

SUPREME COURT OF SOUTH CAROLINA

In re Jones

344 S.C. 379 (2001) · Decided March 26, 2001

SUMMARY

The South Carolina Supreme Court accepted an attorney's Agreement for Discipline by Consent and imposed a public reprimand. The court found that the attorney violated multiple Rules of Professional Conduct, including provisions concerning competence, diligence, communication, and dishonest or deceitful conduct, as well as the Rules for Lawyer Disciplinary Enforcement.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Chief Justice Toal; Justice Moore; Justice Waller; Justice Burnett; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	March 26, 2001
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding based on an Agreement for Discipline by Consent entered under Rule 21 of the Rules for Lawyer Disciplinary Enforcement.
PRECEDENTIAL VALUE	published opinion

TOPICS

civil procedure

PRACTICE AREAS

legal ethics attorney discipline

QUESTIONS PRESENTED

- Whether the admitted conduct violated the cited South Carolina Rules of Professional Conduct and Rules for Lawyer Disciplinary Enforcement.
- What sanction should be imposed under the Agreement for Discipline by Consent.

HOLDINGS

1. Respondent violated Rule 407, SCACR, Rules 1.1, 1.3, 1.4, 8.4(a), and 8.4(d) by engaging in incompetent and insufficiently diligent representation, failing to keep a client informed, and engaging in dishonesty, fraud, deceit, or misrepresentation.
2. Respondent violated Rule 413, SCACR, Rule 7(a)(1), by violating the Rules of Professional Conduct.
3. The court accepted the Agreement for Discipline by Consent and imposed a public reprimand.

KEY QUOTATIONS

"We accept the Agreement for Discipline by Consent and reprimand respondent for his conduct in these matters." (382)

"PUBLIC REPRIMAND." (382)

FACTUAL BACKGROUND

Respondent represented a wife in transactions involving a marital residence that remained subject to a mortgage being paid by her former husband. To avoid alerting the husband that the residence had been sold, respondent agreed not to record deeds for multiple transactions and omitted the mortgage from a refinancing transaction. After the husband stopped making mortgage payments, respondent brought suit against him and prepared a consent order falsely stating that the wife had paid the mortgage balance.

PROCEDURAL HISTORY

Respondent and Disciplinary Counsel submitted an Agreement for Discipline by Consent in which respondent admitted misconduct and consented to a public reprimand or a definite suspension of up to sixty days. The Supreme Court of South Carolina accepted the agreement and imposed a public reprimand.

DISPOSITION

other