

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Derwin Thomas Brannon

383 S.C. 374, 680 S.E.2d 776 (2009) · No. No. 26687 · Decided July 13, 2009

SUMMARY

The Supreme Court of South Carolina accepted an attorney's Agreement for Discipline by Consent after finding violations involving client representation, communication, trust-account management, and cooperation with disciplinary authorities. The court imposed a one-year suspension retroactive to the respondent's interim suspension, along with costs and compliance-related filing requirements.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Waller; Justice Pleicones; Justice Beatty; Justice Kittredge
JURISDICTION	South Carolina
DECIDED	July 13, 2009
DOCKET	No. 26687
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding in which the respondent and the Office of Disciplinary Counsel submitted an Agreement for Discipline by Consent.
PRECEDENTIAL VALUE	Published state supreme court disciplinary opinion

TOPICS

administrative law civil procedure

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

1. Whether the Supreme Court should accept the parties' Agreement for Discipline by Consent.
2. What sanction should be imposed for respondent's admitted violations of the South Carolina Rules of Professional Conduct and Rules for Lawyer Disciplinary Enforcement.

3. Whether the suspension should be made retroactive to the date of respondent's interim suspension.

HOLDINGS

1. The court accepted the Agreement for Discipline by Consent after respondent admitted the charged misconduct and consented to a sanction authorized by the governing disciplinary rules.
2. Respondent was suspended from the practice of law for one year.
3. The one-year suspension was made retroactive to April 30, 2008, the date of respondent's interim suspension.

KEY QUOTATIONS

"We accept the Agreement for Discipline by Consent and suspend respondent from the practice of law for one (1) year, retroactive to the date of respondent's interim suspension." (378-79)

FACTUAL BACKGROUND

Respondent failed to file an automobile accident action before the statute of limitations expired and failed to communicate adequately with that client. In a separate matter, he accepted a \$5,000 retainer but did little work, failed to keep the client informed, and did not respond to repeated communications. He also failed to appear before Disciplinary Counsel, failed to comply with a subpoena, and issued a client-refund check that could not be honored because of insufficient funds in a trust account that he had not properly reconciled.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel investigated four matters involving respondent's representation of clients, responses to disciplinary inquiries, compliance with a subpoena, and management of client funds. Respondent admitted the misconduct and consented to any sanction authorized by Rule 7(b), RLDE. The Supreme Court of South Carolina accepted the agreement and imposed a one-year suspension retroactive to respondent's interim suspension.

DISPOSITION

other

CASES CITED

- In the Matter of Brannon, 377 S.C. 474, 661 S.E.2d 98 (2008)
- In the Matter of Treacy, 277 S.C. 514, 290 S.E.2d 240 (1982)