

The Supreme Court of South Carolina

Re: Amendments to Rules 413 and 502, South Carolina
Appellate Court Rules

Appellate Case No. 2023-001284

ORDER

The South Carolina Bar has filed a petition seeking to amend Rules 12, 15, and 17 of the Rules for Lawyer Disciplinary Enforcement (RLDE) and the Rules for Judicial Disciplinary Enforcement (RJDE), which are found in Rules 413 and 502 of the South Carolina Appellate Court Rules.¹

After careful review, we decline to adopt the proposed amendments to Rule 12. We adopt modified versions of the proposed amendments to Rules 15 and 17. These amendments, which are shown in the attachment to this order, are effective immediately.

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
February 14, 2024

¹ The rules within the RLDE and the RJDE the Bar seeks to amend are nearly identical, other than the application of those rules to lawyers versus judges.

Rule 15(b), RLDE, Rule 413, SCACR, is amended to add new subparagraph (b)(3), which provides:

(3) Any person making an appearance and answering questions pursuant to Rule 15 may review the transcript of the person's own testimony in private at the Office of Disciplinary Counsel unless otherwise directed by the Commission chair or vice-chair for good cause shown.

Rule 17, RLDE, Rule 413, SCACR, is amended to insert new paragraph (d), which provides as follows. Existing paragraphs (d) and (e) are renumbered as paragraphs (e) and (f).

(d) **Return to Petition.** Upon request of the lawyer, the Supreme Court may grant the lawyer leave to file a return to a petition filed under this rule prior to issuing an order of interim suspension. The request must be filed with the Supreme Court and the Commission and served on disciplinary counsel.

Rule 15, RJDE, Rule 502, SCACR, is amended to add new subparagraph (b)(3), which provides:

(3) Any person making an appearance and answering questions pursuant to Rule 15 may review the transcript of the person's own testimony in private at the Office of Disciplinary Counsel unless otherwise directed by the Commission chair or vice-chair for good cause shown.

Rule 17, RJDE, Rule 502, SCACR, is amended to insert new paragraph (d), which provides as follows. Existing paragraphs (d) and (e) are renumbered as paragraphs (e) and (f).

(d) **Return to Petition.** Upon request of the judge, the Supreme Court may grant the judge leave to file a return to a petition filed under this rule prior to issuing an order of interim suspension. The request must

be filed with the Supreme Court and the Commission and served on disciplinary counsel.