

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Louis S. Moore

393 S.C. 361, 713 S.E.2d 293 (2011) · No. No. 27001 · Decided July 11, 2011

SUMMARY

The Supreme Court of South Carolina accepted an Agreement for Discipline by Consent and suspended Louis S. Moore from practicing law for 90 days, retroactive to a prior suspension. The court found violations involving improper personal use of a law firm trust account and conduct involving dishonesty, and ordered payment of disciplinary costs and filing of a compliance affidavit.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Chief Justice Toal; Justice Pleicones; Justice Beatty; Justice Kittredge; Justice Hearn, not participating
JURISDICTION	South Carolina
DECIDED	July 11, 2011
DOCKET	No. 27001
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding submitted to the Supreme Court of South Carolina on an Agreement for Discipline by Consent.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Office of Disciplinary Counsel v. Louis S. Moore

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the court should accept the Agreement for Discipline by Consent after respondent admitted violations of the Rules of Professional Conduct.

2. What discipline should be imposed for respondent's misuse of a lawyer trust account and issuance of a check against insufficient funds.

HOLDINGS

1. The court accepted the Agreement for Discipline by Consent after respondent admitted the charged misconduct and rule violations.
2. Respondent was definitely suspended from the practice of law in South Carolina for ninety days, retroactive to his May 18, 2009 suspension, and was ordered to pay disciplinary costs and file a compliance affidavit.

KEY QUOTATIONS

"We accept the Agreement and definitely suspend respondent from the practice of law in this state for ninety (90) days, retroactive to respondent's May 18, 2009, suspension from the practice of law." (362-363)

FACTUAL BACKGROUND

Respondent had previously been suspended from practicing law for one year beginning May 18, 2009 and had not been reinstated. In March 2010, while using a law-firm trust account for personal living expenses, he issued a \$547 check despite knowing the account lacked sufficient funds at that time. Respondent admitted that his personal use of the trust account was improper; the parties agreed that no client funds were maintained in the account.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel and respondent entered into an Agreement for Discipline by Consent under Rule 21, RLDE, Rule 413, SCACR. Respondent admitted misconduct and consented to a reprimand or definite suspension of up to ninety days. The Supreme Court accepted the agreement, imposed a ninety-day definite suspension retroactive to a prior suspension, and ordered payment of disciplinary costs and filing of a compliance affidavit.

DISPOSITION

other

CASES CITED

- In the Matter of Moore, 382 S.C. 610, 677 S.E.2d 598 (2009)

OPINION

PER CURIAM.

393 S.C. 361 (2011) 713 S.E.2d 293 In the Matter of Louis S. MOORE, Respondent. No. 27001. Supreme Court of South Carolina. Submitted May 16, 2011. Decided July 11, 2011. Lesley M. Coggiola, Disciplinary Counsel, and William C. Campbell, Assistant Disciplinary Counsel, both of

Columbia, for Office of Disciplinary Counsel. *362 Louis S. Moore, of Reidsville, North Carolina, pro se.

PER CURIAM. In this attorney disciplinary matter, the Office of Disciplinary Counsel (ODC) and respondent have entered into an Agreement for Discipline by Consent (Agreement) pursuant to Rule 21, RLDE, Rule 413, SCACR.

In the Agreement, respondent admits misconduct and consents to the imposition of an admonition, public reprimand, or definite suspension from the practice of law for up to ninety (90) days. Respondent further agrees to pay the costs incurred in the investigation and prosecution of this matter by ODC and the Commission on Lawyer Conduct (the Commission).

We accept the Agreement and definitely suspend respondent from the practice of law in this state for ninety (90) days, retroactive to respondent's May 18, 2009, suspension from the practice of law. See *In the Matter of Moore*, 382 S.C. 610, 677 S.E.2d 598 (2009).

In addition, respondent shall pay the costs incurred in the investigation and prosecution of this matter within thirty (30) days of the date of this opinion. The facts, as set forth in the Agreement, are as follows. FACTS On May 18, 2009, the Court suspended respondent from the practice of law for one (1) year. *Id.* He has not been reinstated.

On or about March 1, 2010, respondent issued a check in the amount of \$547.00 drawn on a law firm trust account enrolled in the Interest on Lawyer's Trust Account (IOLTA) program. Respondent acknowledges there were insufficient funds in the account at the time he wrote the check. Respondent had made arrangements to have funds deposited by others into the account prior to the check being negotiated, however, the deposit was not made prior to the check being presented for payment.

Respondent maintains no client funds were maintained in the trust account. ODC does not dispute respondent's claim. Respondent states that, due to his lack of steady employment and poor credit history, he was unable to open a personal checking account. Respondent admits he was using the trust account for payment of living expenses and acknowledges *363 that the personal use of the trust account was wrong.

He asserts he was desperate to take care of his family when he engaged in the misconduct. LAW Respondent admits that, by his misconduct, he has violated the following provisions of the Rules of Professional Conduct, Rule 407, SCACR: Rule 1.15 (lawyer may only deposit personal funds in trust account for sole purpose of paying service charges on the account) and Rule 8.4(d) (lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

Respondent acknowledges his misconduct constitutes a violation of Rule 7, RLDE, of Rule 413, SCACR, specifically Rule 7(a)(1) (lawyer shall not violate Rules of Professional Conduct or any

other rules of this jurisdiction regarding professional conduct of lawyers). CONCLUSION We accept the Agreement for Discipline by Consent and definitely suspend respondent from the practice of law for a ninety (90) day period, retroactive to respondent's May 18, 2009, definite suspension from the practice of law.

See In the Matter of Moore, id. Within thirty (30) days of the date of this opinion, respondent shall reimburse ODC and the Commission for costs incurred in the investigation and prosecution of this matter. 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., PLEICONES, BEATTY, and KITTREDGE, JJ., concur. HEARN, J., not participating.