

SUPREME COURT OF SOUTH CAROLINA

In re Brown

368 S.C. 174 (2006) · Decided March 27, 2006

SUMMARY

The South Carolina Supreme Court accepted an attorney's agreement for discipline by consent after finding that she repeatedly and without authorization accessed, disseminated, and deleted coworkers' email messages during a unionizing effort. The court imposed a two-year definite suspension for violations involving dishonesty, conduct prejudicial to the administration of justice, and conduct bringing the legal profession into disrepute.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Chief Justice Toal; Justice Moore; Justice Burnett; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	March 27, 2006
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding submitted to the Supreme Court of South Carolina on an Agreement for Discipline by Consent under Rule 21, RLDE, Rule 413, SCACR.
PRECEDENTIAL VALUE	published

TOPICS

- labor law
- union organizing
- employment law

PRACTICE AREAS

- attorney discipline
- professional responsibility
- legal ethics

QUESTIONS PRESENTED

- Whether the respondent's admitted unauthorized access, use, dissemination, and deletion of email communications constituted professional misconduct warranting discipline.
- Whether the Agreement for Discipline by Consent should be accepted and a two-year definite suspension imposed.

HOLDINGS

1. The respondent's misconduct constituted grounds for discipline under Rule 413, RLDE, Rule 7(a)(1) and Rule 7(a)(5), and violated Rules 8.4(a), 8.4(d), and 8.4(e), SCACR.
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 and impose a two year suspension from the practice of law.” (174)

“Within fifteen days of the date of this opinion, respondent shall file an affidavit with the Clerk of Court showing that she has complied with Rule 30, RLDE, Rule 413, SCACR.” (177)

FACTUAL BACKGROUND

Between December 2002 and April 2004, while employed by the South Carolina Centers for Equal Justice, respondent repeatedly accessed or attempted to access the email accounts of more than forty employees and at least one board member without authorization. She monitored management activity and anti-union sentiment during a unionizing effort, and read, downloaded, disseminated, and deleted email messages, including messages containing anti-union information. She also accessed an email from outside counsel concerning the union campaign and disseminated it to individuals involved in the unionizing effort and to employees eligible to vote.

PROCEDURAL HISTORY

The respondent and the Office of Disciplinary Counsel entered into an Agreement for Discipline by Consent. The respondent admitted misconduct and consented to a confidential admonition, public reprimand, or definite suspension of up to two years. The Supreme Court accepted the agreement and imposed a two-year definite suspension.

DISPOSITION

other