

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Magistrate Court

The Honorable Benjamin F. Byrd, Magistrate Court Judge  
The Honorable Kristi F. Curtis, Circuit Court Judge

104448  
**RECEIVED**  
APR 11 2025  
SC Court of Appeals

Case No.: 2024-001566

Emily Major,  
Appellant,

vs.

James Major,  
Respondent.

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**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE PROFESSOR LISA MARTIN AND MARIE MANESS OF THE UNIVERSITY OF SOUTH CAROLINA JOSEPH F. RICE SCHOOL OF LAW, THE SOUTH CAROLINA VICTIM ASSISTANCE NETWORK, SISTERCARE, AND PROJECT R.E.S.T. IN SUPPORT OF APPELLANT.**

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Pursuant to Rule 213, SCACR, Professor Lisa Martin and Marie Maness of the University of South Carolina Joseph F. Rice School of Law Domestic Violence Clinic, the South Carolina Victim Assistance Network, and Sistercare (“Movants”), respectfully move for leave to file the accompanying Amicus Brief in support of the Appellant, Emily Major.

Professor Lisa Martin and third-year law students enrolled in the University of South Carolina Joseph F. Rice School of Law’s Domestic Violence Clinic, along with staff attorney Marie Maness, represent individuals seeking civil legal protection from domestic violence, sexual assault, and stalking through Orders of Protection and Restraining Orders. Professor Martin’s research examines the accessibility and operation of Orders of Protection and Restraining Orders in South Carolina and nationally. Professor Martin and Ms. Maness, along with a research team from the University of South Carolina, recently published reports on Orders of Protection and Restraining Orders in South Carolina based upon an analysis of 3,451 Order of Protection cases and 2,212 Harassment and Stalking Restraining Order cases filed in Family and Magistrate Courts throughout South Carolina in 2019. The views expressed in this brief are those of Professor Martin and Marie Maness alone and not necessarily those of the University.

The South Carolina Victim Assistance Network (“SCVAN”) is a nonprofit organization that has been advocating for victims of crime in South Carolina since 1985. SCVAN is focused on protecting the rights of victims through their outreach and training to victims, service providers, and the general public. In addition, SCVAN offers direct representation to victims in South Carolina. The organization is particularly interested in coordinating policy development on issues impacting victim’s rights and strengthening the accessibility of resources available to victims of crime.

Sistercare is a non-profit organization that seeks to provide trauma informed comprehensive services for victims of intimate partner violence, to advocate on behalf of these survivors, and to help prevent intimate partner violence through community awareness and education. Sistercare is the only organization that offers specialized shelter and support services for survivors of intimate partner violence in Fairfield, Kershaw, Lexington, Newberry, and Richland counties.

Project R.E.S.T. is a private, 501(c)(3) non-profit organization providing support services to victims of domestic violence in Spartanburg, Cherokee, and Union Counties. Project R.E.S.T. also provides support services to victims of sexual assault in Spartanburg and Cherokee counties. Those support services include providing emergency shelter to victims fleeing from domestic abuse, a 24/7 crisis hotline, individual and group therapy, case management, victim advocacy, and legal advocacy. The legal advocacy includes providing court representation for victims seeking an Order of Protection in Family Court or a Restraining Order in Magistrate Court. Project R.E.S.T. has been an anchor for victims of domestic violence and sexual violence in Spartanburg, Cherokee, and Union counties for nearly 30 years.

The central question in this appeal is whether Magistrate Courts can exercise jurisdiction over household members, specifically current or former spouses, seeking Restraining Orders to protect against stalking or harassment. Thus, the issues raised in this appeal are matters of public interest as they involve access to the state's sole civil legal remedy that offers prompt protection from stalking and harassment. Movants have an interest in this case because this Court's decision may profoundly impact the availability of civil legal protections for victims of stalking and harassment who share a household member relationship with the offender. Moreover, Movants possess practice-based and research-based expertise in navigating the Restraining Order and Order

of Protection processes in Magistrate and Family Courts, working with victims of stalking and harassment, and analyzing patterns in the use and operation of these remedies, which places the Movants in an advantageous position to assist this Court.

For the foregoing reasons, and with the consent of the Appellant, Movants respectfully request the Court to grant Movant's leave to file the attached, conditionally filed, amici curiae brief in support of the Appellant.

*Signature page to follow*

Dated:

Respectfully submitted,

/s/ Lisa V. Martin

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**PROOF OF SERVICE**

The undersigned hereby certifies that on April 11, 2025, she served counsel of record with a copy of the Motion for Leave to File Brief and the conditionally filed Amici Curiae Brief of Professor Lisa Martin and Marie Maness of the University of South Carolina Domestic Violence Clinic, The South Carolina Victim Assistance Network, Sistercare, and Project R.E.S.T in support of Appellant, Emily Major by sending copies of the same by electronic mail to the following addresses:

Ms. Brett Stevens, Esq.  
stevensbl@sc.edu  
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Attorney for Appellant

Mr. Michael V. Laubshire, Esq.  
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Attorney for Respondent

Dated: April 11, 2025

/s/ Marie Maness  
Marie Maness  
Staff Attorney  
Domestic Violence Clinic  
University of South Carolina School of Law

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**Major v. Major, 2024-001566: Motion for Leave to File and Attached Amicus Brief**

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From Maness, Marie <MANESSM@mailbox.sc.edu>

Date Fri 4/11/2025 2:28 PM

To Stevens, Brett <stevensbl@sc.edu>; Brett Stevens <brett@brettstevenslaw.com>;  
michael@laubshirelaw.com <michael@laubshirelaw.com>

Cc Martin, Lisa <LVMARTIN@law.sc.edu>; Krystal Watson <krystal.watson@projectrest.org>; Sarah Ford  
<sarah@scvan.org>; Edean@sistercare.com <edean@sistercare.com>

■ 1 attachment (439 KB)

Major v. Major Motion for Leave to File and Amicus Brief.pdf;

Good afternoon, Attorneys Stevens and Laubshire,

Please see attached Motion for Leave to File Amicus Brief and attached Amicus Brief in support of Appellant, Emily Major for the above referenced case.

Best,  
Marie Maness

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**Marie K. Maness**  
Clinics Staff Attorney  
she/her/hers

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