

The Hearing Panel took two aggravating factors into consideration: (1) Respondent failed to fully cooperate in the disciplinary investigations, and (2) Respondent did not answer the formal charges or appear at the hearing.

The Hearing Panel noted Respondent had failed to appear at the hearing to offer evidence in mitigation, but that disciplinary counsel did report to the Hearing Panel "that Respondent had suffered a medical emergency and a subsequent domestic issue in 2005 and 2006 that interrupted her law practice and resulted in her leaving the state unexpectedly."

Respondent did return to the state for a time and during one interval she cooperated in the disciplinary investigation and was represented by counsel. However, on March 25, 2008 the Commission Chair granted counsel's motion to be relieved on the ground that he had been unable to communicate with Respondent. Respondent corresponded with ODC in April 2008, but she did not appear in August 2008 as required by an ODC subpoena and she has not contacted ODC since July 2008.

Because of these circumstances, the Hearing Panel found that Respondent's alleged "medical condition and domestic issue do not mitigate the sanction in this matter since she did not answer or appear to offer any evidence in that regard." The Hearing Panel did take into account, however, the fact that Respondent has no disciplinary history.

I. Hearing Panel's Recommended Sanction

The Hearing Panel recommended the sanction of disbarment and that Respondent be ordered to pay the costs of these proceedings. The recommendation was based on the underlying misconduct, Respondent's failure to fully cooperate in the disciplinary investigation, and her failure to answer the formal charges and appear

charges or appear at the panel hearing or the hearing before this Court (and thus was deemed to have admitted the factual allegations in the charges), failed to provide competent representation, failed to keep clients reasonably informed, misappropriated client funds, and committed criminal acts.

In the current matter, Respondent's abandonment of her law practice without appropriate regard for the interests of her clients, and her subsequent misconduct in failing to answer the formal charges, failing to submit to ODC's subpoena, and failing to appear at the hearing convened by the Hearing Panel, as well as her continued failure to participate in the disciplinary process, warrant her disbarment.

Respondent has not communicated with ODC for over two years and, according to an investigator with the South Carolina Law Enforcement Division (SLED), she has left the state. At this point, the only facts that are certain are that Respondent has abandoned her clients and her law practice in this state and the reasons for this conduct have not been substantiated. Respondent has presented no evidence in mitigation at any stage of this proceeding.

In the case of *In re Okpalaeke*, 374 S.C. 186, 648 S.E.2d 593 (2007), the attorney was aware formal charges were being brought against him, but he left the state and apparently had no intention of returning (the last entry on his passport was Amsterdam, Holland). This Court noted the charges against the attorney described approximately nine acts of misconduct, including failing to properly disburse settlement money, threatening criminal prosecution to gain advantage in a civil matter, and systematically failing to properly oversee and fulfill the financial obligations of his law practice. This Court accepted the Hearing Panel's recommendation of disbarment, stating Respondent had "shown no regard for the status of his license to practice law in South

ordered the attorney to make \$410.00 in restitution and pay the costs of the disciplinary proceeding. *Id.* at 193-94, 652 S.E.2d at 396.

In another case, *In re Murph*, 350 S.C. 1, 4-5, 564 S.E.2d 673, 675 (2002), we stated the attorney's "failure to answer the formal charges and appear at the hearing before the sub-panel, when coupled with his admission that he committed criminal acts, his failure to respond to Disciplinary Counsel, the fact that he practiced law on two occasions while on suspension, the fact that he has failed to earn or return over \$7,000 in fees, and his failure to represent clients competently and diligently in numerous cases, warrants the severe sanction of disbarment."

This Court stated an attorney's failure to answer charges or appear to defend the misconduct is to be accorded "substantial weight" and is likely to result in "the most severe sanctions":

An attorney usually does not abandon a license to practice law without a fight. Those who do must understand that "neglecting to participate [in a disciplinary proceeding] is entitled to substantial weight in determining the sanction." *In the Matter of Sifly*, 279 S.C. 113, 115, 302 S.E.2d 858, 859 (1983). An attorney's failure to answer charges or appear to defend or explain alleged misconduct indicates an obvious disinterest in the practice of law. Such an attorney is likely to face the most severe sanctions because a central purpose of the disciplinary process is to protect the public from unscrupulous or indifferent lawyers.

Id. at 4, 564 S.E.2d at 675 (quoting *In re Hall*, 333 S.C. 247, 251, 509 S.E.2d 266, 268 (1998) (alteration in original)).

In the case of *In re Wofford*, 330 S.C. 522, 500 S.E.2d 486 (1998), the Court determined disbarment was appropriate where the attorney failed to answer the formal