



## Jeff Geiger Counters

### SC Nixes Attorney Sex With Client's Wife

**By: Jeff Geiger.** *This was posted Friday, September 24th, 2010*

Beware wayward lawyers: you can no longer have sex with your client's wife in South Carolina. Does anyone else hear strains of a banjo in the background?

As I noted in [March](#), while not adopted in Virginia, [Rule 1.8\(j\)](#) of the *ABA Model Rules of Professional Conduct* states that: "A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced." A brief and understandable furor arose over a [series of cases](#) in Virginia in which lawyers were accused of having consensual (and non-consensual) sex with clients.

I stated then, and repeat now, that:

"From my vantage point, the rules already address sexual relationships. [Rule 1.7](#) provides that a lawyer shall not represent a client if the representation will be limited by the personal interest of the lawyer. [Rule 8.4](#) prohibits deliberately wrongful acts that reflect adversely on the lawyer's fitness to practice law. I don't need a rule to tell me not to have sex with a client anymore than I need a rule to tell me not to get drunk and appear in court. I am not advocating turning the law office into a television series. Instead, I am promoting a return to judgment."

South Carolina agrees, sort of. In [In the Matter of Anonymous Member of the South Carolina Bar](#), the lawyer admitted to having a sexual relationship with the wife of one of his clients notwithstanding his having been an "upstanding member of this bar for thirty-seven years." The Hearing Panel of the Commission of Lawyer Conduct dismissed the Rule 1.7 charge even as it found his behavior to be "morally inappropriate and ill-advised." On appeal, the South Carolina Supreme Court rejected that determination, admonished the lawyer for his conduct and took the "opportunity to address what we see as a treacherous area for attorneys." In doing so, it held that:

<http://www.jeffgeigercounters.com/>

[Richmond](#) • [Christiansburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [McLean](#)

Copyright Sands Anderson PC

THE INFORMATION CONTAINED IN OUR WEB SITE DESCRIBES LEGAL MATTERS HANDLED IN THE PAST BY OUR ATTORNEYS. OF COURSE, THE RESULTS WE HAVE ACHIEVED DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. BECAUSE EACH MATTER IS DIFFERENT, OUR PAST RESULTS CANNOT PREDICT OR GUARANTEE A SIMILAR RESULT IN THE FUTURE.

“The practice of law is a laudable profession that should be held to the highest of standards; practicing law is a privilege. Respondent admits to a serious lapse in judgment in these circumstances, and rightly so. Sexual involvement with the spouse of a current client, while not expressly proscribed by the language of our Rules of Professional Conduct, unquestionably has the propensity to compromise the most sacred of professional relationships: that between an attorney and his or her client. Attorneys who engage in a sexual relationship with their client’s spouse do so at their professional peril. Consequently, this Court alerts the bar, in addition to admonishing Respondent, that a sexual relationship with the spouse of a current client is a *per se* violation of Rule 1.7, as it creates the significant risk that the representation of the client will be limited by the personal interests of the attorney.”

The bottom line is don’t have sex with clients, their spouses, relatives, etc. Instead, take a nice hike along the [Appalachian Trail](#) and don’t forget to say “hi” to [Governor Sanford](#)....

<http://www.jeffgeigercounters.com/>

[Richmond](#) • [Christiansburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [McLean](#)

Copyright Sands Anderson PC

THE INFORMATION CONTAINED IN OUR WEB SITE DESCRIBES LEGAL MATTERS HANDLED IN THE PAST BY OUR ATTORNEYS. OF COURSE, THE RESULTS WE HAVE ACHIEVED DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. BECAUSE EACH MATTER IS DIFFERENT, OUR PAST RESULTS CANNOT PREDICT OR GUARANTEE A SIMILAR RESULT IN THE FUTURE.