

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

MAR 17 2014

Honorable Benjamin H. Culbertson, Circuit Court Judge

S.C. Supreme Court

Case No. 2012-CP-22-01056

Erika FabianAppellant,

vs.

Ross M. Lindsay, III and Lindsay & Lindsay, LLCRespondents.

MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE

Petitioner, Greenville Estate Planning Study Group, requests leave under Rule 213, SCACR, to file a brief in this case as an amicus curiae. Petitioner represents the interests of estate planning attorneys in South Carolina. Such attorneys have a vital interest in the outcome of this case inasmuch as a decision imposing liability to third parties on estate planning attorneys would have a profound and adverse impact on the probate bar.

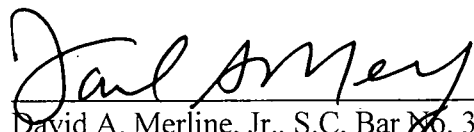
The traditional requirement of privity as an element for a plaintiff to have standing in attorney malpractice suits has been the subject of substantial national debate over the last few decades, particularly in an estate-planning context. An amicus brief would be useful in this case because it involves a decision that could drastically change

the nature of the attorney-client relationship in estate-planning matters. The abandonment of privity would be particularly troublesome for an estate planning attorney because of the potential conflicts of interest created between the attorney's duties to his or her client and the new duties that would run to the beneficiaries of the client's estate. Accordingly, it is desirable to obtain the perspective of an uninvolved entity.

In addition, there is a tendency for the privity debate to be incorrectly framed by proponents of abandoning the requirement in terms of either privity or non-privity states, with the majority of jurisdictions abandoning privity. In fact, about twenty percent of states from all regions of the country adhere to traditional privity, including New York, Colorado, Texas and Virginia. The states characterized as "non-privity" have reached no consensus on an alternative doctrine: the two leading alternatives have about ten to fifteen states apiece. The remaining states have either adopted minority alternatives, have a statutory scheme addressing privity, or their appellate courts have not yet examined the issue. The brief submitted by this Amicus will help to organize and clarify the privity debate.

As provided by Rule 213, SCACR, copies of the brief are conditionally filed along with this motion.

Respectfully submitted,



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March 14, 2014

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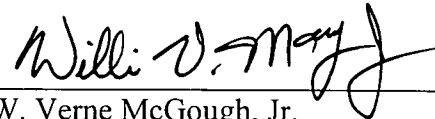
PROOF OF SERVICE

I, the undersigned, do hereby state that I have on March 17, 2014, served a copy of the **MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE** and **BRIEF OF AMICUS CURIAE THE GREENVILLE ESTATE PLANNING STUDY GROUP IN SUPPORT OF RESPONDENTS** upon all parties, through their attorney(s) of record, by depositing copies of the documents in the United States Mail, first class, sufficient postage prepaid, with the return address(es) clearly noted, addressed as follows:

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