

# SUPREME COURT OF SOUTH CAROLINA

## In the Matter of Peter D. Korn

In re Korn, Opinion No. 28021 (S.C. Apr. 21, 2021) · No. 2021-000025 · Decided April 21, 2021

### SUMMARY

The South Carolina Supreme Court accepts an Agreement for Discipline by Consent and publicly reprimands attorney Peter D. Korn. The misconduct involved failure to ensure payment for foreclosure-related services and delay in returning earnest money, violating specified South Carolina Rules of Professional Conduct.

### CASE DETAILS

|                       |                                                                                                                                                                                                               |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of South Carolina                                                                                                                                                                               |
| WRITING FOR THE COURT | Chief Justice Beatty; Justice Kittredge; Justice Hearn; Justice Few; Justice James                                                                                                                            |
| JURISDICTION          | South Carolina                                                                                                                                                                                                |
| DECIDED               | April 21, 2021                                                                                                                                                                                                |
| DOCKET                | 2021-000025                                                                                                                                                                                                   |
| DISPOSITION           | other                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Original attorney-discipline proceeding arising from Respondent's Agreement for Discipline by Consent with the Office of Disciplinary Counsel under Rule 21 of the Rules for Lawyer Disciplinary Enforcement. |
| PRECEDENTIAL VALUE    | published disciplinary opinion                                                                                                                                                                                |

### TOPICS

foreclosure commercial litigation administrative law

### PRACTICE AREAS

attorney discipline professional responsibility foreclosure law commercial litigation

### QUESTIONS PRESENTED

1. Whether Respondent's admitted conduct violated the cited Rules of Professional Conduct and constituted grounds for lawyer discipline.

2. Whether the Agreement for Discipline by Consent should be accepted and a public reprimand imposed.

## HOLDINGS

1. Respondent's failure to ensure payment for services that enabled the firm's foreclosure practice, despite the firm's receipt of payment for those costs from clients, violated Rule 4.4(a) and Rule 8.4(e), Rule 407, SCACR.
2. Respondent's delay in delivering the deed and Master's commission and in returning earnest money violated Rule 1.15(d), RPC, Rule 407, SCACR.
3. The admitted misconduct warranted a public reprimand, and the court accepted the Agreement for Discipline by Consent.

## KEY QUOTATIONS

*"We find Respondent's misconduct warrants a public reprimand. Accordingly, we accept the Agreement and publicly reprimand Respondent for his misconduct."* (16)

*"Within one year of the date of this opinion, Respondent shall complete the Legal Ethics and Practice Program Ethics School, Trust Account School, and Advertising School."* (16)

## FACTUAL BACKGROUND

Peter D. Korn and his firm represented lenders in high-volume foreclosure matters and incurred substantial unpaid obligations to a service provider after the firm's foreclosure business declined. Although the firm generally received reimbursement from clients for costs advanced in foreclosure actions, it failed to keep current on payments to the service provider. In a separate foreclosure matter, the firm delayed transmitting a deed and Master's commission, causing a purchaser's closing to fail, and delayed returning the purchaser's \$1,000 earnest money despite repeated requests. Korn admitted the specified professional-conduct violations.

## PROCEDURAL HISTORY

The Office of Disciplinary Counsel investigated misconduct arising from Respondent's handling of foreclosure-related firm obligations, a foreclosure deed and Master's commission, and earnest money held for a purchaser. Respondent admitted violations of specified Rules of Professional Conduct, consented to discipline, agreed to pay costs, and agreed to complete three ethics-related educational programs. The Supreme Court accepted the agreement and imposed a public reprimand.

## DISPOSITION

other