

THE STATE OF SOUTH CAROLINA

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In the Supreme Court

OCT 21 2015

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case no. Appellate Case No. 2014-001267
Unpublished Opinion No. 2015-UP-359
Submitted May 1, 2015 --Filed July 15, 2015

In the matter of the Estate of Alice Shaw Baker.

Betty Fisher and Lisa Fisher,Appellants

v.

Bessie Huckabee, Kay Passailague Slade,
Sandra Byrd, and Henry McMaster, in his Capacity as Attorney General, Defendants,

Of whom Bessie Huckabee, Kay Passailague Slade, and Sandra Byrd,
.....Respondents

**PETITION FOR WRIT OF CERTIORARI
REGARDING OPINION NO. 2015-UP-359 FILED JULY 15, 2015**

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CERTIFICATE OF COUNSEL

Counsel for Petitioners Betty Fisher and Lisa Fisher ("Petitioners") certifies that the Petition for Rehearing was made and ruled on by the Court of Appeals on September, 17, 2015.

QUESTIONS PRESENTED

1. Did the South Carolina Court of Appeal err by relying on the language and holding of *EnerSys Delaware, Inc. v. Hopkins*, 401 S.C.615, 619, 738 S.E. 2d 478 in Dismissing Petitioners' Appeal, when it directly conflicts with prior precedent in *Townsend v. Townsend*, 323 S.C. 309, 474S.E. 2d 424 (1996) which imposes a duty on the lower court to disqualify a former Guardian ad litem?
2. Was the South Carolina Court of Appeal's dismissal of Petitioners' appeal so manifestly unjust that it constituted violations of Equal Protection, Due Process, and Public Policy by allowing a Court Appointed Attorney to act on behalf of a party whose interests are adverse to the decedents' without any factual analysis?

INTRODUCTION

This court in *Townsend v. Townsend*, 323 S.C. 309, 474S.E. 2d 424 (1996) held that a judge had ample authority, and, in fact, **a duty to remove a Lawyer from his representation of a Father** in a family law case where the attorney previously acted as Court Appointed Guardian ad litem for the minor child. (Emphasis added).

The importance of this principle of removing a Court Appointed Guardian ad litem, who had abused his relationship by representing clients with conflicting or adverse interests, is of the utmost significance when dealing with the Elderly and vulnerable adults--and it directly changes the analysis of *EnerSys Delaware, Inc. v. Hopkins*, 401 S.C. 615, 619, 738 S.E. 2d 478 (2013) in cases involving the denial of a motion for disqualification. Here, Alice Shaw Baker's case also involves a substantial right and interest as outlined in the seminal case of *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005) [an order granting a motion to disqualify counsel in a civil trial was immediately appealable in that it affected the substantial right of the party to have an attorney of one's choosing]). This interest involves the analysis set forth in *Townsend, supra*, and the more common interests set forth in *Hagood*. It can not be more "unfair" for a party to pay ("or here not pay") for an attorney, than for an opposing counsel to fight the wrongful conduct of an attorney violating attorney client interests of Alice Shaw-Baker.¹

¹ *Hagood* provides disqualification was improper when:
“(1) the importance of the party’s right to counsel of his choice in an adversarial system;
(2) the importance of the attorney-client relationship, which demands a confidential, trusting relationship that often develops over time;
(3) the unfairness in requiring a party to pay another attorney to become familiar with a case and repeat preparatory actions already completed by the preferred attorney; and
(4) an appeal after final judgment would not adequately protect a party's interests

Therefore, Petitioners also have an immediate need for meaningful appellate review in cases denying Motions to Disqualify Court Appointed Counsel, and any other outcome creates an unfair prejudice and violation of equal protection.

In cases involving the elderly and/or disabled, financial and physical abuse is rampant. It is alleged that Alice Shaw Baker was subjected to the worse form of this abuse in this case--by both Respondents and Respondent Attorney Peter Kouten who was duty bound to protect the interests of Alice Shaw Baker in his role as Court Appointed Attorney/visitor/guardian ad litem, Peter Kouten. However, without direct review of denial of motions for disqualification and continued support for lower courts to fulfill their duty to disqualify errant attorneys, this abuse will go unrecognized and perpetuate further damages for this vulnerable population.

This case is an ideal vehicle to resolve and clarify pressing and persistent questions related to: 1) the application of *EnerSys Delaware, Inc. v. Hopkins*, 401 S.C.615, 619, 738 S.E. 2d 478, 480 (2013) in cases like petitioners where abuse is alleged by Court Appointed Counsel and immediate review is necessary to prevent the loss of substantial rights by petitioners, and also 2) to clarify its position regarding the duty of lower courts to remove Court Appointed Attorneys who have put their own professional and financial position above that of their wards-- this most vulnerable group, the Elderly, disabled, and incapacitated.

Explicit policies regarding attorneys' duty to their clients is changing precedent in courts across the nation. Recently, California held that "counsel for an elderly person

because it would be difficult or impossible for a litigant or an appellate court to ascertain whether prejudice resulted from the lack of a preferred attorney."
(*Id* at 197, 607 S.E.2d at 710)

suffering from dementia must safeguard the well being of the person and his or her financial resources." The court further explained that surcharge and referral to the State Bar for an attorney/trustee is appropriate, when "counsel put his own financial interests ahead of the interests of his client." The Court of Appeal in *Conservatorship of Moore*, ___ Cal.App. ___, (2nd District, Div. 6, 9/30/15, *1)", affirmed : "We agree with the probate court's ruling and its rationale.² **We commend it.**" (*Moore, supra, *1*, emphasis added) This changes the view of attorneys who deal with the elderly mandate changes that preclude attorneys from using their court appointed position as a stepping stone to represent adverse interests and line their pockets.

South Carolina's prior decision in *EnerSys Delaware, Inc., supra*, which held that denial of a motion to disqualify an attorney is not immediately appealable, has the effect of undermining and interfering with the far reaching changes meant to protect the elderly. While Respondents choose to distinguish between the interests of minors and the elderly, the language and analysis in *Townsend v. Townsend*, 323 S.C. 309, 474S.E. 2d 424 (1996) do not support such a distinction, nor do principles governing ethical considerations regarding adverse representation by attorneys of their clients. Both of these groups are generally unable to advocate on their own behalf and intervention is necessary.

² The probate court went even further and acknowledged that the attorney "was predominately fighting for his own economic interest, and was not fighting for [his client's] rights." (*Moore, supra, *5*)
Here, Petitioners contends that Peter Kouten continues to put his own "economic interests" before the duty owed to Alice Shaw Baker. Even his involvement of Law School associate, W. Westbrook Wills , did not decrease his involvement. Mr. Wills has been relegated to copying the briefing done by Kouten, while Kouten continues to argue the case. Petitioners believe Reversal of the Order of dismissal is necessary to look at the facts of this case, on a case by case review, to ensure that attorneys representing adverse interests are not given preference to continue in their path of destruction against their former clients (as here Alice Shaw Baker).

Petitioners believe after reviewing the analysis of this Petition for Certiorari, the court must reverse the Order of Dismissal and evaluate the conflict between *EnerSys Delaware, supra* and *Townsend, supra*. In reversing this Order, the Court will also be able to evaluate issues related to the improper consent order and ex parte communication by Respondents with the lower court. This type of review will provide a perfect opportunity to ensure clarity by the Judiciary and Bar of these important ethical issues.

Petitioners pray that this Court reverse the July 15, 2015 dismissal of Petitioners' Appeal and the Circuit Court's Consent Order, Form 4 Judgments dated February 4, 2014 and May 7, 2014. (App, 12, 8, and 9, respectively).

STANDARD OF REVIEW

It is well settled that this court is free to decide questions of law with no particular deference to the lower court. *See* S.C. Const. art. V, §§ 5 and 9; S.C.Code Ann. §§ 14-3-320 and -330 (1976 & Supp.1999); S.C.Code Ann. § 14-8-200 (Supp.1999) (granting Supreme Court and Court of Appeals the jurisdiction to correct errors of law in both law and equity actions); *I'On v. Town of Mt. Pleasant*, 338 S.C. 406, 526 S.E.2d 716 (2000.)

Rule 242, SCACR specifically addresses the types of cases that this Supreme Court will generally consider:

- (1) Where there are novel questions of law.
- (2) Where there is a dissent in the decision of the Court of Appeals.
- (3) Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.
- (4) Where substantial constitutional issues are directly involved.

(5) Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court."

This case meets this Court's requirement under Rule 242, SCACR for consideration. It is novel, in that it raises the specific concerns for the elder and the conflicts among the cases. While both cases are Supreme Court cases, it raises constitutional and public policy issues which mandate clarity and are in direct conflict.

In fact, the Circuit Court ignored the basic principles precluding continued representation when non-waivable conflicts of interests exist in cases involving Court Appointed Attorney/visitors/guardian ad litem. In doing so, the Circuit Court gave Attorney Peter Kouten imprimatur to put his own economic interests above his wards and to ignore the desires of Alice Shaw Baker's heart that her monies be used for the benefit of animal charities. Further, it deprives seniors of the same rights and benefits provides to minors represented by counsel.

The Court of Appeals avoided the argument entirely, blindly following the decision in *EnerSys Delaware, Inc., supra*, without assessing that said analysis gave preferential treatment to Attorney Kouten over the best interest of Alice Shaw Baker, her estate, and those fighting for her. The Order of Dismissal allows continued representation and prevents proper oversight or revelation into Attorney Kouten's wrongdoing, and Respondents gain the advantage.

//

STATEMENT OF THE CASE

A. *Procedural History*

On or about April 27, 2009, Petitioners filed the Verified Complaint and Addendum to Petition for Formal Testacy and Appointment on or about April 27, 2009. (App. 16)

After the filing of this petition, Petitioners filed an appeal regarding preliminary issues in the case. In said Appeal, Petitioners raised the issue of conflict, although the court denied the motion, it ruled:

“This decision, however, is limited to the proceeding in this court and **is without prejudice to Appellants to raise their concerns and move for relief under appropriate circumstances in either the probate court or the circuit court.**” (App. 10, Court of Appeals March 4, 2011 Order, p. 2, emphasis added).

Therefore, upon return to the circuit court, Petitioners filed their *Motion to Disqualify and Remove Opposing Counsel Peter Kouten due to Non-Waiveable Conflict of Interest* at the first opportunity on August 1, 2012. (App. 49)

Attorney Kouten filed his *Memorandum Opposing Disqualification and Removal of Counsel* on November 12, 2012. (App. 72)

New counsel W. Westbrook Wills filed a notice of appearance, however Attorney Kouten continues to appear, file documents as counsel for Respondents, and argue at the hearings. Appellants filed *Objections and Oppositions to Notice of Appearance filed by counsel W. Westbrook Wills* on [October 4, 2013, Not August], due to the procedural deficits. Instead of filing the documents correctly, Respondents filed a *Consent Order substituting W. Westbrook Wills* on October 14,

2013. (App. 5) This document was presented to the court ex parte and not served on Appellants until after the court signed the consent order. (App. 7) Still, Attorney Kouten continued to appear at the hearings and file the motions, contrary to the order. (App. 225) Respondents manipulate rather than communicate truth.

The court denied the *Motion to Disqualify* by Form 4-Judgment in a Civil Case filed February 4, 2014. (App. 8)

Thereafter, Appellants filed their *Motion to Reconsider, Alter, Amend, and Vacate February 10, 2014 [sic, February 4, 2014] Order Denying Motion To Disqualify and Remove Opposing Counsel Peter Kouten due to Non-Waiveable Conflict of Interest; Memorandum of Law; Affidavit of Lisa Fisher* on February 18, 2014. (App. 80)

The court did not set this matter for hearing, instead denying said motion as a matter of course and pursuant to Form 4-Judgment in a Civil Case filed May 7, 2014. (App. 9)

On or about June 10, 2014, Petitioners filed their Notice of Appeal. (App. 113)

On November 20, 2014, Petitioners filed their final brief. Respondents failed to file any initial or final briefing.

On or about July 15, 2015, the Court of Appeal dismissed Petitioners' Appeals ruling per curiam:

"Betty and Lisa Fisher appeal circuit court orders denying their motion to disqualify attorney Peter Kouten and a consent order substituting counsel. Because the orders are not immediately appealable, we dismiss this appeal. See *EnerSys Delaware, Inc. v. Hopkins*, 401 S.C. 615, 619, 738 S.E.2d 478, 480 (2013) (holding an order denying a motion

to disqualify an attorney is not immediately appealable.)
DISMISSED." (App. 12-13)

On or about July 29, 2015, Petitioners filed their Petition for Rehearing.
(App. 118)

Despite the fact that neither Counsel Peter Kouten or W. Westbrook
Wills filed any briefing in the underlying appeal, they both filed separately,
essentially the same Return to Petitioners' Petition for Rehearing.(App. 130 and
App. 141)

Petitioners filed their Reply to Dual Returns of Respondents to Petition
for Rehearing on August 18, 2015. (App. 153)

On or about September 17, 2015, The Court of Appeals denied
Petitioners petition for rehearing. (App. 14)

Petitioners file this Petition for Writ of Certiorari to address the errors of
the Court of Appeal in dismissing their Appeal and in denying the Petition for
Rehearing.

B. *Factual History*

Alice Shaw Baker had long been an important member of South
Carolina's community. She was a member in good standing of her church. She
volunteered her time rescuing animals. She had devoted her life to caring for
animals and supporting animal charities. (App.21)

She was born August 14, 1929 in San Francisco, California. Ms. Shaw-
Baker was enlisted in the United States Navy for four years and, during her
enlistment, stationed in Charleston, South Carolina. (App. 19-20)

Thereafter, Petitioners allege that Ms. Shaw-Baker worked for Charleston Memorial Hospital for approximately twenty years until her retirement. Petitioners contend that Respondents Huckabee, Slade, and Byrd worked for Ms. Shaw Baker at Charleston Memorial Hospital, and used their working relationship with Ms. Shaw Baker to gain information about her private life, her finances, and her estate plan. Furthermore, Respondents used this information to gain control over Ms. Shaw Baker's mind and her will, and to interfere with the known estate plan that Ms. Shaw Baker had established for the benefit and protection of animals. Also, Petitioners alleged that Respondents falsely claimed that Slade owned an animal rescue in their effort to deceive Ms. Shaw Baker. (App. 19-24)

During these proceedings, the probate court appointed Respondent Attorney Peter Kouten as Court Appointed Counsel, Guardian Ad litem, and visitor to Alice Shaw Baker in the Conservatorship proceedings. However, Ms. Shaw Baker agreed to the appointment of her great niece Lisa Fisher as conservator/guardian in October 2008. (App. 25-27)

Thereafter, Petitioners allege that Respondent Kouten dually represented the other Respondents while Alice Shaw Baker was still alive and at her home, **and not merely after her death**. These actions are alleged to be in violation of Rules of Professional Conduct and were actions that were adverse to the wishes of Ms. Shaw Baker. These actions were discovered after Alice Shaw Baker's death, and brought to this court's attention at the earliest opportunity, in an early appeal.

Petitioners have taken said action, and ask the court to consider the evidence in Exhibits A through Q which demonstrate the dual representation of Attorney Kouten and his access to confidential information of Alice Shaw Baker,

and mandate his disqualification and immediate removal. These exhibits include expert declarations from Attorney Mark W. Hardee discussing duties owed Alice Shaw Baker.

ARGUMENT

I.

THE SOUTH CAROLINA COURT OF APPEAL ERRED BY RELYING ON THE LANGUAGE OF ENERSYS DELAWARE IN DISMISSING PETITIONERS' APPEAL, WHEN IT DIRECTLY CONFLICTS WITH THE PRECEDENT IN TOWNSEND AND PREVENTS MEANINGFUL REVIEW OF COURT APPOINTED COUNSEL'S WRONGDOING AND ADVERSE REPRESENTATION.

The Court of Appeals' dismissal of Petitioners' Appeal demonstrates that it failed to scrutinize the inexplicable conflict generated by the differing analysis between *EnerSys Delaware, Inc.*, *supra*, and *Townsend, supra*. In so doing, the most vulnerable populations— the elderly and disabled— will be deprived of important policy and legal analysis in *Townsend, supra*.³ The *Townsend* case becomes a nullity and court appointed attorneys gain a free pass as they are enabled to use the probate court as a network for business, while undermining the solemn duty owed to the disadvantaged involved in these very protective proceedings, wherein guardians ad litem are appointed. Dismissal of Petitioners' case necessarily impairs *Townsend, supra*, in favor of the holding of *EnerSys Delaware, supra*, without analysis of the harmful effects on this vulnerable population, and more specifically upon Alice Shaw Baker.

³ It is often the function of the courts by their judgments to establish public policy where none on the subject exists..." (See *Page v. Winter*, 240 S.C. 516, 126 S.E. 2d 570 (1962).)

Moreover, analysis of the judgments in the Circuit Court demonstrate that a lower court can avoid meaningful review by merely filing form judgments. The seriousness of the allegations against Attorney Kouten was not even considered by the court in its form judgments. (App. 8-9) On its face, the lower court's decision demonstrated an abuse of discretion, because the ruling denying disqualification lacks evidentiary support and is controlled by an error of law (See *Patel v. Patel*, 359 S.C. 515, 529, 599 S.E.2d 114, 121 (2004).) This is further supported by the court's decision in *Simpson v. Simpson*, 377 S.C. 519, 660 S.E. 2d 274 (2008) which explains that "A judge's impartiality might reasonably be questioned when his [or her] factual findings are not supported by the record. So the lower court's issuance of orders without meaningful review also demonstrates an unwillingness to take the *Townsend* declaration of duty seriously, instead allowing for *continued* misconduct by Respondent.

Since both *EnerSys Delaware Inc, supra.* and *Townsend, supra.* are Supreme Court cases, there conflict is significant in that Alice Shaw Baker's case demonstrates the far reaching consequences parties will suffer when the "exceptions"⁴ for the court to hear interlocutory matters are seriously impaired.

⁴ These, exceptions include the right to immediate appeal of interlocutory orders. which affects a substantial right, and either in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues an action, is immediately appealable under § 14-3-330(2)(a). Cases have found that the right of the plaintiff to choose her defendant is a substantial right within the meaning of this subsection. (Cf. *Chester v. South Carolina Dep't of Pub. Safety*, 388 S.C. 343, 698 S.E.2d 559 (2010) [on appeal from order requiring plaintiff to join parties as defendants, Court recognized common law right of tort plaintiff to choose her defendant]); see also *Hagood, supra* [order disqualifying party's chosen attorney is immediately appealable under § 14-3-330(2)]. In this case, immediate appeal is needed to prevent an unintended estoppel in the future and gross prejudice to Petitioners now. It is insufficient for a court to say that any "ostensible danger [to a fair trial] can be redressed equally after trial as

Both the fairness of trial and the public policy considerations of the elderly and disabled become victims of conflicting legal rationales.

II.

THE ORDER OF DISMISSAL IS MANIFESTLY UNJUST AND VIOLATES EQUAL PROTECTIONS, DUE PROCESS AND PUBLIC POLICY BY ALLOWING A COURT APPOINTED ATTORNEY THE ABILITY TO CONTINUE TO ACT ADVERSELY AGAINST ALICE SHAW BAKER WITHOUT ANY FACTUAL ANALYSIS SUPPORTING SUCH A DECISION.

The decision in *EnerSys Delaware, supra*, distinguished the issue of a “substantial right” when granting a motion for disqualification of an attorney, as opposed to denying the motion. Further, it narrows the precedent of *Hagood, supra*, which allowed for immediate appeals, as long as a substantial right was involved.

The rationale of *Hagood, supra*, supports a finding of a “substantial right” with regard to the elderly and vulnerable population, even upon their death, because without such a finding, it taints the essence of the attorney client relationship and the entirety of the guardianship/conservatorship process if a court appointed attorney is able to transform his appointments into future retainers. It

through an immediate appeal”, as in *Hagood, supra*. Here, Petitioners are forced to expend funds to seek disqualification of an attorney (in guardian ad litem capacity) who represented his ward and now has access to confidential information. By denying the motion for disqualification, the policy protections of the elderly and disabled are thwarted, as a court appointed attorney is allowed to use the probate court as “rain maker” for his own future business Prospects. Finally, Without careful consideration of this Appeal, questions are raised Whether this Court would find that Petitioners waived or are estopped from any Objection they may make at Trial. Based on the rationale in *EnerSys Delaware, supra*, it would --as public policy issues are lost in the success or failure outlined by any jury decision. The rationale behind the policy of *Hagood, supra*, applies to this case, but with a reverse outcome--disqualification must be mandated.

can't pass the "smell" test—its rotten from the core. It is incestuous as it creates a culture of questionable representation, with none of the safeguards owed to the ward, as guardian ad litem versus attorney-client relationship, but with all of the opportunities for future employment without the incumbent court supervision.

While the court considers in *EnerSys, supra*, that there is unfairness in forcing a litigant to pay another attorney to or to have an attorney of his choice, the same unfairness occurs in cases where motions are denied. Parties who know that counsel is supporting an adverse interest is treated differently, because they can't have meaningful review under *EnerSys Delaware, supra*. that can be seen in this case. Petitioners are forced to incur attorney fees and costs associated with a case meant to safeguard Alice Shaw Baker, and in so doing they have to wait until after trial to see if the prior information obtained from a court appointed attorney implicates his immediate withdrawal. This fails to benefit judicial economy and burdens Petitioners. This constitutes a violation of due process,⁵ equal protection,⁶ and public policy in the State of South Carolina.

Further, what does it say that in *Townsend, supra*, the court found a duty of the court to disqualify the attorney sua sponte. Such an inconsistent policy undermines the stated duties of the court, while undoing the benefits for the wards, elderly, and disabled. To have a policy that litigants will have to wait for relief until after trial will have devastating implications on this vulnerable population. If

⁵ U.S. Const., amend. V; U.S. Const. amend XIV; S.C. Const., Art. 1, sct. 3. See *S.C. Dep't of Soc. Servs. v. Beeks*, 325 S.C. 243, 246, 481 S.E. 2d 703, 705 (1997), the fundamental requirement of due process is the opportunity to be heard of a meaningful manner.

⁶ U.S. Const., amend. XIV, § 1

allowed to stand, this Court's opinion will manifest an inherent and fundamental prejudice for vulnerable populations.⁷

Finally, Petitioners' motion and appeal were tantamount to a request for an injunction against Attorney Kouten, which is well established as subject to immediate appeal. (See S. C. Code Ann. § 14-3-330(4), [immediate appeals when refusing injunction]; see also *Williams v. Northwestern Sec. Life Inc. Co.*, 307 S.C. 462 (1992), emphasis added.) The failure of the court to grant the motion for disqualification against Attorney Kouten creates separate tiers of justice for those most vulnerable, the elderly and disabled, who do not obtain the same protection of their interests, even though under *Townsend, supra*, the court itself has a duty to sua sponte disqualify an attorney who was a guardian ad litem.

**IV.
OTHER ISSUES RELATED TO THE APPEAL SHOULD BE CONSIDERED
IF AND WHEN THIS COURT GRANTS CERTIORARI**

Due to its decision dismissing the case, the Court of Appeals did not address or decide the remaining issues raised by Petitioners ("Petitioners" in the Court of Appeals).

For purposes of this Petition, Petitioners respectfully request that the Court should grant the writ of certiorari, reverse the Court of Appeals as to the dismissal, and address the remaining issues without remand to the Court of Appeals. If the

⁷ Equal Protection requires "all persons to be treated alike under like circumstances and conditions, both in privileges conferred and liabilities imposed. (See *GTE Sprint Commcn's Corp v. Pub. Serv. Comm'n of South Carolina*, 288 S.C. 174, 181, 341 S.ED. 2d 126, 129 (1986); U.S. Const. Amend. XIV, § 1, S.C. Const. Art. I, § 3.)

Petition is granted, Petitioners will brief the remaining issues as directed by the Court.

CONCLUSION

Based on the foregoing, Petitioners request that a certiorari be issued to review the Court of Appeals' Order of Dismissal, and to allow Alice Shaw Baker's estate to obtain meaningful review.

Petitioners submit the Court of Appeals decision must be reversed, and Attorney Kouten must be disqualified, and that the Consent order for Substitution of Counsel dated October 10, 2013 and to preserve the issue related to the order filed on October 14, 2013 and analyze that it is void for lack of notice and ex parte communication with the court; and precluding W. Westbrook Wills from proceeding in light of the association with Attorney Kouten.

RESPECTFULLY SUBMITTED,

JOHN HUGHES COOPER, P.C.

By: 

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October 19, 2015

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

RECEIVED

OCT 21 2015

J.C. Nicholson, Jr., Circuit Court Judge **SC Court of Appeals**

Appellate Case No. 2014-001267
Circuit Case No. 2009-CP-10-3010

In the matter of ALICE SHAW BAKER.

BETTY FISHER and LISA FISHER.....Appellants

v.

BESSIE HUCKABEE, KAY PASSAILAGUE SLADE, SANDRA BYRD, and HENRY
MCMASTER, in his Capacity as Attorney General of South Carolina, Defendants

Of whom BESSIE HUCKABEE, KAY PASSAILAGUE SLADE, and SANDRA BYRD are
the.....Respondents

PROOF OF SERVICE

I certify that I have served the **Appellants' Petition for a Writ of Certiorari** upon
Respondents and upon the Attorney General by depositing a copy of it in the United States Mail,
postage prepaid, on October 19, 2015, addressed as follows:

Hon. Mary Frances Jowers, Assistant Attorney General
P.O. Box 11549
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(By email)

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October 19, 2015

RESPECTFULLY SUBMITTED,

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