

SUPREME COURT OF SOUTH CAROLINA

In re Walker

406 S.C. 451 (2013) · Decided December 11, 2013

SUMMARY

The South Carolina Supreme Court accepted an Agreement for Discipline by Consent and disbarred the respondent attorney. The court found that he misappropriated client-related settlement funds, made false statements and fabricated payment evidence, failed to comply with trust-account requirements, and violated a prior disciplinary agreement; restitution and other conditions were imposed.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Pleicones; Justice Beatty; Justice Kittredge; Justice Hearn
JURISDICTION	South Carolina
DECIDED	December 11, 2013
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding submitted to the court on an Agreement for Discipline by Consent under Rule 21 of the Rules for Lawyer Disciplinary Enforcement.
PRECEDENTIAL VALUE	published and precedential

TOPICS

administrative law agency adjudication remedies

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

1. Whether the court should accept the parties' Agreement for Discipline by Consent.
2. What discipline is appropriate for respondent's admitted misappropriation of third-party funds, dishonesty, conduct prejudicial to the administration of justice, trust-account violations, and failure to comply with a prior disciplinary agreement.

HOLDINGS

1. The court accepted the Agreement for Discipline by Consent.
2. Respondent was disbarred from the practice of law in South Carolina.
3. Respondent was required to pay disciplinary costs, demonstrate full restitution before seeking readmission, file an affidavit showing compliance with Rule 30, and surrender his certificate of admission.

KEY QUOTATIONS

“We accept the Agreement and disbar respondent from the practice of law in this state and impose the conditions as stated hereafter.” (at 453)

“We accept the Agreement for Discipline by Consent and disbar respondent from the practice of law in this state.” (at 455-456)

FACTUAL BACKGROUND

Walker represented a client whose personal-injury settlement proceeds were subject to a medical provider's lien. He failed to pay the provider, misappropriated \$1,880, falsely represented that the bill had been paid, and provided fabricated evidence of payment. The opinion also describes a longstanding pattern of withholding funds owed to the same medical provider, totaling \$353,000, and submitting misleading trust-account reconciliations despite a prior disciplinary agreement requiring accurate financial records.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel and Michael Anthony Walker entered into an Agreement for Discipline by Consent. Walker admitted misconduct involving misappropriation of settlement funds, false representations, falsified payment documentation, inaccurate trust-account records, and failure to comply with a prior disciplinary agreement. The Supreme Court of South Carolina accepted the agreement and imposed disbarment and related conditions.

DISPOSITION

other

CASES CITED

- In the Matter of Walker, 405 S.C. 468, 748 S.E.2d 236 (2013)