

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Steven Robinson Cureton

373 S.C. 1, 644 S.E.2d 661 (2007) · No. 26301 · Decided April 23, 2007

SUMMARY

The Supreme Court of South Carolina accepted an Agreement for Discipline by Consent and imposed a two-year suspension from the practice of law on Steven Robinson Cureton. The court found violations arising from criminal drug offenses and failures in client communication, representation, fee refunds, and protection of client interests, and required completion of criminal sentencing obligations and restitution.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Chief Justice Toal; Justice Moore; Justice Waller; Justice Burnett; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	April 23, 2007
DOCKET	26301
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding resolved by an Agreement for Discipline by Consent. The Supreme Court withdrew its prior opinion imposing a two-year suspension and substituted this opinion to accurately reflect the disposition of the underlying criminal charges.
PRECEDENTIAL VALUE	published

TOPICS

restitution remedies criminal procedure

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

1. What disciplinary sanction was appropriate for respondent's admitted criminal and professional misconduct?

2. Whether respondent's two-year definite suspension should run from the date of his interim suspension.
3. What conditions should govern respondent's reinstatement and restitution obligations.

HOLDINGS

1. A two-year suspension from the practice of law is the appropriate sanction for respondent's admitted criminal and professional misconduct.
2. The definite two-year suspension does not run from the date of respondent's interim suspension.
3. Respondent is not eligible for reinstatement until he has paid his fine and completed the imposed sentence, including probation; he must also enter into a restitution plan within thirty days and file an affidavit demonstrating compliance with Rule 30, RLDE, within fifteen days.

KEY QUOTATIONS

“We accept the Agreement and find a two year suspension from the practice of law is the appropriate sanction; however, we deny respondent's request that the definite suspension run from the date of his interim suspension.” (373 S.C. at 2)

“Respondent shall, within thirty days of the date of this opinion, enter into a restitution plan with the Office of Disciplinary Counsel, and begin making restitution to presently known and/or subsequently identified clients, banks, and other persons and entities, including the Lawyers' Fund for Client Protection, who have incurred losses as a result of respondent's misconduct in connection with these matters.” (373 S.C. at 4)

FACTUAL BACKGROUND

Respondent, an attorney, was charged with several drug-possession offenses, pleaded guilty to possession of hydrocodone and acetaminophen, marijuana, and cocaine, and acknowledged cocaine dependency for which he completed treatment. He also represented three clients but failed to communicate with reasonable diligence and promptness after his suspension, requiring the clients to retain replacement counsel. Respondent admitted the professional-conduct violations and acknowledged that the clients were entitled to refunds of unearned retainers.

PROCEDURAL HISTORY

The respondent and the Office of Disciplinary Counsel entered into an Agreement for Discipline by Consent under Rule 21, RLDE, Rule 413, SCACR. The court accepted the agreement, imposed a two-year suspension, denied the respondent's request to credit the suspension from the date of his interim suspension, and imposed restitution and compliance requirements.

DISPOSITION

other

CASES CITED

- In re Cureton, 363 S.C. 78, 609 S.E.2d 527 (2005)

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