

**Rule Changes with significant changes highlighted
Current Through Advance Sheet 37, October 1, 2025**

SCACR Rule 404 Pro Hac Vice Amendments

Rule 404(a), SCACR, is amended to provide:

(a) Motion for Admission Pro Hac Vice; Tribunal Defined. Upon written motion, an attorney who is not admitted to practice law in South Carolina and who is admitted and authorized to practice law in the highest court of another state or the District of Columbia may be admitted pro hac vice in any action or proceeding before a tribunal of this state. Except as provided by Rule 244(d), a person may not be admitted pro hac vice unless a regular member of the South Carolina Bar in good standing is associated as attorney of record with that person. The South Carolina attorney of record shall file the motion with a copy of the completed application form specified in (d) below (including the certificate of good standing) and the certification by the Clerk of the South Carolina Supreme Court specified in (e) below. For the purpose of this rule, a "tribunal" includes any court of this state, the South Carolina Administrative Law Court and any South Carolina agency authorized to hear and determine contested cases as defined under S.C. Code Ann. § 1-23-310.

Rule 404(b), SCACR, is amended to provide:

(b) Action on Motion. The tribunal in its discretion may hold a hearing on the motion and shall enter an order granting or denying the motion. If the motion is denied, the tribunal shall state its reasons.

Rule 404(d)(1), SCACR, is amended to provide:

(d) Application for Admission Pro Hac Vice. The Application for Admission Pro Hac Vice shall be on a form approved by the Supreme Court and shall contain the following information:

- (1) the applicant's office address;

Rule 404(e), SCACR, is amended to provide:

(e) Admission Fee and Certification; Record of Appearances Pro Hac Vice. Prior to making a motion to be admitted pro hac vice, the application shall be submitted to the South Carolina Supreme Court Office of Bar Admissions along with an admission fee of \$250. The fee shall not be required for pro hac vice admissions sought under Rule 244(d), SCACR. Upon receipt of the

application, the Clerk of the South Carolina Supreme Court shall certify that the application form and fee, if applicable, have been received. The South Carolina attorney of record shall file the certification and a copy of the completed application with the motion as specified in (a) above. The Office of Bar Admissions shall maintain a record of all pro hac vice applications as a public record.

Rule 404(l), SCACR, is amended to provide:

(l) Fee; Record of Provision of Legal Services Pursuant to Rule 5.5(c)(3).

For each matter in which a lawyer seeks to provide legal services pursuant to Rule 5.5(c)(3), the lawyer shall file a verified statement with the South Carolina Supreme Court Office of Bar Admissions stating that the lawyer has not filed more than three statements pursuant to this rule in a 365-day period. The statement shall be accompanied by a \$250 fee and shall be served on opposing counsel, if known. If opposing counsel is not known at the time the verified statement is filed, the statement shall be served on opposing counsel within ten days of learning the identity of opposing counsel.

SCACR 413 Rule on Lawyer Disciplinary Enforcement

Rule 12(c)(5), RLDE, is deleted and replaced with new paragraph (i), which provides:

(i) Disclosure to Appropriate Disciplinary Authority. Commission counsel, disciplinary counsel, or a member of the staff of the Commission or the Office of Disciplinary Counsel may:

- (1) Disclose the existence of a complaint to a representative of an appropriate disciplinary authority in any jurisdiction in which a lawyer is admitted to practice law or has applied for admission to practice law; or
- (2) Disclose confidential information related to a complaint or investigation to a representative of an appropriate disciplinary authority in any jurisdiction if it appears that information may assist in the discharge of their duties when there is evidence the lawyer committed misconduct under lawyer disciplinary rules of that jurisdiction or where a lawyer receives any sanction under Rule 7(b).

Rule 14(d), RLDE, is amended to provide:

(d) Filing Complaint with Disciplinary Counsel.

(1) Filing of a complaint with the Office of Disciplinary Counsel, along with any relevant supporting documentation or exhibits, shall be made by:

- (A) Delivering one unbound copy to the Office of Disciplinary Counsel. Delivery of a copy under this provision means handing it to an employee of the Office of Disciplinary Counsel; or
- (B) Depositing one unbound copy in the U.S. Mail, properly addressed to the Office of Disciplinary Counsel with sufficient first-class postage attached.

(2) A complaint must be made against a specific lawyer and contain a clear statement of the details of each act of alleged misconduct or incapacity and include details such as:

(A) a brief description of the legal matter that gives rise to the complaint; and

(B) a detailed factual description of the alleged misconduct or incapacity.

The Office of Disciplinary Counsel may require the complainant provide additional information; however, the complainant's failure to provide sufficient and specific detail may result in individual allegations not being investigated or the dismissal of the complaint.

Rule 18(b), RLDE, is amended to provide:

(b) Limited Right to Review. Although entitled to notice, a complainant is not a party to the proceeding. However, upon notice of a dismissal by disciplinary counsel pursuant to Rule 19(d)(1) or Rule 19(f)(3), a complainant may seek review by the investigative panel.

Disciplinary counsel shall inform the complainant of the following review process in the notice of dismissal. The complainant may seek review by submitting a request to the disciplinary counsel in writing within 30 days of the date of the notice of dismissal. Upon receipt of the request for review, disciplinary counsel shall provide the lawyer with a copy of the request. The lawyer may submit a written response within 15 days. Disciplinary counsel shall submit the complainant's request and the lawyer's response, if any, for consideration at the next meeting of the investigative panel. Notification in writing shall be mailed to the complainant and the lawyer within 20 days of the investigative panel's decision. The complainant is not entitled to appeal or otherwise seek review of a dismissal or referral by disciplinary counsel pursuant to Rule 19(a) or of any decision, action, or disposition by the investigative panel, the hearing panel, the Commission chair or vice-chair, or the Supreme Court.

Rule 19(a), RLDE, is amended, and new paragraph (f) is added to Rule 19, which provide:

(a) Screening. Disciplinary counsel shall evaluate all information coming to disciplinary counsel's attention by complaint or from other sources that alleges lawyer misconduct, incapacity, or the inability to participate in a disciplinary investigation or assist in the defense of formal proceedings due to a physical or mental condition.

(1) As part of the screening evaluation, disciplinary counsel may:

(A) Request the complainant provide additional information before determining whether to dismiss or investigate;

(B) Provide the lawyer with an opportunity to respond to or address the allegations in the complaint before determining whether to dismiss or investigate;

(C) Conduct a limited review of publicly available documents or other information before determining whether to dismiss or investigate.

(2) If the complaint is facially frivolous or the information would not constitute misconduct, incapacity, or the inability to participate in a disciplinary investigation or assist in the defense of formal proceedings if it were true, disciplinary counsel shall dismiss the complaint or, if appropriate, refer the matter to another agency. Disciplinary counsel may also dismiss a complaint submitted by a person who provides information about a lawyer based solely on published news reports, social media posts, or otherwise where the complainant appears to have no personal knowledge of the information submitted.

(3) If the information raises allegations that would constitute lawyer misconduct, incapacity, or the inability to participate in a disciplinary investigation or assist in the defense of formal proceedings if true, disciplinary counsel shall conduct an investigation. (4) Disciplinary counsel shall notify the complainant of the disposition of the complaint. If dismissed,

disciplinary counsel is not required to notify the lawyer of the complaint or disposition but may release information about the complaint to the lawyer upon written request.

(f) Time Limitation for Filing a Complaint Alleging Lawyer Misconduct.

(1) A complaint must be filed with the Office of Disciplinary Counsel within five years of the time the complainant discovered or reasonably should have discovered the alleged misconduct.

(2) The five-year time limitation shall not apply to complaints when the allegations involve fraud, conversion, conviction of a serious crime, or when the lawyer is alleged to have concealed or attempted to conceal the conduct. Additionally, the five-year limitation shall not apply to the imposition of reciprocal discipline.

(3) Disciplinary counsel may dismiss a complaint based on the time limitation if raised by the lawyer and none of exceptions in paragraphs (f)(1) and (2) apply.

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