

SUPREME COURT OF SOUTH CAROLINA

In the Matter John W. Bledsoe, III

422 S.C. 325, 811 S.E.2d 775 (2018) · No. Appellate Case No. 2017-002322 · Decided March 14, 2018

SUMMARY

The South Carolina Supreme Court accepted an Agreement for Discipline by Consent and publicly reprimanded attorney John W. Bledsoe, III. The court found that his lack of diligence in preparing a child-support order and his solicitation of a sexual relationship with a client violated specified professional-conduct rules, and ordered him to complete an ethics school.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Chief Justice Beatty; Justice Kittredge; Justice Hearn; Justice Few; Justice James
JURISDICTION	South Carolina
DECIDED	March 14, 2018
DOCKET	Appellate Case No. 2017-002322
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding submitted to the Supreme Court of South Carolina under an Agreement for Discipline by Consent pursuant to Rule 21 of the Rules for Lawyer Disciplinary Enforcement.
PRECEDENTIAL VALUE	Published opinion; disciplinary disposition

TOPICS

- family law
- appellate procedure
- divorce
- child custody
- child support

PRACTICE AREAS

- attorney discipline
- legal ethics
- family law

QUESTIONS PRESENTED

- Whether the Agreement for Discipline by Consent should be accepted.
- Whether respondent's admitted conduct warranted a public reprimand and related educational condition.

HOLDINGS

1. Respondent's drafting error and delay in correcting the child-support order violated Rule 1.3 of the Rules of Professional Conduct, requiring a lawyer to act with reasonable diligence and promptness in representing a client.
2. Respondent's request that a client display her breasts violated Rule 1.7(a)(2) and Rule 8.4(e) of the Rules of Professional Conduct because his personal interest created a significant risk of materially limiting the representation and the conduct was prejudicial to the administration of justice.
3. The admitted violations of the Rules of Professional Conduct constituted grounds for lawyer discipline under Rule 7(a)(1) of the Rules for Lawyer Disciplinary Enforcement.
4. The admitted misconduct warranted a public reprimand, conditioned on respondent's completion of the Legal Ethics and Practice Program Ethics School within one year of the opinion.

KEY QUOTATIONS

"We accept the Agreement and issue a public reprimand."

"Respondent shall complete the Legal Ethics and Practice Program Ethics School within one year of the date of this opinion."

FACTUAL BACKGROUND

In Matter A, respondent represented a client in a divorce and custody action and prepared a temporary order requiring weekly child-support payments even though the court had ordered monthly payments. Although respondent later submitted an amended order, the error was not promptly corrected, and four weekly payroll garnishments caused the client financial hardship. In Matter B, while representing a client in a divorce and custody action, respondent expressed interest in a sexual relationship and asked the client to show him her breasts; she complied but felt ashamed and humiliated. Respondent admitted that this conduct violated the Rules of Professional Conduct.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel and respondent entered into an Agreement for Discipline by Consent. Respondent admitted misconduct in two client matters and consented to a confidential admonition or public reprimand. The Supreme Court accepted the Agreement and imposed a public reprimand, together with a requirement that respondent complete the Legal Ethics and Practice Program Ethics School within one year.

DISPOSITION

other

OPINION

PER CURIAM.

THE STATE OF SOUTH CAROLINA In The Supreme Court In the Matter John W. Bledsoe, III, Respondent. Appellate Case No. 2017-002322 Opinion No. 27778 Submitted February 21, 2018 – Filed March 14, 2018 PUBLIC REPRIMAND John S. Nichols, Disciplinary Counsel, and Julie K. Martino, Assistant Disciplinary Counsel, of Columbia, for Office of Disciplinary Counsel. John W. Bledsoe, III, of Darlington, pro Se.

PER CURIAM: In this attorney disciplinary matter, respondent and the Office of Disciplinary Counsel have entered into an Agreement for Discipline by Consent (Agreement) pursuant to Rule 21 of the Rules for Lawyer Disciplinary Enforcement (RLDE) contained in Rule 413 of the South Carolina Appellate Court Rules (SCACR).

In the Agreement, respondent admits misconduct and consents to a confidential admonition or public reprimand.¹ As a condition of discipline, respondent agrees to complete the Legal Ethics and Practice Program Ethics School within one year of being sanctioned.

We accept the Agreement and issue a public reprimand. The facts, as set forth in the Agreement, are as follows. 1 Respondent previously received an Admonition on December 19, 2003, citing Rules 1.3 (Diligence), 1.4 (Communication), 1.15 (Safekeeping Property), 5.1 (Responsibilities of Partners, Managers, and Supervisory Lawyers), 8.1 (Bar Admission and Disciplinary Matters), and 8.4(e) (Misconduct) of the Rules of Professional Conduct (RPC), Rule 407, SCACR.

Facts Matter A In early 2016, respondent was retained to represent Client A in a divorce and custody action. Following a temporary hearing, the judge awarded custody of one child to Client A and custody of the other child, as well as child support, to Client A's spouse. Despite the fact child support was to be paid monthly, respondent prepared a temporary order requiring Client A to pay child support weekly.

Although respondent submitted an amended temporary order to the judge which stated child support payments were to be made monthly, funds were garnished from Client A's payroll checks on four occasions for weekly payments as a result of the original order, causing Client A to experience financial difficulties, including difficulties paying for rent, utilities, and food.

Matter B Respondent was retained to represent Client B in a divorce and custody action after Client B, while being represented by another attorney, lost custody of her child at a temporary hearing. Client B's spouse died before the final hearing could be held. Subsequently, the family court awarded temporary custody of Client B's child to the sister of Client B's spouse (Aunt) and the sister's husband (Uncle).

Shortly after the temporary hearing in which custody was awarded to Aunt and Uncle, Client B released respondent and retained a new attorney. At some point during his representation of Client B, respondent expressed to Client B that he was interested in a sexual relationship with her.

Respondent asked Client B to show him her breasts. Client B showed respondent her breasts, but felt ashamed and humiliated.

Respondent and Client B did not engage in a sexual relationship. Law Respondent admits that, in Matter A, his mistake in drafting the original order and his delay in recognizing the mistake and submitting an amended order violated Rule 1.3, RPC, Rule 407, SCACR ("A lawyer shall act with reasonable diligence and promptness in representing a client."). With regard to Matter B, respondent admits that in requesting to see Client B's breasts, he violated Rule 1.7(a)(2), RPC, Rule 407, SCACR ("Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest.

A concurrent conflict of interest exists if:... (2) there is a significant risk that the representation of one or more clients will be materially limited... by a personal interest of the lawyer.") and Rule 8.4(e), RPC, Rule 407, SCACR ("It is professional misconduct for a lawyer to:... (e) engage in conduct that is prejudicial to the administration of justice[.]").

Finally, respondent admits the allegations contained in the Agreement constitute grounds for discipline under Rule 7(a)(1), RLDE, Rule 413, SCACR ("It shall be a ground for discipline for a lawyer to: (1) violate or attempt to violate the Rules of Professional Conduct, Rule 407, SCACR, or any other rules of this jurisdiction regarding professional conduct of lawyers[.]").

Conclusion We find respondent's misconduct warrants a public reprimand. Accordingly, we accept the Agreement and publicly reprimand respondent for his misconduct. Respondent shall complete the Legal Ethics and Practice Program Ethics School within one year of the date of this opinion. PUBLIC REPRIMAND. BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.