



Law Student Obligations to Report an Arrest, Charge, or Conviction

A law student who is **arrested for, charged with, or convicted of (including entry of a plea other than not guilty) any offense, other than a minor traffic violation for which a fine of \$100 or less was imposed**, is required to report that information to the School of Law. For law students, this notification is in lieu of the requirement to report an arrest to the University's Office of Student Conduct, although the School of Law may notify OSC when a law student is charged, as required by University policy.

Relevant provisions from the Honor Code are as follows:

PREAMBLE

The preparation of Students for service in the legal profession requires not only academic rigor, but also adherence to the high standards of personal character and integrity expected of attorneys.

SECTION 1. GENERAL APPLICABILITY.

The following rules govern the conduct of all Students at the School of Law. Former Students of the School of Law remain subject to this Code for violations committed while a Student.

- 2.3 A Student shall not commit any criminal act.
For purposes of this rule, a criminal act is one that reflects adversely on a Student's honesty, trustworthiness, or fitness for admission to the practice of law. This rule will be interpreted in accordance with the Model Rules of Professional Conduct § 8.4 (2008).

Any criminal act that reflects adversely on the Student's honesty, trustworthiness, or fitness for admission to the practice of law and which occurs during the time that a Student is subject to this Code is a violation of this rule, regardless of where the conduct occurs. A conviction or plea of guilty in a criminal matter is conclusive proof that the Student committed the act that is the subject of that conviction or plea. The absence of a criminal conviction does not preclude a finding that a criminal act occurred for purposes of this rule.

In addition to the reporting obligation under the Honor Code, the Office of Bar Admissions of the Supreme Court of South Carolina, and in many other jurisdictions as well, requires that applicants for admission to the Bar must obtain a character and fitness certificate from their law school. Questions the law school must answer include the following:

From the records in your office, including the applicant's law school application, and from your personal knowledge [as the applicant ever been]:

- accused of a violation of the honor code or student conduct code, placed on academic or disciplinary probation, suspended, expelled, requested to withdraw, or otherwise subjected to discipline for academic or personal conduct reasons by any educational institution?
- a party to legal or administrative proceedings?
- charged with, arrested for, or convicted of any traffic or criminal offense?
- accused of a violation of trust?

Because the School of Law is obligated to furnish this information to the Supreme Court's Office of Bar Admissions, **if you are arrested for, charged with, or convicted of an offense, other than a minor traffic violation for which a fine of \$100 or less was imposed**, you must report that fact to the Office of Student Affairs **within 72 hours of the event**. You will be asked to complete a short form giving relevant information including the date, location, nature of the charge, jurisdiction, a summary of the circumstances leading to the event reported, and the anticipated timetable for disposition, if known. If the matter has not been finally resolved at the time of your initial report, you will also have a continuing obligation to notify the Law School of the disposition once the matter is resolved.

Contact information:

Heather Beatty, Director of Student Affairs
Student Services Suite 127A
803.777.8768 (direct number)
pembleto@law.sc.edu

LAW STUDENT INCIDENT REPORT

Name _____ **Date of report** _____

Expected year of graduation _____

Nature of Event Reported: _____ Arrest _____ Charge _____ Ticket Issued
 _____ Conviction or Plea _____ Other

Date of incident _____ **Location of incident** _____

Charge(s) _____

Please summarize here or in an attachment the circumstances leading to the event reported. (Note: This statement may not be privileged in any criminal proceeding. If you have legal counsel, you may wish to consult your lawyer regarding the content of this statement.)

Court date and anticipated disposition (PTI, payment of fine, court appearance) (if known) _____

For Student Affairs Office use: Indicate Law School action to be taken (*check all that apply*)

- _____ Add report to student file; no further action
- _____ Character and Fitness advisory opinion required/recommended
- _____ Request update from student when case concluded
- _____ Refer to Associate Dean for Academic Affairs for review under Honor Code
- _____ Refer to University Office of Student Conduct