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Demystifying the Disciplinary Process

By Phylicia Coleman



What is the Office of Disciplinary Counsel? What do they do? Ironically, there are a lot of lawyers who do not know, especially young

lawyers. The reasoning behind this could be twofold: (1) A lawyer has never had to interact with our office, and (2) It simply isn't talked about enough.

The Office of Disciplinary Counsel is responsible for screening and investigating all complaints of misconduct or incapacity made against judges and lawyers licensed in the State of South Carolina. Complaints can come from various sources – clients, family members of clients, opposing parties, citizens, and even other lawyers and judges. As a self-regulating profession, we as lawyers are tasked with the responsibility of reporting potential misconduct of our colleagues.

When a complaint is filed with the Office of Disciplinary Counsel, it is assigned to an attorney for review. The Office of Disciplinary Counsel follows an “if true” test when determining whether to open an investigation – if the conduct within the complaint were true, would it be a violation of the Rules of Professional Conduct? If the answer is no, the complaint is summarily dismissed. If yes, an investigation is opened. A Notice of Investigation is then issued to the lawyer or judge with a copy of the complaint. The Notice of Investigation outlines the applicable rules relevant to the complaint. The Rules for Professional Conduct can be found in Rule 407, SCACR. The lawyer or judge has fifteen days to respond to the Notice of Investigation and may request an extension if necessary. The response should address the allegations within the complaint and rules cited.

All investigations with the Office of Disciplinary Counsel are confidential. Information cannot be shared without per-



mission from the Commission on Lawyer Conduct or the Commission on Judicial Conduct. Investigations can either lead to a dismissal, letter of caution, confidential admonition, public reprimand, definite suspension or disbarment. The Rules for Lawyer Disciplinary Enforcement can be found in Rule 413, SCACR. Lawyers and judges are always encouraged to be as candid as possible regarding an investigation and may make a request to appear in person, if they believe it is necessary. The Office of Disciplinary Counsel may also require a lawyer or judge to appear for an interview, if necessary.

For the 2022-2023 reporting year, the Office of Disciplinary Counsel received 1,836 complaints. While this is up from the previous fiscal year, 1,089 of those complaints were dismissed while 58 resulted in some form of a sanction or resignation. The Office of Disciplinary Counsel does not intervene in matters currently pending before courts and/or judgments issued by a judge. All sanctions are issued by the Commission on Lawyer Conduct, Commission on Judicial Conduct, and the South Carolina Supreme Court. Additional information about disciplinary counsel, our process, and yearly statistics can be found on the Judicial Branch's website in addition to published disciplinary opinions. www.sccourts.org/discCouncil

A REPORT TO MEMBERS OF
THE SOUTH CAROLINA BAR
YOUNG LAWYERS DIVISION

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What's Been Happening?



On January 12, 2024, 8 members of the South Carolina Bar drove to the Marian Wright Edelman Public Library in Bennettsville, South Carolina for a Wills Clinic in which they drafted 51 wills, as well as healthcare powers of attorney. Thanks to Cindy Coker of the SC Bar, Stacy Thompson of Bluestein Attorneys, William Koontz of Bluestein Attorneys, Caroline Lawson of Lauren Taylor Law, Allison Burch of the Spencer Law Firm, Patricia Geddings of AgFirst Farm Credit Bank, Jason Luck of Jason Scott Luck, Attorney at Law, and Taylor Gilliam of the University of South Carolina School of Law, for participating in this event and providing pro bono services to rural counties!

The 6th Circuit Young Lawyers gathered together in December of 2023 to celebrate the holidays!



Cinderella and Prince Charming Project boutiques were hosted across the state, allowing high school students to shop for free prom attire and accessories.



YLD Leadership met in Charleston for the annual luncheon at the 2024 Bar Convention to discuss goals for the remainder of the Bar Year. Later that evening, the YLD hosted an oyster roast, welcome to all young lawyers and all judges.

Letter from the President



I recently attended a retreat with the South Carolina Bar Board of Governors. The opening ice-breaker was simple- just complete the sentence: “If you knew me...” Some of you may know me; many of you probably do not. So for those of you who don’t know me, here goes.

If you knew me, you would know that pro bono is my jam. I have been fortunate to be the Pro Bono Director at the University of South Carolina School of Law since April 2023. In conjunction with the YLD Wills Clinics Committee, I have taken the Palmetto LEADER (a 40-foot bus/RV that is functionally a mobile law office) to multiple towns across the state. If you’re reading this and would like us to travel to you, please call or e-mail me. Our state is full of legal deserts, and slowly but surely, I’m hoping to narrow the justice gap.

If you knew me, you would know that I care about people. To that end, I would like to share a resource the Bar offers. Through Lawyers Helping Lawyers, the Bar offers its members up to 5 free counseling sessions each year. You can call 1-855-321-4384, any day, any hour, and get referred to a counselor. This service is strictly confidential, and I can personally attest to the program. Life is hard. We receive a law

degree after 3 years and are expected to be problem-solvers right out the gate. However, we wrestle with plenty of problems ourselves- please take care of yourselves.

If you knew me, you would know that I am forever inviting people to events. Very soon, our Supreme Court will be traveling to Coker University in Hartsville. During the first two days of May, as part of Community Law Week, our Court will be hearing oral arguments in the morning. I will be there and would like to invite you to join. You’re welcome to sit by me at the arguments- we observe and then discuss the case. Post-arguments, I will be bringing the Palmetto LEADER down in order to host a wills and healthcare POA clinic. I’d love to have you join and can assist with any necessary training.

If you knew me, you would know that I am going to miss the YLD when I age out. However, since I know you, I know that it will be in good hands.

Warmest regards,

Taylor D. Gilliam
YLD President
USC School of Law
gilliatt@mailbox.sc.edu



Stars of the Quarter

- Jay Berly
- Emily Bridges
- Sterling Moose Busbee
- Catherine Catoe
- Phylicia Coleman
- Mya Green
- Jeff Gurney
- Mary Catherine Harbin
- Shelby Herbkersman
- Savannah Hurteau
- Kendall Miller
- Ryan Pasquini
- Adair Patterson
- Meredith Ross
- Abigail Toohey
- Taylor Owens Wise

