

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Thomas E. Ruffin, Jr.

382 S.C. 598, 677 S.E.2d 25 (2009) · No. No. 26649 · Decided May 12, 2009

SUMMARY

The Supreme Court of South Carolina disbarred Thomas E. Ruffin, Jr. for multiple acts of professional misconduct, including misappropriation of trust account funds, failure to pay clients and third parties, and failure to cooperate with disciplinary authorities. The court found no misconduct regarding one alleged insufficient-funds incident but upheld the remaining violations, ordered restitution and payment of costs, and made the disbarment effective upon filing of the opinion.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Toal, C.J.; Waller, J.; Pleicones, J.; Beatty, J.; Kittredge, J.
JURISDICTION	South Carolina
DECIDED	May 12, 2009
DOCKET	No. 26649
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from multiple allegations of professional misconduct. Following a hearing, the Commission on Lawyer Conduct recommended disbarment, restitution, and payment of costs; the Supreme Court independently reviewed the record and imposed those sanctions.
STANDARD OF REVIEW	The Supreme Court independently reviews the record in attorney disciplinary matters and is not bound by the Commission on Lawyer Conduct's recommendations.
PRECEDENTIAL VALUE	Published South Carolina Supreme Court opinion; precedential attorney-discipline decision.
PARTIES	Office of Disciplinary Counsel v. Thomas E. Ruffin, Jr.

TOPICS

trust administration

trustee duties

breach of trust

remedies

administrative law

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

trust account regulation

QUESTIONS PRESENTED

1. Whether the evidence established professional misconduct in the charged matters.
2. Whether the returned-item notice in Matter III established misconduct.
3. Whether nonretroactive disbarment, restitution, payment of costs, and related reinstatement conditions were warranted.

HOLDINGS

1. Clear and convincing evidence established that Ruffin committed professional misconduct in the remaining matters, including misappropriation or failure to account for entrusted funds, failure to pay obligations, failure to perform agreed legal services, and failure to cooperate with disciplinary authorities.
2. No misconduct occurred in Matter III because the bank notice concerned an item deposited into Ruffin's account that was returned for insufficient funds, not a check written by Ruffin on the account.
3. The duty to adjudge the professional conduct of members of the Bar and impose appropriate discipline rests exclusively with the Supreme Court, which is not bound by the panel or executive committee's recommendation.
4. Nonretroactive disbarment was warranted based on the clear and convincing evidence of misconduct, Ruffin's disciplinary history, and South Carolina precedent.

KEY QUOTATIONS

“This Court is not bound to accept the recommendations of the Panel or the Executive Committee. The duty of adjudging the professional conduct of members of the Bar and taking appropriate disciplinary action rests exclusively with this Court.” (604)

“Due to the clear and convincing evidence of misconduct, Ruffin's disciplinary history, and this Court's precedent, we hold nonretroactive disbarment is appropriate.” (605)

FACTUAL BACKGROUND

Ruffin mishandled and misappropriated funds held in trust accounts, including funds intended to pay mortgage lenders, a personal-injury client, and a medical insurer. He also failed to pay an expert he retained, failed to perform lien-collection work or refund an associated fee, and failed to respond timely to disciplinary investigative notices. His disciplinary history included an interim suspension and a later indefinite suspension in an unrelated matter.

PROCEDURAL HISTORY

The Commission on Lawyer Conduct panel found multiple violations of the South Carolina Rules of Professional Conduct and Rules for Lawyer Disciplinary Enforcement. It recommended nonretroactive

disbarment, full restitution, and payment of costs. The Supreme Court agreed with the recommendation except that it found no misconduct in Matter III, and it ordered disbarment, restitution, costs, an ethics program, and conditions for reinstatement.

DISPOSITION

other

CASES CITED

- In the Matter of Ruffin, 360 S.C. 339, 600 S.E.2d 909 (2004)
- In the Matter of Ruffin, 363 S.C. 347, 359-60, 610 S.E.2d 803, 809 (2005)
- In the Matter of Hines, 275 S.C. 271, 273, 269 S.E.2d 766, 767 (1980)
- In the Matter of Wilmeth, 373 S.C. 631, 636, 647 S.E.2d 185, 188 (2007)
- In the Matter of Morehouse, 330 S.C. 205, 206-07, 499 S.E.2d 208, 209 (1998)