

SUPREME COURT OF SOUTH CAROLINA

In the Matter of William Glenn Rogers, Jr.

375 S.C. 535, 654 S.E.2d 538 (2007) · No. No. 26403 · Decided December 10, 2007

SUMMARY

The Supreme Court of South Carolina accepted an Agreement for Discipline by Consent concerning attorney William Glenn Rogers, Jr. The court imposed a sixty-day suspension from the practice of law, retroactive to his interim suspension, based on failures involving client representation and responses to disciplinary authorities.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Moore; Justice Waller; Justice Pleicones; Justice Beatty
JURISDICTION	South Carolina
DECIDED	December 10, 2007
DOCKET	No. 26403
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary matter submitted to the Supreme Court of South Carolina on an Agreement for Discipline by Consent.
PRECEDENTIAL VALUE	Published opinion

TOPICS

administrative law agency adjudication appellate procedure

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

- Whether the Agreement for Discipline by Consent should be accepted.
- What sanction was appropriate for respondent's admitted violations of the Rules of Professional Conduct and the Rules for Lawyer Disciplinary Enforcement.
- Whether the suspension should be made retroactive to the date of respondent's interim suspension.

HOLDINGS

1. The court accepted the Agreement for Discipline by Consent.
2. A sixty-day suspension from the practice of law was the appropriate sanction for respondent's misconduct.
3. The sixty-day suspension was made retroactive to the date of respondent's interim suspension.

KEY QUOTATIONS

“We find a sixty day suspension is the appropriate sanction for respondent's misconduct.” (538)

“Accordingly, we accept the Agreement for Discipline by Consent and suspend respondent from the practice of law for sixty days, retroactive to the date of his interim suspension.” (538)

FACTUAL BACKGROUND

Respondent, a public defender, failed to appear for a case, failed to notify his client of the trial, and later sought a continuance after appearing for trial. The trial judge held him in contempt, ordered him to pay the jury costs and apologize to the jurors, and respondent complied. In that matter and three others, respondent failed to respond to the Office of Disciplinary Counsel's inquiries and investigation notices, which he attributed to depression. After his interim suspension, he cooperated with disciplinary authorities and obtained mental-health assistance.

PROCEDURAL HISTORY

The respondent and the Office of Disciplinary Counsel entered into an Agreement for Discipline by Consent under Rule 21 of the Rules for Lawyer Disciplinary Enforcement. The respondent admitted misconduct and consented to a range of sanctions. The Supreme Court accepted the agreement and imposed a sixty-day suspension retroactive to the date of the respondent's interim suspension.

DISPOSITION

other

CASES CITED

- In the Matter of Rogers, 375 S.C. 58, 650 S.E.2d 463 (2007)
- In the Matter of Treacy, 277 S.C. 514, 290 S.E.2d 240 (1982)

OPINION

PER CURIAM.

375 S.C. 535 (2007) 654 S.E.2d 538 In the Matter of William Glenn ROGERS, Jr., Respondent. No. 26403. Supreme Court of South Carolina. Submitted November 6, 2007. Decided December 10, 2007. *536 Lesley M. Coggiola, Disciplinary Counsel, and Joseph P. Turner, Jr., Assistant Disciplinary Counsel, both of Columbia, for Office of Disciplinary Counsel. Douglas J. Robinson, of Camden, for Respondent.

PER CURIAM: In this attorney disciplinary matter, respondent and the Office of Disciplinary Counsel have entered into an Agreement for Discipline by Consent pursuant to Rule 21, RLDE, Rule 413, SCACR. In the Agreement, respondent admits misconduct and consents to the imposition of a range of sanctions from a confidential admonition to a sixty day suspension pursuant to Rule 7(b), RLDE, Rule 413, SCACR.

Respondent requests any suspension be made retroactive to the date *537 of his interim suspension.[1] We accept the agreement and suspend respondent from the practice of law in this state for sixty days, retroactive to the date of his interim suspension. FACTS Respondent, who was a public defender at the time, failed to appear for a case and another public defender picked the jury on his behalf.

Respondent appeared for trial the following day, but asked for a continuance on the grounds that he had been ill and was unprepared. While respondent maintains he informed the solicitor he was ill, he failed to notify his client of the trial in the belief the case would be continued.

The trial judge found respondent in contempt and ordered respondent to pay the cost of the jury and write a written apology to the jurors. Respondent fully complied with the order. Respondent contends he did not notify the Office of Disciplinary Counsel of the finding of contempt because the sanctioning judge found respondent's conduct did not amount to an ethical violation, a contention the Office of Disciplinary Counsel states it has no reason to doubt since the matter was not reported by the sanctioning judge.

In this matter and three other matters, respondent failed to respond to the Office of Disciplinary Counsel's initial inquiries, Treacy letters,[2] and notices of full investigation. Respondent maintains he failed to respond to the Office of Disciplinary Counsel because he was suffering from depression. Respondent, who has been diagnosed as suffering from depression, has sought help from Lawyers Helping Lawyers, has signed a monitoring agreement with them and has been seeing a psychiatrist recommended by them as well.

In addition, respondent has since met with the Office of Disciplinary Counsel and provided information regarding the complaints against him, including the three additional complaints, which the Office of Disciplinary Counsel states it would have recommended dismissing if it had received the requested information from respondent.

Finally, respondent has fully cooperated with the *538 Office of Disciplinary Counsel since being placed on interim suspension. Law Respondent admits that by his conduct he has violated the following provisions of the Rules of Professional Conduct, Rule 407, SCACR: Rule 1.1 (a lawyer shall provide competent representation to a client); Rule 1.3 (a lawyer shall act with reasonable diligence and promptness in representing a client); Rule 1.4 (a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the

representation, keep the client reasonably informed about the status of the matter, and promptly comply with reasonable requests for information); and Rule 8.1(b) (a lawyer in connection with a disciplinary matter shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority).

Respondent also admits that he has violated the following provisions of the Rules for Lawyer Disciplinary Enforcement, Rule 413, SCACR: Rule 7(a)(1) (it shall be a ground for discipline for a lawyer to violate the Rules of Professional Conduct); Rule 7(a)(3) (it shall be a ground for discipline for a lawyer to fail to respond to a lawful demand from a disciplinary authority including a request for a response); and Rule 7(a)(6) (it shall be a ground for discipline for a lawyer to violate the oath of office taken upon admission to practice law in this state).

Conclusion We find a sixty day suspension is the appropriate sanction for respondent's misconduct. Accordingly, we accept the Agreement for Discipline by Consent and suspend respondent from the practice of law for sixty days, retroactive to the date of his interim suspension. Within fifteen days of the date of this opinion, respondent shall file an affidavit with the Clerk of Court showing that he has complied with Rule 30, RLDE, Rule 413, SCACR.

DEFINITE SUSPENSION. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur. NOTES [1] Respondent was placed on interim suspension by order of this Court dated August 17, 2007. In the Matter of Rogers, 375 S.C. 58, 650 S.E.2d 463 (2007).

[2] In the Matter of Treacy, 277 S.C. 514, 290 S.E.2d 240 (1982).