

STATE GRAND JURY OF SOUTH CAROLINA

NOV 16 2023

BEAUFORT COUNTY

MARGARET J. SELF
CLERK, SC STATE GRAND JURY

State of South Carolina,

Case No. 2021-GS-47-30

vs.

MOTION TO RECUSE

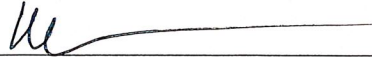
Richard Alexander Murdaugh

Defendant Richard Alexander Murdaugh hereby requests the Honorable Clifton Newman be recused from presiding over any further proceedings in this case. Defendant previously requested Judge Newman recuse himself from presiding over the new trial motion in the Colleton County murder trial based upon allegations of misconduct by the Clerk of Court with the jury. After not receiving any response, Defendant petitioned the South Carolina Supreme Court for a Writ of Prohibition seeking an order prohibiting Judge Newman from presiding over the new trial motion. The reason for the recusal request is that Judge Newman has personal knowledge about the Clerk of Court's conduct which will undoubtedly be disputed at an evidentiary hearing on the motion for a new trial. Further, Judge Newman has expressed his personal belief that Defendant murdered his wife and son on NBC's the *Today* show in an interview with anchor Craig Melvin. This interview, and another interview given at Cleveland State University, violated the Code of Judicial Conduct according to Dr. Gregory B. Adams, one of this State's preeminent experts on legal ethics. Dr. Adam's affidavit is attached hereto as **Exhibit A**.

According to Dr. Adams, the Code of Judicial Conduct requires that Judge Newman be disqualified from presiding over Defendant Murdaugh's motion for a new trial. Judge Newman should likewise be disqualified from presiding over the trial of this case, or any other proceeding

involving Defendant Murdaugh for the reasons expressed by Dr. Adams. Defendant, therefore, requests that Judge Newman voluntarily recuse himself from presiding over any further proceedings in this case or others involving Murdaugh.

Respectfully submitted,



Richard A. Harpootlian, SC Bar No. 2725
Phillip D. Barber, SC Bar No. 103421
RICHARD A. HARPOOTLIAN, P.A.
1410 Laurel Street (29201)
Post Office Box 1090
Columbia, SC 29202
(803) 252-4848
rah@harpootlianlaw.com
pdb@harpootlianlaw.com

James M. Griffin, SC Bar No. 9995
Margaret N. Fox, SC Bar No. 76228
GRIFFIN HUMPHRIES LLC
4408 Forest Drive (29206)
Post Office Box 999
Columbia, South Carolina 29202
(803) 744-0800
jgriffin@griffinhumphries.com
mfox@griffinhumphries.com

Attorneys for Richard Alexander Murdaugh

November 16, 2023
Columbia, South Carolina.

Exhibit A

(Affidavit of Dr. Gregory B. Adams)

THE STATE SOUTH CAROLINA
IN THE SUPREME COURT

COLLETON COUNTY
Court of General Sessions
The Honorable Clifton B. Newman, Circuit Judge

Case No. _____

Richard Alexander Murdaugh, Petitioner
vs.
The Honorable Clifton B. Newman, in his capacity as a Circuit Court Judge,
and the State of South Carolina, Respondents

AFFIDAVIT OF
EXPERT OPINION OF
DR. GREGORY B. ADAMS

PERSONALLY APPEARED before me Gregory B. Adams who, being duly sworn, deposes and says that:

1. It is my expert opinion, held to a reasonable degree of professional certainty based upon the evidence I have studied, that the Code of Judicial Conduct requires the recusal of The Honorable Clifton B. Newman, the trial judge, from deciding the defendant's motion for a new trial.
2. Two motions are pending:
 - A. A motion for a new trial, and
 - B. A petition for recusal of Judge Newman from hearing the motion for a new trial.

3. Defendant's motion for a new trial is based on defendant's recently obtained evidence that the Clerk of Court, Rebecca Hill, tampered with the jury by
 - A. discussing the evidence and events in the case with jurors prior to the jury convicting defendant and
 - B. pressuring jurors to reach a verdict quickly rather than deliberating fully, discussing all of the issues that were of concern to them and the evidence related to each issue.
 - C. That motion sets forth evidence showing that prior to the verdict Ms. Hill
 - i. warned jurors that Mr. Murdaugh was not to be believed and warned them about the tactics his defense counsel would employ to obtain an acquittal or a hung jury;
 - ii. instructed them to be alert and not to fall for such tricks;
 - iii. told the jury that she expected them to reach a verdict quickly, which they did after she pressured them by
 - a. telling them they would no longer be allowed to take smoke breaks (there were six smokers on the jury) and
 - b. that if they had not reached a verdict by 11:00 pm they would be taken to a hotel to spend the night in spite of the fact that they had not been told this before and were unprepared to spend a night away from home;
 - iv. handed out reporters' business cards to jurors during the trial, encouraging them to talk with the reporters after being discharged, telling them they would be famous. (After the trial, Ms. Hill went to New York City with jurors invited there to

appear on the Today show. She was wined and dined by NBC along with the jurors. NBC paid lodging and travel expenses of the jurors and arranged the details of their NYC stay.);

- v. interrogated jurors about their views on the evidence and Mr. Murdaugh's guilt;
- vi. concocted a false story about supposed internet posts, which Ms. Hill used in seeking to have Juror 785 removed from the Jury because Ms. Hill believed her to be unconvinced of Mr. Murdaugh's guilt.

Defendant has attached to his new trial motion affidavits evidencing Ms. Hill's illegal behavior. [Motion for a New Trial, Exhibits A, B, H, J re: statements of Jurors 326, 630, 741 about Ms Hill's tampering; and Exhibits C, D, E, F, G, I, K re: Ms. Hill's misconduct, including her deceitful attempt to have Juror 785 removed from the jury prior to its deliberation.]

- 4. Judge Newman has violated the South Carolina Code of Judicial Conduct by, after the verdict but while the case was still pending,
 - A. publicly expressing his personal opinion that Mr. Murdaugh is guilty and was properly convicted,
 - B. publicly criticizing defense counsel,
 - C. publicly commending the jury for reaching the correct verdict, and
 - D. in a number of other ways publicly commenting on the verdict.

Judge Newman did these improper things in open court and a number of public fora, including on national TV (the Today show) and at the Cleveland State College of Law during a video-recorded interview before an audience of 300 people; the interview was broadcast on YouTube.

5. This Honorable Court requires that judges, including Judge Newman,
- A. perform their duties impartially. Canon 3, South Carolina Code of Judicial Conduct, Rule 501, SCACR;
 - B. “respect and comply with the law,” which this Honorable Court defines as including “court rules as well as statutes, constitutional provisions and decisional law.” Terminology and Canon 2A, CJC, Rule 501, SCACR;
 - C. “perform judicial duties without bias or prejudice.” Canon 3B(5), CJC, Rule 501, SCACR;
 - D. “not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness....” Canon 3B(9), CJC, Rule 501, SCACR;
 - E. “not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.” Canon 3B(10), CJC, Rule 501, SCACR;
 - F. not preside over “a proceeding in which the judge’s impartiality might reasonably be questioned.” Canon 3E(1), CJC, Rule 501, SCACR;
 - G. not preside over a proceeding in which “the judge has...personal knowledge of disputed evidentiary facts....” Canon 3E(1)(a), CJC, Rule 501, SCACR;
 - H. not preside over a proceeding in which “the judge...is to the judge’s knowledge* likely to be a material witness....” Canon 3E(1)(d)(iv), CJC, Rule 501, SCACR..

6. I have studied evidence, including transcripts of public and *in camera* proceedings in this matter, pleadings in this matter, court orders and rulings in this matter, copies of correspondence between counsel and Judge Newman in this matter, affidavits of fact and other exhibits to pleadings in this matter. This evidence is the kind usually relied upon by experts in this field.
7. Based on this evidence, it is my expert opinion that Judge Newman would be violating the South Carolina Code of Judicial Conduct were he to preside over the motion for a new trial:
 - A. Judge Newman has publicly demonstrated his bias and lack of impartiality about defendant and his counsel and has publicly shown his willingness to act improperly because of it. His presiding over the motion for a new trial would deny Mr. Murdaugh a fair hearing by a neutral decision-maker and thus due process.
 - i. Judge Newman has repeatedly expressed his personal opinion publicly that Mr. Murdaugh murdered his wife and son, thus violating the prohibition of Canon 3B(9), CJC, Rule 501, SCACR;
 - ii. Judge Newman has commended the jury for convicting Mr. Murdaugh, thus violating the express prohibition of Canon 3B(10), CJC, Rule 501, SCACR;
 - B. Judge Newman's making such public statements in violation of the Code of Judicial Conduct, outside of his performance of his duties as the judge presiding over the criminal prosecution of Mr. Murdaugh and in violation of those duties, is far different and much more serious than merely having a personal dislike of the defendant arising from the evidence in the trial. The grounds for his recusal arise from his acts in

disclosing publicly his bias and lack of impartiality, not simply his dislike of defendant and disdain for his counsel itself. A judge may act impartially in deciding a motion filed by a defendant whom the judge dislikes because of evidence he has heard; it is far less likely that one who has publicly displayed his personal view that the defendant is guilty will do so.

- C. Judge Newman has personal knowledge of disputed¹ issues of material facts relevant to the motion for a new trial. Indeed, he and Clerk of Court Hill are the only witnesses to some of those facts. The issue under Canon 3E(1)(a) of the Code of Judicial Conduct is having this knowledge, not whether the judge is “likely to be a material witness,” the issue under Canon 3E(1)(d)(iv). There is no basis for disputing that Judge Newman possesses such knowledge. Thus he may not hear the motion, and doing so would be judicial misconduct.
 - D. Judge Newman is likely to be a material witness to disputed facts that only he and the accused wrongdoer know personally.² Thus he may not hear the motion, and doing so would be judicial misconduct. Canon 3E(1)(d)(iv).
8. My resumé, attached as Exhibit A, demonstrates why federal and state courts, including this Honorable Supreme Court and the South Carolina Court of Appeals, have held that I am qualified as an expert witness.
- A. I am Emeritus Professor of Law at the University of South Carolina School of Law, where I was a tenured law professor, teaching on that

¹ The prosecution has disputed the facts warranting Judge Newman’s recusal and urged him not to recuse himself.

² Even if he had not had such knowledge prior to the filing of this motion, he surely has such now.

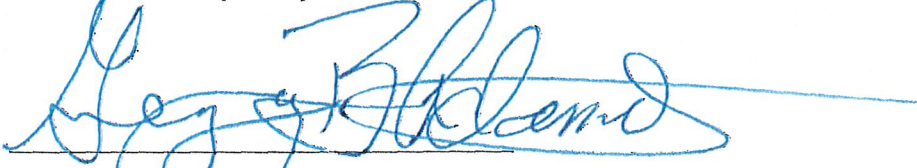
faculty for 40 years, from 1978 to 2018. My subjects of expertise include judicial ethics and the regulation of judges' behavior; the impact of judges' improper conduct on the constitutional rights of litigants, including the right to a fair trial; the selection and disciplining of state and federal judges; lawyers' ethics; professional responsibility; the practice of law; and lawyers' and law firms' legal and fiduciary duties. This expertise arose from my teaching, research, governmental work, and legal experience. I was the director of the University of South Carolina School of Law Program on Judicial Ethics, Selection, Accountability, and Independence, which I founded at the request of the President Pro Tem of the South Carolina Senate and chair of the Judicial Merit Selection Commission.

- B. I have earned a J.S.D. (Doctor of Juridical Science) and an LL.M. from Columbia University, as well as my J.D. from Louisiana State University.
- C. I am licensed to practice law in South Carolina and Louisiana.
- D. My practice of law regularly involves advising lawyers and law firms about the ethical, professional, fiduciary, and other legal duties of lawyers, law firms, judges, and judicial personnel.
- E. Federal and state courts in South Carolina have recognized my expertise, including the South Carolina Supreme Court in *State v. Morris*, 376 S.C. 189, 656 S.E.2d 359 (2008) (holding that I am qualified as an expert witness and that my expert testimony was accurate and proper) and *Smith v. Haynsworth, Marion, McKay & Guerard*, 322 S.C. 433, 472 S.E.2d 612 (1996) (holding that I am qualified as an expert witness on issues of lawyers' duties and it was reversible error to rule otherwise),

and the Court of Appeals in *Ellis v. Davidson*, 358 S.C. 509, 595 S.E.2d 817 (Ct. App. 2004) (holding it was reversible error to discount my expert opinion in a legal malpractice case and to refuse to give it full efficacy).

- F. Additionally, three South Carolina Attorneys General, the South Carolina Secretary of State, and the United States Attorney for the District of South Carolina have relied upon my expertise to guide and assist them, including in significant criminal investigations and prosecutions, and the United States Securities and Exchange Commission has retained me as an expert witness on lawyers' duties.
9. I hold all of the expert opinions I have expressed in this affidavit to a reasonable degree of legal certainty; they are more probable than not.
10. I have been retained as an expert witness by counsel for defendant.

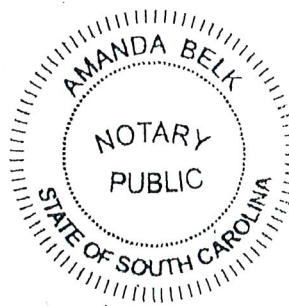
These are the expert opinions I hold in this matter.


Dr. Gregory B. Adams

Sworn to and subscribed before me
this 1st day of November 2023.

 Amanda Belk
Notary Public for South Carolina

My Commission Expires: My Commission
Expires Jul 24, 2028



DR. GREGORY B. ADAMS, ESQ.

1154 Sea Eagle Watch, Charleston, South Carolina 29412

Dr.G.B.Adams@iCloud.com

PROFESSIONAL EXPERIENCE

Emeritus Professor of Law, University of South Carolina School of Law, 2018–
Law Professor (tenured), University of South Carolina, 1978–2018.

SUBJECTS TAUGHT: Professional Responsibility; Cybersecurity; Legal Technology; Ethical Issues in Criminal Practice; Judicial Ethics; Legal Profession; Contracts; Corporate Law; Business Planning; Agency, Partnership & Limited Liability Companies; Antitrust; International Business Law; European Union Law.

Associate, University of South Carolina Rule of Law Consortium (2011-18).

Founding Director, Program on Judicial Ethics, Selection, Accountability, and Independence, University of South Carolina School of Law (2003-12).

Visiting Professor of Law, Pskov Volny University, Pskov, Russia, Spring 2001.

Visiting Professor of Law, University of Southampton, Southampton, England, Fall 1989.

Visiting Professor of Law, Rutgers University, Newark, NJ, 1983-1984.

Stagiaire, Commission of the European Communities (E.U.), Brussels, Belgium, 1979.

Research Associate, Institute of European Studies, University of Brussels (U.L.B.), 1979.

Visiting Scholar, Faculté de Droit, Université Catholique de Louvain, Belgium, 1978.

Consultant, Louisiana Legislative Council, 1976-1977.

Assistant Professor, Southern University School of Law, 1975-1977.

Private Practice, Baton Rouge, LA, 1975-1977.

Attorney, Breazeale, Sachse & Wilson, Baton Rouge, LA, 1973-1975.

Admitted to Practice by the Louisiana Supreme Court and the South Carolina Supreme Court.

EDUCATION

J.S.D. 1986

Columbia University School of Law, New York, New York

Dissertation: Control of Monopoly Power in Europe and the United States

LL.M. 1979

Columbia University School of Law, New York, New York

Thesis: E.E.C. and U.S. Antitrust Regulation of Monopolists' Refusals to Deal

Jervey Fellow in Foreign Law, Parker School, Columbia University, 1977-1979.

J.D. 1973

Louisiana State University Law Center, Baton Rouge, LA

Order of the Coif; Louisiana Law Review; Moot Court Board; Winner, Robert Lee Tullis Moot Court Competition before the Louisiana Supreme Court.

B.S. 1977

Louisiana State University, Baton Rouge, LA

Phi Kappa Phi

College of Arts & Science, Vanderbilt University Nashville, TN 1966-1968

HONORS AND RECOGNITION

Outstanding Faculty Publications Award, University of South Carolina School of Law
(April 2006, Book, Runner Up)
Louisiana State University Law Center Hall of Fame
Twenty Year Who's Who Honoree
Who's Who in the World
Who's Who in America
Who's Who in American Law
Who's Who in American Education
Who's Who in the South and Southwest
Who's Who of Emerging Leaders in
America
Who's Who in Law Education
Dictionary of Int'l Biography (Cambridge, U.K.)
State v. Morris, 376 S.C. 189, 656 S.E.2d 359 (2008) (holding GBA qualified as an expert witness
and that GBA's expert testimony was accurate and proper)
Smith v. Haynsworth, Marion, McKay & Guerard, 322 S.C. 433, 472 S.E.2d 612 (1996) (holding
GBA qualified as an expert witness; reversible error to rule otherwise)
Ellis v. Davidson, 358 S.C. 509, 595 S.E.2d 817 (Ct. App., 2004) (holding it was reversible error to
discount GBA's expert opinion and fail to give it efficacy)
Davis v. Hamm, 300 S.C. 284, 387 S.E.2d 676 (Ct. App., 1989) ("excellent discussion of the
ramifications of these statutes" in "Litigation of Corporate Law Disputes After the Recent
Amendments of the Corporate Code," in Current Issues in Civil Litigation, S.C. Bar Continuing
Judicial Legal Education Seminar 1989)

PUBLICATIONS

South Carolina Corporate Practice Manual (2nd ed. 2005, S.C. Bar) (lead author, coauthors:
Burkhard, Cleveland, Clark, Hellwig, Merline).
"Reflections on the Reactions to Proposed Rule 8.5: Consensus of Failure," 36 S. Texas Law Review
1101 (1995).
"Introductory Remarks to the Conference on the Commercialization of the Legal Profession," 45 S.C.
L. Rev. 883 (1994) (with Nathan M. Crystal).
Report of the Proceedings, Conference on the Commercialization of the Legal Profession (with
Nathan M. Crystal), authored: "Summary of Discussion of Frankel Paper," 45 S.C.L. Rev. 901;
"Summary of Discussion of Palay/Galanter Paper," 45 S.C.L. Rev. 929; "Summary of
Discussion of Martyn Paper," 45 S.C.L. Rev. 961; "Summary of Discussion of Dimitriou Paper,"
45 S.C.L. Rev. 999 (1994).
"The Ethical Lawyer," occasional column in the S.C. Trial Lawyer Bulletin beginning 1994.
"Suing Corporations and Those Behind Them," 1992 S.C. Trial Lawyer Bulletin 17.
South Carolina Corporate Practice Manual (S.C. Bar, 1989) (with Cleveland, Burkhard, McWilliams).
"European and American Antitrust Regulation of Pricing by Monopolists," 18 Vanderbilt Journal of
Trans. Law 1 (1985).
"Antitrust Constraints on Single-Firm Refusals to Deal by Monopolists in the European Economic
Community and the United States," 20 Texas Int'l L. J. 1 (1985).
"The 1981 Revision of the South Carolina Business Corporation Act," 33 S.C. L. Rev. 405 (1982).
"Inheritance Taxation of Trusts," in 11 L. Oppenheim & S. Ingram, Louisiana Civil Law Treatise,
Trusts (1977).

PUBLIC SERVICE

Member, United States Secret Service SC Electronic Crimes Task Force (2018-2019).
Member, South Carolina Cybersecurity Task Force (2017-2019).
Member, American Bar Association Ethics and Professionalism Committee, A.B.A. Law Practice Division (2015-2018).
Member, American Bar Association Law Practice Futures Initiative, A.B.A. Law Practice Division (2015-2016).
Expert Witness, United States Securities and Exchange Commission, *U.S. S.E.C. v. Staples* (2013)
Invited Expert Witness, Judicial Merit Selection Study Committee, SC Senate (9/17/07)
Member, S.C. Bar, Professional Responsibility Committee, 1993-2012 (chair or member of numerous subcommittees, including Ethics 2000 Subcommittee; presented Ethics 2000 recommendations to S.C. Bar House of Delegates).
Member, S.C. Bar, Unauthorized Practice Committee, 1994, 2000-2003.
Member, S.C. Bar, Technology Committee, 1996-1998.
Ethics Consultant, South Carolina Association for Justice, 1994-2014.
Co-Founder and Vice-President, South Carolina Association of Ethics Counsel, 2000-present.
Expert Witness and advisor to the South Carolina Attorney General in the criminal investigation and prosecutions for securities fraud in connection with the failure of Carolina Investors and HomeGold Financial, 2003-2008.
Expert Consultant for the South Carolina Department of Natural Resources, re: piercing the corporate veil, 2000
Expert Consultant for the South Carolina Department of Health and Environmental Control, re: piercing the corporate veil to impose environmental liability under CERCLA, 1997-1999.
Reporter, South Carolina Uniform Commercial Code Article 2A (South Carolina Law Institute at the request of the South Carolina General Assembly, 1996-2001).
Expert Witness and advisor to the South Carolina Attorney General in criminal prosecution of John O'Quinn, Esq. for unauthorized practice of law and illegal solicitation, 1996-1997.
Co-Reporter, Conference on the Commercialization of the Legal Profession, Charleston, S.C., May 1993.
Expert Witness for the United States before the Federal Grand Jury investigating securities fraud, May 1993.
Member, Governing Board, Center for Law, the Legal Profession, and Public Policy, 1991-93, 1998-2000.
Member, Blue Ribbon Committee on Corporate Law, South Carolina Secretary of State, 1991-95.
Securities Law Expert for the South Carolina Attorney General in connection with the bankruptcy of Patriots Point Associates, 1989-91.
Advisor to the S.C. Deputy Securities Commissioner and the S.C. Senate Judiciary Committee on Corporate Law issues.
Co-Reporter, South Carolina Business Corporation Act of 1988 (South Carolina Law Institute for the South Carolina General Assembly, 1986-88).
Member, Louisiana State Law Institute, Civil Code Revision Committee, 1975-1977.

PRESENTATIONS

"Ethics During the Pandemic and Beyond," 25th Annual Charleston County Probate Court Seminar, virtual, Charleston, SC (1/28/21)
"Ex Parte is a No No," 24th Annual Charleston County Probate Court Seminar, The Mills House Wyndham Grand Hotel, Charleston, SC (12/19/19)

- “Competently Confidential: Protecting Client Information in Bankruptcy Proceedings, Ethics & Privilege,” 29th Annual Seminar, The South Carolina Bankruptcy Law Association, Savannah, GA (3/31/19)
- “Competently Confidential: Cyber for Lawyers - Ethics, Liability, Security,” Eighth Annual Everything You Need To Know About Ethics, S.C.A.E.C. – S.C. Bar CLE, Columbia, SC (2/20/19)
- “Essential Cybersecurity Plans for Law Firms,” S.C. Bar LEAPP Law Office Management School, Columbia, SC (2/7/19)
- “Bearers of Bad Tidings: Please Don’t Shoot the Lawyer,” 23rd Annual Charleston County Probate Court Seminar, The Mills House Wyndham Grand Hotel, Charleston, SC (12/6/18)
- “Competent Confidentiality,” Seventh Annual Everything You Need To Know About Ethics, S.C.A.E.C. – S.C. Bar CLE, Columbia, SC (2/21/18)
- “The Artificial Intelligence Evolution of the Legal Research Process,” Surviving the A.I. Surge: Artificial Intelligence and the Practice of Law, 2018 South Carolina Law Review Symposium (2/9/18) (moderator)
- “Cyber-Fraud: Cyber-Ethics, Cyber-Liability, Cyber-Security,” S.C. Bar LEAPP Law Office Management School, Columbia, SC (2/7/18)
- “Fulfilling Lawyers’ Duties of Technological Competence,” University of South Carolina Legal IT Seminar, Columbia, SC (1/11/18)
- “Staying Away From the Dark Side: Fulfilling Your Duties of Competent Confidentiality,” 22nd Annual Charleston County Probate Court Seminar, The Mills House Wyndham Grand Hotel, Charleston, SC (12/15/17)
- “Ethics and Professionalism for Lawyers in a Social Media World,” Secrets to a Successful Plaintiff’s Personal Injury Practice, S.C. Bar CLE, Columbia, SC (10/5/17)
- “Cyber-Ethics for Lawyers,” Workers Injury Law and Advocacy Group Regional Conference, Atlanta, GA (3/27/17) (with Paula J. Frederick, Esq., General Counsel, State Bar of Georgia)
- “Operational Cyber-Security for Lawyers,” WFG Winter Underwriting Seminar, Columbia, SC (2/7/17)
- “Cyber-Fraud, Cyber-Ethics, Cyber-Liability, Cyber-Security,” S.C. Bar LEAPP Law Office Management School, Columbia, SC (2/7/17)
- “Cyber-Ethics, Cyber-Security, Cyber-Liability, and Cyber-Insurance for Lawyers and Law Firms,” Sixth Annual Everything You Need To Know About Ethics, S.C.A.E.C. – S.C. Bar CLE, Columbia, SC (1/13/17)
- “Ethical Issues in Criminal Cases: *Slager & Roof*,” Twenty-first Annual Charleston County Probate Court Seminar, The Mills House Wyndham Grand Hotel, Charleston, SC (12/16/16)
- “Getting Clients Ethically While Promoting Our Profession,” Florence County Bar (11/30/16)
- “Technology for Safe and Sane Lawyering,” S.C. Bar LEAPP Law Office Management School (9/29/16)
- “Regulating Unauthorized Multijurisdictional Virtual Law Practice,” S.C. Law School (2/22/16)
- “Practice-Specific Concerns Regarding Cyber Attacks,” Panel Moderator, Cyber Attacks & Civil Liability, S.C. Law Review Symposium (2/5/16)
- “Highlights from the Technology and Law Seminar: Why Do I Have To Understand This Stuff?,” Fifth Annual Everything You Need To Know About Ethics, S.C.A.E.C. – S.C. Bar CLE, Columbia, SC (1/15/16)
- “Future Ethics for Lawyers in the Age of the Jetsons,” Twentieth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/17/15)
- “Ethical Management of Technology: Survival Techniques for Lawyers and Law Firms,” Technology Techniques & Security for Litigators and Transactional Lawyers, S.C. Bar CLE, Columbia, SC (12/10/15)

- "The Ethics of Technology in Law Practice," Technology Techniques & Security for Litigators and Transactional Lawyers, S.C. Bar CLE, Columbia, SC (12/10/15)
- "Technology for Safe & Sane Lawyering," S.C. Bar LEAPP Law Office Management School (10/1/15)
- "Cybersecurity Ethics: Encryption for Solo Lawyers and Small Law Firms," LPM-TECH CONFERENCE 2015, S.C. Bar Solo & Small Firm Section, Columbia, SC (9/18/05)
- "Minister of Justice, Guardian of the Constitution," 14th Circuit Solicitor's Office Career Prosecutor Program and Externship, Bluffton, SC (6/1/15)
- "Ethics for Criminal Defense Counsel in the Age of Social Media and the Internet," Federal Public Defender Seminar for Criminal Justice Act Attorneys (5/8/15)
- "Ethics of Lawyers Working for Nonprofits & Serving on Nonprofit Boards," South Carolina Nonprofit Corporate Update, S.C. Bar CLE, Columbia, SC (2/5/15)
- "Ethics of Confidentiality Online: Cybersecurity & Encryption," Fourth Annual Everything You Need To Know About Ethics, S.C.A.E.C. – S.C. Bar CLE, Columbia, SC (1/16/15)
- "*Fabian v. Lindsay*: Lawyers' Liability to Intended Beneficiaries," with Professor S. Alan Medlin, Nineteenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/12/14)
- "Cybersecurity: Lawyers Safely Using Smartphones, Email, and the Cloud in the Age of International Hackers and Government Spies," S.C. Bar CLE, Columbia, SC (8/26/14)
- "Ethics for Prosecutors," 14th Circuit Solicitor's Office Career Prosecutor Program and Externship, Bluffton, SC (6/30/14)
- "Modification of Fees and Other Contract Questions: Rules 1.8 and 1.5," Third Annual Everything You Need To Know About Ethics, S.C.A.E.C.–S.C. Bar CLE, Columbia, SC (1/17/14)
- "Modification of Fee Agreements During the Representation: Ethical Duties, Fiduciary Duties, Contract Law," Eighteenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/12/13)
- "Legal Ethics and Social Media: How to Stay Out of Trouble and Protect Your Lawyer's Law License," Palmetto Paralegal Association Seminar, Columbia, SC (10/16/13)
- "Professional Responsibility for Prosecutors," 14th Circuit Solicitor's Office Career Prosecutor Program and Externship, Bluffton, SC (May 29-30, 2013)
- "War of the Roses & Roses, LLC: The Sequel – When Partners Leave the Firm," Everything You Need To Know About Ethics, S.C.A.E.C.–S.C. Bar CLE, Columbia, SC (1/18/13)
- "Getting Paid, Keeping the Money, and Safeguarding Your License: How to Manage Your Cash Flow, Trust Account, and Bottom Line Under the New Rules Without Inviting a Visit from Disciplinary Authorities," Seventeenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/6/12)
- "Getting Paid, Keeping the Money, and Safeguarding Your License: How to Manage Your Cash Flow, Trust Account, and Bottom Line Under the New Rules Without Inviting a Visit from Disciplinary Authorities," S.C. Association for Justice, Auto Torts Seminar, Buckhead Ritz Carlton, Atlanta, GA (12/1/12)
- "Mike Nifong – Aberrational Rogue?," U.S.C. Law School Symposium on Prosecutorial Ethics and Duties, Columbia, SC (3/16/12)
- "How to Get Paid Now!," Everything You Need To Know About Ethics, S.C.A.E.C.–S.C. Bar CLE, Columbia, SC (1/13/12)
- "Current Professional Responsibility Issues for Litigators," S.C. Tort Law Update, S.C. Bar CLE, U.S.C. Law School (1/6/12)
- "Fiduciary Duties of Estate Planning & Probate Lawyers: General Principles and S.C. Cases," Sixteenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/13/11)
- "Advanced Ethics for Legislative Attorneys," South Carolina General Assembly, Columbia, SC (10/5/11)

- "Judicial Ethics for S.C. Workers' Compensation Commissioners," S.C. Workers' Compensation Commission Continuing Judicial Ethics Seminar, Columbia, SC (11/16/10)
- "Ethics for Legislative Attorneys," South Carolina General Assembly, Columbia, SC (10/6/10)
- "Current Ethical Issues and Trends," York County Bar Association Ethics CLE, Panel with S.C. Supreme Court Justice Costa M. Pleicones and S.C. Disciplinary Counsel Lesley M. Coggiola, Esq., Rock Hill, SC (3/12/10)
- "Lawyers in the Crosshairs: Recent South Carolina Cases of Concern to Estate Planning and Probate Lawyers," Fourteenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/15/09)
- "Judicial Ethics for S.C. Workers' Compensation Commissioners," S.C. Workers' Compensation Commission Continuing Judicial Ethics Seminar, Columbia, SC (11/17/09)
- "Regulating Lawyer Behavior Through Recent South Carolina Tort Cases: Issues of Lawyer Ethics, Professionalism, and Liability," S.C. Tort Law Update, S.C. Bar CLE, U.S.C. Law School (11/13/09)
- "Lawyers' Ethical Responsibilities and the Torture Memoranda," Amnesty International Panel Discussion, University of South Carolina, Columbia, SC (4/15/09)
- "The 'Of Counsel' Agreement," S.C. Bar Annual Convention, Myrtle Beach, SC (1/24/09)
- "Ethical Duties in Family Estate Planning," Thirteenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/11/08)
- "Teaching Professional Responsibility in U.S. Law Schools," Southeastern Ass'n of Law Schools, Ritz Carlton, Palm Beach, FL (7/31/08)
- "Judicial Selection in the United States," S.C. Supreme Court Teachers Institute, Columbia, SC (6/23/08)
- "Corporate Lawyers as Fiduciaries," S.C. Bar Annual Convention, Charleston, SC (1/25/08)
- "My Heroes Have Always Been Lawyers and They Still Are, It Seems," Twelfth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, SC (12/13/07)
- "Prosecutorial Ethics: Was the Duke Lacrosse Case an Aberration or the Tip of the Iceberg?," SCTLA Annual Convention, Hilton Head Island (8/3/07).
- "Malpractice Liability of Estate-Planning Lawyers," Eleventh Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, S.C. (12/7/06).
- "Ethics for Trial Lawyers: How to Avoid Those Hidden Land Mines," S.C.T.L.A. Auto Torts Seminar XXIX, Ritz-Carlton, Buckhead, Atlanta, GA (12/2/06).
- "Ethical Issues for the Sports Attorney-Agent: Lessons from *Vortex v. Ware*," International Sport and Entertainment Management Conference, Metropolitan Convention Center, Columbia, SC (11/9/06).
- "Ethics in Workers Comp Practice: Negotiation," ASCCAWC Annual Convention, Grove Park Inn, Asheville, NC (11/4/06).
- "Probate Judges and Lawyers: Prohibition of *Ex Parte* Communications," Fourteenth Annual Probate Bench/Bar Conference, Columbia, SC (9/15/06).
- "The Future Regulation of Lawyer Advertising Under the Proposed S.C. Rules of Professional Conduct," SCTLA Annual Convention, Hilton Head Island (8/4/06).
- "Free Speech and Judicial Selection: Implications of *White v. Republican Party*," Southeastern Association of Law Schools, The Breakers Hotel, Palm Beach, FL (7/20/06).
- "The New South Carolina Rules of Professional Conduct," Tenth Annual Charleston County Probate Court Seminar, The Mills House Hotel, Charleston, S.C. (12/15/05).
- "Ethical Use of Discovery Under the Workers' Compensation Act; Contact with Employer Witnesses; Use of Subpoenas in a Workers' Compensation Case; Frivolous Defenses: What to do About Them," ASCCAWC Annual Meeting, Grove Park Inn, Asheville, N.C. (11/4/05).
- "Applying the SC Code of Judicial Conduct to Workers' Compensation Commissioners: Lessons for Lawyers Practicing Before the Commission," SCWCEA Educational Conference CLE, Marriott Myrtle Beach Resort (10/24/05).

- "The New SC Rules of Professional Conduct: You Really Can't Do THAT Anymore!," SCWCEA Educational Conference, Marriott Myrtle Beach Resort (10/24/05).
- "Newly Revised Frivolous Procedures Act & Other Ethical Issues," SCTLTA Tort Reform Seminar, Columbia, S.C. (10/14/05).
- Moderator and Coordinator, S.C. Corporate Practice Seminar, S.C. Bar CLE, U.S.C. Law School (9/30/05). Speaker: "Ethical Issues in S.C. Corporate Law for the General Practitioner and the Corporate Lawyer: Ethical Issues Presented by Choices of Control Devices; Ethical Issues Arising from Threats of Owner Liability; The Big Ethical Question: Who Is The Client?"
- "The Code of Judicial Conduct: Does It Effect How We Practice Workers' Comp?," S.C. Bar CLE, U.S.C. Law School (8/26/05).
- "Ethics Seminar: The New Rules of Professional Conduct," SCTLTA Annual Convention, Hilton Head Island (8/5/05).
- "Ethics 2000: The New Rules of Professional Conduct — You Can't Do That Anymore!," C.L.E. Ethics Seminar, Richland County Bar Association (11/5/04).
- "Judicial Ethics Review," J.C.L.E. Ethics Seminar, S.C. Court Administration Magistrates' Training Program, Charleston, S.C. (8/18/04).
- "The New S.C. Lawyers' Oath," C.L.E. Seminar, S.C. Bar, Charleston, S.C. (6/25/04).
- "Judicial Ethics Review," J.C.L.E. Ethics Seminar, S.C. Court Administration Magistrates' Training Program, Columbia, S.C. (4/23/04).
- "Ethics 2000 and Lawyers' Fees," C.L.E. Ethics Seminar, S.C. Bar & S.C. Association of Ethics Counsel, Columbia, S.C. (11/15/03).
- "The Ethical Implications of *Brown v. Bi-Lo*," S.C. Workers Comp. Educational Ass'n Educational Conference, Kingston Plantation, Myrtle Beach, S.C. (10/20/03).
- "Ethics 2000: The New Rules of Professional Conduct & Multi-Jurisdictional Practice of Law," C.L.E. Ethics Seminar, Investors Title Insurance Co. Seminars (9/17/03 Rock Hill, 9/12/03 Hilton Head).
- "Ethics 2000: The New Rules of Professional Conduct — You Can't Do That Anymore!," C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/8/03).
- "Political & Legal Ethics: The Pitfalls to Avoid," C.L.E. Ethics Seminar, S.C. Bar Annual Convention (Young Lawyers Division) (1/24/03).
- "Recent Developments in Legal Ethics," C.L.E. Ethics Seminar, S.C. Bar & S.C. Association of Ethics Counsel (12/14/02).
- "Current Ethical Issues in Real Estate Practice," C.L.E. Ethics Seminar, Security Title Insurance Company (11/8/02).
- "Ethics of Attorney's Fees for Domestic Law Attorneys," C.L.E. Ethics Seminar, S.C. Bar (9/20/02).
- "Discovery Abuse and Litigation Ethics," Paralegal Continuing Education Seminar, S.C.T.L.A. Convention (8/3/02).
- "Discovery Abuse, Litigation Ethics, Supervision and Other Horrors," C.L.E. Ethics Seminar, S.C.T.L.A. Convention, Hilton Head, S.C. (8/2/02).
- "Ethical Issues in Attorney Marketing Under the Amended Rules," C.L.E. Ethics Seminar, S.C. Bar (7/26/02).
- "Ethics in the Practice of Criminal Law," C.L.E. Ethics Seminar, S.C. Bar (5/10/02).
- "Professional Ethics in the Real World: Communication with Witnesses," C.L.E. Ethics Seminar, Ass'n S.C. Claimants' Attorneys for Workers Comp. (5/3/02).
- "Lawyers and Paralegals Practicing Law When and Where They Shouldn't," C.L.E. Ethics Seminar, S.C. Bar and South Carolina Ass'n of Ethics Counsel (12/15/01).
- "Proposed Disclosure Rule and Goods Funds Statute in South Carolina," C.L.E. Ethics Seminar, S.C. Bar (8/17/01).

- "Recent Developments in Ethics and Professional Responsibility," C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/3/01).
- "Ethical Perils for Family Practitioners: Keeping Your License and Keeping Your Practice," C.L.E. Ethics Seminar, S.C. Bar (12/2/00).
- "Ethical Issues in Workers Compensation Practice," C.L.E. Ethics Seminar, S.C. Workers' Comp. Educational Ass'n, Kingston Plantation, Myrtle Beach, S.C. (10/23/00).
- "The Things That Make Paralegals Indispensable: Technology and the Future of the Practice of Law," Paralegal Continuing Education Seminar, S.C.T.L.A. Convention (8/5/00).
- "Recent Developments in Ethics and Professional Responsibility," C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/4/00).
- "The Internet – Legal Ethics in Cyberspace: Marketing on the Web and Communicating Via Email Under the Rules of Professional Conduct and the Amended South Carolina Rules Governing Advertising," SC Defense Trial Attorney's Association & SC Claim Manager's Association CLE at Grove Park Inn, Asheville, N.C. (7/29/00).
- "The Internet – Legal Ethics in Cyberspace: Marketing on the Web and Communicating Via Email Under the Rules of Professional Conduct and the Amended South Carolina Rules Governing Advertising," C.L.E. Ethics Seminar, S.C. Bar (4/28/00).
- "The Responsibility of Administrative Law Judges to Control Unethical and Unprofessional Conduct by Lawyers: Ethical Prohibitions, Remedies and Sanctions," ALJ CLE Seminar, Southern States Association of Administrative Law Judges (3/17/00).
- "S.C. Appellate Procedure: The New Relationship Between the Supreme Court and the Court of Appeals," Paralegal Continuing Education Seminar, Ass'n S.C. Claimant Attorneys for Workers Comp., Asheville, N.C. (1/22/00).
- "Professionalism: Advertising Ethically Under the Amended S.C. Rules of Professional Conduct," C.L.E. Ethics Seminar, S.C. Bar (1/14/00).
- "Multi-Jurisdictional Practice of Law: *Pro Hac Vice* Admission and Unauthorized Practice," C.L.E. Ethics Seminar, S.C. Bar (12/11/99).
- "Hot Issues in Ethics: Marketing Under the Rules of Professional Conduct and the Amended South Carolina Rules Governing Advertising," C.L.E. Ethics Seminar, S.C. Bar (10/29/99).
- "Ethical and Professional Responsibility Issues in Litigation: Discovery Abuse," C.L.E. Ethics Seminar, S.C. Bar and Univ. of South Carolina School of Law (12/12/98).
- "Multi-Jurisdictional Practice of Law: *Pro Hac Vice* Admission and Unauthorized Practice," C.L.E. Ethics Seminar, S.C. Bar (12/8/98).
- "Discovery Abuse: Bane of Professionalism? Ethical Prohibitions & Court-Ordered Sanctions," C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/14/98).
- "*Hedgepath* & *McCormick* and the Ethics of Ex-Parte Communication with Treating Physicians," Workers Comp. C.L.E. Seminar, S.C.T.L.A. Convention (8/14/98).
- "Legal Ethics for a Multi-State Law Firm," C.L.E. for a Major S.C. Law Firm (8/8/98).
- "Prudent Ethical Conduct after *Hedgepath*," Medical Staff, McLeod Hospital, Florence, S.C. (4/6/98).
- "What is the Effect of *Hedgepath* on Doctors' Duties to Workers' Comp Patients?" S.C. Workers Comp. Educational Ass'n Annual Meeting, Charleston, S.C. (2/22/98).
- "Confidentiality, Privilege, and the Attorney as Witness, Gossip, or Snitch," C.L.E. Ethics Seminar, S.C. Bar and Univ. of South Carolina School of Law (1/10/98).
- "Law Firm Breakups and Departing Lawyers," C.L.E. Ethics Seminar, S.C. Bar and University of South Carolina School of Law (12/13/97).
- "*Hedgepath* & Lawyers' Professional Conduct: Implications in Workers' Compensation Proceedings," C.L.E. Seminar, The Association of South Carolina Claimant Attorneys, Asheville, N.C. (11/14/97).

- "Ethics: Judicial Immunity for Administrative Law Judges," J.C.L.E. Seminar, Chief Administrative Law Judges Conference, Charleston, SC (11/6/97).
- "*Hedgepath* and the Rules of Professional Conduct: Who Can We (and They) Talk to Now?" C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/15/97).
- "Ways to Get in Trouble: Old and New," C.L.E Ethics Seminar, U.S.C. School of Law (12/7/96).
- "Ethics for the Modern Lawyer on the Information Superhighway," C.L.E. Ethics Seminar, S.C.T.L.A. Convention (8/9/96).
- "Mobile Lawyers and Mobile Clients," C.L.E Ethics Seminar, U.S.C. School of Law (12/95).
- "Constitutional Restrictions on Regulation of Lawyer Advertising," House of Delegates, S.C. Bar(1/21/94).
- "Ethical Issues Facing Law Firms," C.L.E. Seminar, University of South Carolina School of Law (1/9/93).
- "Ethical Issues in Office Practice," C.L.E. Seminar, University of South Carolina School of Law (12/5/92).
- "Lawyer Television Advertising: A Video Presentation," U.S.C. Law School Faculty Ethics C.L.E. (10/22/92).
- "The Ethical Dilemma of Corporate Counsel," C.L.E. Seminar, Farm Credit Sys. General Counsels Conference (10/7/92).
- "Lawyer Advertising-The Great Debate," Moderator, C.L.E. Ethics Seminar, S.C.T.L.A. Conv. (8/14/92).
- "Civil Litigation," in Ethical Issues in Litigation, C.L.E. Seminar, University of South Carolina School of Law (1/11/92).
- "Shareholders' Rights in Disputes with a Corporation and those in Control," in Planning for Business Corporations: A Guide for General Practitioners, C.L.E. Seminar (1/3/92).
- "Ethical Issues in Civil Litigation," Legal Ethics and Professional Responsibility, C.L.E. Seminar (12/6/91).
- "A Walk Through the New South Carolina Rules of Professional Conduct," C.L.E., U.S.C. School of Law (1/12/91).
- "Corporate Litigation and Liabilities of Corporations, Directors, Officers, and Shareholders after the 1988 Revision of the South Carolina Business Corporation Act," in Current Issues in Civil Litigation, a C.J.E. Seminar (4/14/89).
- "Fundamental Corporate Changes and Dissenters' Rights under the South Carolina Business Corporation Act of 1988," in The New South Carolina Corporation Act, C.L.E. Seminar (12/16/88).

UNIVERSITY AND COMMUNITY SERVICE

- Junior Warden, Vestry Member, St. Stephen's Episcopal Church, Charleston, SC 2019-2022.
- Parliamentarian, University of South Carolina School of Law Faculty, 2004-2007, 2008-2014.
- Dean Review Committee for the Dean of the College of Criminal Justice, 2003.
- Chorister, Good Shepherd Episcopal Church, Columbia, SC 1999-2004.
- Faculty Manual Revision Committee, Faculty Senate, University of South Carolina, 1998-1999.
- Parliamentarian, University of South Carolina Faculty, 1997-2004.
- Steering Committee, University of South Carolina Faculty Senate, 1997-2004.
- Committee Chairman, BSA Troop 788, St. David's Episcopal Church, Columbia, SC 1996-2003.
- Faculty Advisor, ABA National Appellate Advocacy Competition Team, University of South Carolina School of Law, 1995-1996.
- Member, Richland School District Two Strategic Planning Committee, Columbia, SC 1995-96.
- Member, Richland School District Two Ridge View High School Planning Committee, Columbia, SC 1993-1994.
- Scoutmaster & Founder, BSA Troop 788, St. David's Episcopal Church, Columbia, SC 1992-1996.

President, Richland Northeast High School P.T.S.O., Columbia, SC 1992-1997.
Assistant Scoutmaster, Committee Chairman, Committee Member, BSA Troop 388, Windsor United Methodist Church, Columbia, SC 1986-1992.
Chorister, St. David's Episcopal Church, Columbia, SC 1984-1998.
Junior Warden, Vestry Member, St. David's Episcopal Church, Columbia, SC 1984-1987
Faculty Senator, University of South Carolina, 1983-1985, 1995-1998, 2000-2003.
Faculty Advisor, ABA National Appellate Advocacy Competition Team, University of South Carolina School of Law, 1982-1983 (winner Regional Competition).
Chairman, Christian Education Committee, St. Michael's Episcopal Church, Columbia, SC 1981-1983.
Faculty Advisor, National Moot Court Team, University of South Carolina School of Law, 1980-1981.

STATE GRAND JURY OF SOUTH CAROLINA

BEAUFORT COUNTY

State of South Carolina,

vs.

Richard Alexander Murdaugh

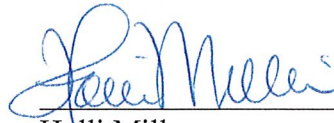
Case No. 2021-GS-47-30

CERTIFICATE OF SERVICE

I, Holli Miller, paralegal to the attorney for the Defendant, Richard A. Harpootlian, P.A., with offices located at 1410 Laurel Street, Columbia, South Carolina 29201, hereby certify that on November 16, 2023, I did serve by sending electronically, the following document to the below mentioned persons:

Document: Motion to Recuse

Served: Creighton Waters, Esquire
Office of The Attorney General
Rembert C. Dennis Building
Post Office Box 11549
Columbia South Carolina 29211-1549
cwaters@scag.gov



Holli Miller