

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Alma C. Defillo

409 S.C. 314 (2014) · No. 2014-001077 · Decided August 13, 2014

SUMMARY

The South Carolina Supreme Court disciplined Alma C. Defillo, a Florida-licensed attorney who was not licensed in South Carolina, for offering legal services and advertising in South Carolina. The court found violations involving unauthorized practice, misleading communications and firm designations, improper advertising of specialization, and failure to cooperate with disciplinary authorities, and permanently barred her from seeking admission or advertising in the state without court authorization.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Toal, C.J.; Pleicones, J.; Beatty, J.; Kittredge, J.; Hearn, J.
JURISDICTION	South Carolina
DECIDED	August 13, 2014
DOCKET	2014-001077
DISPOSITION	other
PROCEDURAL POSTURE	Original lawyer-discipline proceeding before the Supreme Court of South Carolina. The Office of Disciplinary Counsel filed Formal Charges; respondent failed to answer and was found in default. After an evidentiary hearing at which respondent did not appear, the Hearing Panel recommended discipline, and neither party filed exceptions.
STANDARD OF REVIEW	The authority to discipline lawyers and the manner in which discipline is imposed are matters within the Court's discretion; where the lawyer is in default, the Court need only determine the appropriate sanction.
PRECEDENTIAL VALUE	published

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether South Carolina had disciplinary jurisdiction over a lawyer licensed in another state but not admitted in South Carolina who offered legal services and targeted advertising to potential clients in South Carolina.
2. Whether respondent's conduct violated South Carolina Rules of Professional Conduct governing unauthorized practice-related representations, misleading communications, specialization claims, firm names and letterhead, jurisdictional disclosures, and cooperation with disciplinary authorities.
3. What sanction was appropriate given respondent's misconduct, default, failure to cooperate, and failure to appear.

HOLDINGS

1. South Carolina may exercise disciplinary jurisdiction over a lawyer not admitted in the state when the lawyer offers legal services in South Carolina or engages in advertising or solicitation targeted to potential South Carolina clients.
2. A respondent who fails to answer Formal Charges is deemed to admit the factual allegations; a respondent who fails to appear at the panel hearing is deemed to admit the factual allegations and concede the merits of recommendations considered at the hearing; and failure to except to the Hearing Panel report constitutes acceptance of its findings, conclusions, and recommendations.
3. Respondent violated Rules 5.5(b)(2), 7.1(a), 7.1(c), 7.4(b), 7.5(a), 7.5(b), 7.5(d), and 8.1(b), RPC, Rule 407, SCACR, and Rules 7(a)(1) and 7(a)(3), RLDE, Rule 413, SCACR.
4. Respondent was permanently debarred from seeking any form of admission to practice law in South Carolina, including pro hac vice admission, without a prior order of the Court; she was also prohibited from advertising or soliciting business in South Carolina without such an order.

KEY QUOTATIONS

“We find it appropriate to permanently debar respondent from seeking any form of admission to practice law in this state (including pro hac vice admission) without first obtaining an order from this Court allowing her to seek admission.”

“Further, we prohibit respondent from advertising or soliciting business in South Carolina without first obtaining an order from this Court allowing her to advertise or solicit business in this state.”

FACTUAL BACKGROUND

Respondent, who was licensed to practice law in Florida but not South Carolina, opened an office in Greenville and marketed legal services to South Carolina residents. Her website, letterhead, business cards, print advertisements, and radio commercials failed to disclose that she was not licensed in South Carolina and included misleading statements about her practice, including references to criminal and family law, partnerships, specialization, and expertise. She also sent letters to South Carolina circuit judges in connection with federal immigration matters. Respondent later failed to respond to a supplemental investigation notice, failed to appear

for a disciplinary interview and hearing, and made misleading statements about the scope of her practice and advertising.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel charged respondent with unauthorized practice-related conduct, misleading advertising and solicitation, and failure to cooperate with the disciplinary investigation. Respondent failed to answer the Formal Charges, failed to appear for the hearing, and failed to file exceptions to the Hearing Panel's report. The Supreme Court considered the matter and imposed discipline.

DISPOSITION

other

CASES CITED

- In the Matter of Berger, 2014 WL 1386688 (2014)
- In the Matter of Van Son, 403 S.C. 170, 742 S.E.2d 660 (2013)
- In the Matter of Hall, 333 S.C. 247, 251, 509 S.E.2d 266, 268 (1998)