

The Supreme Court of South Carolina

In the Matter of Marie Assa'ad-Faltas, Respondent.

Appellate Case No. 2013-000862

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S.C. SUPREME COURT

ORDER

This matter is before this Court to determine if a rule to show cause for contempt should be issued against respondent. Various affidavits have been filed with this Court. While this Court declines to issue a rule to show cause at this time, it has decided to issue this order, and to warn respondent that any violation of the restrictions contained in this order will be treated as a contempt of this Court.

By order dated December 23, 2009, this Court imposed the first restriction on filings by respondent. This order, which found that respondent "has a history of engaging in vexatious litigation in both state and federal courts" and that her "frivolous filings constitute an abuse of the judicial process and result in a waste of judicial resources," prohibited the Clerk of this Court from accepting any "further filings from [respondent] seeking an extraordinary writ or to invoke the original jurisdiction of this Court unless the filing is signed and filed by an attorney." By order dated January 6, 2010, this Court denied a petition for rehearing regarding the order of December 23, 2009.

By order dated March 31, 2010, the Chief Judges for Administrative Purposes in Richland County, Judges G. Thomas Cooper, Jr., and James R. Barber, found it necessary to restrict respondent's access to the Richland County Courthouse. This order indicates that respondent has been "insulting and demanding" to court personnel, had been banned from the Circuit Solicitor's office for disruptive behavior, "has harassed individual solicitors by following them around the courthouse," "has treated the [circuit court] and courthouse personnel with rudeness, incivility and constant harassment," and has entered courtrooms in an attempt to engage in *ex parte* conversations with judges. This order restricted

respondent from entering the courthouse except for scheduled court appearances, or to file documents from 2:00 to 4:00 p.m. each day. The order also prohibited her from making or attempting to make *ex parte* communications with judges, their staff and court personnel in the clerk's office.

Respondent sought review of the order of Judges Cooper and Barber, and sought habeas corpus and other extraordinary relief from this Court. She also asked for reconsideration of this Court's order of December 23, 2009, which required her to have an attorney to seek any extraordinary writ from this Court. By order dated August 20, 2010, this Court denied all relief, noting that respondent's "latest filing further supports this Court's order" requiring her to have an attorney to seek extraordinary relief from this Court.

In January 2011, respondent sent this Court a document regarding a criminal case unrelated to her. Respondent indicated that she had heard the arguments in this case and wanted to suggest answers to some of the issues discussed during oral argument. By order dated February 3, 2011, this Court refused to allow her to do so and noted that her "attempt to 'weigh in' on a decision in the [criminal case] is prohibited by the rules of this Court, is completely inappropriate, and quite frankly, shocking."

In that same order, this Court noted respondent has "on several occasions approached a member of this Court while the member was engaged in purely personal activities unrelated to any official duties." Finding this conduct was "prohibited by the rules of this Court and completely inappropriate," this Court prohibited respondent "from directly contacting any member of the Court." This included, but was not limited to "contact made in person, by phone or in writing." Respondent was warned that a violation of this order would be treated as contempt. This Court denied her petition for reconsideration of the February 3, 2011, order.

In January 2011, respondent filed a notice of appeal from the circuit court. The South Carolina Court of Appeals dismissed the appeal finding that the matter was not immediately appealable. After a petition for rehearing *en banc* was filed with the Court of Appeals, the appeal was transferred to this Court. Respondent also filed various other motions.

By order dated April 8, 2011, this Court denied the petition for rehearing and the other motions. In addition, based on "the frivolous, repetitive and abusive nature of [respondent's] filings in this Court and other courts of this state," this Court prohibited respondent "from filing anything in the courts of this state in a *pro se*

capacity." Instead, respondent was advised that she "is not precluded from addressing any grievances she may have in the courts of this state, assuming she is represented by counsel and such grievances are not frivolous." This order warned her that a violation of the order could result in her being held in contempt.

Finally, on October 24, 2012, Chief Justice Toal issued an order directed at several means by which respondent had attempted to circumvent the requirement that she have a lawyer for all court filings and proceedings. This included sending e-mails to judges and law clerks, contacting judicial staff members on their direct phones, and holding placards in court proceedings in an attempt to convey her objections. Among other things, this order specifically prohibited respondent from contacting "any judge, justice, law clerk, clerk of court or any other officer or employee of the Judicial System by telephone, e-mail or any other form of electronic communication. Instead, if it is necessary for [respondent] to contact an officer or employee of the Judicial System outside a scheduled hearing or trial, that contact shall be made in writing and shall be filed with the appropriate clerk of court by an attorney licensed to practice law in South Carolina." This order warned respondent that a violation would be treated as contempt.

Since the issuance of the October 24, 2012, order, respondent has sent various e-mails to justices, judges and law clerks. Based on the affidavits filed with this Court, there is probable cause to believe that respondent sent the following e-mails in violation of the order of the Chief Justice:

- (1) An e-mail which shows that it was sent on February 20, 2013. This e-mail has the subject listed as "I am a, if not a representative [sic] of the, most central stake-holder in speedy criminal trials: the falsely-accused criminal defendant." This e-mail was sent to Chief Justice Toal.
- (2) An e-mail which shows that it was sent on April 19, 2013. This e-mail has the subject listed as "Response to Administrative Matters and court integrity issues SC's Chief Justice requested be directed to her office." This e-mail was sent to Chief Justice Toal; Circuit Court Judge George C. James, Jr.; Municipal Court Judge Carl L. Solomon; and Susanna Brailsford, the law clerk for Circuit Court Judge James R. Barber, III.
- (3) An e-mail which shows that it was sent on April 22, 2013. This e-mail has the subject listed as "RE: Please bring to SC's Supreme Court's attention that an incompetent lawyer is forced on me and now he wants to practice medicine without a license on me." This e-mail was sent to Judge

Solomon, Ms. Brailsford and Ms. Karen Huelson, a law clerk to Justice Donald W. Beatty.

(4) An e-mail which shows that it was sent on April 23, 2013. This e-mail has the subject listed as "Immediate request for Mr. Lupton to be relieved. I do NOT need other counsel." This e-mail was sent to Judge Solomon and Ms. Brailsford.¹

(5) An e-mail which shows that it was sent on May 4, 2013. This e-mail has the subject listed as "Mr. Lupton has no right to prohibit me from e-mailing him or to abandon my cases now." This e-mail was sent to Chief Justice Toal and Ms. Brailsford.

Further, there is probable cause to believe that respondent has violated this Court's order of February 3, 2011, prohibiting any direct contact with a member of this Court by sending the e-mails of February 20, 2013, April 19, 2013, and May 4, 2013, to Chief Justice Toal.

While this Court could issue a rule to show cause for contempt to adjudicate these matters, this Court declines to do so at this time. Instead, this Court issues this order and places the following restrictions on respondent regarding her filings and contacts with the Unified Judicial System in South Carolina:

(1) Respondent may not represent herself *pro se* in any court of this state. Instead, she must be represented by counsel before any court of this state. Respondent is advised that she is not precluded from addressing any grievances she may have in the courts of this State, assuming that she is represented by counsel and such grievances are not frivolous. Except as provided in (3) below, no clerk of court shall accept any filing from or on behalf of petitioner unless it is signed and filed by an attorney licensed to practice law in this state.

(2) Respondent may not contact any judge, justice, law clerk, clerk of court or any other officer or employee of the Unified Judicial System in person, in writing or by mail, telephone, fax, e-mail or any other form of

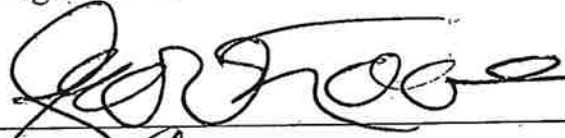
¹ The e-mail of April 23 indicates that a copy was also sent to "Toal, Jean" and "Huelson, Karen", but a copy of this e-mail was apparently not received by either Chief Justice Toal or Ms. Huelson.

electronic communication. Instead, if it is necessary for respondent to contact an officer or employee of the Judicial System outside a scheduled hearing or trial, that contact shall be made in writing and shall be filed with the appropriate clerk of court by an attorney licensed to practice law in South Carolina.


(3) As an exception to the restrictions above, respondent may file a written *pro se* motion to either appoint counsel or relieve counsel with the appropriate clerk of court as long she has good cause to make the motion. Nothing in this order shall be construed as preventing a court of this state from imposing restrictions on respondent's ability to make a motion to either appoint or relieve counsel if she repeatedly files such motions without good cause.

This order does not affect any orders that may have been issued by the lower courts relating to respondent, including the order of March 31, 2010, issued by Judges Cooper and Barber. Further, nothing in this order shall be construed as preventing a lower court from placing such additional restrictions on respondent as that court may determine are appropriate.


Respondent's pattern of frivolous filings and inappropriate conduct toward the courts, its officers and employees has required restrictions to be placed on respondent's access to the courts. Further, this Court has had to continually increase the restrictions to curb respondent's inappropriate conduct. Respondent is warned that a violation of the restrictions contained in this order will result in contempt proceedings being initiated against her.




C.J.



J.



J.



J.

Beatty, J., not participating.

Columbia, South Carolina
June 28, 2013

CC: Dr. Marie Assa'd Faltas
The Honorable Alan MCrory Wilson
Salley W. Elliott, Esquire
David Amando Fernandez, Esquire
The Honorable Jeanette W. McBride
The Honorable George C. James, Jr.
The Honorable Carl L. Solomon
The Honorable James R. Barber, III
The Honorable G. Thomas Cooper, Jr.
The Honorable J. Ernest Kinard, Jr.
The Honorable Alison Renee Lee
The Honorable Clifton Newman
The Honorable Brooks P. Goldsmith
The Honorable W. Jeffrey Young
The Honorable Dana Davis Turner
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