

SUPREME COURT OF SOUTH CAROLINA

In the Matter of James L. Bell

421 S.C. 520 (2017) · No. 2017-001908 · Decided December 20, 2017

SUMMARY

The South Carolina Supreme Court accepted James L. Bell’s Agreement for Discipline by Consent and imposed a nine-month definite suspension from the practice of law, retroactive to November 18, 2016. The court found violations involving improper trust-account withdrawals, drawing checks payable to cash, failure to respond to disciplinary authorities, and conduct prejudicial to the administration of justice.

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	December 20, 2017
DOCKET	2017-001908
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding before the Supreme Court of South Carolina based on an Agreement for Discipline by Consent between the Office of Disciplinary Counsel and Respondent.
PRECEDENTIAL VALUE	published precedential opinion

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics attorney discipline trust accounts

QUESTIONS PRESENTED

1. Whether the Supreme Court should accept the parties' Agreement for Discipline by Consent and impose the agreed-upon attorney discipline.

2. Whether Respondent's admitted conduct violated the South Carolina trust-account financial-recordkeeping rules and Rules of Professional Conduct.

HOLDINGS

1. The court accepted the Agreement for Discipline by Consent and imposed a definite nine-month suspension from the practice of law, retroactive to November 18, 2016.
2. Respondent's conduct violated Rule (2)(c) and Rule 6 of the Financial Recordkeeping Rules, Rule 417, SCACR, and Rules 8.1(b) and 8.4(e) of the Rules of Professional Conduct, Rule 407, SCACR.

FACTUAL BACKGROUND

Bell received a \$48,600 wire into his client trust account in connection with an oil-rig transaction that was later determined to be fraudulent. He made cash withdrawals and transfers for third-party payments, gave cash to the client's representative, and transferred \$8,500 to himself as fees without properly accounting for those transactions. He then withdrew \$33,987.43 based on an incorrect account balance, causing the trust account to be overdrawn by \$8,485, and initially gave ODC an inaccurate explanation for the overdraft. Bell also failed to timely respond to disciplinary inquiries.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel and James L. Bell entered into an Agreement for Discipline by Consent under Rule 21 of the Rules for Lawyer Disciplinary Enforcement. Bell admitted misconduct and consented to a definite suspension of no more than nine months, requesting that the suspension be made retroactive to his interim suspension. The Supreme Court accepted the agreement, imposed a nine-month suspension, and ordered additional ethics, trust-account, law-office-management, cost-payment, and affidavit requirements.

DISPOSITION

other

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