

Bond Case Briefs

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PROFESSIONAL CONDUCT - SOUTH DAKOTA

In re Discipline of Tornow

Supreme Court of South Dakota - August 7, 2013 - N.W.2d - 2013 S.D. 61

In attorney disciplinary proceedings, the Disciplinary Board found misconduct and recommended public censure.

The Supreme Court of South Dakota held that:

- Attorney's misleading statements violated rule of professional conduct;
- Attorney's attempted concealing of potential evidence constituted misconduct;
- Attorney's use of information obtained in his representation of city to assist counsel representing his daughter on city traffic charge was improper;
- Attorney's disrespectful and insulting invectives in brief to circuit court was misconduct; and
- Public censure was warranted as a sanction.

Public censure was warranted as a sanction for attorney for city who engaged in misconduct by making misleading statements in his representation of city board of ethics, by attempting to conceal potential evidence, by using information obtained in his representation of city to assist counsel representing his daughter on city traffic charge, and by including disrespectful and insulting invectives in brief to circuit court. Although attorney had practiced law for twenty-five years and had no prior substantiated disciplinary complaints, attorney's acts were intentional and numerous, attorney minimized his misconduct, and attorney's conduct was of a serious professional nature.

As a public sector lawyer and prosecutor, attorney representing city and prosecuting violations of its ordinances was a minister of justice obligated to guard the rights of the accused, enforce the rights of the public, and see that justice was done without employing improper methods.