

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Christopher Michael Ochoa

426 S.C. 483, 827 S.E.2d 586 (S.C. 2019) · No. Appellate Case No. 2019-000040; Opinion No. 27882 · Decided April 24, 2019

SUMMARY

The South Carolina Supreme Court disciplined Christopher Michael Ochoa, an attorney licensed in Florida but not South Carolina, for providing legal services to South Carolina residents and targeting them through Internet advertising without authorization. The court found violations involving unauthorized practice, attorney competence, diligence, communication, fees, termination of representation, and advertising, and ordered debarment, costs, and restitution.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Beatty, C.J.; Kittredge, J.; Hearn, J.; Few, J.; James, J.
JURISDICTION	South Carolina
DECIDED	April 24, 2019
DOCKET	Appellate Case No. 2019-000040; Opinion No. 27882
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding submitted to the South Carolina Supreme Court after an evidentiary hearing before a Commission Hearing Panel. The Panel recommended debarment, costs, and restitution; neither party sought review.
PRECEDENTIAL VALUE	Published South Carolina Supreme Court opinion; precedential attorney-discipline decision.

TOPICS

[foreclosure](#)[mortgages](#)[consumer protection](#)[deceptive trade practices](#)[real estate](#)

PRACTICE AREAS

[legal ethics and attorney discipline](#)[unauthorized practice of law](#)[foreclosure and mortgage loan modification](#)[legal advertising](#)

QUESTIONS PRESENTED

1. Whether Ochoa was subject to the disciplinary authority of the South Carolina Supreme Court despite not being licensed in South Carolina.
2. Whether Ochoa violated South Carolina rules governing competence, scope of representation, diligence, communication, fees, termination of representation, unauthorized practice of law, professional misconduct, advertising, and firm names.
3. What sanction and monetary remedies were appropriate for Ochoa's misconduct.

HOLDINGS

1. A lawyer admitted in another jurisdiction who provides or offers legal services in South Carolina or whose advertising and solicitations are subject to South Carolina regulation is subject to the disciplinary authority of the South Carolina Supreme Court and to the state's Rules of Professional Conduct.
2. Ochoa violated the Rules of Professional Conduct by providing deficient representation to V.S. and W.W., including violations concerning competence, scope of representation, diligence, communication, unreasonable fees, and protection of client interests upon termination.
3. Ochoa violated South Carolina rules by establishing a systematic and continuous presence for the unauthorized practice of law and by using misleading advertising and firm-name representations.
4. Ochoa was debarred from practicing law in South Carolina, prohibited from practicing or seeking admission there without a court order, and ordered to pay proceeding costs and restitution.

KEY QUOTATIONS

“By providing legal services in South Carolina and targeting advertisements and solicitations to this state, respondent meets the definition of “lawyer” provided in Rule 2(r), RLDE, Rule 413, SCACR, which includes “a lawyer not admitted in this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction; or anyone whose advertisements or solicitations are subject to regulation by Rule 418, SCACR.”” (Analysis)

“Accordingly, respondent is hereby debarred from the practice of law in this state. Respondent is prohibited from practicing law or seeking any form of admission to practice law in South Carolina, including pro hac vice admission, without first obtaining an order from this Court.” (Analysis)

FACTUAL BACKGROUND

Ochoa, who was licensed in Florida but not South Carolina, used a non-attorney-owned company to market and provide mortgage-loan modification services to South Carolina residents. He represented South Carolina homeowners V.S. and W.W. in foreclosure-related matters, collected substantial retainers and monthly payments, and failed to provide competent, diligent, and adequately communicated legal representation. His website also contained misleading statements about the attorneys handling matters, the structure of his firm, and the results clients could expect.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel brought formal charges against Ochoa. Ochoa failed to answer the charges, was found in default, and did not appear at the evidentiary hearing. The Commission Hearing Panel recommended debarment, payment of proceeding costs, and restitution to two clients, and the Supreme Court imposed those recommended sanctions.

DISPOSITION

other

CASES CITED

- The Fla. Bar v. Ochoa, No. SC17-1632, 2018 WL 2073195, at *1 (Fla. May 3, 2018)

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