

# Judicial Merit Selection Commission

Rep. Micajah P. “Micah” Caskey, IV, Chairman  
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## **MEDIA RELEASE**

November 29, 2023

The Judicial Merit Selection Commission found the following judicial candidates qualified and nominated at the public hearings held November 6-9, 13-15, and 28-29:

### **Supreme Court** **Chief Justice**

**The Honorable John W. Kittredge, Greenville, SC**

### **Court of Appeals** **Seat 8**

**The Honorable Jerry Deese Vinson, Jr., Florence, SC**

### **Seat 9**

**Whitney B. Harrison, Columbia, SC**  
**The Honorable Jan B. Bromell Holmes, Georgetown, SC**  
**The Honorable Matthew Price Turner, Laurens, SC**

### **Circuit Court** **2<sup>nd</sup> Judicial Circuit, Seat 2**

**Grant Gibbons, Aiken, SC**  
**David W. Miller, Aiken, SC**  
**Martha M. Rivers Davisson, Aiken, SC**

### **3<sup>rd</sup> Judicial Circuit, Seat 1**

**The Honorable S. Bryan Doby, Bishopville, SC**  
**Christopher R. DuRant, Gable, SC**  
**Samuel L. Floyd, Kingstree, SC**

### **3<sup>rd</sup> Judicial Circuit, Seat 2**

**The Honorable Kristi Fisher Curtis, Sumter, SC**

### **4<sup>th</sup> Judicial Circuit, Seat 2**

**The Honorable Michael S. Holt, Hartsville, SC**

|   |  |
|---|--|
| <b>5<sup>th</sup> Judicial Circuit, Seat 1</b>  | <b>James Smith, Columbia, SC</b><br><b>Justin T. Williams, Columbia, SC</b>  |
| <b>5<sup>th</sup> Judicial Circuit, Seat 2</b>  | <b>The Honorable Daniel McLeod Coble, Columbia, SC</b>   |
| <b>7<sup>th</sup> Judicial Circuit, Seat 1</b>  | <b>J. Derham Cole, Jr., Spartanburg, SC</b>  |
| <b>7<sup>th</sup> Judicial Circuit, Seat 2</b>  | <b>The Honorable Grace Gilchrist Knie, Campobello, SC</b>  |
| <b>8<sup>th</sup> Judicial Circuit, Seat 2</b>  | <b>The Honorable Eugene Cannon Griffith, Jr., Prosperity, SC</b>   |
| <b>9<sup>th</sup> Judicial Circuit, Seat 4</b>  | <b>The Honorable Daniel E. Martin, Jr., Charleston, SC</b><br><b>Thomas J. Rode, Charleston, SC</b><br><b>The Honorable Dale E. Van Slambrook, Goose Creek, SC</b> |
| <b>10<sup>th</sup> Judicial Circuit, Seat 2</b> | <b>The Honorable R. Scott Sprouse, Walhalla, SC</b>  |
| <b>11<sup>th</sup> Judicial Circuit, Seat 1</b> | <b>The Honorable William Paul Keesley, Edgefield, SC</b>   |
| <b>11<sup>th</sup> Judicial Circuit, Seat 2</b> | <b>The Honorable Walton J. McLeod, IV, Columbia, SC</b>  |
| <b>12<sup>th</sup> Judicial Circuit, Seat 1</b> | <b>The Honorable Michael G. Nettles, Florence, SC</b>  |
| <b>13<sup>th</sup> Judicial Circuit, Seat 2</b> | <b>The Honorable Jessica Ann Salvini, Greenville, SC</b>   |
| <b>13<sup>th</sup> Judicial Circuit, Seat 4</b> | <b>Vernon F. Dunbar, Greenville, SC</b><br><b>Ken Gibson, Greenville, SC</b><br><b>Will Grove, Greenville, SC</b>  |
| <b>14<sup>th</sup> Judicial Circuit, Seat 1</b> | <b>The Honorable Robert Bonds, Walterboro, SC</b>  |
| <b>14<sup>th</sup> Judicial Circuit, Seat 3</b> | <b>The Honorable Marvin Dukes, III, Beaufort, SC</b>   |
| <b>15<sup>th</sup> Judicial Circuit, Seat 3</b> | <b>David Pierce Caraker, Jr., Myrtle Beach, SC</b><br><b>Joshua D. Holford, Myrtle Beach, SC</b><br><b>Douglas M. Zayicek, Conway, SC</b>                          |
| <b>At-Large, Seat 4</b>                         | <b>Daniel J. Ballou, Rock Hill, SC</b><br><b>William C. McMaster, III, Greenville, SC</b>  |
| <b>At-Large, Seat 8</b>                         | <b>Kimberly V. Barr, Florence, SC</b><br><b>T. William “Billy” McGee, III, Columbia, SC</b><br><b>William Vickery Meetze, Marion, SC</b>                           |
| <b>At-Large, Seat 11</b>                        | <b>R. Allyce Bailey, Columbia, SC</b>  |

**Joseph Bias**, Lexington, SC  
**The Honorable Milton G. Kimpson**, Columbia, SC

**At-Large, Seat 16**

**Riley Maxwell**, Columbia, SC  
**Charles J. McCutchen**, Orangeburg, SC  
**Jane H. Merrill**, Greenwood, SC

**Family Court**

**1<sup>st</sup> Judicial Circuit, Seat 4**

**Jerrod A. Anderson**, Orangeburg, SC  
**Deanne M. Gray**, Summerville, SC

**7<sup>th</sup> Judicial Circuit, Seat 4**

**Pete G. Diamaduros**, Spartanburg, SC  
**Jonathan W. Lounsberry**, Spartanburg, SC

**9<sup>th</sup> Judicial Circuit, Seat 4**

**Blakely Copeland Cahoon**, Summerville, SC

**9<sup>th</sup> Judicial Circuit, Seat 6**

**Gina J. McAlhany**, Summerville, SC

**10<sup>th</sup> Judicial Circuit, Seat 1**

**David J. Brousseau**, Anderson, SC  
**Heather Vry Scalzo**, Anderson, SC

**16<sup>th</sup> Judicial Circuit, Seat 1**

**Sammy Diamaduros**, Union, SC

**16<sup>th</sup> Judicial Circuit, Seat 3**

**R. Chadwick “Chad” Smith**, Rock Hill, SC  
**Erin K. Urquhart**, Rock Hill, SC

**Administrative Law Court**

**Seat 1**

**The Honorable Ralph K. Anderson, III**, Columbia, SC

The Judicial Merit Selection Commission found the following judicial candidates qualified at the public hearings held November 6-9, 13-15, and 27-28, 2023:

**Master-in-Equity**

**Florence County**

**The Honorable Haigh Porter**, Florence, SC  
**Coit Yarborough**, Timmonsville, SC

**Kershaw County**

**William B. Cox, Jr.**, Camden, SC

**Retired**

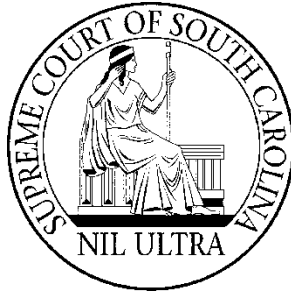
**Supreme Court**

**The Honorable Jean Hoefler Toal**, Columbia, SC

**As a reminder, the record remains open until the final report is issued at 12:00 Noon, Tuesday, January 16, 2024. Accordingly, judicial candidates are not free to seek or accept commitments until that time.**

**The election is currently scheduled for Noon on Wednesday, February 7, 2024.**

Correspondence and questions should be directed to the Judicial Merit Selection Commission as follows: Erin B. Crawford, Chief Counsel, Post Office Box 142, Columbia, South Carolina 29202, (803) 212-6689 or Lindi Putnam, JMSC Administrative Assistant, (803) 212-6623.



**OPINIONS**  
**OF**  
**THE SUPREME COURT**  
**AND**  
**COURT OF APPEALS**  
**OF**  
**SOUTH CAROLINA**

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**ADVANCE SHEET NO. 47**  
**December 6, 2023**  
**Patricia A. Howard, Clerk**  
**Columbia, South Carolina**  
[www.sccourts.org](http://www.sccourts.org)

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# The Supreme Court of South Carolina

In the Matter of Cory Howerton Fleming, Respondent.

Appellate Case No. 2023-001443

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## ORDER

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On October 8, 2021, Respondent Cory Howerton Fleming was placed on interim suspension following reports of his misconduct in connection with Richard Alexander Murdaugh in various legal matters related to the death of Gloria Satterfield. *In re Fleming*, 434 S.C. 382, 864 S.E.2d 546 (2021). Respondent subsequently pled guilty to numerous state and federal criminal charges and was sentenced to an aggregate term of thirteen years and ten months in prison.<sup>1</sup> Based on the following facts taken from the public record, we disbar Respondent for his deplorable misconduct and shocking abuse of the legal system in South Carolina.

### I.

The facts presented during the August 23, 2023 plea colloquy in Hampton County demonstrate that Respondent and Murdaugh worked independently and in conjunction to steal from clients over the course of at least a decade using various dishonest schemes. One scheme involved fabricating fraudulent litigation expenses that were never actually incurred. Respondent repeatedly stole settlement funds disguised as reimbursements for sham litigation expenses and disbursed other fraudulent litigation expenses directly to Murdaugh. Another scheme involved a pattern of retaining in trust an amount of settlement funds sufficient to cover any pending medical liens, then negotiating with medical providers to accept a lesser amount in satisfaction of those liens. However, rather than disbursing the

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<sup>1</sup> Respondent was sentenced to serve forty-six months in federal prison, followed by a ten-year term in state prison to be served consecutive to his federal sentence. Respondent has appealed his state-court sentence but not his plea of guilty to the charges as indicted. *State v. Fleming*, Appellate Case No. 2023-001493.

remaining funds to the client after satisfying the reduced medical liens, Respondent converted certain excess funds for his personal use and fraudulently disbursed the remainder to Murdaugh.

A third scheme involved creation of a bank account intended to imitate Forge Consulting, LLC, a Georgia-based consulting company that specializes in brokering structured settlement annuities for lawsuit proceeds, among other things. Murdaugh created a bank account using the name "Forge" to make it appear as though client funds deposited into that account were being transferred into legitimate structured settlements.<sup>2</sup> Respondent repeatedly claimed he did not know the imitation Forge bank account was an illegitimate vehicle through which Murdaugh stole millions from unsuspecting clients. However, the State's evidence proves otherwise. Specifically, the State's hearing exhibits plainly demonstrate Respondent knew the legitimate Forge Consulting entity merely assists in arranging structured settlements; it does not accept disbursements of settlement funds. Accordingly, "Forge" would never be a proper payee in disbursing escrow funds intended for a structured settlement on behalf of a client. The evidence also demonstrates Respondent knew that, for tax reasons, proceeds pursuant to a structured settlement agreement are not disbursed to a client or lawyer prior to being turned over to the settlement fund; rather, the funds must be disbursed directly from the settling insurance company to the settlement fund. Despite this knowledge, Respondent repeatedly directed that insurers forward settlement proceeds directly to his law firm. Respondent then directed that various disbursements of client funds be made out to the intentionally ambiguous payee of "Forge" and forwarded those funds to Murdaugh personally or to a post office box in Hampton, South Carolina, with no identifying cover letter, client identifiers, or other information specifying the proper allocation of the funds into structured annuities. Respondent's actions in diverting client funds to the imitation Forge account enabled Murdaugh to steal millions from unsuspecting clients.

Through these fraudulent schemes and other tactics, Respondent and Murdaugh engaged in a troubling pattern of wrongdoing related to the 2011 death of Hakeem Pinckney and the 2018 death of Gloria Satterfield. It is Respondent's conduct in the Pinckney and Satterfield matters that resulted in his state and federal criminal convictions.

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<sup>2</sup> Specifically, the name on the bank account was "Richard A Murdaugh Sole Prop DBA Forge."

## II.

### *A. Pinckney Matter*

In August 2009, Hakeem Pinckney, his mother Pamela Pinckney, and two other family members were seriously injured in a catastrophic car accident occurring in Hampton County and involving a defective tire.<sup>3</sup> Respondent represented Ms. Pinckney in connection with the accident-related lawsuit filed in state court in Hampton County. Following settlement, Respondent disbursed a significant portion of the settlement proceeds to Ms. Pinckney on December 21, 2011, and retained \$350,000 in his trust account for the purpose of satisfying a medical lien. The medical lien was resolved for \$219,807.73, leaving \$130,192.27 remaining in trust on behalf of Ms. Pinckney. Rather than properly disbursing those remaining funds to Ms. Pinckney, Respondent converted those funds to his own use.

On August 21, 2012, two checks drawn on Respondent's trust account were made payable to "Crosswind" in the amounts of \$6,490 and \$1,588.46 pursuant to Respondent's instructions. Respondent fraudulently listed these amounts in Ms. Pinckney's client file as medical expenses; however, the funds were paid to Crosswind Aviation, LLC, in satisfaction of personal expenses Respondent incurred in chartering a private flight on which Respondent and Murdaugh traveled to the 2012 College World Series in Omaha, Nebraska. Ms. Pinckney's remaining settlement funds remained in Respondent's trust account for the next several years.

In March 2017, a check drawn on Respondent's trust account was made payable to Murdaugh personally in the amount of \$4,500 pursuant to Respondent's instructions. Respondent fraudulently listed this amount in Ms. Pinckney's client file as a "case expense," although no such case expense existed. Two months later, Respondent instructed that the balance of Ms. Pinckney's funds remaining in trust

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<sup>3</sup> As a result of the accident, Hakeem was rendered a quadriplegic; he was conscious but unable to move below his neck and required a ventilator to breathe. Ms. Pinckney also suffered numerous severe injuries, which rendered her unable to provide care for her son and required that Hakeem be cared for in a facility. In October 2011, Hakeem died as a result of his ventilator being unplugged for an extended period of time, during which Hakeem was physically unable to use sign language or otherwise alert medical staff of his peril.



should be disbursed to Murdaugh. On May 8, 2017, a check was issued from Respondent's trust account in the amount of \$89,133.44 made payable to Murdaugh's law firm pursuant to Respondent's instructions. After the funds were deposited, Murdaugh disbursed from his firm's trust account a check in the amount of \$89,133.44 made payable to "Forge" and deposited those funds into his imitation Forge account before converting them to his own use.

In sum, Respondent's actions directly led to a total of \$101,771.90 being stolen from Ms. Pinckney. Unfortunately, Respondent's dishonest conduct did not stop there.

### *B. Satterfield Matter*

Gloria Satterfield worked as a housekeeper for the Murdaugh family for more than twenty years. Tragically, on February 26, 2018, Gloria Satterfield passed away as a result of injuries she sustained at Murdaugh's home several weeks earlier,<sup>4</sup> leaving behind two sons. Following Gloria's death, Respondent and Murdaugh conspired together to pressure Murdaugh's two insurance carriers (Carrier 1 and Carrier 2) to settle the wrongful death and survival claims for the full limits of Murdaugh's insurance policies and to steal the proceeds from Gloria's estate (Estate).

Respondent first became involved in the Satterfield matter in March 2018, purporting to represent the Estate. The initial personal representative (PR) for the Estate was Gloria's son, Tony Satterfield.<sup>5</sup> However, Respondent met with Tony Satterfield only one time. Respondent never called Tony Satterfield, never sent or copied him on a letter, never communicated with him about the status of the case, and never obtained a signed fee agreement from Tony Satterfield.

On November 12, 2018, counsel for Carrier 1 forwarded Respondent a letter indicating Carrier 1 intended to tender the full \$505,000 policy limits in satisfaction of the claim relating to Gloria's death. Upon receipt of that letter, Respondent did not communicate to his client, Tony Satterfield, that a settlement

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<sup>4</sup> The February 2, 2018 accident was reported as a slip and fall down the stairs of one of Murdaugh's homes caused by Murdaugh's dogs.

<sup>5</sup> Gloria's other son is a vulnerable adult.

might be imminent. Instead, Respondent instructed his paralegal "[w]e need to hold this until we get the PR changed. I will tell you when you need to do something."

Respondent also never communicated with Tony Satterfield about a change in the PR for the Estate. Nevertheless, on December 18, 2018, Chad Westendorf was appointed successor PR for Gloria's Estate, and Carrier 1 tendered a settlement check in the amount of \$505,000 made payable to "Chad Westendorf as PR of the Estate of Gloria Satterfield and Moss, Kuhn & Fleming P.A."<sup>6</sup> Respondent prepared a petition for approval of the wrongful-death settlement in which he identified \$166,000 in attorney's fees, \$11,500 in fraudulent/nonexistent expenses, and failed to include any reference to a structured settlement. Notwithstanding the amounts submitted to and approved by the circuit court in connection with the settlement petition, Respondent subsequently instructed his staff to prepare a disbursement statement listing the total settlement amount as \$475,000 (rather than the full \$505,000 tendered by the insurer); attorney's fees of \$50,000 (rather than the \$166,000 that was approved by the circuit court); a payment to Westendorf of \$10,000 (that was never disclosed to or approved by the circuit court); fraudulent expenses of \$11,500; and \$403,500 to "FORGE."

On January 7, 2019, a check in the amount of \$403,500 made payable to "FORGE" was issued from Respondent's trust account pursuant to Respondent's instructions, and Respondent hand-delivered this check to Murdaugh. Murdaugh subsequently deposited these funds into the imitation Forge account and converted them to his personal use—theft that was directly enabled by Respondent's actions.

Subsequently, on January 18, 2019, a check in the amount of \$8,000 made payable to Respondent was issued from Respondent's trust account. Respondent fraudulently listed this amount in the client file as reimbursement for "expenses," although no such expenses existed or were incurred. Over the next year, Respondent repeated this pattern of falsifying expenses and converting proceeds twice more, in the amounts of \$8,500 and \$9,700.<sup>7</sup> These amounts were never

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<sup>6</sup> This check was dated December 4, 2018—fourteen days before Chad Westendorf was appointed as successor PR for the Estate.

<sup>7</sup> These funds were deposited into Respondent's personal account and used to pay multiple mortgage payments, a credit card debt, outstanding amounts owed to the

submitted to or approved by the circuit court and were never disclosed to the Estate.

In March 2019, Carrier 2 agreed to a \$3.8 million settlement in favor of the Estate, and Respondent failed to notify Gloria's sons of this offer of settlement. At that time, the legitimate expenses of prosecuting the claims were \$1,512.46. In the course of negotiating this settlement, Respondent made misrepresentations to opposing counsel and others involved in the litigation to make it appear as though he was communicating with the PR about structuring a settlement through the legitimate Forge Consulting entity. However, despite these representations, Respondent personally instructed that the settlement check should be made payable to "Chad Westendorf as Personal Representative of the Estate of Gloria Satterfield," which was inconsistent with a structured settlement that must be paid directly to the settlement fund. When Carrier 2 followed-up specifically asking for clarification about the proper payee for the settlement that was ostensibly going to be structured, Respondent stated "I meant to add Moss Kuhn and Fleming on the check. I will need to check with Forge on Monday to double check." Respondent never contacted the legitimate Forge Consulting entity. Rather, the following week, Respondent confirmed in writing "Standard check," made payable to "Chad Westendorf as [PR] and Moss, Kuhn and Fleming attorneys."

The insurer forwarded Respondent a \$3,800,000 check representing the settlement proceeds, and on May 13, 2019, a circuit court hearing was conducted to approve the settlement. Prior to the hearing, Respondent directed his staff to prepare a petition to approve the settlement according to his specific instructions and presented the petition during the hearing, setting forth a proposed allocation for the settlement proceeds. This petition included \$1,266,666.67 in attorney's fees; \$105,000 in fraudulent prosecution expenses; and listed \$2,765,000 as "total to beneficiaries." The circuit court approved the petition according to the allocation Respondent set forth and signed an order on the same date as the hearing.

On May 13, 2019, Respondent issued a check from his firm's trust account in the amount of \$2,961,931.95 made payable to "FORGE" and hand-delivered the check to Murdaugh. Subsequently, on October 7, 2020, Respondent directed that another check be issued from his firm's trust account in the amount of \$118,000 made payable to "FORGE" and had the check delivered to Murdaugh. Neither of these

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Internal Revenue Service, and other purchases such as video games and iTunes.

disbursements were authorized by the circuit court order, and Murdaugh subsequently converted the funds for his personal use. At the time Respondent's misdeeds came to light in September 2021, only \$113,800 of the \$4,305,000 recovered on behalf of the Estate remained in Respondent's trust account.

In short, Respondent's pattern of dishonest conduct in the Satterfield matter included multiple knowing misrepresentations to the circuit court, complete disregard for the attorney-client relationship, and numerous disbursements from settlement funds that were not disclosed to or authorized by the circuit court. Respondent also personally stole a total of \$26,200 disguised as fraudulent expenses.

### *C. Criminal Proceedings*

On May 25, 2023, Respondent entered a guilty plea in federal court to one count of conspiracy to defraud the United States in violation of 18 U.S.C. § 371 in connection with his criminal conduct in the Satterfield matters.<sup>8</sup> Respondent admitted he conspired with Murdaugh to defraud the estate of Gloria Satterfield and obtain money and property from the estate through false representations, including submitting to the circuit court two settlement sheets that fraudulently outlined disbursements of settlement proceeds that were obtained purportedly on behalf of Gloria Satterfield's estate following her death. Specifically, Respondent falsely listed a total of \$116,500 in prosecution expenses and incorrectly listed the amount of attorneys' fees distributed in the settlement sheets filed with the circuit court. Additionally, Respondent delivered to Murdaugh checks in the amounts of \$403,500, \$2,961,931.95, and \$118,000 from settlement proceeds, which Murdaugh converted to his own personal use. On August 15, 2023, Respondent was sentenced to forty-six months in federal prison, along with a \$20,000 fine and restitution in the amount of \$102,221.90.

On March 10, 2022, the State Grand Jury charged Respondent with eighteen criminal counts related to the Gloria Satterfield matters: one count of criminal

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<sup>8</sup> At the August 15, 2023 sentencing hearing in federal court, counsel for the United States indicated that the conduct related to Respondent's theft of funds from Ms. Pinckney was not included in the federal information "because of [the] statute of limitations." *United States v. Fleming*, 9:23-cr-00394-RMG, ECF No. 38 at 66.

conspiracy; three counts of making a false statement or misrepresentation; seven counts of breach of trust with fraudulent intent; six counts of money laundering; and one count of a computer crime with a value more than \$10,000.<sup>9</sup> On April 14, 2022, the State Grand Jury issued a separate indictment charging Respondent with five additional counts related to his misconduct in connection with the Pinckney matter: four counts of breach of trust with fraudulent intent and one count of criminal conspiracy.<sup>10</sup> On August 23, 2023, Respondent entered a guilty plea to all charges as indicted in the two State Grand Jury indictments. Following a sentencing hearing on September 14, 2023, Respondent was sentenced to an aggregate term of ten years to be served consecutive to his federal sentence.

During the federal and state sentencing proceedings, Respondent admitted lying to and betraying both the Satterfields and the Pinckneys. Respondent also admitted that his self-report to the Office of Disciplinary Counsel (ODC) was incomplete and untruthful as to the nature and scope of his violations of the Rules of Professional Conduct found in Rule 407 of the South Carolina Appellate Court Rules.

### III.

Disbarment is among the most serious sanctions this Court can impose for unethical conduct committed by members of the legal profession. The purpose of disbarring an attorney "is to remove from the profession a person whose misconduct has proved him unfit to be entrusted with the duties and responsibilities belonging to the office of an attorney, and thus to protect the public and those charged with the administration of justice." *In re Kennedy*, 254 S.C. 463, 465, 176 S.E.2d 125, 126 (1970). Our decision today derives from our constitutional authority and duty to protect the public from attorneys who are not fit to practice law. *See In re Barker*, 352 S.C. 71, 74, 572 S.E.2d 460, 462 (2002) ("The authority to discipline attorneys and the manner in which discipline is given rests entirely with this Court."). Indeed, we take this step today based on our ability to conclude from information available in the public record that Respondent's untruthfulness and misconduct as set forth above resulted in

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<sup>9</sup> Case No. 2021-GS-47-30.

<sup>10</sup> Case No. 2022-GS-47-02.

significant harm to clients and the legal system as a whole—harm which demands Respondent's removal from the practice of law.

In furtherance of continuing and concealing his long-standing criminal schemes, Respondent made knowing misrepresentations and intentionally omitted information in his dealings with insurance carriers, opposing counsel, a circuit court judge, his clients, and Gloria Satterfield's heirs. Respondent ignored the sanctity of the lawyer-client relationship by failing to consult with his client regarding offers of settlement, communicating about the litigation with parties known to be represented by counsel, and allowing Murdaugh and his office staff to prepare documents on behalf of Respondent's client. Additionally, Respondent falsified settlement statements, fabricated expenses, made unauthorized payments from settlement funds, and converted settlement proceeds for his own use. Respondent hand-delivered improperly written checks to Murdaugh rather than forwarding them to the proper payee, thus enabling Murdaugh to convert those proceeds to his own use. Respondent was also untruthful with ODC when initially confronted about many of his misdeeds. In sum, rather than vigorously representing his clients' best interests as he was professionally obligated to do, Respondent abused the privilege of his law license in taking advantage of clients who were particularly vulnerable as a result of various life and health circumstances beyond their control.

Disciplinary proceedings ordinarily follow a course of investigation, pleading, limited discovery, and a contested hearing before the Commission on Lawyer Conduct. The Commission then submits a report to this Court with findings of fact, conclusions of law, and recommendations for disposition. Rule 26(d), RLDE, Rule 413, SCACR. This Court then reviews those findings and issues a decision accepting, rejecting, or modifying in whole or in part the Commission's findings, conclusions, and recommendations. Rule 27(e), RLDE, Rule 413, SCACR. These procedures ensure that ODC carries its burden of establishing allegations of misconduct by clear and convincing evidence. *See* Rule 8, RLDE, Rule 413, SCACR (stating, "[c]harges of misconduct . . . shall be established by clear and convincing evidence, and the burden of proof of the charges shall be on the disciplinary counsel").

However, here, Respondent has pled guilty to twenty-four state and federal criminal charges relating to his misconduct in the Pinckney and Satterfield matters involving conspiracy, false statements and misrepresentations, breach of trust with

fraudulent intent, money laundering, and computer crimes. Accordingly, Respondent's pleas of guilty to the above charges are more than sufficient to satisfy the required level of clear and convincing evidence of dishonesty in violation of the Rules of Professional Conduct. *See* Rule 8.4(d), RPC, Rule 407, SCACR (prohibiting conduct involving dishonesty, fraud, deceit, or misrepresentation); Rule 7(a)(1), RLDE, Rule 413, SCACR (providing a violation of the Rules of Professional Conduct is grounds for discipline); *Jamison v. State*, 410 S.C. 456, 468, 765 S.E.2d 123, 129 (2014) ("A plea of guilty is an admission or a confession of guilt, and is as conclusive as a verdict of a jury; it admits all material fact averments of the accusation, leaving no issue for the jury, except in those instances where the extent of the punishment is to be imposed or found by the jury." (citation omitted)).

Based on Respondent's guilty pleas in state and federal court, there is no factual dispute about whether Respondent engaged in dishonest conduct, and it is conclusively established that Respondent engaged in conduct that violates the Rules of Professional Conduct. This satisfies ODC's burden of proving that same misconduct in connection with the pending disciplinary proceedings. Thus, an evidentiary hearing before the Commission or this Court is unnecessary for disposition of the pending discipline, as the only remaining issue to be decided is the legal question of determining the appropriate sanction, a matter left to the discretion of this Court under the Constitution.<sup>11</sup>

In this case, the public record leads to only one conclusion—that Respondent's egregious ethical misconduct subjects him to the most significant sanction available—disbarment. Accordingly, we find there is no need to expend additional resources to proceed through the normal disciplinary process. Instead, this Court may act under our constitutional authority to regulate the practice of law in South Carolina and may remove an unfit lawyer from the practice of law to ensure the public, and the administration of justice, are protected.

Therefore, we dispense with further investigation by ODC and further proceedings before the Commission. Respondent is hereby disbarred from the practice of law in South Carolina. To the extent additional acts of misconduct by Respondent are

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<sup>11</sup> To the extent Respondent desires an opportunity to be heard in this matter, he may request a hearing and present any supporting argument in a petition for rehearing pursuant to Rule 221, SCACR.

subsequently discovered, this Court may issue a supplemental order detailing any such additional acts of misconduct and imposing additional sanctions where appropriate. *See In re Welch*, 355 S.C. 93, 96, 584 S.E.2d 369, 371 (2003) (imposing additional sanctions four years after indefinitely suspending attorney and explaining that a criminal conviction provides a separate basis for an additional sanction notwithstanding the imposition of a prior sanction involving the same underlying conduct where the criminal proceeding results in information the Court did not consider in imposing the prior sanction).

s/ Donald W. Beatty C.J.

s/ John W. Kittredge J.

s/ John Cannon Few J.

s/ George C. James, Jr. J.

s/ D. Garrison Hill J.

Columbia, South Carolina  
November 30, 2023



# The Supreme Court of South Carolina

In the Matter of St. George Municipal Court Judge David  
Lamar Little, Respondent.

Appellate Case No. 2023-001840

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## ORDER

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The Office of Disciplinary Counsel has filed a petition asking the Court to place Respondent on interim suspension from his judicial duties pursuant to Rule 17(b) of the Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR.

IT IS ORDERED that the petition is granted and Respondent is placed on interim suspension. There is no obligation to pay Respondent his salary during the suspension. *See In re Ferguson*, 304 S.C. 216, 219, 403 S.E.2d 628, 630-31 (1991) (establishing that the right to compensation arises out of the performance of the duties of the office). Respondent is directed to immediately deliver to The Honorable Kelly K. Muckenfuss all books, records, bank account records, funds, property, and documents relating to his judicial office. Respondent is enjoined from access to any monies, bank accounts, records, or other property related to his judicial office.

IT IS FURTHER ORDERED that Respondent is prohibited from entering the premises of the municipal court unless escorted by a law enforcement officer after authorization from the Chief Justice. Finally, Respondent is prohibited from having access to, destroying, or canceling any public records, and he is prohibited from access to any judicial databases or case management systems. This Order authorizes The Honorable Kelly K. Muckenfuss or any law enforcement official to implement any of the prohibitions stated in this order.

This Order, when served on any bank or other financial institution maintaining any judicial accounts of Respondent, shall serve as notice to the institution that

Respondent is enjoined from having access to or making withdrawals from the accounts.

IT IS SO ORDERED.

s/ Donald W. Beatty C.J.  
FOR THE COURT

Columbia, South Carolina  
November 30, 2023

# The Supreme Court of South Carolina

In the Matter of David Lamar Little, Jr., Respondent.

Appellate Case Nos. 2023-001812 and 2023-001813

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## ORDER

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The Office of Disciplinary Counsel asks this Court to place Respondent on interim suspension pursuant to Rule 17(b) of the Rules for Lawyer Disciplinary Enforcement (RLDE) contained in Rule 413 of the South Carolina Appellate Court Rules (SCACR). The petition also seeks appointment of the Receiver to protect the interests of Respondent's clients pursuant to Rule 31, RLDE, Rule 413, SCACR.

IT IS ORDERED that Respondent's license to practice law in this state is suspended until further order of this Court.

IT IS FURTHER ORDERED that Peyre T. Lumpkin, Esquire, is hereby appointed to assume responsibility for Respondent's client files, trust account(s), escrow account(s), operating account(s), and any other law office accounts Respondent may maintain. Mr. Lumpkin shall take action as required by Rule 31, RLDE, Rule 413, SCACR, to protect the interests of Respondent's clients. Except as authorized by Rule 31(d)(5), RLDE, Rule 413, SCACR, Mr. Lumpkin may not practice law in any federal, state, or local court, including the entry of an appearance in a court of this State or of the United States. Mr. Lumpkin may make disbursements from and close Respondent's trust account(s), escrow account(s), operating account(s), and any other law office accounts Respondent may maintain that are necessary to effectuate this appointment.

This Order, when served on any bank or other financial institution maintaining trust, escrow and/or operating account(s) of Respondent, shall serve as an injunction to prevent Respondent from making withdrawals from the account(s)

and shall further serve as notice to the bank or other financial institution that Peyre T. Lumpkin, Esquire, has been duly appointed by this Court.

Finally, this Order, when served on any office of the United States Postal Service, shall serve as notice that Peyre T. Lumpkin, Esquire, has been duly appointed by this Court and has the authority to receive Respondent's mail and the authority to direct that Respondent's mail be delivered to Mr. Lumpkin's office.

s/ Donald W. Beatty C.J.  
FOR THE COURT

Columbia, South Carolina  
November 30, 2023