

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Wallace A. Mullinax, Jr.

396 S.C. 504, 722 S.E.2d 524 (2012) · No. No. 27091 · Decided February 1, 2012

SUMMARY

The Supreme Court of South Carolina accepted an Agreement for Discipline by Consent concerning an attorney who engaged in sexual relations with a domestic-law client during the representation. The court publicly reprimanded the attorney and ordered him to complete the Legal Ethics and Practice Program Ethics School within one year.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Pleicones; Justice Beatty; Justice Kittredge; Justice Hearn
JURISDICTION	South Carolina
DECIDED	February 1, 2012
DOCKET	No. 27091
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding based on an Agreement for Discipline by Consent submitted by the Office of Disciplinary Counsel and respondent.
PRECEDENTIAL VALUE	Published disciplinary opinion

TOPICS

family law

family law procedure

PRACTICE AREAS

attorney discipline

professional responsibility

family law

QUESTIONS PRESENTED

1. Whether respondent's admitted sexual relations with a client during representation violated the South Carolina Rules of Professional Conduct.
2. What discipline was warranted under the Agreement for Discipline by Consent.

HOLDINGS

1. Respondent's admitted sexual relations with the complainant during his representation violated Rule 1.8(m) and constituted conduct prejudicial to the administration of justice under Rule 8.4(e).
2. The misconduct warranted a public reprimand, together with completion of the Legal Ethics and Practice Program Ethics School within one year of the order.

KEY QUOTATIONS

"We accept the agreement, issue a public reprimand, and order respondent to complete the Legal Ethics and Practice Program Ethics School within one (1) year of the date of this order." (505)

"Accordingly, we accept the Agreement for Discipline by Consent and publicly reprimand respondent for his misconduct." (507)

FACTUAL BACKGROUND

Respondent represented a complainant in a domestic matter involving separate maintenance, possession of the residence, alimony, custody, child support, and related relief. During the representation, respondent admitted having sexual relations with the complainant on two occasions. After opposing counsel advised respondent of an investigator's report, respondent advised the complainant to obtain new counsel, prepared a substitution-of-counsel order, and reimbursed her legal fees.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel and respondent entered into an Agreement for Discipline by Consent under Rule 21, RLDE. The South Carolina Supreme Court accepted the agreement, publicly reprimanded respondent, and ordered him to complete the Legal Ethics and Practice Program Ethics School within one year.

DISPOSITION

other