

SUPREME COURT OF SOUTH CAROLINA

In re Reynolds

406 S.C. 356 (2013) · Decided November 27, 2013

SUMMARY

The South Carolina Supreme Court accepted an attorney's Agreement for Discipline by Consent after finding that he misappropriated client trust-account funds and failed to comply with deferred discipline agreements. The court imposed a nine-month suspension from practicing law, subject to two years of monitoring, treatment, abstinence, reporting, and related conditions.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Toal, C.J.; Pleicones, J.; Beatty, J.; Kittredge, J.; Hearn, J.
JURISDICTION	South Carolina
DECIDED	November 27, 2013
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from respondent's admitted violations of the South Carolina Rules of Professional Conduct and Rules for Lawyer Disciplinary Enforcement. The parties submitted an Agreement for Discipline by Consent under Rule 21, RLDE, and the Supreme Court reviewed and accepted the agreement.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Office of Disciplinary Counsel v. Scott D. Reynolds

TOPICS

- administrative law
- agency adjudication

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

- Whether the Supreme Court should accept the parties' Agreement for Discipline by Consent.

2. What discipline and conditions should be imposed for respondent's admitted misappropriation, dishonesty-related misconduct, conduct prejudicial to the administration of justice, and willful failure to comply with deferred discipline agreements.

HOLDINGS

1. The court accepted the Agreement for Discipline by Consent submitted under Rule 21 of the Rules for Lawyer Disciplinary Enforcement.
2. Respondent was suspended from the practice of law in South Carolina for nine months and subjected to specified monitoring, treatment, abstinence, testing, and reporting conditions for two years.

KEY QUOTATIONS

“Respondent admits that by his conduct he has violated the following provisions of the Rules of Professional Conduct, Rule 407, SCACR:” (at 359)

“We accept the Agreement for Discipline by Consent and impose a nine (9) month suspension from the practice of law.” (at 359)

FACTUAL BACKGROUND

Respondent, a solo real-estate practitioner, misappropriated \$3,165 from his law-firm trust account for personal debts and expenses and later restored the funds. He admitted alcohol and drug abuse and entered into Lawyers Helping Lawyers treatment and monitoring arrangements. He repeatedly failed to comply with deferred discipline agreements, including required reporting, treatment, educational, and abstinence conditions, and the Commission ultimately terminated the second agreement and authorized formal charges.

PROCEDURAL HISTORY

After an investigation into an overdraft in respondent's law-firm trust account, respondent entered into two deferred discipline agreements. He failed to comply with the conditions of both agreements, including reporting, treatment, educational, and abstinence requirements. The Commission terminated the second agreement and authorized formal charges. Respondent and the Office of Disciplinary Counsel then entered into an Agreement for Discipline by Consent, which the Supreme Court accepted, imposing a nine-month suspension and specified conditions.

DISPOSITION

other