

# The Supreme Court of South Carolina

Re: Office of Disciplinary Counsel Independent Committee for the  
Supreme Court

Appellate Case No. 2024-001253

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## O R D E R

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The regulation of lawyer and judicial conduct "is critical to preserving the integrity" of the legal profession and judiciary and the enhancement of "public confidence in the judicial system." Rules 413 and 502 of the South Carolina Appellate Court Rules (SCACR). The Office of Disciplinary Counsel (ODC) is responsible for processing, investigating and prosecuting complaints of ethical misconduct or incapacity against lawyers and members of the judiciary, including Justices on the Supreme Court. The ODC operates under the authority of, and answers to, the Chief Justice and the Supreme Court. In the judgment of this Court, it is inappropriate for the ODC to handle complaints of ethical misconduct or incapacity against sitting Justices on the Supreme Court. A justice system with integrity must not only be fair, it must avoid the appearance of impropriety.

Accordingly, pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution, any complaint of ethical misconduct, or any allegation of incapacity or inability to participate or defend under Rule 28, of the Rules for Judicial Disciplinary Enforcement (RJDE) contained in Rule 502, SCACR, against or regarding a sitting Justice of the Supreme Court shall be assigned to a committee of lawyers who are independent and not employed by the Judicial Branch. This committee shall perform all duties normally performed by ODC in judicial disciplinary matters under the RJDE. It shall make its decisions by majority vote and a quorum of the committee shall be three members. The chair or vice-chair may sign notices of investigation, subpoenas, recommendations, formal charges, agreements for discipline by consent, briefs or any other document on behalf of the committee. Further, the chair or vice-chair may designate one or more members to represent the committee at any hearing before the Commission on Judicial Conduct, the Supreme Court, or a hearing officer, or to conduct interviews or appearances under Rule 19(b) and (c)(3) of the RJDE. The members of the committee shall have the same immunity as disciplinary counsel under Rule

13, RJDE, and may administer oaths or affirmations. The Office of the Attorney General has agreed to furnish the committee with any needed administrative and investigative assistance. The work of the committee of independent lawyers shall be governed by applicable law and the disciplinary rules contained in Rule 502, SCACR.

The following experienced and highly qualified members of the Bar, who have agreed to serve, are hereby appointed to the independent committee to handle complaints of ethical misconduct or allegations of incapacity or inability to participate or defend against or relating to sitting Justices on the Supreme Court:

John S. Nichols, Chair  
Lesley M. Coggiola, Vice-Chair  
I.S. Leevy Johnson  
Elizabeth Van Doren Gray  
Meliah Bowers Jefferson

The committee members shall serve on a voluntary basis without compensation. If any member of the independent committee resigns or is unable to serve, a new committee member shall be appointed by the Supreme Court.

This order takes effect immediately and remains in effect unless rescinded or amended by this Court.

**IT IS SO ORDERED.**

s/ John W. Kittredge C.J.

s/ John Cannon Few J.

s/ George C. James, Jr. J.

s/ D. Garrison Hill J.

s/ Letitia H. Verdin J.

Columbia, South Carolina  
August 1, 2024