

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Robert L. Gailliard

362 S.C. 428, 608 S.E.2d 434 (2005) · No. No. 25927 · Decided January 24, 2005

SUMMARY

The Supreme Court of South Carolina accepted an agreement for discipline by consent and indefinitely suspended Robert L. Gailliard from practicing law. The suspension followed his conviction for assault and battery of a high and aggravated nature and allegations that he practiced law while under interim suspension.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Moore; Justice Waller; Justice Burnett; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	January 24, 2005
DOCKET	No. 25927
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary matter submitted to the Supreme Court of South Carolina on an Agreement for Discipline by Consent and a Petition for Rule to Show Cause.
PRECEDENTIAL VALUE	Published opinion

TOPICS

administrative law agency adjudication

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

- Whether the court should accept the Agreement for Discipline by Consent and impose discipline for respondent's criminal misconduct.

2. Whether the court should issue a Rule to Show Cause based on the allegation that respondent practiced law while subject to an interim suspension.

HOLDINGS

1. The court accepted the Agreement for Discipline by Consent and indefinitely suspended respondent from the practice of law in South Carolina.
2. The court declined to issue the Rule to Show Cause but reminded respondent that he was prohibited from participating in any activity constituting the practice of law while suspended.

KEY QUOTATIONS

“We accept the Agreement for Discipline by Consent and indefinitely suspend respondent from the practice of law.” (362 S.C. at 429)

“Although we decline to issue a Rule to Show Cause, we remind respondent that he is prohibited from participating in any activity which constitutes the practice of law while he is suspended.” (362 S.C. at 429)

FACTUAL BACKGROUND

Respondent was convicted on August 25, 2004, of assault and battery of a high and aggravated nature after striking his teenage son with his truck. He received a four-year sentence suspended upon service of three years' probation, anger management, and additional counseling as needed. He was later placed on interim suspension, and the Office of Disciplinary Counsel alleged that he attempted to obtain a client's release from jail while suspended.

PROCEDURAL HISTORY

Respondent and the Office of Disciplinary Counsel entered into an Agreement for Discipline by Consent after respondent's criminal conviction and interim suspension. The Office of Disciplinary Counsel also filed a Petition for Rule to Show Cause alleging that respondent practiced law while suspended. The court accepted the consent agreement, imposed an indefinite suspension, and declined to issue the rule to show cause.

DISPOSITION

other