

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Richard Allen McDowell, Sr.

378 S.C. 371, 662 S.E.2d 591 (2008) · No. No. 26499 · Decided June 2, 2008

SUMMARY

The Supreme Court of South Carolina accepted Richard Allen McDowell, Sr.'s Agreement for Discipline by Consent after finding misconduct in multiple client matters. The court imposed a definite two-year suspension from the practice of law and required him to file an affidavit demonstrating compliance with the applicable rule.

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	June 2, 2008
DOCKET	No. 26499
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding based on an Agreement for Discipline by Consent between the respondent and the Office of Disciplinary Counsel.
PRECEDENTIAL VALUE	Published state supreme court disciplinary opinion

TOPICS

family law real estate guardianships adoption family law procedure

PRACTICE AREAS

legal ethics attorney discipline family law real estate guardianship adoption

QUESTIONS PRESENTED

- Whether the respondent's admitted misconduct violated the South Carolina Rules of Professional Conduct and constituted grounds for discipline.
- What disciplinary sanction should be imposed under the Agreement for Discipline by Consent.

HOLDINGS

1. The respondent's admitted conduct constituted grounds for discipline and violated Rule 7(a)(1) of the Rules for Lawyer Disciplinary Enforcement and Rules 1.1, 1.3, 1.4, 1.16(d), and 8.4(a) of the South Carolina Rules of Professional Conduct.
2. The court accepted the Agreement for Discipline by Consent and imposed a two-year definite suspension from the practice of law.

KEY QUOTATIONS

"We accept the Agreement for Discipline by Consent and impose a two year definite suspension from the practice of law." (377-378)

FACTUAL BACKGROUND

The respondent represented multiple clients in domestic, real-estate, guardianship, and adoption matters. Across ten matters, he failed to communicate adequately, act diligently, provide requested information, protect client interests upon withdrawal, surrender client files and property, and refund unearned fees. In one real-estate matter, recording and address errors contributed to clients' failure to receive tax notices and incur late fees. The respondent ultimately closed his law firm and withdrew from practice without completing several representations or properly transitioning the matters.

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 either a public reprimand or a definite suspension not exceeding two years. The Supreme Court of South Carolina accepted the agreement and imposed a two-year definite suspension.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Within fifteen days of the opinion date, the respondent was required to file an affidavit with the Clerk of Court showing compliance with Rule 30, RLDE, Rule 413, SCACR.