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Jul 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Perry H. Gravely, Circuit Court Judge

Circuit Court Case No. 2020-CP-23-01450
Appellate Case No. 2022-001432

Michael Gene Putnam,..... Appellant,

v.

Robert Henry Purkerson and Robin Cary Maples..... Respondents.

**REPLY TO PROPOSED CONSENT ORDER RELIEVING COUNSEL FOR APPELLANT
AND
MOTION FOR MATTERS TO BE HELD IN ABEYANCE PENDING
SUBSTITUTION OF COUNSEL**

WHEREAS, Michael Gene Putnam, (the “Appellant”) received on July 21, 2023 an email from the Goodwyn Law Firm, LLC. (hereinafter “Goodwyn”) with an attachment containing a filing of the same date with this Court captioned as a “CONSENT ORDER RELIEVING COUNSEL”, (the “Order” and “Relieving Counsel”) being T. Jeff Goodwyn, Jr., Charles G. Blackburn and the Goodwyn Law Firm, LLC. The Order sought immediate relief from representation as attorney(s) of the Appellant in the instant case cited above. It further stated that the “Grounds for this Order are that Mr. Putnam has terminated the representation” of Goodwyn.

DISCUSSION

The Goodwyn Law Firm, LLC. filed a Notice of Appearance with the Thirteenth Judicial Circuit Court of Greenville County under Case No. 2020-23-CP-01450 on September 28, 2022. The Appellant's initial consultation with Goodwyn resulted from a referral from the SC Bar Lawyer Referral Program. The Appellant had proceeded *pro se* through the entirety of the Circuit Court case. During the ten (10) months of representation by Goodwyn, Appellant has met Jeff Goodwyn one (1) time to simply shake hands; and met with Charles Blackburn twice for approximately one-hour each despite thinking that there would be numerous meetings to discuss the history and errors of law in the lower court.

As to a "termination" letter or a written "Consent", Appellant has no knowledge of such documents and believes Goodwyn would have submitted same with the proposed Consent Order. In the second paragraph of the proposed Consent Order submitted by Goodwyn, it goes on to state that "the Appellant, Michael Gene Putnam and T. Jeff Goodwyn, Jr., Charles G. Blackburn and the Goodwyn Law Firm, LLC, have **discussed** and agreed to part ways". Appellant's *pro se* interpretation would be that using the word "discussed" implies an in-person meeting or a phone conversation. As to Jeff Goodwyn, Verizon Wireless records indicate that Appellant has had three (3) phone calls to/from Jeff Goodwyn since June 1, 2023 that averaged five (5) minutes each. As to Charles G. Blackburn, Appellant has not spoken to him in person or by phone since the fall of 2022. [bold for emphasis]

ARGUMENT

The practice of law in South Carolina as viewed by the non-lawyer Appellant, while self-governing, is also governed by numerous Canons and Rules; and as to this matter Appellate Court Rule 407, Rules of Professional Conduct. Since Goodwyn seeks to immediately terminate representation of the Appellant, the Appellant believes provisions of SCACR Rule 1.16 and SCACR Rule 264 offer

guidance for this response by the Appellant. Rule 1.16(b)(1) of Rule 407 provides:

A. “(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

(1) withdrawal can be accomplished **without material adverse effect** on the interests of the client;”

B. Appellant Rule 1.16(7)(c) and (d) of Rule 407 further provides for withdrawal as counsel when a lawyer can show as stated:

- Rule 1.16 item “(7) other good cause for withdrawal exists.”

- Rule 1.16 item “(7)(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

- Rule 1.16 item “(7)(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to **protect a client's interests**, such as **giving reasonable notice** to the client, **allowing time for employment of other counsel**, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.” [bold for emphasis]

The Appellant would assert that by Goodwyn simply dropping this complex case file in the lap of the Appellant would be in violation of provisions contained in SCACR Rule 407 1.16, *inter alia*, and at a minimum would:

- Have a material adverse effect on the interests of the client, (1.16(1));
- Not protect the Appellant’s interest, (1.16((7)(d), and
- Not provide reasonable time for employment of other counsel. (1.16((7)(d)

Whether Goodwyn’s filing of the Consent Order Relieving Counsel was properly submitted is one for the Court to determine. The Appellant’s understanding is that when a lawyer has made a formal appearance in a federal or state court proceeding, the withdrawing lawyer must obtain court approval

by filing a motion to withdraw. Motions to withdraw as counsel are also subject to the duty to consult and confer with opposing counsel prior to filing the motion under Local Civil Rule 7.02 (federal court) and Rule 11(a) (S.C. state court). Appellant has no knowledge as to whether Goodwyn consulted with opposing counsel and there is no reference to such in Goodwyn's filing. Lastly, SCACR Rule 264(b) states: "**Withdrawal.** An attorney of record in a matter pending before an appellate court may not withdraw from representation of his client without justifiable cause, or the consent of his client; and then only after proper written notice to his client, on petition to and by written order of the appellate court, and with notice to the adverse party." Appellant can only confirm that there was no advanced notice from Goodwyn of his intent to file the motion to withdraw.

There has absolutely been no conversation between Appellant and Goodwyn regarding the above matters, or in fact, virtually anything else regarding the facts of the case. Because there has been essentially no understanding by Goodwyn of the factual history of the Circuit Court case, the Appellant now believes continued representation by Goodwyn would only continue to have detrimental effects to Appellant's pending appeal. However, this filing is not the proper filing to detail any matters of factual concern to the Appellant as to any actions, inactions, filings and/or other matters by Goodwyn (a/k/a Goodwyn Law, LLC), which may or may not be subject to attorney/client privilege, and would likely be highly prejudicially adverse to Appellant.

REQUESTS OF THE COURT

The Appellant would never have thought that the circumstances that now exist in the instant case would ever have come to this, which leaves few alternatives, and pray that the Appellate Court would grant in an Order the following requests, all of which should be considered as highly dependent on each other:

1. That Goodwyn Law, LLC be allowed to withdraw as counsel of record for the representation of

the Appellant's Appeal, that being Case No: 2022-001432;

2. That Appellant be given not less than ninety (90) days to find alternative, competent, substitute counsel to make an appearance on behalf of Appellant;

3. That any pending motions, replies, or statutorily required filings under the Rules of the South Carolina Appellate Court, e.g. the Record of Appeal or Appellant's Final Brief, be stayed and held in abeyance pending the period requested in item two (2) above, or as determined by Order of the Court;

4. That Goodwyn box up and ship at their expense, or otherwise deliver to Appellant all files, transcripts or other material related to or obtained from Appellant or other sources, without redaction, within fourteen (14) days of an Order granting these requests of the Appellant;

5. That Goodwyn and Appellant will reach a dissolution Agreement as to the Initial Retention Agreement in writing, and in good faith, before the expiration of the fourteen (14) day period as noted in Item four (4) above;

6. Any other matters that the Court deems necessary to effectuate the requests in items one (1) through five (5) above.

7. Such other relief the Court deems just and equitable.

8. That the Goodwyn Law Firm, LLC prepare at their sole expense a draft of any Order resulting from this filing for review by the parties; and upon agreement, submission to the Court for approval.

Dated: July 27, 2023

Greenville, South Carolina

Respectfully submitted,



Michael Gene Putnam – Appellant
PO Box 76
Greenville, SC 29602-0076
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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APPEAL FROM GREENVILLE COUNTY
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G.D. Morgan, Jr., Circuit Court Judge

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Circuit Court Case No. 2020-CP-23-01450
Appellate Case No. 2022-001432

Michael Gene Putnam, Appellant,

v.

Robert Henry Purkerson and Robin Cary Maples Respondents.

PROOF/AFFIDAVIT OF SERVICE

Personally appeared Appellant/Petitioner Michael Gene Putnam, upon being duly sworn, hereby states, affirms and certifies that Appellant’s REPLY TO CONSENT ORDER RELIEVING COUNSEL FOR APPELLANT AND MOTION FOR MATTERS TO BE HELD IN ABEYANCE PENDING SUBSTITUTION OF COUNSEL has been filed by email to The Honorable Jenny A. Kitchings, Clerk of the Appellate Court. Further, this filing and this Proof/Affidavit of Service will be provided by emailing a copy of same, and also by USPS First Class Mail to the following parties:

Langdon Cheves, III, Esquire
Laura C. Tesh, Esquire
Willson, Jones, Carter & Baxley
325 Rocky Slope Road, Suite 201
Greenville, SC 29607
lcheves@wjcblaw.com
ltesh@wjcblaw.com

Robin Cary Maples
1450 Crane Creek Dr.
Mt. Pleasant, SC 29466
rmaples91@gmail.com

Additionally, this filing and this Proof/Affidavit of Service will be provided to counsel for Appellant by emailing a copy of same and also by USPS Certified Mail to T. Jeff Goodwyn, Jr. and Charles G. Blackburn of the Goodwyn Law Firm, LLC, 2309 Devine Street, Columbia, SC 29205 and by email at JGoodwyn@goodwynlaw.com and cblackbum@goodwynlaw.com, respectively.

Further, affiant sayeth not,



Michael Gene Putnam - Appellant

P.O. Box 76

Greenville, SC 29602-0076

Phone: 864-420-9624

Fax: 864-751-4365

Email: mputnam2006@gmail.com

Greenville, South Carolina

July 26, 2023

Sworn to before me this 24 day of July, 2023



NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires: 1-18-29

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Jul 28 2023

SC Court of Appeals

July 27, 2023

The Honorable Jenny A. Kitchings
Clerk of Court
Court of Appeals of South Carolina
1220 Senate St.
Columbia, South Carolina 29201

Filed by E-mail

Re: REPLY TO PROPOSED CONSENT ORDER RELIEVING COUNSEL FOR APPELLANT AND MOTION FOR MATTERS TO BE HELD IN ABEYANCE PENDING SUBSTITUTION OF COUNSEL

Case No. 2020-CP-23-01450
Appellate Case No. 2022-001432

Dear Ms. Kitchings:

My current counsel, Goodwyn Law, LLC, filed a consent order on July 21, 2023 to withdraw as counsel for my Appeal. In as much as I would have never considered that I would find myself, as Appellant, in the current circumstances, but here we are. Due to an abundance of conflictual issues between myself and Goodwyn Law, LLC, a reply to Goodwyn's submission dated July 21, 2023 could not be avoided. As such, please find attached the following documents required for the case file.

1. Appellant's REPLY TO PROPOSED CONSENT ORDER RELIEVING COUNSEL FOR APPELLANT AND MOTION FOR MATTERS TO BE HELD IN ABEYANCE PENDING SUBSTITUTION OF COUNSEL, and
2. A Proof/Affidavit of Service as to all parties as to this letter and the attachments referred to herein.

I will place a check in the mail today for the \$50.00 filing fee.

As always, please have your staff reach out to me should they have questions or need clarification of anything included.

[signature page follows]

With kindest regards,



Michael Gene Putnam - Appellant

P.O. Box 76

Greenville, SC 29602-0076

Phone: 864-420-9624

Fax: 864-751-4365

Email: mputnam2006@grnail.com

Greenville, South Carolina

July 27, 2023

CC: T. Jeff Goodwyn, Jr. – Esq.
Charles G. Blackburn – Esq.
Langdon Cheves, III, Esq.
Laura C. Tesh, Esq.
Robin Cary Maples