

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Fulton Casey Dale Cornwell

Opinion No. 27864 (S.C. Apr. 24, 2019) · No. Appellate Case No. 2018-001660 · Decided April 24, 2019

SUMMARY

The South Carolina Supreme Court accepted an Agreement for Discipline by Consent and disbarred Fulton Casey Dale Cornwell, retroactive to his February 17, 2017 interim suspension. The court found misconduct involving inadequate client communication, failures in post-conviction and appellate matters, nonresponsiveness to disciplinary authorities, improper handling of trust-account funds, and related rule violations; the court issued a substituted and refiled opinion after granting rehearing.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Donald W. Beatty, C.J.; John W. Kittredge, J.; Kaye G. Hearn, J.; John Cannon Few, J.; George C. James, Jr., J.
JURISDICTION	South Carolina
DECIDED	April 24, 2019
DOCKET	Appellate Case No. 2018-001660
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from an Agreement for Discipline by Consent. The Office of Disciplinary Counsel petitioned for rehearing of the court's prior disbarment opinion, and the court granted rehearing, withdrew and substituted the prior opinion, accepted the Agreement, and again disbarred respondent.
PRECEDENTIAL VALUE	Published South Carolina Supreme Court opinion and disciplinary order
PARTIES	Office of Disciplinary Counsel v. Fulton Casey Dale Cornwell

TOPICS

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QUESTIONS PRESENTED

1. Whether the court should grant the Office of Disciplinary Counsel's petition for rehearing and substitute the prior opinion.
2. Whether the court should accept the Agreement for Discipline by Consent in which respondent admitted professional misconduct.
3. Whether respondent's admitted violations warranted disbarment retroactive to the date of his interim suspension.

HOLDINGS

1. The court granted the Office of Disciplinary Counsel's petition for rehearing, dispensed with further briefing, and substituted the attached opinion for the opinion previously filed.
2. The court accepted the Agreement for Discipline by Consent under Rule 21 of the Rules for Lawyer Disciplinary Enforcement.
3. Respondent was disbarred from the practice of law in South Carolina, retroactive to February 17, 2017, the date of his interim suspension.

KEY QUOTATIONS

“We accept the Agreement and disbar respondent from the practice of law in this state, retroactive to the date of his interim suspension.”

“Respondent cannot demonstrate that the funds in his trust account were handled properly because he did not maintain accurate records as required by the rules for financial recordkeeping.”

FACTUAL BACKGROUND

Cornwell represented multiple clients in post-conviction relief matters and repeatedly failed to communicate with clients, respond to requests for information, respond to disciplinary notices, or properly handle appellate-related obligations. In one matter, he failed to pursue a requested appeal or provide required explanations to the Supreme Court of South Carolina. In a domestic-relations matter, he failed to communicate adequately, failed to provide agreed legal services, and refused a requested fee refund. He also improperly used his trust account, commingled funds, made cash withdrawals and personal payments, and failed to maintain required financial records.

PROCEDURAL HISTORY

Respondent was placed on interim suspension effective February 17, 2017. The court previously disbarred him by opinion filed February 27, 2019, retroactive to the interim suspension date. The Office of Disciplinary Counsel sought rehearing; on April 24, 2019, the court granted rehearing, dispensed with further briefing, withdrew and substituted the prior opinion, accepted the parties' Agreement for Discipline by Consent, and imposed disbarment with conditions concerning costs, reinstatement education, compliance with reinstatement rules, filing an affidavit, and surrender of the certificate of admission.

DISPOSITION

other

CASES CITED

- In re Cornwell, 419 S.C. 238, 797 S.E.2d 395 (2017)
- In re Treacy, 277 S.C. 514, 290 S.E.2d 240 (1982)
- Dennison v. State, 371 S.C. 221, 639 S.E.2d 35 (2006)

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