

SUPREME COURT OF SOUTH CAROLINA

In the Matter of H. Ray Ham

387 S.C. 297, 692 S.E.2d 532 (2010) · No. No. 26800 · Decided April 12, 2010

SUMMARY

The Supreme Court of South Carolina accepted an Agreement for Discipline by Consent and indefinitely suspended H. Ray Ham from practicing law. The suspension was made retroactive to October 4, 2004, and Ham was ordered to reimburse the Lawyers' Fund for Client Protection and comply with related reinstatement and filing requirements.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam
JURISDICTION	South Carolina
DECIDED	April 12, 2010
DOCKET	No. 26800
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary matter 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 opinion; disciplinary order accepting consent discipline.

TOPICS

administrative law

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

administrative law

QUESTIONS PRESENTED

1. Whether the Supreme Court should accept the Agreement for Discipline by Consent.
2. What disciplinary sanction should be imposed for respondent's admitted violations of the Rules of Professional Conduct, the Rules for Lawyer Disciplinary Enforcement, and the financial recordkeeping rules.

3. Whether the indefinite suspension should be made retroactive to the date of respondent's interim suspension.
4. Whether respondent should be required to reimburse the Lawyers' Fund for Client Protection and satisfy conditions before seeking reinstatement.

HOLDINGS

1. The court accepted the Agreement for Discipline by Consent after respondent admitted the specified misconduct and consented to discipline.
2. Respondent was indefinitely suspended from the practice of law in South Carolina.
3. The indefinite suspension was made retroactive to October 4, 2004, the date of respondent's interim suspension.
4. Respondent was ordered to reimburse the Lawyers' Fund for Client Protection for all claims paid on his behalf and could not file a reinstatement petition until that reimbursement was made.

KEY QUOTATIONS

“We accept the agreement and indefinitely suspend respondent from the practice of law in this state, retroactive to October 4, 2004, the date of respondent's interim suspension.” (at 298)

“Under no circumstances shall respondent file a petition for reinstatement until he has reimbursed the Lawyers' Fund for all claims paid on his behalf.” (at 301)

FACTUAL BACKGROUND

H. Ray Ham represented members of the Doe family and served as personal representative of an estate while also managing the finances of the estate's sole heir. In related guardianship and conservatorship proceedings, he failed to attend scheduled hearings and failed to produce requested financial records and an accounting. He admitted making unauthorized withdrawals from his trust account for his own benefit, failing to maintain required records, and depositing \$45,000 of personal funds to cover a resulting shortage. In another representation, he failed to ensure service of process, lost or misplaced the file, and delayed responding to disciplinary inquiries and the notice of full investigation.

PROCEDURAL HISTORY

The respondent and the Office of Disciplinary Counsel entered into an Agreement for Discipline by Consent. Respondent admitted misconduct and consented to an indefinite suspension, requesting that it be made retroactive to the date of his interim suspension. The Supreme Court accepted the agreement, imposed the indefinite suspension retroactive to October 4, 2004, and ordered reimbursement to the Lawyers' Fund for Client Protection.

DISPOSITION

other

CASES CITED

- In the Matter of Ham, 361 S.C. 116, 603 S.E.2d 905 (2004)
- In the Matter of Treacy, 277 S.C. 514, 290 S.E.2d 240 (1982)

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