

TABLE OF CONTENTS

NOTE ON THE SOUTH CAROLINA RULES OF PROFESSIONAL CONDUCT	xxiii
RESEARCH TOOLS ON LEGAL ETHICS AND PROFESSIONAL RESPONSIBILITY	xxv
NOTE ON AUTHORITIES CITED IN ANNOTATIONS, CURRENTNESS OF ANNOTATIONS, AND UPDATES	xxvii
LAWYER'S OATH	
South Carolina Appellate Court Rule 402(h)(3)	1
ADMISSION PRO HAC VICE AND APPEARANCES BY NON-SOUTH CAROLINA LAWYERS IN ARBITRATION, MEDIATION, OR OTHER ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS IN SOUTH CAROLINA	
South Carolina Appellate Court Rule 404	3
SOUTH CAROLINA RULES OF PROFESSIONAL CONDUCT ANNOTATED	
South Carolina Appellate Court Rule 407	8
Preamble: A Lawyer's Responsibilities	8
Scope	10
Model Rule Comparison	12
Rule 1.0 Terminology	14
Comment	16
Model Rule Comparison	19
Rule 1.1 Competence	20
Comment	20
Model Rule Comparison	22
Cross-References	22
Annotations on Discipline	22
Annotations on Malpractice and Other Forms of Civil Liability	23
» Elements of Malpractice Action	24
» Standard of Care	25
» Requirement of Expert Testimony	28
» Relevance of Ethics Codes in Malpractice Actions	30
» Causation and Damages	30
» Waiver of Prospective Liability	32

Table of Contents

» Defenses to Malpractice Claim – Statute of Limitations; Collateral Estoppel	32
» Liability to Client for Breach of Contract, Breach of Fiduciary Duty, and Other Liabilities	35
» Duty of Care to Certain Nonclients	38
» Assisting Unlawful Conduct	42
» Knowledge of Client’s Breach of a Fiduciary Duty	43
» Advocate’s Defamation Privilege	43
» Wrongful Use of Civil Proceedings: Malicious Prosecution, Abuse of Process	45
» Vicarious Liability	46
» Choice of Law in Legal Malpractice Cases	48
» Assignment of Malpractice Claims	49
» Competency and Technology	49
» Competency and Natural Disasters	51
Rule 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer	52
Comment	52
Model Rule Comparison	55
Cross-References	55
Annotations	56
» Formation of Client-Lawyer Relationship	56
» Lawyer’s Duties to Prospective Client	58
» Client-Lawyer Agreements	58
» Termination of Lawyer’s Authority	58
» Authority Reserved to Client	58
» Authority Reserved to Lawyer	59
» Lawyer’s Authority to Act for Client	60
» Waiver of Client or Lawyer Duties (Limited Representation)	61
» Counseling Illegal Conduct	63
» Assisting Client Fraud	64
» Counseling about Indeterminate or Uncertain Law	65
Rule 1.3 Diligence	65
Comment	65
Model Rule Comparison	66
Cross-References	67

Table of Contents

Annotations	67
» Diligence and “Zeal”	67
» Promptness	67
Rule 1.4 Communication	68
Comment	68
Model Rule Comparison	70
Cross-References	70
Annotations	71
» Duty to Communicate with Client	71
» Duty to Consult with Client	72
» Duty to Inform Client of Settlement Offers	73
Rule 1.5 Fees	74
Comment	76
Model Rule Comparison	79
Cross-References	79
Annotations	79
» Client-Lawyer Fee Agreements	79
» Lawyer’s Fee in Absence of Agreement	81
» Fees on Termination	82
» Fee Payment Methods and Collection Procedures	83
» Fee Arbitration	83
» Forfeiture of a Lawyer’s Compensation	86
» Remedies and Burden of Persuasion in Fee Disputes	86
» Attorney-Fee Awards (Fee Shifting)	86
» Financing Litigation	90
» Reasonableness of a Fee Agreement	91
» Payment of Fees in Advance of Providing Services, including “Non-refundable Fees”	94
» Special Requirements Concerning Contingent Fees	95
» Contingent Fees in Domestic Relations Matters	96
» Fee Splitting (Referral Fees)	96
» Billing for Contract Attorneys	98
» Fees Paid Under the South Carolina Indigent Defense Act	98
» Fee Reduction	99

Table of Contents

Rule 1.6 Confidentiality of Information	99
Comment	100
Model Rule Comparison	107
Cross-References	107
Annotations on Duty of Confidentiality	107
» Definition of Protected Information	107
» Use of E-mail	108
» Technology and Confidentiality	109
» Privacy Protection for Filings: Rule 41.2, SCRPC	111
» Information Imparted in Lawyer Counseling Programs	112
» Disclosure to Advance Client Interests or With Consent	112
» Disclosure When Required by Law or Court Order	113
» Disclosure in Lawyer's Self-Defense	115
» Disclosure in Fee Dispute	116
» Disclosure to Prevent a Crime	116
» Disclosure to Prevent Death or Serious Bodily Injury	117
» Disclosure to Prevent or Rectify Financial Loss	117
» Physical Evidence of Client Crime	118
» Disclosure of Conflicts Information When Lawyers Move Between Firms	118
» Confidentiality and Conflict of Interest	119
» Relationship of Duty of Confidentiality to Other Rules	120
Annotations on Attorney-Client Privilege	121
» Privileged Communications	121
» Privileged Persons	123
» Communications "Made in Confidence"	123
» Communications from Lawyer to Client	124
» Client Identity, Whereabouts, and Fee Arrangements	124
» Legal Assistance as Object of Communication	124
» Privilege for Governmental Clients	125
» Privilege of Co-Clients	125
» Common-Interest Arrangements	125
» Duration of Attorney-Client Privilege	126
» Waiver of Attorney-Client Privilege by Disclosure	126
» Waiver by Putting Assistance or Communication in Issue	127

Table of Contents

» Exception to Privilege for Client Crime or Fraud	128
» Invoking the Privilege and Its Exceptions	129
Annotations on Work Product Doctrine	129
Rule 1.7 Conflict of Interest: Current Clients	131
Comment	131
Model Rule Comparison	141
Cross-References	142
Annotations	142
» Basic Prohibition of Conflict of Interest	142
» Direct Adversity Between Clients	142
» Material Limitation on Representation	143
» Sexual Relations with Spouse of Current Client	145
» Client Consent to a Conflict of Interest:	
Non-Consentable Conflicts	146
Informed Consent	147
Positional Conflicts	148
Representing Parties with Conflicting Interests in Unrelated Civil Litigation	148
Insured-Insurer Conflicts	149
Conflicts of Interest in Criminal Litigation	151
Multiple Representation in Non-Litigated Matters	153
Conflicts of Interest in Representing Organizations	156
Lawyer with Fiduciary Obligations to Third Person	156
Of Counsel Relationships	157
Interlocutory Appeal	157
Rule 1.8 Conflict of Interest: Current Clients; Specific Rules	157
Comment	159
Model Rule Comparison	167
Cross-References	168
Annotations	168
» Sexual Relations with Clients	168
» Business Transactions with Clients	169
» Client Gifts to Lawyer	173
» Litigation Expenses	174
» Living and Medical Expenses	175

Table of Contents

» Compensation and Direction by Third Person	175
» Aggregate Settlements	176
» Prospective Limitation of Malpractice Liability	177
» Settlement of Malpractice Claim	178
» Opposing a Lawyer Relative	178
» Acquiring an Interest in Subject Matter of Representation	179
» Lawyer Liens	180
» Of Counsel Relationships	181
Rule 1.9 Duties to Former Clients	182
Comment	182
Model Rule Comparison	185
Cross-References	185
Annotations	185
» Duties of Loyalty and Confidentiality to Former Clients; the “Substantial Relationship” Test	185
» Relevance of “Appearance of Impropriety” Standard	192
» Removing Imputed Conflict of Migratory Lawyer or Staff Member	192
» Of Counsel Relationships	194
» Interlocutory Appeal	195
Rule 1.10 Imputation of Conflicts of Interest: General Rule	195
Comment	196
Model Rule Comparison	198
Cross-References	198
Annotations	198
» Definition of “Firm”	198
» Imputed Disqualification Among Current Affiliated Lawyers	199
» Removing Imputation by Screening	200
» Disqualification of Firm after Disqualified Lawyer Departs	201
» Client Consent	201
» Of Counsel Relationships	202
Rule 1.11 Special Conflicts of Interest for Former and Current Government Officers and Employees	202
Comment	204
Model Rule Comparison	206
Cross-References	206

Table of Contents

Annotations	206
» Representation of Another Client by Former Government Lawyer	206
» No Imputation to Firm if Former Government Lawyer Is Screened	207
» Use of Confidential Government Information	207
» Government Lawyer Participation in Matters Related to Prior Representation	208
» Government Lawyer Negotiating for Private Employment	209
Rule 1.12 Former Judge, Arbitrator, Mediator, or Other Third-Party Neutral	209
Comment	210
Model Rule Comparison	211
Cross-References	211
Annotations	211
» Former Judge, Law Clerk, or Third-Party Neutral Representing Client in Same Matter	211
» Negotiating for Future Employment	211
» Screening to Prevent Imputed Disqualification	212
Rule 1.13 Organization as Client	212
Comment	213
Model Rule Comparison	217
Cross-References	217
Annotations	217
» Entity as Client	217
» Lawyer Serving as Officer or Director of an Organization	218
» Diverse Kinds of Entities as Organizations	219
» Preventing Injury to an Entity Client	219
» Fairness to Non-Client Constituents Within an Entity Client	221
» Representing Government Client	222
Rule 1.14 Client with Diminished Capacity	223
Comment	223
Model Rule Comparison	226
Cross-References	226
Annotations	226
» Potential Conflicts in Representing a Client with Diminished Capacity	226

Table of Contents

» Maintaining Client-Lawyer Relationship with Client with Diminished Capacity	227
» Appointment of Guardian or Other Protective Action	227
» Competency to Waive Counsel in Criminal Cases	228
» Duty When Retained by Family of Person with Diminished Capacity	229
Rule 1.15 Safekeeping Property	229
Comment	233
Model Rule Comparison	235
Cross-References	236
Annotations	236
» South Carolina IOLTA Plan	236
» South Carolina Client Security Fund	237
» Status of Fee Advances	238
» Surrendering Possession of Property	239
» Disbursing Collected Funds	240
» Liens	241
» Files Relating to Representation	241
» Commingling Property or Funds	243
» Overdrafts	244
» Fiduciary Responsibility; Recordkeeping	245
» Notification of Owners	247
» Supervision of Accounts	247
» Dispute Over Entitlement to Funds or Property Held in Trust	248
Rule 1.16 Declining or Terminating Representation	250
Comment	251
Model Rule Comparison	253
Cross-References	253
Annotations	253
» Discharge by Client; When Court Approval Is Required	253
» Withdrawal to Avoid Violation of Rule or Unlawful Conduct	254
» Circumstances Justifying Discretionary Withdrawal	254
» Responsibility of Contract Attorneys	256
» Order by Tribunal to Continue Representation	256
» Mitigating Harm to Client Upon Withdrawal	257

Table of Contents

Rule 1.17 Sale of Law Practice Comparison	258
Comment	259
Model Rule Comparison	261
Cross-References	261
Annotations	262
Rule 1.18 Duties to Prospective Client	263
Comment	263
Model Rule Comparison	266
Cross-References	266
Annotations	266
Rule 1.19 Succession Planning	267
Comment	267
Model Rule Comparison	268
Cross-References	268
Annotations	269
» Encouragement to Prepare Succession Plans	269
» Requirements for Succession Plans	269
» Discretionary Not Mandatory	270
Rule 2.1 Advisor	271
Comment	271
Model Rule Comparison	272
Cross-References	272
Annotations	272
» Non-Legal Factors in Giving Advice	272
» Offering Advice and Exercise of Independent Judgment	272
Rule 2.2 [Reserved]	273
Rule 2.3 Evaluation for Use by Third Persons	273
Comment	273
Model Rule Comparison	275
Cross-References	275
Annotations	275
» Undertaking an Evaluation for a Client	275
» Confidentiality of an Evaluation	276

Table of Contents

Rule 2.4 Lawyer Serving as Third Party Neutral	276
Comment	277
Model Rule Comparison	278
Cross-References	278
Annotations	278
Rule 3.1 Meritorious Claims and Contentions	280
Comment	280
Model Rule Comparison	280
Cross-References	281
Annotations	281
» Non-Meritorious Assertions in Litigation	281
» Judicial Sanctions for Abusive Litigation Practice	283
Rule 3.2 Expediting Litigation	286
Comment	286
Model Rule Comparison	287
Cross-References	287
Annotations	287
» Dilatory Tactics	287
Rule 3.3 Candor Toward the Tribunal	288
Comment	289
Model Rule Comparison	293
Cross-References	293
Annotations	293
» False Statements to a Tribunal	293
» Disclosing Adverse Legal Authority	296
» False Evidence in Civil Proceedings	296
» False Evidence in Criminal Proceedings	298
» Right of Criminal Defendant to Testify or Represent Himself or Herself	299
» Offering a Witness an Improper Inducement	300
» Duty to Reveal Criminal or Fraudulent Conduct to the Tribunal	300
» Discretion to Withhold Evidence Believed to be False	302
» Duty of Disclosure in Ex Parte Proceedings	302

Table of Contents

Rule 3.4 Fairness to Opposing Party and Counsel	302
Comment	303
Model Rule Comparison	304
Cross-References	304
Annotations	304
» Unlawful Destruction and Concealment of Evidence	304
» Falsifying Evidence	305
» Prohibited Inducements	305
» Knowing Disobedience to Rules of Tribunal	306
» Fairness in Pretrial Practice	306
» Improper Trial Tactics	309
» Advising Witness Not to Speak to Opposing Parties	312
Rule 3.5 Impartiality and Decorum of the Tribunal	312
Comment	313
Model Rule Comparison	313
Cross-References	314
Annotations	314
» Improperly Influencing a Judge	314
» Improperly Influencing a Juror	315
» Improper Ex Parte Communication	315
» Intentional Disruption of a Tribunal	318
Rule 3.6 Trial Publicity	318
Comment	319
Model Rule Comparison	321
Cross-References	321
Annotations	322
» Improper Extrajudicial Statements	322
» Permissible Statements	323
» Responding to Adverse Publicity	323
Rule 3.7 Lawyer as Witness	323
Comment	324
Model Rule Comparison	325
Cross-References	326
Annotations	326
» Prohibition of Advocate as Witness	326

Table of Contents

» Exceptions to Disqualification	328
» An Affiliated Lawyer as Advocate (Imputed Disqualification)	330
Rule 3.8 Special Responsibilities of a Prosecutor	330
Comment	332
Model Rule Comparison	334
Cross-References	334
Annotations	334
» The Decision to Charge	334
» Efforts to Assure Accused's Right to Counsel	335
» Seeking Waivers of Rights from Unrepresented Defendants	336
» Disclosing Evidence Favorable to the Accused	336
» Issuing a Subpoena to a Lawyer	338
» Making Extrajudicial Statements	339
» Monitoring Extrajudicial Statements by Law Enforcement Officials	339
» The Prosecutor's Obligation to Justice	339
» Obligations of Prosecutors Regarding Erroneous Convictions.....	340
» Authority to Prosecute Cases in Summary Courts	340
» Constitutional Authority of the Attorney General to Prosecute Crimes	340
» Vindictive Prosecution	341
Rule 3.9 Advocate in Non-adjunctive Proceedings	342
Comment	342
Model Rule Comparison	342
Cross-References	342
Annotations	343
Duties of Advocate in Non-adjunctive Proceedings	343
Rule 4.1 Truthfulness in Statements to Others	344
Comment	344
Model Rule Comparison	345
Cross-References	345
Annotations	345
» Truthfulness in Out-of-Court Statements	345
» Disclosure to Avoid Assisting Client Fraud	347
Rule 4.2 Communication with Person Represented by Counsel	347
Comment	348

Table of Contents

Model Rule Comparison	350
Cross-References	350
Annotations	350
» Communication with a Represented Party	350
» “Represented Person” (Contact with an Agent or Employee of a Represented Entity)	352
» Communications Authorized by Law or Court Order	354
Rule 4.3 Dealing with Unrepresented Person	354
Comment	355
Model Rule Comparison	355
Cross-References	355
Annotations	355
» Dealing with Unrepresented Person	355
Rule 4.4 Respect for Rights of Third Persons	357
Comment	357
Model Rule Comparison	358
Cross-References	358
Annotations	358
» Disregard of Rights or Interests of Third Persons	358
» Inadvertently Sent Documents	360
Rule 4.5 Threatening Criminal Prosecution	361
Comment	361
Model Rule Comparison	361
Cross-References	361
Annotations	361
» Threatening Prosecution	361
Rule 5.1 Responsibilities of Partners, Managers, and Supervisory Lawyers	363
Comment	363
Model Rule Comparison	365
Cross-References	366
Annotations	366
» Duty of Partners (and Those with Comparable Managerial Authority) to Monitor Compliance with Professional Rules	366
» Monitoring Duty of Supervisory Lawyer	367
» Responsibility for the Conduct of Another Lawyer	368

Table of Contents

» Responsibility for Contract Attorneys	366
Rule 5.2 Responsibilities of a Subordinate Lawyer	369
Comment	369
Model Rule Comparison	369
Cross-References	369
Annotations	370
» Independent Responsibility of a Subordinate Lawyer	370
» Reliance on a Supervisor’s Resolution of Arguable Ethical Issues	370
Rule 5.3 Responsibilities Regarding Non-lawyer Assistants	371
Comment	371
Model Rule Comparison	373
Cross-References	373
Annotations	373
» Duty to Establish Safeguards	373
» Duty to Control Non-Lawyer Assistants	374
» Responsibility for Misconduct of Non-Lawyer Assistants	376
Rule 5.4 Professional Independence of a Lawyer	376
Comment	377
Model Rule Comparison	378
Cross-References	378
Annotations	378
» Sharing Fees with a Nonlawyer	378
» Forming a Partnership with Nonlawyers	381
» Third-Party Interference with a Lawyer’s Professional Judgment	381
» Non-Lawyer Ownership in or Control of Profit-Making Legal Services Organizations	382
Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law	383
Comment	384
Model Rule Comparison	388
Cross-References	389
Annotations	389
» Practice of Law by Nonlawyers	389
» Legal Services Provided by Non-legal Service Providers (“NLSP”)	395

Table of Contents

» Assisting in the Unauthorized Practice of Law	395
» Admission and Residency Requirements for Out-of-State Lawyers	398
» Remote Work in South Carolina by Out-of-State Lawyers	400
» Pro Hac Vice Admission	402
Rule 5.6 Restrictions on Right to Practice	403
Comment	403
Model Rule Comparison	403
Cross-References	403
Annotations	403
» Restrictions on Lawyers Leaving a Firm	403
» Private Settlements Restricting a Lawyer's Future Practice	405
Rule 5.7 Responsibilities Regarding Law-Related Services	406
Comment	406
Model Rule Comparison	409
Cross-References	409
Annotations	409
» Applicability of Ethics Rules to Ancillary Business Activities	409
Rule 6.1 Voluntary Pro Bono Publico Service	411
Comment	411
Model Rule Comparison	412
Cross-References	412
Annotations	412
» Lawyer's Moral Obligation to Engage in Public Interest Legal Service	412
» Efforts to Deal with the Vast Unmet Need for Legal Services	412
Rule 6.2 Accepting Appointments	413
Comment	413
Model Rule Comparison	414
Cross-References	414
Annotations	414
» Duty to Accept Court Appointments Except for Good Cause	414
» Constitutional Aspects of Appointments	415
Rule 6.3 Membership in Legal Services Organization	416
Comment	416
Model Rule Comparison	416

Table of Contents

Cross-References	416
Annotations	417
» Conflicts of Interests of Lawyers Participating in a Legal Services Organization	417
Rule 6.4 Law Reform Activities Affecting Client Interests	418
Comment	418
Model Rule Comparison	418
Cross-References	418
Annotations	418
» Conflicts of Interests of Lawyers Participating in Law Reform Organization	418
Rule 6.5 Nonprofit and Court Annexed Limited Legal Services Programs	419
Comment	420
Model Rule Comparison	421
Cross-References	421
Annotations	421
» Conflicts of Interests of Lawyers Participating in Nonprofit and Court Annexed Limited Legal Services Programs	421
Rule 7.1 Communications Concerning a Lawyer's Services	423
Comment	423
Model Rule Comparison	425
Cross-References	425
Annotations	425
» Prior Law and the Commercial Speech Doctrine	425
» False, Deceptive, and Misleading Communications	428
» Violation of Lawyer's Oath of Office in Advertising	430
» Advertising by Out-of-State Lawyers	431
» Creating Unjustified Expectations	432
» Comparison with Other Lawyers	433
Rule 7.2 Advertising	433
Comment	435
Model Rule Comparison	438
Cross-References	438
Annotations	438
» Permissible Forms of Lawyer Advertising	438

Table of Contents

» Retaining Copy of Advertising Material	441
» Paying to Have Services Recommended	442
» Identification of a Responsible Lawyer	445
Rule 7.3 Solicitation of Clients	446
Comment	448
Model Rule Comparison	452
Cross-References	452
Annotations	452
» Prohibition of For-Profit, In-Person Solicitation	452
» Regulation of Written and Recorded Solicitation	454
» Disclaimers for Written and Recorded Solicitation	455
» Solicitation by Prepaid and Group Legal Services Plans	455
Rule 7.4 Communication of Fields of Practice and Specialization	456
Comment	457
Model Rule Comparison	458
Cross-References	458
Annotations	458
» Regulation of Claims of Certification and Specialization	458
Rule 7.5 Firm Names and Letterheads	459
Comment	460
Model Rule Comparison	460
Cross-References	460
Annotations	460
» Firm Names and Trade Names	460
» Law Firms with Offices in More Than One Jurisdiction	462
» Use of the Name of a Public Official	462
» Misleading Designation as Partnership, etc.	462
Rule 8.1 Bar Admission and Disciplinary Matters	463
Comment	463
Model Rule Comparison	463
Cross-References	464
Annotations	464
» Bar Admission Agency	464
» Bar Admission Requirements	464

Table of Contents

» False Statement of Material Fact in Connection with Admission or Discipline	465
» Duty to Volunteer Information to Correct a Misapprehension	465
» Timeliness of Response to Disciplinary Counsel	465
Rule 8.2 Judicial and Legal Officials	466
Comment	466
Model Rule Comparison	466
Cross-References	466
Annotations	466
» False Statements About Judges or Other Legal Officials	466
Rule 8.3 Reporting Professional Misconduct	467
Comment	467
Model Rule Comparison	469
Cross-References	469
Annotations	469
» Duty to Report Criminal Matters	469
» Mandatory Duty to Report Serious Misconduct	470
» Reporting the Serious Misconduct of a Judge	471
» Exception Protecting Confidential Information	471
» Civil Liability for Failing to Report Misconduct	472
Rule 8.4 Misconduct	472
Comment	473
Model Rule Comparison	474
Cross-References	474
Annotations	474
» Violation of a Rule of Professional Conduct	474
» Commission of a Crime	475
» Dishonesty, Fraud, Deceit, and Misrepresentation	477
» Conduct Prejudicial to the Administration of Justice	481
» Implying Ability to Influence Public Officials	483
» Assisting Judge or Official in Violation of Duty	483
» Discrimination in the Practice of Law	483
» Mitigating Factors	484
Rule 8.5 Disciplinary Authority; Choice of Law	484
Comment	485

Table of Contents

Model Rule Comparison	487
Cross-References	487
Annotations	487
» Disciplinary Authority	487
» Choice of Law	488
 OVERVIEW OF THE SOUTH CAROLINA DISCIPLINARY SYSTEM	491
Commission on Lawyer Conduct; Disciplinary Counsel;	
Commission Counsel	491
Complaints	492
Investigations	493
Discipline by Consent	494
Formal Charges	495
Discovery and Hearings	496
Supreme Court Proceedings	497
Public Access and Privilege	497
Range of Sanctions	499
Reciprocal Discipline	500
Reinstatement	501
 INTEREST ON LAWYER TRUST ACCOUNTS (IOLTA)	
South Carolina Appellate Court Rule 412	503
 RULES FOR LAWYER DISCIPLINARY ENFORCEMENT	
South Carolina Appellate Court Rule 413	509
Rule 1. Purpose	509
Rule 2. Terminology	509
Rule 3. The Commission on Lawyer Conduct	512
Rule 4. Organization and Authority of the Commission	513
Rule 5. Disciplinary Counsel	516
Rule 6. Commission Counsel	517
Rule 7. Grounds for Discipline; Sanctions Imposed; Deferred Discipline Agreement	518
Rule 8. Proof	519
Rule 9. Civil Rules Applicable	519
Rule 10. Right to Counsel	520
Rule 11. Ex Parte Contacts	520

Table of Contents

Rule 12. Access to Disciplinary Information	521
Rule 13. Immunity from Civil Suits	523
Rule 14. Time, Service, and Filing	523
Rule 15. Oaths; Subpoena Power	527
Rule 16. Lawyers Charged with or Convicted of a Crime	528
Rule 17. Interim Suspension	529
Rule 18. Notification to Complainant; Limited Right to Review	530
Rule 19. Screening and Investigation	531
Rule 20. Motion by Disciplinary Counsel to Re-Open Dismissed Complaints	535
Rule 21. Discipline by Consent	535
Rule 22. Formal Charges	537
Rule 23. Answer	537
Rule 24. Failure to Answer; Failure to Appear	538
Rule 25. Discovery	538
Rule 26. Hearing	540
Rule 27. Review by Supreme Court	542
Rule 28. Cases Involving Allegations of Mental or Physical Incapacity and/or the Inability to Participate in a Disciplinary Investigation or Assist in the Defense of Formal Proceedings	544
Rule 29. Reciprocal Discipline and Reciprocal Incapacity Inactive Status	550
Rule 30. Duties Following Disbarment, Suspension, or Permanent Resignation	551
Rule 31. Order of Receivership	553
Rule 32. ReinstateMENT Following a Definite Suspension of Less than Nine Months	557
Rule 33. ReinstateMENT Following a Definite Suspension for Nine Months or More or Disbarment	558
Rule 34. Employment of Lawyers Who Are Debarred, Disbarred, Suspended, Transferred to Incapacity Inactive Status, or Permanently Resigned in Lieu of Discipline	562
Rule 35. Resignation in Lieu of Discipline	565
FINANCIAL RECORDKEEPING	
South Carolina Appellate Court Rule 417	567
ADVERTISING AND SOLICITATION BY UNLICENSED LAWYERS	
South Carolina Appellate Court Rule 418	573

Table of Contents

INTERVENTION TO PROTECT CLIENTS	
South Carolina Appellate Court Rule 428	575
CONDUCT DURING DEPOSITIONS	
South Carolina Rule of Civil Procedure 30(j)	577
SEALING DOCUMENTS AND SETTLEMENT AGREEMENTS	
South Carolina Rule of Civil Procedure 41.1	579
PRIVACY PROTECTION FOR FILINGS	
South Carolina Rule of Civil Procedure 41.2	583
INDEX TO ANNOTATIONS	587

