

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM PICKENS COUNTY  
Court of Common Pleas  
C/A No. 2021-CP-39-00329  
Jessica A. Salvini, Circuit Judge

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Appellate Case No. 2025-001327

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Michael and Mary Smith..... Appellants,

v.

King Asphalt, Inc.,..... Respondent,

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**RESPONDENT’S RETURN  
TO APPELLANTS’  
MOTION FOR APPOINTMENT OF COUNSEL**

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The respondent King Asphalt, Inc. opposes the appellants Michael and Mary Smith’s (“the Smiths” or “Appellants”) motion for appointment of counsel and asks this Court to deny it.

Under South Carolina law, “[a] judge, court, or court official shall not appoint an attorney to represent a party in a civil action unless the authority to make the appointment is provided specifically by statute.” S.C. Code Ann. § 14-1-235 (2024). The Smiths have not cited any such statutes. In fact, this Court cannot appoint an attorney in this case because no applicable statutory authority for such an appointment exists.<sup>1</sup>

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<sup>1</sup> Appointment of counsel in civil cases is limited to matters implicating parental rights: SC Code §§ 63-7-1620, 2560(A) and (B); involuntary commitments for mental health and substance abuse treatments: S.C. Code §§ 44-17-410 and -530, S.C. Code §§ 44-52-60 and -70, SC Code § 44-24-90(D); protection of persons under disability: SC Code § 62-5-303B and -403A; and post-conviction relief: S.C. Code § 17-27-60.

**WHEREFORE**, the respondent King Asphalt, Inc. asks this Court to deny the Smiths' motion for appointment of counsel.

Respectfully submitted,

/s/Catharine Garbee Griffin

Catharine Garbee Griffin

SC Bar No. 9821

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**Attorney for the Respondent**

**King Asphalt, Inc.**

February 26, 2026  
Columbia, South Carolina

**RECEIVED**

**Feb 26 2026**

**SC Court of Appeals**

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**PROOF OF SERVICE**

I certify that on February 26, 2026, I served the respondent King Asphalt’s Return to Appellants’ Motion for Appointment of Counsel on the *pro se* appellants Michael and Mary Smith, by email and US Mail, addressed as follows:

Michael and Mary Smith  
220 Stancil Street  
Easley, SC 29640  
MichaelDSmith@housemail.com

*s/Teresa Kowalewski*

Columbia, South Carolina  
February 26, 2026