



COMMISSION MEETING MINUTES

October 20, 2022

11:30 a.m. – 1:30 p.m.

South Carolina Supreme Court

Presiding: Justice John C. Few

In attendance:

Members:

The Hon. John C. Few
Hannah Honeycutt
The Hon. Frank Addy
Charles Boykin
Anne Caywood
Larry Cunningham
Molly Day
Will Dillard
Betsy Goodale
Olivia Jones
John Kassel

Chris Koon
Andrea Loney
Mary Lucas
Clarkson McDow
Al Parker
Aparna Polavarapu
Dawn Przirembel
Megan Seiner
The Hon. Joseph Strickland
Jeff Yungman

Guests:

Jason Bobertz
Susan Ingles, *SCLS*
Stefani Pelosi, *One80 Place*

Taylor Rumble, *Charleston Legal
Access*
Ashwin Sanzgiri

1. Welcome and Introductions

Justice Few welcomed everyone to the commission meeting and introduced our guests.

2. Approval of June 23, 2022 Minutes

Chris Koon moved to approve the minutes from the Commission's June 23rd meeting. Will Dillard seconded the motion. The minutes were approved unanimously.

3. Developments in Housing Stability & Eviction Prevention - *Jeff Yungman, Stefani Pelosi, and Taylor Rumble*

Commission Member Jeff Yungman (One80 Place) introduced the next topic, which focused on developments and efforts in Charleston County to expand the Housing Court program there. Recently, One80 Place was awarded an Eviction Prevention Grant from the Department of Housing and Urban Development (HUD). One80 Place hired Stefani Pelosi as the Program Director for that grant. South Carolina Legal Services, Charleston Legal Access, and Charleston Pro Bono Legal Services were all designated as sub-grantees for this grant and will assist with efforts to expand Housing Court. Additionally, South Carolina Legal Services, Charleston Legal Access, Charleston Pro Bono Legal Services, and SC Appleseed Legal Justice Center have received Equal Justice Works (EJW) Fellows to assist in developing these programs. Taylor Rumble is the EJW Fellow from Charleston Legal Access.

Stefani began by giving some background into the housing and eviction crisis in South Carolina broadly and in the Charleston area specifically, citing statistics from the Commission's 2021 Justice Gap Report. Stefani's efforts will focus on the following areas: Housing Court expansion, increasing legal representation in eviction proceedings, especially in areas not served by Housing Court; and development of a Court Navigator program, which will leverage non-lawyer navigators to guide people through the eviction process and make referrals to legal help or other non-legal resources.

Taylor gave an overview of the Equal Justice Works program, its past success in Virginia, and what she plans to work on at Charleston Legal Access. Taylor's focus as an EJW Fellow will be to expand Housing Court into Dorchester and Berkeley Counties and expand access to free direct representation to individuals facing housing instability in those areas.

Justice Few asked Jeff, Stefani, and Taylor what the Commission could do to assist or support their work and we discussed the need for additional volunteer attorneys to staff the Housing Court Program as it expands.

4. SCLS Live Action Courtroom Videos - *Susan Ingles*

Susie joined us to talk about a joint project between SCLS and the SC Bar Pro Bono Program: a series of videos that guide users through appearing in court and accompany the [SCLS Online Classrooms](#). The videos cover hearings for pro se divorce, domestic violence orders of protection, eviction, debt collection, foreclosure, and school hearings. One of our speakers at our last Commission meeting, Turner Whisnant—a UofSC Law student who spent the summer as an ATJ Tech Fellow at SCLS—worked on creating and promoting videos. Other students from UofSC were also involved in the production of the videos.

Susie invited all Commission members to attend a celebration to kick off Pro Bono Week (October 23-29) and premier the videos on Monday, October 24 at 5:00 at UofSC School of Law.

5. Limited Scope Representation - Justice Few and group discussion

A few months ago, the South Carolina Bar Ethics Advisory Committee issued [Ethics Advisory Opinion 22-06](#), which answers questions related to limited scope representation. Limited scope representation is often put forward as an access to justice solution since it allows litigants the option of hiring a lawyer—or connecting with a pro bono attorney—to help with part of the case but stops short of the expense of full representation. Since this is a topic that the Commission spent significant time on several years ago, the opinion was circulated ahead of today’s meeting and Justice Few asked the Commission to discuss how it could raise awareness about and support for this topic.

The advisory opinion addressed the following questions about “ghostwriting,” or assisting a litigant in preparing pleadings without entering an appearance in the case:

1. “May Lawyer limit the scope of representation to assist in preparation of pleadings that will be signed and submitted directly by Client, under client’s name exclusively, without participating further in Client’s legal proceedings in Family Court?”
(**Answer: Yes.**)
2. “Must Lawyer place the Family Court on notice of Lawyer’s limited representation of Client via inclusion of a disclosure such as ‘Prepared with the Assistance of Counsel’ on any documents that Lawyer helps draft, or otherwise?” (**Answer: No.**)

A discussion followed, and Justice Few made clear that the Court declined to adopt the rule changes and amendments to the SC Rules of Professional Conduct that the Commission proposed in 2018 because they did not think they were necessary; they felt that ghostwriting was already permitted under our existing rules, which is confirmed by this Advisory Opinion.

The point was made that even though this practice is allowed, an attorney is not immune from liability or exposure to malpractice if they assist a party in preparing pleadings without attaching their name. Someone else mentioned a limited scope agreement form, which may still be available on the SC Courts website that would help attorneys explicitly delineate their involvement in the case.

It was also mentioned that the tension between judges and attorneys who may want to assist clients in this way is very real. Some attorneys are reluctant to engage in limited scope representation out of fear that a judge will compel them to represent the client fully. This was a point of contention at the Family Court Summit held earlier this year: many judges made clear at that event that they absolutely would not allow this practice in their courtrooms.

A question was asked about whether or not these rules could be applied in contexts other than family court. The consensus was that, while Advisory Opinion 22-06 applies specifically to family court matters, the rules could apply equally to other types of cases.

The Commission discussed ways that we can raise awareness about this issue and increase general support for limited scope representation. The point was made that, although there might be pushback to the idea that attorneys can help with discrete parts of a case, the alternative is that some people will receive no legal help at all. Having an attorney help prepare pleadings

should at the very least decrease the need for multiple hearings or amendments to paperwork because it was not prepared or filed correctly. Hannah suggested a bench card, similar to those developed by the Mississippi Access to Justice Commission, that would outline the issue, reference Advisory Opinion 22-06, and explain how the practice could increase access to justice. The Self-Represented Litigant Committee agreed that this would be a good project for them to take on.

6. Break for Lunch

7. Committee Updates

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

Chris Koon gave the update for the Commission Development Committee, whose membership is as follows:

- Micah Caskey
- Larry Cunningham
- Chris Koon
- Tope Leyimu
- Andrea Loney
- Mary Lucas
- Dawn Prziembel
- Megan Seiner
- Mary Sharp
- Jeff Yungman

Chris reported that the Governance Committee had discussed nominations to replace Judge Childs', whose seat on the Commission was vacated upon her confirmation to the DC Circuit Court of Appeals. The committee ultimately decided to nominate Judge Mary Geiger Lewis to fill the position. Chris made a motion for the Commission to approve the nomination, which was seconded by John Kassel. The motion passed without opposition.

Chris also shared that the committee had considered, upon Hannah's recommendation, to request that the Commission's establishing order be amended to include a dedicated seat for a Magistrate Court Judge. Currently, there is a seat that could be filled by a Magistrate Court Judge OR a Master-In-Equity. With Magistrate Court being such a big player as we continue to discuss access to justice issues, it makes sense to consistently include a voice from that venue at our table. Also, Chris said that the committee needs to request to correct a few scrivener's errors in the last revised order they submitted and that was approved by Chief Justice Beatty in February.

b. Outreach & Communications - *Will Dillard & Betsy Goodale*

Will Dillard gave the update for the Outreach & Communications Committee, whose membership is as follows:

- Judge Addy
- Justin Bradley
- Charles Boykin
- Elizabeth Chambliss
- Will Dillard
- Betsy Goodale

- Anthony Livoti
- Margie Bright Matthews
- Clarkson McDow
- Aparna Polavarapu
- La'Jessica Stringfellow
- Richele Taylor

Will updated the Commission on two events scheduled in the next few weeks. One is a presentation and panel on access to justice that will take place on November 4 at the South Carolina Defense Trial Attorneys Association Annual Meeting in Amelia Island, Florida. The presentation will consist of a short introduction by Hannah about the justice gap in South Carolina and attorneys' ethical obligation to increase access to justice, followed by a panel discussion with Justice Few, commission member Anthony Livoti, and Mary Willis of the Etheridge Law Group in Charleston. Will thanked Anthony for making the connection with the SCDTAA and pitching the idea for this presentation to the conference organizers and emphasized that a goal of the committee is to get commission members involved in both facilitating and presenting at different events like this.

The second upcoming event that Will mentioned is a CLE about law school debt on November 3 at the SC Bar Conference Center in Columbia. This is a follow up to a virtual event the Commission held last year and will cover different loan repayment plans with a focus on Public Service Loan Forgiveness (PSLF), explain the one-time debt forgiveness recently announced as part of the Federal Student Loan Debt Relief Plan, and offer guidance on how to feel in control of your finances.

c. Self-Represented Litigants - *Molly Day & Olivia Jones*

Molly Day gave the updated on behalf of the Self-Represented Litigants Committee, whose membership is as follows:

- Anne Caywood
- Molly Day
- Olivia Jones
- John Kassel
- Tonnya Kohn
- Judge Malphrus
- Brandy McBee
- Al Parker
- David Ross
- Judge Strickland
- Judge Waites

The SRL Committee has worked on developing posters and flyers to help connect court users with legal resources. The poster is an update of an old poster the Commission developed many years ago that educates court users about what court staff can and cannot do to help them. The updated poster has been revised to be more in line with plain language standards; is now bilingual, with the Spanish translation appearing below each paragraph; and includes the URL and a QR code directing people to the Commission's new Legal Resource Finder. There are also

postcard-sized flyers that court staff can hand out that include the URL and QR code and are also in both English and Spanish. Court Administration has already begun distributing these resources and there were copies available at the meeting for Commission members to see and take home with them.

Molly also reported that the committee will soon begin work on assessing and updating court forms that could be improved for greater access to justice. This work will begin with figuring out what other groups are doing or have done work in this area and soliciting their input. It will also include identifying what forms need to be updated and revising or adding to the instructions or guidance included with the SRL packets available at sccourts.org.

8. Executive Director Update - *Hannah Honeycutt*

Hannah began by updating the Commission on the Statewide Legal Needs Assessment Project, reminding everyone of the background and methodology for the yearlong study. She expects the work to be completed next month and the steering committee is planning a launch in February, with a formal event at the Supreme Court, followed by a reception at UofSC School of Law. Hannah reemphasized the importance of this study for the Commission, the Court, the Bar, the legal profession, and South Carolina's low-income populations, pointing out that this will be the most comprehensive data we have ever had about the legal needs of our citizens and could inspire meaningful changes in access to justice and renew public confidence in our legal system.

Hannah then gave an update on the Commission's Legal Resource Finder, which was debuted at our last Commission meeting. Hannah began by saying that she wishes very much that one day people in South Carolina will only have to go one place to find legal help and that place will refer them wherever they need to go from one platform (as opposed to giving them another number to call or another website to visit). This resource finder is the beginning of her vision for that platform. For now, the finder has an updated look and a more streamlined flow, and can now be translated into multiple languages.

Hannah reviewed the web analytics and social media engagement for the Commission's platforms. Our website visits have increased 131% year over year, with a spike in September, which coincides with Court Administration beginning distribution of the posters and flyers that Molly mentioned in her SRL Committee update. The Family Cases page of our "Looking for Legal Help?" section was our top page for a long time, but was recently edged out by the main "Looking for Legal Help?" page, which again coincides with Court Administration starting to distribute our posters and flyers. Our top page view for the last 30 days is the registration page for our law school debt CLE, which received over 400 hits in one day after the Bar placed an announcement for the event in its E-Blast.

Engagement across all of our social media platforms has been good, with the most impressions and visits on Twitter and Facebook. Hannah explained that engaging with our posts helps other people see them, and encouraged Commission members to continue liking and sharing our content.

Hannah then reviewed some recent and upcoming events for the Commission, including a presentation and poverty simulation at the SCLS Statewide Meeting, the Charleston School of

Law 1L Pro Bono Orientation, our upcoming law school debt CLE, and the SCDTAA Annual Meeting. She then spent some time talking about law school debt and why it matters for access to justice, reviewing the national numbers for law school debt loads, how law school debt has increased over time, how debt burden affects borrowers' life decisions such as having children or buying a house, how law school debt affects peoples' decisions about where they can work, and how Public Service Loan Forgiveness is an important recruitment and retention tool for legal aid and other public service organizations. Hannah explained that she wanted to give this short presentation about law school debt to provide some context for why the Commission is sponsoring its CLE on November 3.

The reaction to Hannah's presentation about law school debt was overwhelmingly positive, with one member asking a broader question about why law school tuition has increased so much and how that might be preventing students from more disadvantaged backgrounds from attending law school. Another member suggested adding this topic to the agenda for our February meeting so that we can continue the discussion.

Hannah closed her presentation by asking for volunteers to introduce our speaker, Jordan Roberts, at the November 3 CLE (which Mary Lucas volunteered to do) and to help man the Commission's table at the SC Bar Convention in January. She also asked members who had not yet filled out their social media spotlight survey to do so.

9. Future Meeting Dates - *Justice Few*

Justice Few announced the dates of all three 2023 meetings, which will take place on February 16, June 22 and October 19 at the South Carolina Supreme Court.

10. Other Business

No one brought forth any other business to discuss.

11. Adjourn