



COMMISSION MEETING MINUTES

October 12, 2023

11:30 a.m. – 1:30 p.m.

Supreme Court of South Carolina

Presiding: Justice John C. Few

In attendance:

Members:

The Hon. John C. Few
Hannah Honeycutt
Micah Caskey
Anne Caywood
Michelle Clayton
Larry Cunningham
Molly Day
Emma Dean
Will Dillard
Olivia Jones
Chris Koon
The Hon. Mary Geiger Lewis
Tope Leyimu
Anthony Livoti

Mary Lucas
The Hon. Deborah Malphrus
Brandy McBee
Clarkson McDow
Al Parker
Aparna Polavarapu
Dawn Przirembel
The Hon. Joseph Strickland
La'Jessica Stringfellow
Richele Taylor
Jeff Yungman

Guests:

Jason Bobertz
Grace Cope
Marie Manness, *USC School of Law*
Lisa Martin, *USC School of Law*
Hans Pauling, *Richland County Solicitor's Office*

Megan Seiner
Gretchen Slusser, *thredpartners*
Kieley Sutton, *Richland County Public Defender Office*
Suzanne Swan, *USC School of Law*
McKenna Thomas

1. Welcome and Introductions

Justice Few welcomed everyone to the commission meeting and introduced Michelle Clayton, our newest Commission member, and Grace Cope, an undergraduate student at USC who will be interning with SCATJ in the coming months.

2. Approval of June 22, 2023 Minutes

Chris Koon moved to approve the minutes from the Commission's June 22, 2023 meeting. Will Dillard seconded the motion. The minutes were approved unanimously.

3. Updates and New Projects - Justice Few

Justice Few gave updates on three of the Commission's current projects:

First, the Supreme Court has approved the South Carolina Bar's proposed amendment to Rule 3 of the SC Rules of Civil Procedure—which the Commission [expressed support for](#) in December of 2022—that would create a presumption of indigence for purposes of determining *in forma pauperis* status when a litigant's net family income is equal to or less than the Federal Poverty Guidelines.

Second, the Supreme Court continues to discuss and engage with the issue of limited scope representation, including considering approval of the bench card that the Commission discussed at our last meeting.

Third, Justice Few announced the formation of an ad hoc subcommittee to review a proposal from the SC Board of Paralegal Certification to expand the role of certified paralegals in hopes of increasing the number of practitioners available to help people with their civil legal problems. This issue has come up frequently over the years and the Court has asked the Commission to weigh in. The proposal contemplates allowing certified, trained paralegals to give legal advice in certain limited situations. The committee will be chaired by Judge Malphrus and will include Will Dillard, Elizabeth Chambliss, Clarkson McDow, and Olivia Jones.

4. New Research on Domestic Violence Case Filings in South Carolina - Lisa Martin, University of South Carolina School of Law

Professor Martin was joined by her colleagues Marie Manness and Suzanne Swan. For the past few years, their team has been studying domestic case filings in South Carolina and how available remedies are working. They set out asking: Who are the people using these remedies; what are their relationships to the people who have hurt them; how are they using the courts; what protections are they seeking; and how do their cases proceed through the system?

Professor Martin thanked the many people and individuals who made this research happen, as well as the ATJ Commission for publishing their data. The study's findings will be published on the Commission's website alongside other access to justice research that the Commission has made possible (i.e., the 2021 Justice Gap Report and the 2023 Statewide Civil Legal Needs Assessment). The data compiled for this project has already been integrated into the Civil Legal Needs Dashboard that was released with the Needs Assessment.

Professors Martin, Maness, and Swan then gave an overview of the project methodology and preliminary findings. There was a question about why some counties have a high incidence of order of protection filings, while others have none. The researchers ruled out demographic trends (e.g., urban versus rural, race, poverty level) and instead hypothesize that people and practices on the ground (e.g., the advice they receive, whether or not they get support, information about available remedies) affects whether or not they get to court. A high rate of law enforcement reports does correspond to higher filing rates, but this does not mean that there is a higher incidence of domestic violence; just that people are getting connected with the police. In some counties, only people who have contact with the police make it to the courts to file. The research team now wants to ask whether or not there are other avenues to justice.

Several Commission members wanted to know what we could do to help. Professor Martin made it clear that the Commission is already helping. With the Justice Gap Report and Legal Needs Assessment, the Commission is already the largest repository of access to justice data in South Carolina. Continuing to make data accessible to policymakers, advocates, and researchers by publishing this project's data is tremendously helpful.

Justice Few pointed out two ways that this research is relevant to the Commission's work. First, the disparities between counties illustrates conclusively that there is an access to justice problem because people don't know about or can't get relief that is available to them. Second, the correlation between involvement of a victim's rights advocate and case filings illustrates that one person can make a difference for access to justice. There are many ways that the Commission can engage with this issue, including educating the people who work in this area in the courts and encouraging uniformity in the way family courts approach this type of remedy.

5. Request for Resolution in Support of City of Columbia Drivers License Reinstatement Clinic - *Kieley Sutton, Richland County Public Defender Office & Hans Pauling, Richland County Solicitor's Office*

Kieley and Hans reported on the first City of Columbia Driver's License Reinstatement Clinic (DLRC) and reviewed the answers to some questions from our last Commission meeting.

The main questions from our last meeting revolved around the statute governing license suspensions for failure to pay and the extent to which the clinic program might be in conflict with the law. Kieley emphasized that the statute says that the Department of Motor Vehicles *may* (not *shall*) suspend a person's license for noncompliance, which would include failure to pay fines and fees. Additionally, the statute provides that any suspension may be lifted if the DMV receives notice of compliance from the court. The clinic organizers worked closely with the DMV to structure the program according to the statute. Kieley also drew a comparison between the DLRC and the Homeless Court model, which provides for reopening and dismissal of some criminal charges if a participant successfully completes the program. The Commission has supported Homeless Courts in South Carolina for some time.

Kieley gave an overview of the clinic days and highlighted several statistics from the program. The City of Columbia provided 4,500 total tickets, representing 3,000 unique individuals, that

would be eligible for relief from the clinic. DUI and DUAC charges were not eligible for the program. 55 of the tickets were not traffic tickets at all, but obvious mistakes that were keeping someone's license suspended, and clinic staff were able to correct these errors. Less than half of the tickets were actual moving violations; the rest were driving under suspension or no drivers license tickets, followed by paperwork issues such as problems with property taxes or expired tags. Kieley pointed out that these tickets were not about safety, but fees and paperwork.

Over the two days of the in-person clinic, there were 219 participants and 33 partner agencies and volunteers; attorneys donated 157 pro bono hours; 33 people were referred to the City of Columbia Homeless Court; and 50 people walked away with their license reinstated.

Hannah reported that she attended both days of the clinic and assisted people who needed other types of legal help by waking them through the Commission's Legal Resource Finder. She emphasized the connection between the Commission's work and the good work our partners are doing on the ground.

Kieley and Hans also talked about lessons learned from this clinic, plans to streamline the process with the DMV for a smoother execution next time, and plans for expanding the program to other areas of the state.

When all questions were answered, the Commission's Resolution in Support of the City of Columbia Driver's License Reinstatement Clinic was put forward for a vote. The Resolution passed unanimously.

6. Executive Director Update - *Hannah Honeycutt*

To save meeting time, Hannah included a written Executive Director Report in the meeting materials, which included recent and upcoming events, Commission website analytics, and updates about the SCATJ Legal Resource Finder. She also included a table listing the Commission's seven core objectives and categorizing the Commission's activities according to each objective. Hannah encouraged Commission members to review this table closely, remain informed about how the Commission's work aligns with our core objectives, and reach out to her with any questions.

7. Statewide Strategic Convening Initiative - *Gretchen Slusser, thredpartners*

Gretchen Slusser, founder and director of thredpartners, gave an update about the Commission's Statewide Strategic Convening Initiative. Thredpartners is a consulting group that specializes in human-centered design—that is, designing programs and systems with the end-user in mind—and has worked with legal aid organizations and bar associations all over the country. Gretchen and her staff are planning and will facilitate a workshop to convene stakeholders from across the state and encourage a collective response to the findings of our Statewide Civil Legal Needs Assessment.

The project will be conducted over three phases: discovery and planning, collaboration and prioritization, and monitoring and progress reporting.

For phase one, Gretchen and her team reviewed the Legal Needs Assessment and conducted a series of interviews with a wide array of stakeholders to assess peoples' appetite for meaningfully engaging in a convening, understand people's perspectives on the Needs Assessment, gain perspectives on the ability of legal aid to influence the needs, and learn what organizations are already doing in response to the Needs Assessment's findings.

Gretchen reported that among the people she has interviewed, there was 100% willingness to participate, with the caveat that the event would have to be meaningful, actionable, and facilitated, and there would need to be metrics and ownership of any projects moving forward.

Gretchen and her team will continue the discovery phase and move into planning the event itself, with a tentative date for the convening early in 2024.

8. Committee Updates & Statewide Civil Legal Needs Assessment (continued discussion)

a. Commission Governance - *Chris Koon & Mary Sharp*

Co-chair Chris Koon gave the update for the Commission Governance Committee, whose membership is as follows:

- Micah Caskey
- Chris Koon (co-chair)
- Tope Leyimu
- Andrea Loney
- Mary Lucas
- Dawn Przirembel
- Mary Sharp (co-chair)
- Jeff Yungman

Chris reported that the Governance Committee had a meeting last week, at which they had perfect attendance. He reviewed several recommendations about membership terms and new appointments, which the committee will follow up with Chief Justice Beatty's office about:

- Members whose terms are ending on December 31 and will be recommended for a second term are Anne Caywood, Larry Cunningham, Micah Casey, Michelle Clayton (who is finishing out Justin Bradley's unexpired term), and Aparna Polavarapu.
- John Kassel's term is ending on December 31 and he has asked to be replaced. The committee recommends that SC Appleseed's new executive director, Bridget Brown, be appointed to fill this seat.
- Richele Taylor's term is ending on December 31. She was initially appointed as the Governor's representative and has since left the Governor's office. The committee will seek a new nomination for this position from the Governor's office.
- Senator Margie Bright-Matthews' term will end on December 31. The committee will ask Senator Bright-Matthews to suggest a successor from the Senate.
- Olivia Jones has been serving as the SC Bar Pro Bono Board's representative. She recently became the executive director of the SC Bar Foundation, which has an ex officio

seat on the Commission. Olivia will move into this ex officio position and the Pro Bono Board seat will remain vacant until the Bar takes action with regard to its pro bono program.

Chris reported on Hannah's yearly performance evaluation, which the committee conducted this fall. Hannah received excellent reviews on her internal and external stakeholder evaluations.

Chris also highlighted several takeaways from the committee's discussion about the Legal Needs Assessment, which they held as a followup to the full Commission's discussion at our meeting in June. Things that stood out to the committee about the Assessment were how little help there is in rural counties and that many attorneys supported a right to counsel in eviction cases. No one expected the statistics about self-represented litigants to be so high. The committee thought that the Commission should work to inform judges, funders, and other stakeholders about the prevalence of self-represented litigants in our courts. The committee thought that the Commission should focus heavily on getting the word out about the Assessment findings, and suggested making one presentation per year to an outside organization a condition of Commission membership. Finally, the committee couldn't identify anything that the study didn't answer for them, but they emphasized the importance of keeping the data fresh over time with frequent updates.

b. Outreach & Communications - *Larry Cunningham & Anthony Livoti*

Co-chairs Larry Cunningham and Anthony Livoti gave the update for the Outreach & Communications Committee, whose membership is as follows:

- Judge Addy
- Charles Boykin
- Elizabeth Chambliss
- Larry Cunningham (co-chair)
- Anthony Livoti (co-chair)
- Margie Bright Matthews
- Clarkson McDow
- Aparna Polavarapu
- La'Jessica Stringfellow
- Richele Taylor

The O&C committee has met several times since our last full Commission meeting and has decided to focus its efforts on outreach to and developing relationships with law schools. This could take the form of affiliate organizations at USC School of Law and Charleston School of Law, or creating a position for student delegates to the Commission itself. The committee would also like to create a speakers bureau for the Commission, leveraging our members to make presentations to outside groups and organizations. Larry reported that Hannah has developed a slide deck and script that members can use when speaking to other groups.

The committee will continue to develop these ideas during their upcoming meetings.

c. Self-Represented Litigants - Will Dillard & Al Parker

Co-chair Will Dillard gave the update for the Self-Represented Litigants Committee, whose membership is as follows:

- Anne Caywood
- Molly Day
- Will Dillard (co-chair)
- Olivia Jones
- John Kassel
- Tonnya Kohn
- Judge Lewis
- Brandy McBee
- Judge Malphrus
- Al Parker (co-chair)
- Judge Strickland
- Judge Waites

Will reviewed the outline of a Limited Scope Toolkit that the committee is working on that will include answers to frequently asked questions about limited scope representation, best practices and how to identify which limited scope matters to take or avoid, a checklist for task allocation between the attorney and client, and sample engagement agreements and disengagement letters. Will asked for feedback from the Commission on some proposed language about how to determine when limited scope representation is reasonable under the circumstances. He provided two examples of “reasonableness” guidance from other states. One member indicated that they thought the suggested language was helpful. Will asked others to write directly to him with other comments.

Will also reported several takeaways from the SRL Committee’s discussion of the Legal Needs Assessment findings. Their members were surprised that more than half of attorneys were at least open to reforming the unauthorized practice of law rules to expand access to justice; they expected less support. The committee thought that the Commission’s initial focus in responding to the Needs Assessment should include this issue. One area that the committee wished the report had addressed more fully was language access (e.g., Who is requesting an interpreter and for what languages?) In the future, the committee would also like to see an effort to quantify the economic impact of self-represented litigants on the court system so that can be compared to the potential impact of increased funding for legal aid.

9. Recognition of Outgoing Members - Justice Few

Justice Few recognized our outgoing members, for whom this meeting will be their last: John Kassel, Megan Seiner, Richele Taylor, and Margie Bright Matthews. The members were presented (or will be, if they were not in attendance) with a certificate signed by each member of the Supreme Court in recognition of their service.

Justice Few also recognized Judge Waites, who has continued to serve on the Commission in an advisory role since the end of his regular terms and has decided to step down from Commission service.

10. Other Business

There was no other business brought up for discussion.

11. 2024 Meeting Schedule - *Justice Few*

Justice Few reviewed the Commission meeting dates for 2024. All meetings will be held from 11:30am-1:30pm at the South Carolina Supreme Court:

- Winter Meeting - Thursday, February 15
- Summer Meeting - Thursday, June 13
- Fall Meeting - October 17

12. Adjourn