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NOV 26 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
Appellate Case No. 2014-002346

APPEAL from RICHLAND COUNTY Court of Common Pleas
Alison Renée. Lee, Circuit Court Judge
Circuit Court Case No. 2013-CP-40-03525

City of Columbia, South Carolina,

Respondent,

v.

Marie-Thérèse Assa'ad-Faltas, MD, MPH,

Appellant.

**APPELLANT'S Petition for this Court *en banc* to Rehear and Reverse Chief Judge Few's
November 18, 2014, ORDER, which has the Effect of Dismissing this Appeal, Imputes to Appellant's Counsel
Actions Contrary to Public Policy, and Is Not Directed to a Named Person;
And Motion to Suspend the Time Lines of this Appeal Pending Resolution of this Petition**

By her undersigned counsel, Appellant Marie-Thérèse Assa'ad-Faltas, MD, MPH, prays this Court *en banc* to rehear and reverse its Chief Judge Few's November 18, 2014 ORDER in this matter and to suspend the time lines of this appeal until this petition is fully adjudicated. Further, the undersigned Orin G. Briggs, hereby disavows any prior or present intent to take any action contrary to Rule 1.16 (b)(1) of the SC Rules of Professional Conduct for Lawyers, Rule 407, SCACR, which provides in relevant part:

- (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;

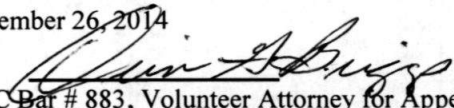
It was here clear, and made so even clearer by the order sought to be reheard, that withdrawal can not "be accomplished without material adverse effects on the interests of the client." Indeed, Appellant's motion which Chief Judge Few misread as a motion to withdraw clearly stated that "the undersigned [] volunteer[ed] in this case to prevent disastrous consequences to Appellant." Therefore, this Court *en banc* should promptly and courageously correct its chief judge's above-explained error because reading the motion for *substitute or additional counsel* as a motion to withdraw regardless of "disastrous consequences to Appellant" imputes unethical intent to the undersigned and should have been denied if so read.

Further, the order does not direct Appellant to do anything but orders that an unnamed "attorney licensed to practice law in South Carolina must make an appearance on behalf of the appellant within thirty days of this order." This Court should name such attorney and serve the order on him/her. In *Turner v. Rogers*, 564 U.S. ___ (2011), the U.S. Supreme Court clearly prohibited South Carolina's courts from ordering parties to take, under penalty of incarceration, actions beyond their financial means. As previously documented, Appellant has been found and certified indigent and cannot hire a lawyer.

Appellant's counsel believes that consultation with opposing counsel is neither necessary nor proper for this motion. Therefore, he did not consult with opposing counsel before filing this motion.

WHEREFORE, competent appellate counsel should be appointed in this case and admonished to faithfully discharge his/her duty to Appellant. The time lines of this appeal should be suspended pending adjudication of this petition and of the motions filed on November 14, 2014.

Respectfully submitted on November 26, 2014


Orin G. Briggs, SC Bar # 883, Volunteer Attorney for Appellant
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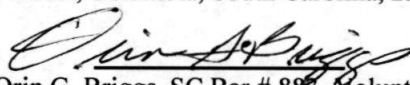
CERTIFICATE OF SERVICE

I certify that, on November 26, 2014, this document was served, by personal delivery of a copy thereof to the respective offices on the entities identified below, as proven by the below declaration under penalty of perjury of Marie-Thérèse Assa'ad-Faltas, MD, MPH:

The City Attorney for the City of Columbia, Attorney for Respondent, at her office located at 1401 Main Street, Columbia, South Carolina, 29201; and

The Attorney General of South Carolina, potential Appellate Counsel for Respondent, at his office located at 1000 Assembly Street, Columbia, South Carolina, 29201.

November 26, 2014



Orin G. Briggs, SC Bar # 883, Volunteer Attorney for Appellant

DECLARATION UNDER PENALTY OF PERJURY AS PROOF OF SERVICE OF PETITION IN THIS APPEAL

I declare under penalty of perjury that, on November 26, 2014, God so willing, the foregoing motion in the above-captioned matter was served, by personal delivery of a complete copy thereof with and all attachments thereto, if applicable, to the respective offices of the entities identified below:

1. The City Attorney for the City of Columbia, Attorney for Respondent, at her office located at 1401 Main Street, Columbia, South Carolina 29201; and
2. The Attorney General of South Carolina, potential Appellate Counsel for Respondent, at his office located at 1000 Assembly Street, Columbia, South Carolina 29201.

And further declarant saith not on November 26, 2014.



Marie-Thérèse Assa'ad-Faltas, MD, MPH

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