

## Timothy's Post



Timothy Stone

February 16 at 8:35 AM · 🌐

Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I'm sorry



10 comments

Like

Comment

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Most relevant



Amy Corey

When life gets hard you're supposed to call on God but when you're down the devil finds a way to get in and when you let him he will take control pray for you Tim because you have a beautiful granddaughter that loves you and so many more of the grandbabies that love you and you will get through this just let God help you 🙏!! I love you men and I am praying 🙏 for you hope you have a blessed day 🙏!!

Like Reply 1w



Bobbie Jo Blackwell

Why apologize for something that you really meant? You meant what you said. Apologies don't mean anything if you constantly do it.

Like Reply 1w



Timothy Stone

Bobbie Jo Blackwell I'm human I make mistakes and no I didn't mean it

Like Reply 1w



Bobbie Jo Blackwell

Timothy Stone apparently you did or you wouldn't of posted it for all to see

Like Reply 1w



Karen Smith

It is great that you apologized. You owe that to the person it was directed at and God. None of us can or should judge. I can however give you some suggestions. I remember when you posted about accepting Christ as your Savior which I Praise God. We all need salvation. But when you are a babe in Christ, the devil will do all to get you back. But Greater is He who is in you than he that is in the world. So grab that Bible, cling to God's Holy word, leave and let go of that world you left behind and ask God to rebuke Satan. Find a daily devotional, find a Bible God fearing preaching Church. Invest in the Love Dare 365 day devotional. My husband and I are doing it now. And please, we are all human we will fail daily. But we need to kneel boldly before the Throne of God and give it all to him. And remember to stay off of social media when you aren't at your best. Prayers going up and out for you and your wife. Not preaching, just giving sound advice from someone who came through a life of misery to doing all I can to live for CHRIST. Hang in and hold on!!!!!! 🙏

Like Reply 1w



Timothy Stone

Karen Smith thanks and where can I find that devotional book

Like Reply 1w



Bobbie Jo Blackwell

Karen Smith we are no longer together. I can't serve God and the devil both so I had to let go of what was keeping me from getting closer to God. You can't get to heaven holding on to someone else's skirt or shirt tail and think your going to make it. It's a relationship between you and God that will allow you to enter in. The wall with the Lord is straight and narrow and you've got to serve him with a whole heart and not just with half your heart or because your wife or your husband wants you to. It's something you have to do for yourself and nobody else.

Like Reply 1w



Karen Smith

Timothy Stone you can go on line and type in Love Dare devotion 365 day. But since I see y'all are not together, I would still recommend it. I have found out that a lot of things in it helps me personally and not just for my marriage. Prayers and may God's will be done!

Like Reply 1w



Karen Smith

Bobbie Jo Blackwell agreed and sorry to hear this. I was saved long before my husband and I were married. Had been through several bad relationships. So when I prayed to God to send me a husband like mine, if it be God's will, I made sure the day we got married I have this marriage to God. I myself could not do it on my own. It has had its ups and downs, but Praise God, it has lasted. Pray maybe it is not too late for y'all. And if it is, my prayer is God will bless you first for your walk with God and second that you will find happiness in the future. God be with you!

Like Reply 1w



Bobbie Jo Blackwell  
Karen Smith thank you so much

Like Reply 1w

COURTESY OF  
LUNA SHARK MEDIA

**Exhibit B**

COURTESY OF  
LUNA SHARK MEDIA

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**Timothy Stone**

128 friends

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**Intro**

- Works at Dopson all terrain timber
- Studied at Jeff Davis High School
- Went to Jeff Davis High School

**Posts**

Filters

**Timothy Stone**  
February 27 · 🌐

Fixing to delete Facebook I'll leave messenger on for a few days for certain ones to get my new number later Facebook world

👍 3

Photos

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Stitch Lovers  
February 16

Like

Comment

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Write a comment...



Timothy Stone updated his profile picture  
February 18



Friends

128 friends

See all friends



Bobbie Jo Stone

Jean Woods

Shelby Batten

9

Share

Timothy Stone  
February 18



Timothy Stone

Friends

128 friends

See all friends



Bobbie Jo Stone



Jean Woods



Shelby Batten



Kaitlyn Graham



Matthew Finch



Billie Jean Blackwell Sloan



Timothy Stone



William Sloan



Billy Blackwell

Life events

See all



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Write a comment...



Timothy Stone

February 15

Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I'm sorry

5

5 comments

Like

Comment

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View more comments



Karen Smith

It is great that you apologized. You owe that to the person it was directed at and God. None of us can or should judge. I can however give you some suggestions. I remember when you posted about excepting Christ as your Savior, which I Praised God. We a... See more

Like Reply 29%

Karen Smith replied · 3 Replies



Write a comment...



Timothy Stone

February 16

For my mom and sister



## Timothy's Post



Timothy Stone

February 16



Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and i broke down and started drinking and when I was drunk I made that post and I'm sorry



5

5 comments



Like



Comment



Share

Most relevant



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When life gets hard you're supposed to call on God but when you're down the devil finds a way to get in and when you let him he will take control pray for you Tim because you have a beautiful granddaughter that loves you and so many more of the grandbabies that love you and you will get through this just let God help you 🙏 !! I love you men and I am praying 🙏 for you hope you have a blessed day 🙏 !!

Like Reply 29v



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Like Reply 29v

bruary 22

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bruary 20

bruary 22

arn More



## Timothy's Post



February 23



**Karen Smith**

It is great that you apologized. You owe that to the person it was directed at and God. None of us can or should judge. I can however give you some suggestions. I remember when you posted about accepting Christ as your Savior, which I Praised God. We all need salvation. But when you are a babe in Christ, the devil will do all to get you back. But Greater is He who is in you then he that is in the world. So grab that Bible, cling to God's Holy word, leave and let go of that world you left behind and ask God to rebuke Satan. Find a daily devotional, find a Bible, God fearing preaching Church. Invest in the Love Dare 365 day devotional. My husband and I are doing it now. And please, we are all human, we will fail daily. But we need to kneel boldly before the Throne of God and give it all to him. And remember to stay off of social media when you aren't at your best. Prayers going up and out for you and your wife. Not preaching, just giving sound advise from someone who came through a life of misery to doing all I can to live for CHRIST. Hang in and hold on!!!!!!! 🙏

Like Reply 29w

More

February 20



**Timothy Stone**

Karen Smith thanks and where can I find that devotional book

Like Reply 29w

February 22



**Karen Smith**

Timothy Stone you can go on line and type in Love Dare devotion 365 day. But since I see y'all are not together, I would still recommend it. I have found out that alot of things in it helps me personally and not just for my marriage. Prayers and may God's will be done!

Like Reply 29w

More



**Karen Smith**

Bobbie Jo Blackwell agreed and sorry to hear this. I was saved long before my husband and I were married. Had been through several bad relationships. So when I prayed to God to send me a husband like mine, if it be God's will, I made sure the day we got married I have this marriage to God. I myself could not do it on my own. It has had its ups and downs, but Praise God, it has lasted. Pray maybe it is not to late for y'all. And if it is, my prayer is God will bless you first for your walk with God and second that you will find happiness in the future. God be with you!

Like Reply 29w

STATE OF SOUTH CAROLINA

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)  
)

IN THE COURT OF GENERAL SESSIONS  
FOURTEENTH JUDICIAL CIRCUIT

COUNTY OF COLLETON

The State of South Carolina,  
  
Plaintiffs,

vs.

Richard Alexander Murdaugh,  
  
Defendant.

Indictment Nos. 2022GS1500592 – 00595

**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 October 27, 2023 did serve via email the following document to the below mentioned person:

Document: Motion for a new trial

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

OCT 27 2023 AM 10:14  
COLLETON CO GS, REBECCA H. HILL

# **EXHIBIT E**

(Affidavit of Dr. Gregory B. Adams)

LUNA SHARK MEDIA

THE STATE SOUTH CAROLINA  
IN THE SUPREME COURT

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

Case No. \_\_\_\_\_

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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 disputed<sup>1</sup> 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.<sup>2</sup> 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

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

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

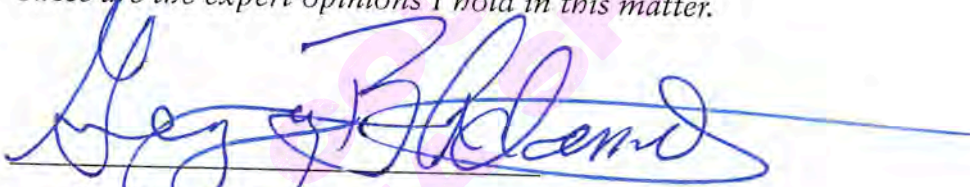
faculty for 40 years, from 1978 to 2018. My subjects of expertise include judicial ethics and the regulation of judges' behavior; the impact of judges' improper conduct on the constitutional rights of litigants, including the right to a fair trial; the selection and disciplining of state and federal 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, 2023**

# **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 (2<sup>nd</sup> 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?,” SCTL 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,” SCTL 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.

COURTESY OF  
LUNA SHARK MEDIA

# **EXHIBIT F**

(Letter from R. Harpootlian to Judge C.  
Newman)



**HARPOOTLIAN**  
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October 18, 2023

The Honorable Clifton Newman  
Post Office Box 516  
Kingstree, SC 29556-0516  
CNewmanSC@sccourts.org

In re: *State of South Carolina v. Richard Alexander Murdaugh*  
Indictment Nos. 2022GS1500592 – 00595

Dear Judge Newman,

As you undoubtedly know, the Court of Appeals has suspended Mr. Murdaugh's direct appeal of his murder convictions and granted leave to file a motion for a new trial. The gravamen of the motion for a new trial is that Colleton County Clerk of Court Rebecca Hill's interactions with members of the jury were improper and material to the merits of the evidence presented at trial. The motion does not suggest that you did anything improper during the trial as the presiding judge. Unfortunately, however, Ms. Hill's actions make you a material witness regarding her conduct.

For example, *in camera* testimony and trial and Ms. Hill's book state that Ms. Hill told you about a Facebook post purportedly made by Juror #785's ex-husband, and that you asked her to produce a copy of the posting. Those sources further provide that in response to your request, Ms. Hill claimed the post had been deleted and as evidence she provided an unrelated "apology" post by a person coincidentally having the same name as Juror #785's ex-husband. It turns out that no such Facebook post was made by anyone associated with Juror #785, and that it likely never existed at all. For a further example, you stated on the record on the evening of February 28, 2023, that "I'm not too pleased about the clerk interrogating a juror as opposed to coming to me and bringing it to me." It is reasonable to believe that you took some action to communicate your displeasure directly to Ms. Hill, and that she in response may have made representations to you regarding her interactions with jurors. Further still, Juror #785 has provided a sworn statement that the very next day Ms. Hill again "interrogated" her about her views, and the views of other jurors, about the evidence presented at trial. Juror #785 even asked you a question referring to Ms. Hill's interrogation of her in open court upon her dismissal on the last day of trial.

The universal rule is that a witness cannot be the presiding judge. "Because of his duties, it is erroneous for a presiding Judge to testify as a witness in a case being tried before him." *State v. Bagwell*, 201 S.C. 387, 23 S.E.2d 244, 247 (1942); *see also* Rule 605, SCRE ("The judge

presiding at the trial may not testify in that trial as a witness.”). As the Fourth Circuit stated over one hundred years ago:

Indeed, a judge presiding at a trial is not a competent witness, for the duties of a judge and a witness are incompatible. If he testifies he would have to pass upon the competency of his own testimony; and as a witness he might be regarded as partisan, and would be subject to embarrassing conflicts with counsel. The danger to the dignity of the bench, of subjecting its impartiality to doubt and of placing the defendant at an unfair disadvantage by admitting the presiding judge as a witness is very obvious.

*Lepper v. United States*, 233 F. 227, 230 (4th Cir. 1916) (Woods, J., concurring).

Defendant therefore respectfully requests that you recuse yourself from hearing his motion for a new trial when it is filed.

Sincerely,



Richard A. Harpootlian

RAH:hm

cc: (via email only)  
Jim Griffin, Esquire  
Creighton Waters, Esquire



# **EXHIBIT G**

(Letter from C. Waters to Judge C.  
Newman)



October 25, 2023

Honorable Clifton Newman  
P O Box 516  
Kingstree, SC 29556-0516  
(via mail and email)

**Re: State v. Richard Alexander Murdaugh**

Dear Judge Newman:

I am in receipt of Mr. Harpootlian's letter of October 18, 2023, requesting that Your Honor recuse yourself from the above referenced case. In reply, the State would merely point out nothing in the law or defense counsel's allegations or speculation would require recusal.

Of course, judges should not testify in a case on which they presided unless the testimony is 1) critical; and (2) can be obtained by no other means. In re Whetstone, 354 S.C. 213, 580 S.E.2d 447 (2003); State v. Talbert, 41 S.C. 526, 19 S.E.852 (1894).

Counsel's letter raises no issues which would render Your Honor's testimony "critical" or such that it could not be obtained by other means. Counsel recalls an exchange which was placed upon the record, and otherwise speculates that the Court directly admonished the Clerk of Court off the record. These matters fall far short of the extraordinarily high bar necessary to justify calling a Judge as a witness for matters observed in the course of his or her official duties.

Furthermore, Canon 3(E)(1)(a) requires a judge to recuse himself when he or she "has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;" but such bias or personal knowledge must stem from an extrajudicial source not related to the judge's participation in the case. Payne v. Holiday Towers, Inc., 283 S.C. 210, 217, 321 S.E.2d 179, 183 (Ct. App. 1984); United States v. Grinnell Corp., 384 U.S. 563, 583 (1966) (citing Berger v. United States, 255 U.S. 22 (1921)).

Counsel's letter, again, raises only issues about which the Court, to the knowledge of the undersigned, has only knowledge because of its judicial function, which are tertiary allegations to the core claim that the jury was improperly addressed by a court official, and for which there is significant factual dispute. Indeed, the Court was clear at trial that the alleged Facebook post by a juror's ex-husband had nothing to do with the Court's consideration in removing the juror. {Tr. 5743}.

Given the length of trial and number of issues raised throughout, properly illuminating another learned member of the bench as to the full context of the record would be a considerable expense of time and effort the law does not demand in consideration with any motion Defendant may ultimately file in Colleton.

Thank you for your attention to this matter. Of course, as always please feel free to contact me with any questions or concerns.

Regards,



S. Creighton Waters  
Chief Attorney, State Grand Jury

cc: Dick Harpootlian, Esquire (via email)  
Jim Griffin, Esquire (via email)  
AAG Johnny E. James, Jr. (via email)

# EXHIBIT H

(Podcast Transcript)

LUNA SHARK OF MEDIA

~ June 28, 2023

LIVING JUSTICE. LIVING LEADERSHIP. PODCAST  
BY DEAN LEE FISHER - JUDGE CLIFTON NEWMAN

JUNE 28, 2023, EPISODE 23

<https://www.law.csuohio.edu/newsevents/podcast>

DEAN LEE FISHER: This week on Living Justice. Living Leadership., I continue my conversation with Judge Clifton Newman, the judge who presided over the South Carolina murder trial of Alex Murdaugh. And who just happens to be an alumnus of our law school, Cleveland State University College of Law. Stay tuned.

JUDGE CLIFTON NEWMAN: His lawyers decided they did not want to say anything during sentencing --

DEAN LEE FISHER: Which is very unusual.

JUDGE CLIFTON NEWMAN: Yeah, I had -- I reserved in my mind an entire day to hear mitigation and family members and friends and colleagues to tell me what a great guy he was or at least to try to give me the benefit of their knowledge to assist me in determining a sentence.

2

And I gave him that opportunity because his lawyers decided not to say anything.

DEAN LEE FISHER: Welcome to another episode of Living Justice. Living Leadership. I'm your host, Lee Fisher, Dean of Cleveland State University College of Law. You know, I've had the great privilege to live my life at the intersection of the public, private, nonprofit and academic worlds. As a practicing lawyer. CEO of two large nonprofit organizations. And as an Ohio state representative. State senator. Attorney general and lieutenant governor.

And the lessons that I've learned come down to really two words "justice and leadership". That's why every week we'll talk to people who are walking the walk. We'll learn the leadership lessons of these highly-effective leaders. Some are lawyers and some are not. But all of them have something in common, they are change makers. They are custodians of democracy. They are guardians of justice. They are living justice and they are living leadership.

For the rest of this Podcast we're going to talk about your remarkable judicial career that started back in year 2000. And the way you

1 became judge is different than the way you become  
2 judge here in Cleveland. Explain that.

3 JUDGE CLIFTON NEWMAN: Our judges are  
4 elected by the legislature at a joint session of  
5 the House and Senate. And the person with the  
6 majority votes -- majority vote wins. We have a  
7 merits -- Judicial Merits Selection Commission made  
8 up of primarily of legislators and a few citizens.  
9 Anyone can apply to be a judge who is eligible  
10 based on years of experience.

11 And you're screened out and -- and  
12 recommended -- the top three are recommended to the  
13 legislature for a vote. And the majority -- the  
14 person with the majority wins. We're one of two  
15 states who elect judges that way. We're elected to  
16 six-year terms and have to reapply and get  
17 re-elected.

18 I was elected to a three-year unexpired  
19 term initially when the judge I replaced was  
20 elevate to the Court of Appeals. And I have been  
21 re-elected without opposition 2003/2009/2015 and  
22 2021, so...

23 DEAN LEE FISHER: No opponents ever?

24 JUDGE CLIFTON NEWMAN: No, without  
25 opposition ever.

4

1 DEAN LEE FISHER: Well, I wish I'd had  
2 a political career like that. That's pretty  
3 impressive. And by the way, that doesn't happen by  
4 accident. People know you by reputation. They  
5 know that you're well-respected and well-known.  
6 And they know they can't defeat you, so they go on  
7 to try in another judicial vacancy or judicial  
8 seat.

9 JUDGE CLIFTON NEWMAN: Yes.

10 DEAN LEE FISHER: So what happens now  
11 for the next 23 years is you've developed this  
12 unbelievable reputation, as being not just a fair  
13 judge, but an inciteful and brilliant judge. And  
14 as a result, you keep getting assigned very  
15 controversial cases.

16 And one I can think of in particular  
17 preceded that preceded the Murdaugh trial was the  
18 State versus Michael Slager that had to do with the  
19 killing, as I recall, of Walter Scott. Can you  
20 tell us about that case? It achieved national  
21 attention.

22 JUDGE CLIFTON NEWMAN: Yes, it was. It  
23 was a case that came up during the initial wave of  
24 police shooting cases where police officers were  
25 indicted for murder, which did not happen so



1 frequently. And this was a case in Charleston,  
2 South Carolina, where the -- where Michael Slager  
3 shot Walter Scott as he was running away. A  
4 routine traffic stop, Walter Scott had an  
5 outstanding warrant for child support --

6 DEAN LEE FISHER: Is this one of the  
7 things like taillight is out or something?

8 JUDGE CLIFTON NEWMAN: Taillight is  
9 out, according to the officer. It's in  
10 North Charleston, not Charleston. And he decided  
11 to run away. While running away, the officer  
12 pulled out his gun and shot seven times, hitting  
13 him in the back six times and -- and killing him.  
14 You know, the --

15 DEAN LEE FISHER: Was he armed at all;  
16 Walter Scott?

17 JUDGE CLIFTON NEWMAN: No, unarmed --

18 DEAN LEE FISHER: Shot in the back and  
19 unarmed.

20 JUDGE CLIFTON NEWMAN: -- unarmed at  
21 9:30 on a Saturday morning --

22 DEAN LEE FISHER: Oh, my God.

23 JUDGE CLIFTON NEWMAN: -- the taillight  
24 he had just -- he was buying this car from a friend  
25 and -- and, in fact, he was going to buy some

6

1 taillights and various things for the car and  
2 officers stopped him along the way. Yeah, that  
3 was -- it was quite contentious because -- because  
4 a police officer was involved and the local  
5 prosecutors and judges dealt with the --  
6 representing the cases brought by the police  
7 officers.

8 Many of the local judges felt they had  
9 a conflict and -- and -- and I was requested by the  
10 local judges to take the case. And then appointed  
11 by the chief justice of the Supreme Court of  
12 South Carolina to handle the case. And that case  
13 had a lot -- involved a lot of racial undertones,  
14 white police officer, black victim. And, you know,  
15 Charleston, for all its progressive ways, is one  
16 where there's a lot of -- the white population has  
17 exploded. And the black population has decreased.

18 And I fought to get a balanced jury  
19 pool, which did not work in the end after strikes  
20 by the prosecution and defense had left one black  
21 juror out of the entire pool, even though I had  
22 33 percent of the jury pool who showed up for  
23 service were black. Only one made it to the jury  
24 and --

25 DEAN LEE FISHER: Why wouldn't the

1 prosecutor have made sure that there was more than  
2 one?

3 JUDGE CLIFTON NEWMAN: That's -- that  
4 was a major concern of mine --

5 DEAN LEE FISHER: Yeah.

6 JUDGE CLIFTON NEWMAN: -- I think their  
7 idea was that it did not matter if you were black  
8 or white as a juror, if someone was shot in the  
9 back six times, that person would be found -- while  
10 running away and while being unarmed --

11 DEAN LEE FISHER: Yes.

12 JUDGE CLIFTON NEWMAN: -- race should  
13 not and would not matter and I think that's the way  
14 the prosecution saw it.

15 DEAN LEE FISHER: I wish that were  
16 true.

17 JUDGE CLIFTON NEWMAN: Yes. So as --  
18 so as the case was progressing and I am sensing  
19 this racial approach to the defense of the case,  
20 and a police officer had never been convicted of  
21 murdering a black man during that period of time or  
22 under the circumstances.

23 DEAN LEE FISHER: This is years before  
24 George Floyd?

25 JUDGE CLIFTON NEWMAN: Yes. Yes. I

8

1 appointed the lone black juror as the foreperson of  
2 the jury. And I'm saying, well, when this verdict  
3 form is signed, if it's a not guilty verdict, he  
4 will have to sign it. And the case ended in a hung  
5 jury. They could not convict him. A hung jury.  
6 He was indicted for murder and also for violating  
7 the civil rights of -- of Walter Scott.

8           So we had parallel civil and federal  
9 charges. Slager opted to plead guilty in federal  
10 court to violating Scott's civil rights. One of  
11 the arguments made by the defense lawyer during  
12 closing arguments in my case is that's -- that  
13 stuck with me is that he argued to the jury "do not  
14 let this judge sentence my client to prison".

15           DEAN LEE FISHER: "This judge".

16           JUDGE CLIFTON NEWMAN: "This judge".

17           DEAN LEE FISHER: That has racial  
18 overtones right there.

19           JUDGE CLIFTON NEWMAN: Well, a  
20 well-known lawyer who has an excellent reputation  
21 of representing all races, but as I said, you know,  
22 defense lawyers decide what strategy they're going  
23 to use. And -- and that stuck with me the use of  
24 that term. And -- and it -- it apparently  
25 registered with the jury because they -- it was a

1 hung jury. Then they decided to pled him guilty in  
2 federal court to violating Floyd -- Scott's civil  
3 rights. And he received a prison -- a 20-year  
4 prison sentence. And, of course, you have issues  
5 of some defendants opting to do time in federal  
6 facilities rather than state facilities --

7 DEAN LEE FISHER: Right. Right.

8 JUDGE CLIFTON NEWMAN: -- as you know  
9 and that's where he is now serving time in, I  
10 believe, Colorado or someplace.

11 DEAN LEE FISHER: And that mistrial,  
12 correct me if I'm wrong, it was just one juror; is  
13 that right?

14 JUDGE CLIFTON NEWMAN: Well, it's  
15 debatable --

16 DEAN LEE FISHER: Okay. You never  
17 really know, right?

18 JUDGE CLIFTON NEWMAN: -- you never  
19 really know. One juror sent out a note saying that  
20 he could not find the defendant guilty. Now,  
21 whether he was the only juror to have that  
22 sentiment, I don't know. Just one sent a note.  
23 And I've changed my practices following that to not  
24 allow individual jurors to send me notes. Any note  
25 sent must be in writing and must be signed by the

10

1 foreperson and foreperson only. So that we have  
2 someone speaking for the jury --

3 DEAN LEE FISHER: Yes.

4 JUDGE CLIFTON NEWMAN: -- as opposed to  
5 individual jurors.

6 DEAN LEE FISHER: Before we get to the  
7 Alex Murdaugh trial, there's one other case I want  
8 to ask you about and that's -- I think it's called  
9 the Fake Uber Case. I don't really know what that  
10 means, but tell us about that.

11 JUDGE CLIFTON NEWMAN: Yes. That case  
12 was only a couple of years now, Samantha Josephson,  
13 who was an undergraduate student at the University  
14 of South Carolina in a popular area of town in  
15 Columbia, called for an Uber to take her home.

16 She had been accepted into law school  
17 at Drexel University. She was from the  
18 Philadelphia area and -- she was from New Jersey,  
19 but she -- she'd applied to various law schools  
20 throughout the Northeast and was selected to attend  
21 Drexel. And she was three weeks from graduation  
22 and when out with some of her friends and sorority  
23 sisters. And she didn't want to stay out along  
24 with the others, so she called for an Uber.

25 And this car pulls up and assuming that

1 it's her Uber driver, she jumps in the backseat of  
2 the car. And rather than taking her toward her  
3 housing, he went in the other direction. And she  
4 could not unlock the back door because it had some  
5 type of security lock, baby lock, where she  
6 couldn't get out. And -- and she fought him  
7 fiercely. She ended up being stabbed over 120  
8 times --

9 DEAN LEE FISHER: Oh, my God.

10 JUDGE CLIFTON NEWMAN: -- and her body  
11 discovered in an abandoned field the next morning.  
12 And within 24 hours, the police arrested the  
13 defendant, who returned to the area where the crime  
14 had occurred, his automobile soaked with blood.  
15 And -- and I did that trial, it involved a  
16 University of South Carolina student/victim and  
17 really caused a whole lot of security concerns  
18 around -- around campus. Spawned legislation and  
19 now I believe maybe even a congressional action to  
20 place various requirements on Uber drivers to  
21 identify themselves and for people to know exactly  
22 who you're -- the type of car you're getting into  
23 and -- and so she would have benefitted from that.

24 But the public has benefitted as a  
25 result of the action taken by her family and others

12

1 following that trial. It was just a very tragic  
2 and that defendant was sentenced to life  
3 imprisonment.

4 DEAN LEE FISHER: Well, it's -- it's a  
5 tragic, tragic case and it is frightening just to  
6 think about what she went through. But at least  
7 some good came out of it because of the example of  
8 what happened to her, public policy changed.

9 JUDGE CLIFTON NEWMAN: Yes.

10 DEAN LEE FISHER: And the world is  
11 safer, but it still doesn't lessen the horror of  
12 it. And speaking of horror, there's another trial  
13 I want to talk about, and that is in 2021 the chief  
14 justice of the South Carolina Supreme Court  
15 appointed you to handle the criminal matters  
16 involving Alex Murdaugh.

17 I know there's certain things you can't  
18 talk about, but can you talk about what it felt  
19 like the moment you got that case and what happened  
20 after that.

21 JUDGE CLIFTON NEWMAN: Yes. I was  
22 contacted by the chief justice during a time when  
23 the judiciary was under assault and the Bar,  
24 lawyers, were under strict scrutiny and a lot of  
25 distrust because he had been accused or was accused



1 and is accused of stealing client money, over  
2 \$8 million from various clients and personal injury  
3 settlements. And -- resulting in about 99  
4 indictments, I believe, involving him and some  
5 other people.

6 And I had been assigned to handle those  
7 cases prior the indictment for murder. He was then  
8 indicted for murder and the chief justice appointed  
9 me to handle that case as well. But having been on  
10 the bench for 23 years now, I've handle many, many  
11 murder cases and I approach each one about the  
12 same. You know, we have -- they're all tragic. We  
13 have deaths. You have victims. You have family  
14 and mourning family members. And you have a  
15 defendant who proclaims innocence. And -- and we  
16 have to gear up for a trial to have a jury make a  
17 decision.

18 DEAN LEE FISHER: Why do you think the  
19 world was fixated on this case in particular?  
20 Because as you've said, you've handled many murder  
21 cases and although the Walter Scott case received  
22 national attention, nothing to this extent.

23 JUDGE CLIFTON NEWMAN: And I think  
24 maybe the decision to be totally transparent and  
25 allow the media to come into the courtroom and to

14

1 -- to televise every aspect of the trial --

2 DEAN LEE FISHER: Right.

3 JUDGE CLIFTON NEWMAN: -- having  
4 encountered some resistance in the Walter Scott  
5 case and I -- I allowed cameras in the courtroom  
6 then, but I -- I was more actively involved in  
7 controlling what could be broadcast and what not --  
8 what could not be broadcast. And -- and -- and  
9 having to review the freedom of the press and the  
10 rights of the press with regard to court and our  
11 state system is not -- is unlike the federal  
12 system, and there's a lot of judicial discretion in  
13 what the media can and cannot televise.

14 But I opted to be totally transparent.  
15 It's a matter of great public interest within the  
16 state and nationally. So I believe that when the  
17 case comes into the living rooms and computers  
18 and -- and all of the media sources, it just caused  
19 people to be interested, watching justice to unfold  
20 in the way that it did.

21 DEAN LEE FISHER: Well, there's no  
22 doubt the fact that you allowed the cameras in was  
23 a big piece of this. But there's another piece of  
24 this family was in a sense a dynasty. And I think  
25 that fascinated people as well. This was -- the

1 Murdaugh family I think goes back a hundred years;  
2 isn't that true?

3 JUDGE CLIFTON NEWMAN: Yes. In  
4 South Carolina, the prosecutors are known as  
5 solicitors. And the state is -- is divided into 16  
6 judicial circuits. And the Murdaugh family were  
7 the chief prosecutors in -- in this one circuit,  
8 that includes the Hilton Head area and the lower  
9 part of the state, for over 100 years from one  
10 family member down to the other. From his  
11 grandfather -- great grandfather to Alex's  
12 grandfather to Alex's father. And it was quite  
13 surprising that it did not then go down to Alex.

14 And -- so after having that position  
15 for all of that -- those years, he did not replace  
16 his father to carry on the -- the family legacy of  
17 representing the family. And, you know, some  
18 testimony during the trial came up concerning his  
19 possible disappointment about that, but there may  
20 well have been other factors --

21 DEAN LEE FISHER: Right.

22 JUDGE CLIFTON NEWMAN: -- as well. But  
23 -- yeah, it presented a lot of challenges as far as  
24 ensuring that we have a fair and -- had a fair and  
25 impartial jury. Jurors who are not overly

16

1 influenced about his -- who the defendants were.  
2 And South Carolina now is a highly -- a state where  
3 we have a lot of new people. We have -- a lot of  
4 the folks on that jury pool that came in were  
5 people who had relocated from Ohio and other  
6 places, particularly because it includes the  
7 Charleston area.

8 And so whereas the story is a long  
9 history within the state of South Carolina, many of  
10 the jurors did not know that history.

11 DEAN LEE FISHER: Wasn't there a  
12 portrait you had to take down?

13 JUDGE CLIFTON NEWMAN: Yes. A portrait  
14 of his grandfather was hung in the courtroom. And  
15 anyone coming in the courtroom would likely walk by  
16 his portrait and -- and draw the connection.

17 DEAN LEE FISHER: Yes.

18 JUDGE CLIFTON NEWMAN: And his  
19 grandfather's name was Buster Murdaugh or referred  
20 to as Buster --

21 DEAN LEE FISHER: And one of his sons  
22 was named Buster too.

23 JUDGE CLIFTON NEWMAN: And one of the  
24 sons was called Buster --

25 DEAN LEE FISHER: Sure. Right.

1 JUDGE CLIFTON NEWMAN: -- not named  
2 Buster. His granddad's name wasn't Buster, but was  
3 affectionately known as Buster.

4 DEAN LEE FISHER: Okay.

5 JUDGE CLIFTON NEWMAN: And it was quite  
6 apparent to me that the portrait should not -- of  
7 his grandfather should not be hanging there while a  
8 trial is going on of his grandson. So without a  
9 motion of either party, I had it taken down.

10 DEAN LEE FISHER: Did you know Alex  
11 Murdaugh before this trial?

12 JUDGE CLIFTON NEWMAN: I knew Alex  
13 Murdaugh and I know Alex Murdaugh, he as a  
14 practicing lawyer. And we, as circuit judges in  
15 South Carolina, we -- we truly ride the circuit. I  
16 have presided in all 46 counties of the state,  
17 including the five counties within the district  
18 that his family controlled.

19 And we -- he's a well-known civil  
20 practitioner. And he's had many cases that either  
21 I presided over and had something to do with  
22 approving settlements and/or maybe pretrial matters  
23 that resulted in settlements. He never actually  
24 tried a case before me. You know, his family --  
25 his law firm -- his family's law firm, they were

18

1 able to negotiate real good settlements --

2 DEAN LEE FISHER: Yes.

3 JUDGE CLIFTON NEWMAN: -- based on the  
4 skills of Alex and other lawyers. So I would not  
5 say that I knew him on a personal level, I didn't  
6 know him to the extent that would have required me  
7 to recuse myself --

8 DEAN LEE FISHER: Sure.

9 JUDGE CLIFTON NEWMAN: -- but -- but  
10 casually, I didn't know of him.

11 DEAN LEE FISHER: Well, it sounds like  
12 everybody at least knew of him, even if they didn't  
13 know of him.

14 JUDGE CLIFTON NEWMAN: Oh, absolutely,  
15 that's right. Absolutely every judge in the state  
16 would know -- either know him or know of him.

17 DEAN LEE FISHER: I want to go to the  
18 moment of sentencing because there were lots of  
19 moments in that trial when you showed that you are  
20 a great judge, fair, even-handed. But during those  
21 moments, there was a personal -- a personal  
22 observation you made about the fact that there were  
23 almost two Alex Murdaughs. And can you just talk  
24 about that a little? I'm not asking you to say  
25 anything that you didn't say in court, but just

1 talk a little bit about what you did say in court.

2 JUDGE CLIFTON NEWMAN: Well, you know,  
3 after a person is found guilty then, you know, as a  
4 judge, my role is to be fair and impartial and to  
5 not give any indication one way or the other to a  
6 jury -- to jurors of any opinion that I might have  
7 and they're instructed that it's solely a matter  
8 for them to decide. But after they've made that  
9 decision, then I have before me a person who has  
10 been convicted of -- of murder, of double murder.  
11 And -- and I want to give him an opportunity to  
12 explain himself to me. His lawyers decided they  
13 did not want to say anything during sentencing --

14 DEAN LEE FISHER: Which is very  
15 unusual.

16 JUDGE CLIFTON NEWMAN: Yeah. Yeah. I  
17 reserved in my mind an entire day to hear  
18 mitigation and family members and friends and --

19 DEAN LEE FISHER: Uh-huh.

20 JUDGE CLIFTON NEWMAN: -- and colleagues  
21 to tell me what a great guy he was or at least to  
22 try to give me the benefit of their knowledge to  
23 assist me in determining a sentence. And I gave  
24 him that opportunity because his lawyers decided  
25 not to say anything. And that's always very

20

1 difficult, however, when a person has been found  
2 guilty and you know that they're going to appeal  
3 the case, you're really -- you're really not  
4 expecting a confession --

5 DEAN LEE FISHER: Right.

6 JUDGE CLIFTON NEWMAN: -- but through  
7 his testimony, he was an admitted drug user and --  
8 and he said -- testified that when the -- when he  
9 called 9:11 that night, he had a pocket full of  
10 opioid pills when the police came. Now, I don't  
11 know whether it's true or not, but that's what he  
12 testified to. So -- I have -- I was building on  
13 experience that I've had on other cases over the  
14 years, I'm just not able to get defendants to  
15 recall for me the moment that they committed a  
16 murder.

17 And he said, well, it wasn't me. And,  
18 well, it might not have been you, it might not have  
19 been you as you stand here today. It might not  
20 have been you that you could take yourself back to  
21 that moment. It might have been the creature that  
22 you created when you used the drugs. There has to  
23 be some explanation. And if it wasn't you, I said  
24 it was the monster in you that you became once you  
25 were hooked on the drugs or under the influence of



1 the drugs. And that's just the thought that came  
2 to my mind. And looking him in the eyes at that  
3 moment with really, you know, great empathy for  
4 him, I -- he gave himself a way out by saying it  
5 wasn't me --

6 DEAN LEE FISHER: Yes, sir.

7 JUDGE CLIFTON NEWMAN: -- I gave him a  
8 way out as well, well, I guess it wasn't you, it  
9 was the person that you became, another person.  
10 And I've seen it over and over again, people are  
11 strung out on drugs and it's not them, it's someone  
12 else that they -- who they become once they're  
13 under the influence.

14 DEAN LEE FISHER: I was driving  
15 listening to you talking during the sentencing and  
16 when you made that insight, which was a penetrating  
17 insight, I actually pulled over to the side of the  
18 road and just decided I'm just going to listen to  
19 this. Because I think people who listened to that  
20 learn something about life, not just about that  
21 particular case and also the danger of drugs. And  
22 although nobody ever really knows what goes inside  
23 the mind of somebody who commits a horrendous  
24 crime, it -- it rang true, I think, for millions  
25 people who said, yes, good people can do bad things

22

1 if they're under the influence of drugs, they can  
2 become monsters.

3 JUDGE CLIFTON NEWMAN: And my  
4 experience with him throughout the years, he was a  
5 great person. Very friendly. Very affable.  
6 Always enjoyed himself and -- and enjoyed life. Of  
7 course, that did not include the hidden man that --  
8 that none of us knew and apparently very few of his  
9 family and friends knew. His -- his law firm  
10 members did not know the secret life that he was  
11 living.

12 And, you know, it just ended up being a  
13 very sad situation. Sad for him. Sad for his  
14 family and sad for the community. And especially  
15 sad for the profession.

16 DEAN LEE FISHER: You know, I'm against  
17 mandatory retirement at any age. And you're a  
18 perfect example of why I'm against it because  
19 there's a mandatory retirement age at 72. And --  
20 and first of all, you look and act as if you're  
21 more like 52. But to me, age has nothing to do  
22 with it, it's competency. And I think the people  
23 of South Carolina and this nation would benefit if  
24 you were on the bench for another 20 years.

25 But during this final year as a circuit

1 judge before you perhaps become a senior circuit  
2 judge and still handling cases, will you be handling  
3 more -- handling more cases related to the family  
4 of Murdaugh?

5 JUDGE CLIFTON NEWMAN: As of now, I  
6 have the remaining cases involving Murdaugh and  
7 many Murdaugh codefendants. I'm from the state of  
8 J. Strom Thurmond, who served in the Senate beyond  
9 his 100th birthday --

10 DEAN LEE FISHER: Yes.

11 JUDGE CLIFTON NEWMAN: -- and Senator  
12 Fritz Hollings who served until he was pushing 90,  
13 which was young compared to the senior senator. So  
14 it is a very difficult thing when that age  
15 limitation is placed on Circuit Court judges and  
16 not on Federal judges. And -- but -- but it has  
17 some legitimate purpose as well because I think,  
18 you know, maybe when that retirement age was put  
19 in, the lifespan or projected lifespan wasn't what  
20 it is today --

21 DEAN LEE FISHER: That's true.

22 JUDGE CLIFTON NEWMAN: -- I cannot say  
23 I'm the man -- have the mental acuity that I had  
24 25, 30 years ago, but we make up for it in other  
25 ways, you know --

24

1 DEAN LEE FISHER: It's called wisdom.

2 JUDGE CLIFTON NEWMAN: Wisdom and  
3 experience accounts for something and I try to use  
4 it all.

5 DEAN LEE FISHER: What happens after  
6 you retire, do you know?

7 JUDGE CLIFTON NEWMAN: You know, it's  
8 sort of like with lawyers, I don't know that  
9 lawyers ever retire. I have -- I've gotten some  
10 letters from a lot of folks and some have said  
11 they're retired lawyers. Well, they're few and far  
12 between. I would not like to return to the  
13 practice of law, even though I have received a lot  
14 of offers and inquiries from firms, I've --  
15 mediation firms, arbitration firms, I've been  
16 contacted by many of them. And there's the  
17 possibility of senior status judging in  
18 South Carolina. I don't know exactly, but I'm  
19 still optimistic. I'm optimistic about the future  
20 on the bench and beyond.

21 DEAN LEE FISHER: Well, I know you  
22 teach law right now; don't you? Isn't it at the  
23 University of South Carolina School of Law?

24 JUDGE CLIFTON NEWMAN: University of  
25 South Carolina School of Law, I teach trial

1 advocacy. And that's a great experience, a  
2 challenging experience. And I spent a lot of time  
3 talking to lawyers and scrutinizing the performance  
4 of lawyers. And -- and to then go from that to  
5 being in a classroom with second- and third-year  
6 law students and trying to teach them about the  
7 practice of law, while they know -- in many  
8 instances they know nothing about it, they're just  
9 getting their feet wet into it and trying to do the  
10 transition from dealing maybe with lawyers who have  
11 practiced 30 to 40 years to dealing with someone  
12 who is still in law school, it's quite a challenge,  
13 but I truly enjoy it.

14 DEAN LEE FISHER: Judge, as we wind  
15 down this interview, I have to ask you particularly  
16 because of the number of our law students -- in  
17 fact, not just our law student, but I'm going to  
18 guess a lot of law students throughout the country  
19 will listen to this Podcast, any lessons from your  
20 remarkable legal and judicial career that just come  
21 to mind that law students would benefit from?

22 JUDGE CLIFTON NEWMAN: I think law  
23 students need to -- to understand and believe that  
24 whatever their personal make-up is, whatever their  
25 type personality they have, that that's all they

26

1 can -- can give. They cannot become transformed  
2 and transfixed into a new creation -- creature  
3 becoming a lawyer. So as long as they have  
4 confidence in themselves, they carry with them all  
5 the tools they need to be successful lawyers. And  
6 I've always banked on being sincere about what I'm  
7 doing, spending the time to understand what I'm  
8 doing, and to present myself in a manner that --  
9 and I've been a trial lawyer throughout my career,  
10 prior to judging -- when jurors see me, I want them  
11 to see someone who is speaking to them sincerely.  
12 And -- and I think that's what many people saw when  
13 I was dealing with that trial --

14 DEAN LEE FISHER: Right.

15 JUDGE CLIFTON NEWMAN: -- the sincerity  
16 of dealing with the matters before me.

17 DEAN LEE FISHER: There will be books  
18 and movies made about that trial. And you will be  
19 a central figure. And I hope they do you justice  
20 because it should be a serious actor, who plays a  
21 serious judge, who is fair, even-handed,  
22 even-demeanored, tough when he needs to be, but  
23 compassionate also when he needs to be. And that's  
24 the kind of judge you are. We could not be more  
25 proud that you're a graduate of our law school.

1 And you have a standing offer to teach at our law  
2 school anytime you'd like because I know our  
3 students would be blessed to have you in front of  
4 them --

5 JUDGE CLIFTON NEWMAN: Well, thank you.

6 DEAN LEE FISHER: -- teaching.

7 JUDGE CLIFTON NEWMAN: Thank you.

8 DEAN LEE FISHER: And so I want to  
9 thank you again for taking the time today. We're  
10 very honored that you'll also be speaking to our  
11 law school later today. And this Podcast is in  
12 many ways the most important Podcast I have done  
13 and maybe will ever do, given what you have done as  
14 a judge. So Clifton Newman, South Carolina circuit  
15 judge, thank you for a remarkable career and a  
16 very, very remarkable Podcast today.

17 JUDGE CLIFTON NEWMAN: And -- and thank  
18 you for Cleveland State University College of Law  
19 it means the world to me. It has meant the world  
20 to me.

21 DEAN LEE FISHER: Which is why you'll  
22 be inducted in our hall of fame in 2023.

23 JUDGE CLIFTON NEWMAN: I look forward  
24 to it.

25 DEAN LEE FISHER: Great. Thank you.

JUDGE CLIFTON NEWMAN: Thank you.

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CERTIFICATE OF REPORTER

I, Amy R. Cope, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 25th day of October, 2023 at Columbia, Richland County, South Carolina.

  
*Amy R. Cope*

\_\_\_\_\_  
Amy R. Cope, Court Reporter  
My Commission expires  
June 14, 2028



<p style="text-align: center;"><b>A</b></p> <p><b>abandoned</b> 11:11  <b>able</b> 18:1 20:14  <b>absolutely</b> 18:14,15  <b>academic</b> 2:8  <b>accepted</b> 10:16  <b>accident</b> 4:4  <b>accounts</b> 24:3  <b>accurate</b> 29:6  <b>accused</b> 12:25,25            13:1  <b>achieved</b> 4:20  <b>act</b> 22:20  <b>action</b> 11:19,25  <b>actively</b> 14:6  <b>actor</b> 26:20  <b>acuity</b> 23:23  <b>admitted</b> 20:7  <b>advocacy</b> 25:1  <b>affable</b> 22:5  <b>affectionately</b> 17:3  <b>affixed</b> 29:12  <b>age</b> 22:17,19,21            23:14,18  <b>ago</b> 23:24  <b>Alex</b> 1:12 10:7 12:16            15:13 17:10,12,13            18:4,23  <b>Alex's</b> 15:11,12  <b>allow</b> 9:24 13:25  <b>allowed</b> 14:5,22  <b>alumnus</b> 1:13  <b>Amy</b> 29:3,20  <b>and/or</b> 17:22  <b>anytime</b> 27:2  <b>apparent</b> 17:6  <b>apparently</b> 8:24            22:8  <b>appeal</b> 20:2  <b>Appeals</b> 3:20  <b>applied</b> 10:19  <b>apply</b> 3:9  <b>appointed</b> 6:10 8:1            12:15 13:8  <b>approach</b> 7:19 13:11  <b>approving</b> 17:22  <b>arbitration</b> 24:15  <b>area</b> 10:14,18 11:13            15:8 16:7  <b>argued</b> 8:13  <b>arguments</b> 8:11,12</p>	<p><b>armed</b> 5:15  <b>arrested</b> 11:12  <b>asking</b> 18:24  <b>aspect</b> 14:1  <b>assault</b> 12:23  <b>assigned</b> 4:14 13:6  <b>assist</b> 1:25 19:23  <b>assuming</b> 10:25  <b>attend</b> 10:20  <b>attention</b> 4:21 13:22  <b>Attorney</b> 2:11  <b>automobile</b> 11:14</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>baby</b> 11:5  <b>back</b> 2:25 5:13,18            7:9 11:4 15:1            20:20  <b>backseat</b> 11:1  <b>bad</b> 21:25  <b>balanced</b> 6:18  <b>banked</b> 26:6  <b>Bar</b> 12:23  <b>based</b> 3:10 18:3  <b>becoming</b> 26:3  <b>believe</b> 9:10 11:19            13:4 14:16 25:23  <b>bench</b> 13:10 22:24            24:20  <b>benefit</b> 1:24 19:22            22:23 25:21  <b>benefitted</b> 11:23,24  <b>beyond</b> 23:8 24:20  <b>big</b> 14:23  <b>birthday</b> 23:9  <b>bit</b> 19:1  <b>black</b> 6:14,17,20,23            7:7,21 8:1  <b>blessed</b> 27:3  <b>blood</b> 11:14  <b>body</b> 11:10  <b>books</b> 26:17  <b>brilliant</b> 4:13  <b>broadcast</b> 14:7,8  <b>brought</b> 6:6  <b>building</b> 20:12  <b>Buster</b> 16:19,20,22            16:24 17:2,2,3  <b>buy</b> 5:25  <b>buying</b> 5:24</p>	<p style="text-align: center;"><b>C</b></p> <p><b>called</b> 10:8,15,24            16:24 20:9 24:1  <b>cameras</b> 14:5,22  <b>campus</b> 11:18  <b>car</b> 5:24 6:1 10:25            11:2,22  <b>career</b> 2:24 4:2            25:20 26:9 27:15  <b>Carolina</b> 1:11 5:2            6:12 10:14 11:16            12:14 15:4 16:2,9            17:15 22:23 24:18            24:23,25 27:14            29:4,13  <b>carry</b> 15:16 26:4  <b>case</b> 4:20,23 5:1            6:10,12,12 7:18,19            8:4,12 10:7,9,11            12:5,19 13:9,19,21            14:5,17 17:24 20:3            21:21  <b>cases</b> 4:15,24 6:6            13:7,11,21 17:20            20:13 23:2,3,6  <b>casually</b> 18:10  <b>cause</b> 29:9  <b>caused</b> 11:17 14:18  <b>central</b> 26:19  <b>CEO</b> 2:9  <b>certain</b> 12:17  <b>CERTIFICATE</b>            29:1  <b>certify</b> 29:5,8  <b>challenge</b> 25:12  <b>challenges</b> 15:23  <b>challenging</b> 25:2  <b>change</b> 2:19  <b>changed</b> 9:23 12:8  <b>charges</b> 8:9  <b>Charleston</b> 5:1,10            5:10 6:15 16:7  <b>chief</b> 6:11 12:13,22            13:8 15:7  <b>child</b> 5:5  <b>circuit</b> 15:7 17:14,15            22:25 23:1,15            27:14  <b>circuits</b> 15:6  <b>circumstances</b> 7:22  <b>citizens</b> 3:8</p>	<p><b>civil</b> 8:7,8,10 9:2            17:19  <b>classroom</b> 25:5  <b>Cleveland</b> 1:13 2:5            3:2 27:18  <b>client</b> 8:14 13:1  <b>clients</b> 13:2  <b>Clifton</b> 1:3,10,15,20            3:3,24 4:9,22 5:8            5:17,20,23 7:3,6            7:12,17,25 8:16,19            9:8,14,18 10:4,11            11:10 12:9,21            13:23 14:3 15:3,22            16:13,18,23 17:1,5            17:12 18:3,9,14            19:2,16,20 20:6            21:7 22:3 23:5,11            23:22 24:2,7,24            25:22 26:15 27:5,7            27:14,17,23 28:1  <b>closing</b> 8:12  <b>codefendants</b> 23:7  <b>colleagues</b> 1:23            19:20  <b>College</b> 1:14 2:6            27:18  <b>Colorado</b> 9:10  <b>Columbia</b> 10:15            29:13  <b>come</b> 2:13 13:25            25:20  <b>comes</b> 14:17  <b>coming</b> 16:15  <b>Commission</b> 3:7            29:21  <b>commits</b> 21:23  <b>committed</b> 20:15  <b>common</b> 2:19  <b>community</b> 22:14  <b>compared</b> 23:13  <b>compassionate</b>            26:23  <b>competency</b> 22:22  <b>complete</b> 29:6  <b>computers</b> 14:17  <b>concern</b> 7:4  <b>concerning</b> 15:18  <b>concerns</b> 11:17  <b>confession</b> 20:4  <b>confidence</b> 26:4</p>	<p><b>conflict</b> 6:9  <b>congressional</b> 11:19  <b>connection</b> 16:16  <b>contacted</b> 12:22            24:16  <b>contentious</b> 6:3  <b>continue</b> 1:9  <b>controlled</b> 17:18  <b>controlling</b> 14:7  <b>controversial</b> 4:15  <b>conversation</b> 1:10  <b>convict</b> 8:5  <b>convicted</b> 7:20 19:10  <b>Cope</b> 29:3,20  <b>correct</b> 9:12  <b>counsel</b> 29:9  <b>counties</b> 17:16,17  <b>country</b> 25:18  <b>County</b> 29:13  <b>couple</b> 10:12  <b>course</b> 9:4 22:7  <b>court</b> 3:20 6:11 8:10            9:2 12:14 14:10            18:25 19:1 23:15            29:3,20  <b>courtroom</b> 13:25            14:5 16:14,15  <b>created</b> 20:22  <b>creation</b> 26:2  <b>creature</b> 20:21 26:2  <b>crime</b> 11:13 21:24  <b>criminal</b> 12:15  <b>custodians</b> 2:20</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>danger</b> 21:21  <b>day</b> 1:21 19:17            29:12  <b>dealing</b> 25:10,11            26:13,16  <b>dealt</b> 6:5  <b>Dean</b> 1:3,8,18 2:3,5            3:23 4:1,10 5:6,15            5:18,22 6:25 7:5            7:11,15,23 8:15,17            9:7,11,16 10:3,6            11:9 12:4,10 13:18            14:2,21 15:21            16:11,17,21,25            17:4,10 18:2,8,11            18:17 19:14,19</p>
---	---	--	---	---

20:5 21:6,14 22:16 23:10,21 24:1,5,21 25:14 26:14,17 27:6,8,21,25	<b>elected</b> 3:4,15,18 <b>elevate</b> 3:20 <b>eligible</b> 3:9 <b>empathy</b> 21:3 <b>encountered</b> 14:4 <b>ended</b> 8:4 11:7 22:12 <b>enjoy</b> 25:13 <b>enjoyed</b> 22:6,6 <b>ensuring</b> 15:24 <b>entire</b> 1:21 6:21 19:17 <b>episode</b> 1:4 2:4 <b>especially</b> 22:14 <b>even-demeaned</b> 26:22 <b>even-handed</b> 18:20 26:21 <b>events</b> 29:10 <b>everybody</b> 18:12 <b>exactly</b> 11:21 24:18 <b>example</b> 12:7 22:18 <b>excellent</b> 8:20 <b>expecting</b> 20:4 <b>experience</b> 3:10 20:13 22:4 24:3 25:1,2	<b>federal</b> 8:8,9 9:2,5 14:11 23:16 <b>feet</b> 25:9 <b>felt</b> 6:8 12:18 <b>field</b> 11:11 <b>fiercely</b> 11:7 <b>figure</b> 26:19 <b>final</b> 22:25 <b>find</b> 9:20 <b>firm</b> 17:25,25 22:9 <b>firms</b> 24:14,15,15 <b>first</b> 22:20 <b>Fisher</b> 1:3,8,18 2:3,5 3:23 4:1,10 5:6,15 5:18,22 6:25 7:5 7:11,15,23 8:15,17 9:7,11,16 10:3,6 11:9 12:4,10 13:18 14:2,21 15:21 16:11,17,21,25 17:4,10 18:2,8,11 18:17 19:14,19 20:5 21:6,14 22:16 23:10,21 24:1,5,21 25:14 26:14,17 27:6,8,21,25	<b>G</b>	24:5 <b>Head</b> 15:8 <b>hear</b> 1:21 19:17 <b>hereunto</b> 29:11 <b>hidden</b> 22:7 <b>highly</b> 16:2 <b>highly-effective</b> 2:17 <b>Hilton</b> 15:8 <b>history</b> 16:9,10 <b>hitting</b> 5:12 <b>Hollings</b> 23:12 <b>home</b> 10:15 <b>honored</b> 27:10 <b>hooked</b> 20:25 <b>hope</b> 26:19 <b>horrendous</b> 21:23 <b>horror</b> 12:11,12 <b>host</b> 2:5 <b>hours</b> 11:12 <b>House</b> 3:5 <b>housing</b> 11:3 <a href="https://www.law.c...">https://www.law.c...</a> 1:5 <b>hundred</b> 15:1 <b>hung</b> 8:4,5 9:1 16:14
<b>deaths</b> 13:13 <b>debatable</b> 9:15 <b>decide</b> 8:22 19:8 <b>decided</b> 1:16 2:2 5:10 9:1 19:12,24 21:18 <b>decision</b> 13:17,24 19:9 <b>decreased</b> 6:17 <b>defeat</b> 4:6 <b>defendant</b> 9:20 11:13 12:2 13:15 <b>defendants</b> 9:5 16:1 20:14 <b>defense</b> 6:20 7:19 8:11,22 <b>democracy</b> 2:20 <b>determining</b> 1:25 19:23 <b>developed</b> 4:11 <b>different</b> 3:1 <b>difficult</b> 20:1 23:14 <b>direction</b> 11:3 <b>disappointment</b> 15:19 <b>discovered</b> 11:11 <b>discretion</b> 14:12 <b>district</b> 17:17 <b>distrust</b> 12:25 <b>divided</b> 15:5 <b>doing</b> 26:7,8 <b>door</b> 11:4 <b>double</b> 19:10 <b>doubt</b> 14:22 <b>draw</b> 16:16 <b>Drexel</b> 10:17,21 <b>driver</b> 11:1 <b>drivers</b> 11:20 <b>driving</b> 21:14 <b>drug</b> 20:7 <b>drugs</b> 20:22,25 21:1 21:11,21 22:1 <b>dynasty</b> 14:24	<b>F</b>	<b>five</b> 17:17 <b>fixated</b> 13:19 <b>Floyd</b> 7:24 9:2 <b>folks</b> 16:4 24:10 <b>following</b> 9:23 12:1 <b>foregoing</b> 29:5 <b>foreperson</b> 8:1 10:1 10:1 <b>form</b> 8:3 <b>forward</b> 27:23 <b>fought</b> 6:18 11:6 <b>found</b> 7:9 19:3 20:1 <b>freedom</b> 14:9 <b>frequently</b> 5:1 <b>friend</b> 5:24 <b>friendly</b> 22:5 <b>friends</b> 1:22 10:22 19:18 22:9 <b>frightening</b> 12:5 <b>Fritz</b> 23:12 <b>front</b> 27:3 <b>full</b> 20:9 <b>further</b> 29:8 <b>future</b> 24:19	<b>H</b>	<b>I</b>
<b>E</b>	<b>facilities</b> 9:6,6 <b>fact</b> 5:25 14:22 18:22 25:17 <b>factors</b> 15:20 <b>fair</b> 4:12 15:24,24 18:20 19:4 26:21 <b>Fake</b> 10:9 <b>fame</b> 27:22 <b>family</b> 1:22 11:25 13:13,14 14:24 15:1,6,10,16,17 17:18,24 19:18 22:9,14 23:3 <b>family's</b> 17:25 <b>far</b> 15:23 24:11 <b>fascinated</b> 14:25 <b>father</b> 15:12,16	<b>guardians</b> 2:20 <b>guess</b> 21:8 25:18 <b>guilty</b> 8:3,9 9:1,20 19:3 20:2 <b>gun</b> 5:12 <b>guy</b> 1:23 19:21	<b>hall</b> 27:22 <b>hand</b> 29:11 <b>handing</b> 23:2 <b>handle</b> 6:12 12:15 13:6,9,10 <b>handled</b> 13:20 <b>handling</b> 23:2,3 <b>hanging</b> 17:7 <b>happen</b> 4:3,25 <b>happened</b> 12:8,19 <b>happens</b> 1:12 4:10	<b>idea</b> 7:7 <b>identify</b> 11:21 <b>impartial</b> 15:25 19:4 <b>important</b> 27:12 <b>impressive</b> 4:3 <b>imprisonment</b> 12:3 <b>inciteful</b> 4:13 <b>include</b> 22:7 <b>includes</b> 15:8 16:6 <b>including</b> 17:17 <b>indication</b> 19:5 <b>indicted</b> 4:25 8:6 13:8 <b>indictment</b> 13:7 <b>indictments</b> 13:4 <b>individual</b> 9:24 10:5 <b>inducted</b> 27:22 <b>influence</b> 20:25 21:13 22:1 <b>influenced</b> 16:1 <b>initial</b> 4:23 <b>initially</b> 3:19 <b>injury</b> 13:2 <b>innocence</b> 13:15

<p><b>inquiries</b> 24:14  <b>inside</b> 21:22  <b>insight</b> 21:16,17  <b>instances</b> 25:8  <b>instructed</b> 19:7  <b>interest</b> 14:15  <b>interested</b> 14:19            29:10  <b>intersection</b> 2:7  <b>interview</b> 25:15  <b>involved</b> 6:4,13            11:15 14:6  <b>involving</b> 12:16 13:4            23:6  <b>issues</b> 9:4</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>J</b> 23:8  <b>Jersey</b> 10:18  <b>joint</b> 3:4  <b>Josephson</b> 10:12  <b>judge</b> 1:3,10,10,15            1:20 3:1,2,3,9,19            3:24 4:9,13,13,22            5:8,17,20,23 7:3,6            7:12,17,25 8:14,15            8:16,16,19 9:8,14            9:18 10:4,11 11:10            12:9,21 13:23 14:3            15:3,22 16:13,18            16:23 17:1,5,12            18:3,9,14,15,20            19:2,4,16,20 20:6            21:7 22:3 23:1,2,5            23:11,22 24:2,7,24            25:14,22 26:15,21            26:24 27:5,7,14,15            27:17,23 28:1  <b>judges</b> 3:3,15 6:5,8            6:10 17:14 23:15            23:16  <b>judging</b> 24:17 26:10  <b>judicial</b> 2:24 3:7 4:7            4:7 14:12 15:6            25:20  <b>judiciary</b> 12:23  <b>jumps</b> 11:1  <b>June</b> 1:4 29:21  <b>juror</b> 6:21 7:8 8:1            9:12,19,21  <b>jurors</b> 9:24 10:5</p>	<p>15:25 16:10 19:6            26:10  <b>jury</b> 6:18,22,23 8:2            8:5,5,13,25 9:1            10:2 13:16 15:25            16:4 19:6  <b>justice</b> 1:2,9 2:4,14            2:21,21 6:11 12:14            12:22 13:8 14:19            26:19</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>keep</b> 4:14  <b>killing</b> 4:19 5:13  <b>kind</b> 26:24  <b>knew</b> 17:12 18:5,12            22:8,9  <b>know</b> 2:6 4:4,5,6            5:14 6:14 8:21 9:8            9:17,19,22 10:9            11:21 12:17 13:12            15:17 16:10 17:10            17:13,24 18:6,10            18:13,16,16,16            19:2,3 20:2,11            21:3 22:10,12,16            23:18,25 24:6,7,8            24:18,21 25:7,8            27:2  <b>knowledge</b> 1:25            19:22  <b>known</b> 15:4 17:3  <b>knows</b> 21:22</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>large</b> 2:9 29:5  <b>law</b> 1:13,14 2:6            10:16,19 17:25,25            22:9 24:13,22,23            24:25 25:6,7,12,16            25:17,18,21,22            26:25 27:1,11,18  <b>lawyer</b> 2:9 8:11,20            17:14 26:3,9  <b>lawyers</b> 1:15 2:1,18            8:22 12:24 18:4            19:12,24 24:8,9,11            25:3,4,10 26:5  <b>leaders</b> 2:17  <b>leadership</b> 1:2,9 2:4            2:14,16,22</p>	<p><b>learn</b> 2:16 21:20  <b>learned</b> 2:13  <b>Lee</b> 1:3,8,18 2:3,5            3:23 4:1,10 5:6,15            5:18,22 6:25 7:5            7:11,15,23 8:15,17            9:7,11,16 10:3,6            11:9 12:4,10 13:18            14:2,21 15:21            16:11,17,21,25            17:4,10 18:2,8,11            18:17 19:14,19            20:5 21:6,14 22:16            23:10,21 24:1,5,21            25:14 26:14,17            27:6,8,21,25  <b>left</b> 6:20  <b>legacy</b> 15:16  <b>legal</b> 25:20  <b>legislation</b> 11:18  <b>legislators</b> 3:8  <b>legislature</b> 3:4,13  <b>legitimate</b> 23:17  <b>lessen</b> 12:11  <b>lessons</b> 2:13,17            25:19  <b>letters</b> 24:10  <b>level</b> 18:5  <b>lieutenant</b> 2:12  <b>life</b> 2:7 12:2 21:20            22:6,10  <b>lifespan</b> 23:19,19  <b>limitation</b> 23:15  <b>listen</b> 21:18 25:19  <b>listened</b> 21:19  <b>listening</b> 21:15  <b>little</b> 18:24 19:1  <b>live</b> 2:7  <b>living</b> 1:2,2,8,9 2:4,4            2:21,22 14:17            22:11  <b>local</b> 6:4,8,10  <b>lock</b> 11:5,5  <b>lone</b> 8:1  <b>long</b> 16:8 26:3  <b>look</b> 22:20 27:23  <b>looking</b> 21:2  <b>lot</b> 6:13,13,16 11:17            12:24 14:12 15:23            16:3,3 24:10,13            25:2,18</p>	<p><b>lots</b> 18:18  <b>lower</b> 15:8</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>major</b> 7:4  <b>majority</b> 3:6,6,13,14  <b>make-up</b> 25:24  <b>makers</b> 2:19  <b>man</b> 7:21 22:7 23:23  <b>mandatory</b> 22:17,19  <b>manner</b> 26:8  <b>matter</b> 7:7,13 14:15            19:7  <b>matters</b> 12:15 17:22            26:16  <b>means</b> 10:10 27:19  <b>meant</b> 27:19  <b>media</b> 13:25 14:13            14:18  <b>mediation</b> 24:15  <b>member</b> 15:10  <b>members</b> 1:22 13:14            19:18 22:10  <b>mental</b> 23:23  <b>merits</b> 3:7,7  <b>Michael</b> 4:18 5:2  <b>million</b> 13:2  <b>millions</b> 21:24  <b>mind</b> 1:21 19:17            21:2,23 25:21  <b>mine</b> 7:4  <b>mistrial</b> 9:11  <b>mitigation</b> 1:22            19:18  <b>moment</b> 12:19 18:18            20:15,21 21:3  <b>moments</b> 18:19,21  <b>money</b> 13:1  <b>monster</b> 20:24  <b>monsters</b> 22:2  <b>morning</b> 5:21 11:11  <b>motion</b> 17:9  <b>mourning</b> 13:14  <b>movies</b> 26:18  <b>Murdaugh</b> 1:12 4:17            10:7 12:16 15:1,6            16:19 17:11,13,13            23:4,6,7  <b>Murdaughs</b> 18:23  <b>murder</b> 1:11 4:25            8:6 13:7,8,11,20</p>	<p>19:10,10 20:16  <b>murdering</b> 7:21</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>name</b> 16:19 17:2  <b>named</b> 16:22 17:1  <b>nation</b> 22:23  <b>national</b> 4:20 13:22  <b>nationally</b> 14:16  <b>need</b> 25:23 26:5  <b>needs</b> 26:22,23  <b>negotiate</b> 18:1  <b>neither</b> 29:8  <b>never</b> 7:20 9:16,18            17:23  <b>new</b> 10:18 16:3 26:2  <b>Newman</b> 1:3,10,15            1:20 3:3,24 4:9,22            5:8,17,20,23 7:3,6            7:12,17,25 8:16,19            9:8,14,18 10:4,11            11:10 12:9,21            13:23 14:3 15:3,22            16:13,18,23 17:1,5            17:12 18:3,9,14            19:2,16,20 20:6            21:7 22:3 23:5,11            23:22 24:2,7,24            25:22 26:15 27:5,7            27:14,17,23 28:1  <b>night</b> 20:9  <b>nonprofit</b> 2:8,10  <b>North</b> 5:10  <b>Northeast</b> 10:20  <b>Notary</b> 29:4  <b>note</b> 9:19,22,24  <b>notes</b> 9:24  <b>number</b> 25:16</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>observation</b> 18:22  <b>occurred</b> 11:14  <b>October</b> 29:12  <b>offer</b> 27:1  <b>offers</b> 24:14  <b>officer</b> 5:9,11 6:4,14            7:20  <b>officers</b> 4:24 6:2,7  <b>official</b> 29:12  <b>Oh</b> 5:22 11:9 18:14  <b>Ohio</b> 2:10 16:5</p>
---	--	---	---	--

<p><b>Okay</b> 9:16 17:4  <b>once</b> 20:24 21:12  <b>opinion</b> 19:6  <b>opoid</b> 20:10  <b>opponents</b> 3:23  <b>opportunity</b> 2:1  19:11,24  <b>opposed</b> 10:4  <b>opposition</b> 3:21,25  <b>opted</b> 8:9 14:14  <b>optimistic</b> 24:19,19  <b>opting</b> 9:5  <b>organizations</b> 2:10  <b>outstanding</b> 5:5  <b>overly</b> 15:25  <b>overtones</b> 8:18</p>	<p><b>pocket</b> 20:9  <b>Podcast</b> 1:2 2:23  25:19 27:11,12,16  <b>police</b> 4:24,24 6:4,6  6:14 7:20 11:12  20:10  <b>policy</b> 12:8  <b>political</b> 4:2  <b>pool</b> 6:19,21,22 16:4  <b>popular</b> 10:14  <b>population</b> 6:16,17  <b>portrait</b> 16:12,13,16  17:6  <b>position</b> 15:14  <b>possibility</b> 24:17  <b>possible</b> 15:19  <b>practice</b> 24:13 25:7  <b>practiced</b> 25:11  <b>practices</b> 9:23  <b>practicing</b> 2:9 17:14  <b>practitioner</b> 17:20  <b>preceded</b> 4:17,17  <b>present</b> 26:8  <b>presented</b> 15:23  <b>presided</b> 1:11 17:16  17:21  <b>press</b> 14:9,10  <b>pretrial</b> 17:22  <b>pretty</b> 4:2  <b>primarily</b> 3:8  <b>prior</b> 13:7 26:10  <b>prison</b> 8:14 9:3,4  <b>private</b> 2:8  <b>privilege</b> 2:7  <b>proclaims</b> 13:15  <b>profession</b> 22:15  <b>progressing</b> 7:18  <b>progressive</b> 6:15  <b>projected</b> 23:19  <b>prosecution</b> 6:20  7:14  <b>prosecutor</b> 7:1  <b>prosecutors</b> 6:5 15:4  15:7  <b>proud</b> 26:25  <b>public</b> 2:8 11:24  12:8 14:15 29:4  <b>pulled</b> 5:12 21:17  <b>pulls</b> 10:25  <b>purpose</b> 23:17  <b>pushing</b> 23:12</p>	<p><b>put</b> 23:18</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>quite</b> 6:3 15:12 17:5  25:12</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>R</b> 29:3,20  <b>race</b> 7:12  <b>races</b> 8:21  <b>racial</b> 6:13 7:19 8:17  <b>rang</b> 21:24  <b>re-elected</b> 3:17,21  <b>real</b> 18:1  <b>really</b> 2:14 9:17,19  10:9 11:17 20:3,3  21:3,22  <b>reapply</b> 3:16  <b>recall</b> 4:19 20:15  <b>received</b> 9:3 13:21  24:13  <b>recommended</b> 3:12  3:12  <b>record</b> 29:7  <b>recuse</b> 18:7  <b>referred</b> 16:19  <b>regard</b> 14:10  <b>registered</b> 8:25  <b>related</b> 23:3 29:9  <b>relocated</b> 16:5  <b>remaining</b> 23:6  <b>remarkable</b> 2:24  25:20 27:15,16  <b>replace</b> 15:15  <b>replaced</b> 3:19  <b>Reporter</b> 29:1,3,20  <b>representative</b> 2:11  <b>representing</b> 6:6  8:21 15:17  <b>reputation</b> 4:4,12  8:20  <b>requested</b> 6:9  <b>required</b> 18:6  <b>requirements</b> 11:20  <b>reserved</b> 1:21 19:17  <b>resistance</b> 14:4  <b>rest</b> 2:23  <b>result</b> 4:14 11:25  <b>resulted</b> 17:23  <b>resulting</b> 13:3  <b>retire</b> 24:6,9</p>	<p><b>retired</b> 24:11  <b>retirement</b> 22:17,19  23:18  <b>return</b> 24:12  <b>returned</b> 11:13  <b>review</b> 14:9  <b>Richland</b> 29:13  <b>ride</b> 17:15  <b>right</b> 8:18 9:7,7,13  9:17 14:2 15:21  16:25 18:15 20:5  24:22 26:14  <b>rights</b> 8:7,10 9:3  14:10  <b>road</b> 21:18  <b>role</b> 19:4  <b>rooms</b> 14:17  <b>routine</b> 5:4  <b>run</b> 5:11  <b>running</b> 5:3,11 7:10</p>	<p><b>send</b> 9:24  <b>senior</b> 23:1,13 24:17  <b>sense</b> 14:24  <b>sensing</b> 7:18  <b>sent</b> 9:19,22,25  <b>sentence</b> 1:25 8:14  9:4 19:23  <b>sentenced</b> 12:2  <b>sentencing</b> 1:17  18:18 19:13 21:15  <b>sentiment</b> 9:22  <b>serious</b> 26:20,21  <b>served</b> 23:8,12  <b>service</b> 6:23  <b>servicing</b> 9:9  <b>session</b> 3:4  <b>settlements</b> 13:3  17:22,23 18:1  <b>seven</b> 5:12  <b>she'd</b> 10:19  <b>shooting</b> 4:24  <b>shot</b> 5:3,12,18 7:8  <b>showed</b> 6:22 18:19  <b>side</b> 21:17  <b>sign</b> 8:4  <b>signed</b> 8:3 9:25  <b>sincere</b> 26:6  <b>sincerely</b> 26:11  <b>sincerity</b> 26:15  <b>sir</b> 21:6  <b>sisters</b> 10:23  <b>situation</b> 22:13  <b>six</b> 5:13 7:9  <b>six-year</b> 3:16  <b>skills</b> 18:4  <b>Slager</b> 4:18 5:2 8:9  <b>soaked</b> 11:14  <b>solely</b> 19:7  <b>solicitors</b> 15:5  <b>somebody</b> 21:23  <b>someplace</b> 9:10  <b>sons</b> 16:21,24  <b>sorority</b> 10:22  <b>sort</b> 24:8  <b>sounds</b> 18:11  <b>sources</b> 14:18  <b>South</b> 1:11 5:2 6:12  10:14 11:16 12:14  15:4 16:2,9 17:15  22:23 24:18,23,25  27:14 29:4,13</p>
<hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>parallel</b> 8:8  <b>part</b> 15:9  <b>particular</b> 4:16  13:19 21:21  <b>particularly</b> 16:6  25:15  <b>party</b> 17:9 29:9  <b>pending</b> 29:10  <b>penetrating</b> 21:16  <b>people</b> 2:15 4:4  11:21 13:5 14:19  14:25 16:3,5 21:10  21:19,25,25 22:22  26:12  <b>percent</b> 6:22  <b>perfect</b> 22:18  <b>performance</b> 25:3  <b>period</b> 7:21  <b>person</b> 3:5,14 7:9  19:3,9 20:1 21:9,9  22:5  <b>personal</b> 13:2 18:5  18:21,21 25:24  <b>personality</b> 25:25  <b>Philadelphia</b> 10:18  <b>piece</b> 14:23,23  <b>pills</b> 20:10  <b>place</b> 11:20  <b>placed</b> 23:15  <b>places</b> 16:6  <b>plays</b> 26:20  <b>plead</b> 8:9  <b>pled</b> 9:1</p>			<hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>sad</b> 22:13,13,13,14  22:15  <b>safer</b> 12:11  <b>Samantha</b> 10:12  <b>Saturday</b> 5:21  <b>saw</b> 7:14 26:12  <b>saying</b> 8:2 9:19 21:4  <b>school</b> 1:13 10:16  24:23,25 25:12  26:25 27:2,11  <b>schools</b> 10:19  <b>Scott</b> 4:19 5:3,4,16  8:7 13:21 14:4  <b>Scott's</b> 8:10 9:2  <b>screened</b> 3:11  <b>scrutinizing</b> 25:3  <b>scrutiny</b> 12:24  <b>seal</b> 29:12  <b>seat</b> 4:8  <b>second-</b> 25:5  <b>secret</b> 22:10  <b>security</b> 11:5,17  <b>see</b> 26:10,11  <b>seen</b> 21:10  <b>selected</b> 10:20  <b>Selection</b> 3:7  <b>Senate</b> 3:5 23:8  <b>senator</b> 2:11 23:11  23:13</p>	

<b>Spawned</b> 11:18	<b>televised</b> 14:1,13	21:24 23:21 29:6	19:13 26:10 27:8	<b>0</b>
<b>speaking</b> 10:2 12:12 26:11 27:10	<b>tell</b> 1:23 4:20 10:10 19:21	<b>truly</b> 17:15 25:13	<b>warrant</b> 5:5	<b>1</b>
<b>spending</b> 26:7	<b>term</b> 3:19 8:24	<b>try</b> 1:24 4:7 19:22 24:3	<b>wasn't</b> 16:11 17:2 20:17,23 21:5,8 23:19	<b>100</b> 15:9
<b>spent</b> 25:2	<b>terms</b> 3:16	<b>trying</b> 25:6,9	<b>watching</b> 14:19	<b>100th</b> 23:9
<b>stabbed</b> 11:7	<b>testified</b> 20:8,12	<b>tuned</b> 1:14	<b>wave</b> 4:23	<b>120</b> 11:7
<b>stand</b> 20:19	<b>testimony</b> 15:18 20:7	<b>two</b> 2:9,14 3:14 18:23	<b>way</b> 2:25 3:1,15 4:3 6:2 7:13 14:20 19:5 21:4,8	<b>14</b> 29:21
<b>standing</b> 27:1	<b>thank</b> 27:5,7,9,15,17 27:25 28:1	<b>type</b> 11:5,22 25:25	<b>ways</b> 6:15 23:25 27:12	<b>16</b> 15:5
<b>started</b> 2:25	<b>thereof</b> 29:10	<b>U</b>	<b>we'll</b> 2:15,16	<b>2</b>
<b>state</b> 1:13 2:5,10,11 4:18 9:6 14:11,16 15:5,9 16:2,9 17:16 18:15 23:7 27:18 29:4	<b>thing</b> 23:14	<b>Uber</b> 10:9,15,24 11:1,20	<b>we're</b> 2:23 3:14,15 27:9	<b>20</b> 22:24
<b>states</b> 3:15	<b>things</b> 5:7 6:1 12:17 21:25	<b>Uh-huh</b> 19:19	<b>well-known</b> 4:5 8:20 17:19	<b>20-year</b> 9:3
<b>status</b> 24:17	<b>think</b> 4:16 7:6,13 10:8 12:6 13:18,23 14:24 15:1 21:19 21:24 22:22 23:17 25:22 26:12	<b>unarmed</b> 5:17,19,20 7:10	<b>week</b> 1:8 2:15	<b>2000</b> 2:25
<b>stay</b> 1:14 10:23	<b>third-year</b> 25:5	<b>unbelievable</b> 4:12	<b>weeks</b> 10:21	<b>2003/2009/2015</b> 3:21
<b>stealing</b> 13:1	<b>thought</b> 21:1	<b>undergraduate</b> 10:13	<b>Welcome</b> 2:3	<b>2021</b> 3:22 12:13
<b>stop</b> 5:4	<b>three</b> 3:12 10:21	<b>understand</b> 25:23 26:7	<b>well-respected</b> 4:5	<b>2023</b> 1:4 27:22 29:13
<b>stopped</b> 6:2	<b>three-year</b> 3:18	<b>undertones</b> 6:13	<b>went</b> 11:3 12:6	<b>2028</b> 29:21
<b>story</b> 16:8	<b>Thurmond</b> 23:8	<b>unexpired</b> 3:18	<b>wet</b> 25:9	<b>23</b> 1:4 4:11 13:10
<b>strategy</b> 8:22	<b>time</b> 7:21 9:5,9 12:22 25:2 26:7 27:9	<b>unfold</b> 14:19	<b>white</b> 6:14,16 7:8	<b>24</b> 11:12
<b>strict</b> 12:24	<b>times</b> 5:12,13 7:9 11:8	<b>University</b> 1:14 2:6 10:13,17 11:16 24:23,24 27:18	<b>wind</b> 25:14	<b>25</b> 23:24
<b>strikes</b> 6:19	<b>today</b> 20:19 23:20 27:9,11,16	<b>unlock</b> 11:4	<b>wins</b> 3:6,14	<b>25th</b> 29:12
<b>Strom</b> 23:8	<b>tools</b> 26:5	<b>unusual</b> 1:19 19:15	<b>wisdom</b> 24:1,2	<b>28</b> 1:4
<b>strung</b> 21:11	<b>top</b> 3:12	<b>use</b> 8:23,23 24:3	<b>wish</b> 4:1 7:15	<b>3</b>
<b>stuck</b> 8:13,23	<b>totally</b> 13:24 14:14	<b>user</b> 20:7	<b>Witness</b> 29:11	<b>30</b> 23:24 25:11
<b>student</b> 10:13 25:17	<b>tough</b> 26:22	<b>V</b>	<b>words</b> 2:14	<b>33</b> 6:22
<b>student/victim</b> 11:16	<b>town</b> 10:14	<b>vacancy</b> 4:7	<b>work</b> 6:19	<b>4</b>
<b>students</b> 25:6,16,18 25:21,23 27:3	<b>traffic</b> 5:4	<b>various</b> 6:1 10:19 11:20 13:2	<b>world</b> 12:10 13:19 27:19,19	<b>40</b> 25:11
<b>successful</b> 26:5	<b>tragic</b> 12:1,5,5 13:12	<b>verdict</b> 8:2,3	<b>worlds</b> 2:9	<b>46</b> 17:16
<b>support</b> 5:5	<b>transcript</b> 29:6	<b>versus</b> 4:18	<b>wouldn't</b> 6:25	<b>5</b>
<b>Supreme</b> 6:11 12:14	<b>transfixed</b> 26:2	<b>victim</b> 6:14	<b>writing</b> 9:25	<b>52</b> 22:21
<b>sure</b> 7:1 16:25 18:8	<b>transformed</b> 26:1	<b>victims</b> 13:13	<b>wrong</b> 9:12	<b>6</b>
<b>surprising</b> 15:13	<b>transition</b> 25:10	<b>violating</b> 8:6,10 9:2	<b>X</b>	<b>7</b>
<b>system</b> 14:11,12	<b>transparent</b> 13:24 14:14	<b>vote</b> 3:6,13	<b>Y</b>	<b>72</b> 22:19
<b>T</b>	<b>trial</b> 1:11 4:17 10:7 11:15 12:1,12 13:16 14:1 15:18 17:8,11 18:19 24:25 26:9,13,18	<b>votes</b> 3:6	<b>yeah</b> 1:20 6:2 7:5 15:23 19:16,16	<b>8</b>
<b>taillight</b> 5:7,8,23	<b>transcript</b> 29:6	<b>W</b>	<b>year</b> 2:25 22:25	<b>9</b>
<b>taillights</b> 6:1	<b>transfixed</b> 26:2	<b>walk</b> 2:16 16:15	<b>years</b> 3:10 4:11 7:23 10:12 13:10 15:1,9 15:15 20:14 22:4 22:24 23:24 25:11	<b>9:11</b> 20:9
<b>take</b> 6:10 10:15 16:12 20:20	<b>transformed</b> 26:1	<b>walking</b> 2:16	<b>young</b> 23:13	<b>9:30</b> 5:21
<b>taken</b> 11:25 17:9	<b>transition</b> 25:10	<b>Walter</b> 4:19 5:3,4,16 8:7 13:21 14:4	<b>Z</b>	<b>90</b> 23:12
<b>talk</b> 2:15,24 12:13 12:18,18 18:23 19:1	<b>transparent</b> 13:24 14:14	<b>want</b> 1:16 10:7,23 12:13 18:17 19:11		<b>99</b> 13:3
<b>talking</b> 21:15 25:3	<b>tried</b> 17:24			
<b>teach</b> 24:22,25 25:6 27:1	<b>true</b> 7:16 15:2 20:11			
<b>teaching</b> 27:6				