

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Jonathan L. B. Davis

825 S.E.2d 42 (S.C. 2019) · No. 2018-002251 · Decided February 27, 2019

SUMMARY

The South Carolina Supreme Court accepted an Agreement for Discipline by Consent and suspended Jonathan L. B. Davis from practicing law for one year, retroactive to his interim suspension. The court found violations involving incompetent and inadequate bankruptcy representation, mishandling of client funds, failure to comply with court orders, and failure to respond to disciplinary authorities.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Beatty, C.J.; Kittredge, J.; Hearn, J.; Few, J.; James, J.
JURISDICTION	South Carolina
DECIDED	February 27, 2019
DOCKET	2018-002251
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from an Agreement for Discipline by Consent under Rule 21 of the Rules for Lawyer Disciplinary Enforcement. The Supreme Court accepted the agreement and imposed a one-year definite suspension.
PRECEDENTIAL VALUE	Published South Carolina Supreme Court attorney-disciplinary opinion
PARTIES	Office of Disciplinary Counsel v. Jonathan L. B. Davis

TOPICS

[bankruptcy](#) [chapter 11](#) [chapter 13](#) [chapter 7](#) [sanctions](#)

PRACTICE AREAS

[legal ethics and professional responsibility](#) [attorney discipline](#) [bankruptcy law](#)

QUESTIONS PRESENTED

1. Whether respondent's admitted conduct violated the specified Rules of Professional Conduct and Rules for Lawyer Disciplinary Enforcement.

2. Whether the admitted misconduct warranted a definite suspension from the practice of law.
3. Whether the Agreement for Discipline by Consent should be accepted.

HOLDINGS

1. Respondent's admitted conduct violated Rules 1.1, 1.2, 1.3, 1.4, 1.15(a), 1.15(c), 3.4(c), 8.1(b), 8.4(a), and 8.4(e) of the South Carolina Rules of Professional Conduct and constituted grounds for discipline under Rule 7(a)(1) of the Rules for Lawyer Disciplinary Enforcement.
2. The court accepted the Agreement for Discipline by Consent and imposed a definite one-year suspension from the practice of law in South Carolina, retroactive to respondent's September 7, 2017 interim suspension.
3. Respondent was required to pay the costs of the investigation and prosecution within thirty days, file an affidavit showing compliance with Rule 30 within fifteen days, and demonstrate compliance with Rule 33, including completion of the Legal Ethics and Practice Program Ethics School, before seeking reinstatement.

KEY QUOTATIONS

"We find respondent's misconduct warrants a definite suspension from the practice of law in this state for one year retroactive to September 7, 2017, the date of respondent's interim suspension."

FACTUAL BACKGROUND

Respondent represented clients in Chapter 11, Chapter 13, and Chapter 7 bankruptcy matters despite lacking Chapter 11 experience and repeatedly filed inaccurate, deficient, or untimely documents. In one Chapter 11 matter, he lacked authority to act for approximately six weeks, deposited a retainer into his operating account, and was disqualified because he was not disinterested and therefore had to disgorge the retainer balance. In other matters, his failures caused delays, deficient filings, inadequate representation, fee refunds, sanctions, and a civil-contempt ruling. Respondent also failed to respond timely or at all to several disciplinary investigations and failed to appear for questioning under oath.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel investigated multiple matters involving respondent's bankruptcy representation, trust-account handling, failure to comply with bankruptcy-court requirements, failure to respond to disciplinary inquiries, and failure to appear for questioning. Respondent admitted the misconduct and consented to a public reprimand or definite suspension of not more than two years. The Supreme Court accepted the agreement and suspended respondent for one year, retroactive to his interim suspension imposed on September 7, 2017.

DISPOSITION

other

CASES CITED

- In re Davis, 423 S.C. 475, 816 S.E.2d 542 (2017)
- In re Treacy, 277 S.C. 514, 290 S.E.2d 240 (1982)

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