

Judicial Merit Selection Commission

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Erin B. Crawford, Chief Counsel
Emma Dean, Counsel

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Columbia, South Carolina 29202
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MEDIA RELEASE

June 22, 2020

The Judicial Merit Selection Commission is accepting applications for the judicial offices listed below:

The term of office currently held by the Honorable James E. Lockemy, Judge of the Court of Appeals, Seat 5, will expire June 30, 2021.

The term of office currently held by the Honorable Aphrodite K. Konduros, Judge of the Court of Appeals, Seat 6, will expire June 30, 2021.

A vacancy will exist in the office currently held by the Honorable Thomas E. Huff, Judge of the Court of Appeals, Seat 8, upon his retirement on or before December 31, 2021. The successor will serve the remainder of the unexpired term, which expires June 30, 2024.

A vacancy will exist in the office currently held by the Honorable Roger E. Henderson, Judge of the Circuit Court, Fourth Judicial Circuit, Seat 2, upon his retirement on or before December 31, 2021. The successor will serve the remainder of the unexpired term, which expires June 30, 2024.

The term of office currently held by the Honorable Robert Eldon Hood, Judge of the Circuit Court, Fifth Judicial Circuit, Seat 3, will expire June 30, 2021.

The term of office currently held by the Honorable Roger M. Young, Judge of the Circuit Court, Ninth Judicial Circuit, Seat 3, will expire June 30, 2021.

A vacancy will exist in the office currently held by the Honorable Robin B. Stilwell, Judge of the Circuit Court, Thirteenth Judicial Circuit, Seat 3, upon his retirement on or before June 30, 2021. The successor will serve a new term of that office, which will expire June 30, 2027.

A vacancy will exist in the office currently held by the Honorable Perry M. Buckner III, Judge of the Circuit Court, Fourteenth Judicial Circuit, Seat 1, upon his retirement on or before

August 15, 2020. The successor will serve the remainder of the unexpired term, which expires June 30, 2024.

The term of office currently held by the Honorable Carmen Tevis Mullen, Judge of the Circuit Court, Fourteenth Judicial Circuit, Seat 2, will expire June 30, 2021.

The term of office currently held by the Honorable Benjamin H. Culbertson, Judge of the Circuit Court, Fifteenth Judicial Circuit, Seat 2, will expire June 30, 2021.

The term of office currently held by the Honorable George Marion McFaddin Jr., Judge of the Circuit Court, At-Large, Seat 1, will expire June 30, 2021.

The term of office currently held by the Honorable Ryan Kirk Griffin, Judge of the Circuit Court, At-Large, Seat 2, will expire June 30, 2021.

The term of office currently held by the Honorable Clifton Newman, Judge of the Circuit Court, At-Large, Seat 3, will expire June 30, 2021.

The term of office currently held by the Edward W. (Ned) Miller, Judge of the Circuit Court, At-Large, Seat 4, will expire June 30, 2021.

The term of office currently held by the Honorable J. Mark Hayes II, Judge of the Circuit Court, At-Large, Seat 5, will expire June 30, 2021.

The term of office currently held by the Honorable William H. Seals Jr., Judge of the Circuit Court, At-Large, Seat 6, will expire June 30, 2021.

The term of office currently held by the Honorable J. Cordell Maddox Jr., Judge of the Circuit Court, At-Large, Seat 7, will expire June 30, 2021.

The term of office currently held by the Honorable David Craig Brown, Judge of the Circuit Court, At-Large, Seat 8, will expire June 30, 2021.

The term of office currently held by the Honorable Jennifer Blanchard McCoy, Judge of the Circuit Court, At-Large, Seat 9, will expire June 30, 2021.

The term of office currently held by the Honorable Jocelyn Newman, Judge of the Circuit Court, At-Large, Seat 10, will expire June 30, 2021.

A vacancy will exist in the office currently held by the Honorable Thomas A. Russo, Judge of the Circuit Court, At-Large, Seat 12. The successor will serve the remainder of the unexpired term, which expires June 30, 2026.

A vacancy will exist in the office currently held by the Honorable Phillip K. Sinclair, Judge of the Family Court, Seventh Judicial Circuit, Seat 1, upon his retirement on or before July 31, 2020. The successor will serve the remainder of the unexpired term, which expires June 30, 2025.

A vacancy will exist in the office currently held by the Honorable Harold W. (Bill) Funderburk Jr., Judge of the Administrative Law Court, Seat 3, upon his retirement on or before December 31, 2021. The successor will serve the remainder of the unexpired term, which expires June 30, 2025.

The term of office currently held by the Sebastian Phillip Lenski, Judge of the Administrative Law Court, Seat 6, will expire June 30, 2021.

The term of office currently held by the Honorable Marvin H. Dukes III, Master-in-Equity, Beaufort County, will expire June 30, 2021.

The term of office currently held by the Honorable Martin R. Banks, Master-in-Equity, Calhoun County, will expire August 14, 2021.

The term of office currently held by the Honorable Charles B. Simmons Jr., Master-in-Equity, Greenville County, will expire December 31, 2021.

A vacancy will exist in the office currently held by the Honorable Cynthia Graham Howe, Master-in-Equity, Horry County. The successor will serve a new term of that office, which will expire December 31, 2027.

The term of office currently held by the Honorable James B. Jackson Jr., Master-in-Equity, Orangeburg County, will expire August 14, 2021.

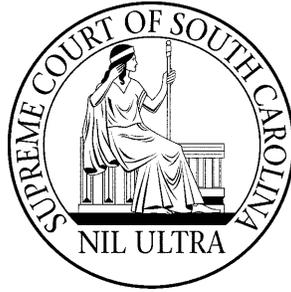
The term of office currently held by the Honorable Joseph M. Strickland, Master-in-Equity, Richland County, will expire April 30, 2021.

A vacancy will exist in the office currently held by the Honorable Gordon G. Cooper, Master-in-Equity, Spartanburg County. The successor will serve a new term of that office, which will expire June 30, 2027.

The term of office currently held by the Honorable Teasa Kay Weaver, Master-in-Equity, York County, will expire June 30, 2021.

In order to receive application materials, a prospective candidate must notify the Commission in writing of his or her intent to apply. 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
ErinCrawford@scsenate.gov or (803) 212-6689



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

ADVANCE SHEET NO. 25
June 24, 2020
Daniel E. Shearouse, Clerk
Columbia, South Carolina
www.sccourts.org

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Pending

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Pending

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

In the Matter of Margaret Lanier Brooks, Respondent.

Appellate Case No. 2020-000529

Opinion No. 27983

Submitted June 17, 2020 – Filed June 24, 2020

DISBARRED

John S. Nichols, Disciplinary Counsel, and C. Tex Davis,
Senior Assistant Disciplinary Counsel, both of Columbia,
for the Office of Disciplinary Counsel.

Harvey M. Watson, III, of Ballard & Watson, of
Columbia, for Respondent.

PER CURIAM: In this attorney disciplinary matter, Respondent and the Office of Disciplinary Counsel (ODC) have entered into an Agreement for Discipline by Consent (the Agreement) pursuant to Rule 21, RLDE, Rule 413, SCACR. In the Agreement, Respondent admits misconduct and consents to the imposition of any sanction, up to and including disbarment. Respondent requests the sanction be applied retroactively to October 2, 2019, the date she was placed on interim suspension. *In re Brooks*, 428 S.C. 246, 834 S.E.2d 204 (2019). ODC does not oppose the request. Finally, Respondent agrees to pay the costs incurred in the investigation and prosecution of this matter by ODC and the Commission on Lawyer Conduct (the Commission) within thirty days of the imposition of discipline. We accept the Agreement and disbar Respondent from the practice of law in this state. The facts, as set forth in the Agreement, are as follows.

Facts

In February 2018, Respondent submitted an application for admission to the South Carolina Bar based on an existing Uniform Bar Exam (UBE) score from Wyoming. Respondent's application was approved, and she was sworn-in as a member of the South Carolina Bar on February 19, 2019. The day after the swearing-in, the South Carolina Office of Bar Admissions learned Respondent knowingly provided false and/or misleading information in her South Carolina application for admission.

Question 2(b) of the application required Respondent specify all other jurisdictions to which she had applied for admission to practice law and specify how the applications were resolved, either by admission or withdrawal. Respondent failed to include in her application for admission that she previously applied for admission to practice law in North Carolina in 2013 and 2014, and in Idaho in 2016. Only after receiving a May 17, 2018 letter from the South Carolina Office of Bar Admissions did Respondent amend her application by providing a complete listing of all jurisdictions in which she sought admission to practice law.

In responding to Question 2(b) as to why she withdrew her application for admission in Wyoming, Respondent stated, "Upon realizing I did not want to practice law in Wyoming in May 2016, I withdrew my application." This was not a complete answer and, when asked at her Rule 19(c)(3), RLDE, Rule 413, SCACR, interview (ODC interview) why her response was not complete, Respondent testified, "It was incomplete because I didn't include the fact that part of the reason for my withdraw [sic] was due to some resistance from the Character and Fitness Board from the state of Wyoming when I initially applied."

Question 12(a) required Respondent disclose any arrests, including any expungements. Respondent failed to disclose a 2005 arrest for driving under the influence (DUI) and resulting license suspension. Respondent also failed to disclose the same 2005 DUI in her applications for admission to practice law in North Carolina and Idaho.

Question 14(a) required Respondent to affirm whether, "[w]ithin the last five years have you ever exhibited any conduct or behavior that would call into question your ability to practice law in a competent, ethical, and professional manner?"

Respondent replied "no" to this question on her application. However, she admitted during her ODC interview that, while her application to be admitted to the Wyoming Bar was pending, she altered a document she subsequently submitted to the Wyoming Bar. Accordingly, Respondent admitted she knowingly provided an incorrect answer to Question 14(a).

Question 18 asked, "Are there any other facts not disclosed by your answers herein but concerning your background, history, experience[,] or activities which[,] in your opinion[,] may have a bearing on your character, moral fitness[,] or eligibility to practice law in South Carolina and which should be placed at the disposal or brought to the attention of the examining authorities?" Respondent responded there was no such information she needed to disclose. However, in her ODC interview, Respondent admitted her response to Question 18 was incorrect and she should have provided the details surrounding her Wyoming application, specifically that she submitted an altered document and the Wyoming Bar was planning to conduct a hearing into her conduct.

Respondent also knowingly provided a false statement on her North Carolina Bar application when she failed to notify the North Carolina Bar her driver's license was suspended for three months following her 2005 DUI arrest. Respondent knowingly provided another false statement on her North Carolina Bar application when she failed to notify the North Carolina Bar of her 2005 DUI arrest.

In her original application for admission to practice law in Idaho, Respondent knowingly failed to inform the Idaho Bar she had previously applied for admission in Wyoming, and provided a false statement when she failed to include her 2005 DUI arrest on her Idaho Bar application. Respondent also failed to provide complete and truthful responses on her Idaho Bar application regarding her conduct during her attempt to seek admission in Wyoming.

During her ODC interview, ODC asked Respondent to provide information regarding a November 2014 DUI arrest in Wyoming. Respondent admitted she provided false statements to the arresting officer regarding how much alcohol she had consumed. Following her 2014 DUI arrest, Respondent was transferred to St. John's Medical Center to allow police to obtain a blood sample; however, she refused to consent to provide a blood sample. Police obtained and served Respondent with a warrant requiring she provide a sample; however, even after being served with the warrant and being informed her failure to provide a sample

would subject her to an additional charge of failing to cooperate, Respondent still refused to provide the blood sample. Police issued Respondent a citation for failing to cooperate with law enforcement.

Although Respondent disclosed her 2014 Wyoming DUI arrest on her South Carolina Bar application, she admitted she failed to include her 2014 citation for failing to cooperate with the Wyoming police. Respondent also admitted that, approximately two weeks after her 2014 arrest, she violated the terms of her release order by using marijuana and cocaine.

Law

Respondent admits her numerous false statements and incomplete answers on her application for admission to practice law in South Carolina violated Rule 8.1(a), RPC, Rule 407, SCACR (knowingly making a false statement of material fact in connection with a bar admission application), and Rule 8.1(b), RPC, Rule 407, SCACR (knowingly failing to respond to a lawful demand for information from an admissions or disciplinary authority).

Respondent further admits her conduct constitutes grounds for discipline pursuant to Rule 7(a)(1), RLDE, Rule 413, SCACR (violating or attempting to violate the Rules of Professional Conduct), and Rule 7(a)(5), RLDE, Rule 413, SCACR (engaging in conduct tending to pollute the administration of justice or bringing the courts or legal profession into disrepute).

Conclusion

We find Respondent's misconduct warrants disbarment. Accordingly, we accept the Agreement and disbar Respondent, retroactive to the date of her interim suspension. Respondent shall pay the costs incurred in the investigation and prosecution of this matter by ODC and the Commission, or enter into a reasonable payment plan with the Commission, within thirty (30) days of the date of this opinion.

Additionally, we remind Respondent that, prior to seeking reinstatement, she must demonstrate her compliance with Rule 33, RLDE, Rule 413, SCACR (reinstatement following a definite suspension of nine months or more or

disbarment), including completion of the Legal Ethics and Practice Program Ethics School within one year prior to filing a petition for reinstatement.

Finally, within fifteen (15) days of the date of this opinion, Respondent shall file an affidavit with the Clerk of Court showing that she has complied with Rule 30, RLDE, Rule 413, SCACR (duties following disbarment).

DISBARMENT.

BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

In the Matter of David A. Collins, Respondent.

Appellate Case No. 2020-000624

Opinion No. 27984

Submitted May 22, 2020 – Filed June 24, 2020

DISBARRED

John S. Nichols, Disciplinary Counsel, and Ericka
McCants Williams, Assistant Disciplinary Counsel, both
of Columbia, for the Office of Disciplinary Counsel.

Harvey M. Watson III, of Ballard & Watson, of West
Columbia, for Respondent.

PER CURIAM: In this attorney disciplinary matter, Respondent and the Office of Disciplinary Counsel (ODC) have entered into an Agreement for Discipline by Consent (the Agreement) pursuant to Rule 21, RLDE, Rule 413, SCACR. In the Agreement, Respondent admits misconduct and consents to the imposition of disbarment. We accept the Agreement and disbar Respondent from the practice of law in this state, retroactive to the date of his interim suspension.¹ The facts, as set forth in the Agreement, are as follows.

¹ The Court placed Respondent on interim suspension on July 20, 2016. *In re Collins*, 417 S.C. 72, 789 S.E.2d 577 (2016).

Facts

Matter I

In February 2016, Respondent received two checks, each for \$225,000, from his clients to make a settlement offer to resolve a civil litigation matter (the Walters/Taylor funds). Respondent deposited one check into his trust account on February 12, 2016, and the other on February 22, 2016. Prior to making these deposits, Respondent's trust account contained a balance of \$184.55. After depositing the first check on February 12, 2016, Respondent conducted a series of eighty-six unauthorized electronic funds transfers from the Walters/Taylor funds in his trust account to his law firm operating account and an account identified in the Agreement as "****3183****." By July 6, 2016, the Walters/Taylor funds were significantly depleted, with only \$63,957.36 remaining in the trust account.

On June 17, 2016, the clients requested the return of the Walters/Taylor funds because Respondent was unable to produce settlement documents. On July 17, 2016, Respondent falsely stated to his clients that he had used the Walters/Taylor funds to invest in a company producing military supplies, he would be receiving profits from that investment in the near future, and he would pay the clients back. At his clients' insistence, Respondent accessed his trust account online and showed the clients the account balance. Unable to convince the clients to allow him to leave \$10,000 in the account because "it wasn't their money," Respondent delivered two certified checks for \$31,500 each to the clients, leaving a balance of \$52.44 in the trust account.

Respondent was arrested and charged with breach of trust with fraudulent intent, value \$10,000 or more. On March 2, 2020, Respondent pled guilty and was sentenced to ten years' imprisonment, suspended to five years' probation. Respondent was ordered to pay \$30,000 in restitution at a rate of not less than \$500 per month, and complete 250 hours of public service employment.

Matter II

On May 9, 2013, Respondent received \$72,383.29 from the proceeds of a sale of jointly owned property (the English/Sexton funds). Respondent was to hold the English/Sexton funds in trust pending resolution of a dispute between the sellers as

to the distribution of the money. Respondent deposited the proceeds check into his trust account on May 10, 2013. On May 14, 2013, Respondent began a series of sixteen unauthorized electronic funds transfers from the English/Sexton funds in his trust account to his law firm operating account and the ****3183**** account. By September 9, 2013, the English/Sexton funds were depleted with only \$6.81 remaining in Respondent's trust account.

On October 15, 2014, the Master-in-Equity presiding over the dispute between the sellers regarding the distribution of the English/Sexton funds issued an order requiring Respondent to disburse \$48,426.90 of the English/Sexton funds to E. Sexton; \$18,112.69 to J. White; and \$5,460.51 to J. English. On November 10, 2014, at a hearing before the Master, Respondent falsely represented that he was holding the funds in trust pending resolution of the case. On the day of the hearing, Respondent's trust account contained \$86.81 and his operating account \$1.16.

Matter III

Respondent was hired to represent clients in a civil action. On February 26, 2016, Respondent entered into an "Agreed Order Regarding Sanctions and Limiting Evidence," in which Respondent agreed to a sanction of \$2,500. Respondent paid the sanction from his personal funds. Respondent did not consult with his clients prior to or after entering into the agreement. The clients learned of the sanctions order during a March 2016 deposition.

In July 2016, the opposing party moved for summary judgment. The trial court granted summary judgment on July 14, 2016, shortly before the Court placed Respondent on interim suspension. Respondent did not inform his clients of the summary judgment order prior to his suspension. The clients received their file from the Receiver on August 28, 2016, and did not learn of the deficiencies that led to the trial court's grant of summary judgment until August 24, 2016, after the deadline to seek a motion to alter or amend the judgment or file an appeal.

Matter IV

Respondent used the misappropriated English/Sexton funds and Walters/Taylor funds to pay for office supplies, payroll, phone bills, continuing legal education classes, and at least one political donation. Respondent also made payments

towards personal debts, payments to business partners, and payments to himself in cash.

From May 2013 through July 2016, Respondent processed numerous client transactions unrelated to the English/Sexton funds or the Walters/Taylor funds through his trust account. Respondent was unable to demonstrate he properly handled those other funds because he failed to maintain records of deposit, a receipts and disbursements journal, client ledgers, or monthly reconciliations, as required by Rule 417, SCACR (Financial Recordkeeping).

Law

Respondent admits that, by his conduct, he violated Rules 1.15(a) (holding client property or property of third persons separate from the attorney's own property and keeping financial records related to the property); 1.15(d) (requiring, upon receiving funds in which a client or third party has an interest, (1) an attorney notify the client or third party, (2) prompt delivery of the funds to the client or third party upon request, and (3) prompt rendering of a full accounting regarding such property); and 1.15(g) (forbidding the use or pledging of any entrusted property to obtain credit or other personal benefit for the attorney), RPC, Rule 407, SCACR. Respondent further admits his conduct violated Rules 8.4(b) (committing a criminal act that reflects adversely on an attorney's honesty, trustworthiness, or fitness); 8.4(d) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and 8.4(e) (engaging in conduct that is prejudicial to the administration of justice), RPC, Rule 407, SCACR.

Respondent also admits his conduct constitutes grounds for discipline under Rule 7(a)(1), (4), and (5), RLDE, Rule 413, SCACR (violating the Rules of Professional Conduct; being convicted of a crime of moral turpitude or a serious crime; and engaging in conduct tending to pollute the administration of justice or bringing the courts or the legal profession into disrepute).

Conclusion

We find Respondent's misconduct warrants disbarment. Accordingly, we accept the Agreement and disbar Respondent from the practice of law in this state, retroactive to the date of this interim suspension. Respondent shall pay the costs incurred in the investigation and prosecution of this matter by ODC and the

Commission on Lawyer Conduct (the Commission) within thirty (30) days of the date of this opinion. Respondent shall also enter into a restitution agreement with the Commission within sixty (60) days of the date of this opinion for the payment of restitution to the clients from whom he misappropriated funds.

Further, in addition to completing the requirements for reinstatement outlined in Rule 33, RLDE, Rule 413, SCACR, Respondent shall complete the Legal Ethics and Practice Program Trust Account School prior to seeking reinstatement. Finally, within fifteen (15) days of the date of this opinion, Respondent shall file an affidavit with the Clerk of Court showing he has complied with Rule 30, RLDE, Rule 413, SCACR, and shall also surrender his Certificate of Admission to the Practice of Law to the Clerk of Court.

DISBARRED.

BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

The State, Petitioner,

v.

Billy Lemurces Taylor, Respondent.

Appellate Case No. 2019-001345

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Greenville County
Robin B. Stilwell, Circuit Court Judge

Opinion No. 27985
Heard June 10, 2020 – Filed June 24, 2020

DISMISSED AS IMPROVIDENTLY GRANTED

Attorney General Alan Wilson, Deputy Attorney General Donald J. Zelenka, and Senior Assistant Deputy Attorney General Melody Jane Brown, all of Columbia; and Thirteenth Circuit Solicitor W. Walter Wilkins III, of Greenville, for Petitioner.

Appellate Defender David Alexander, of Columbia, for Respondent.

PER CURIAM: We issued a writ of certiorari to review the court of appeals' decision in *State v. Taylor*, 427 S.C. 208, 829 S.E.2d 723 (Ct. App. 2019). We now dismiss the writ as improvidently granted.

DISMISSED AS IMPROVIDENTLY GRANTED.

BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.