluntary surrender of his law license after multiple complaints and grievances alleged forgery, conversion of client and firm funds, misuse of checks, failure to communicate, and abandonment of clients. Respondent admitted the material allegations and admitted that drug addiction had impaired his competency as a lawyer. In South Carolina, he argued that his recovery justified a lesser sanction, while the Office of Disciplinary Counsel argued that the Georgia disposition was equivalent to disbarment and that reciprocal disbarment was required.

PROCEDURAL HISTORY

The Supreme Court of Georgia accepted respondent's petition for voluntary surrender of his license on June 28, 2010, and directed that his name be removed from the rolls of persons authorized to practice law in Georgia. The South Carolina Office of Disciplinary Counsel filed a certified copy of the Georgia order under South Carolina's reciprocal-discipline rule. Respondent sought a lesser sanction under Rule 29(d)(5), RLDE, based on recovery from drug addiction and asserted lack of client monetary loss. The South Carolina Supreme Court rejected that request and imposed disbarment retroactive to June 28, 2010.

DISPOSITION

other

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