

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

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May 11, 2017

VIA HAND-DELIVERY

J. Hugh Ryan, III
Deputy Director and General Counsel
South Carolina commission on Indigent Defense
P O Box 11433
Columbia, SC 29211-1433

RECEIVED
MAY 15 2017
S.C. SUPREME COURT

Dear Hugh:

Enclosed you will find another copy of the expense report initially mailed to you, a copy of the new corrected report with the line items that were corrected highlighted in yellow and an unmarked copy of the correct report as well. As you can see, this brought my total expenses down from \$2,647.16 to \$2,293.80, a difference of \$353.36. There were a few actual mistakes, some of which went your way and some that went mine. The biggest error was easy to understand. We virtually always claim the plan special rate for Westlaw because it is cheaper than their "standard rate" for folks without a plan. Once in a great while it works out cheaper to use the "standard rate" if I have not done a lot of research for other clients that month. This case had one of those rare situations and the paralegal who compiled the bill did not catch it. Apparently, I didn't catch it either the first time. That was the main thing that changed the bottom line; the difference on that one change was \$297.40.

I am enclosing a letter that was attached to my copy of your last letter to the Supreme Court. I can only assume you were reviewing that letter in reference to my billing in this case. FYI, I *did not* request reimbursement for any paralegal expenses in this case. I provided my paralegals time sheets to demonstrate that there was a good bit of paralegal time expended in this case, but it indicates that there was *no charge* for that time. Likewise, as my Westlaw bills reflect, I *paid* Anne Pearce, Esquire, to do some research for me on this case. I have not provided any time records for her, but I didn't bill for it either.

Hugh, when reviewing this bill, please keep in mind that I represented this client for over 7 years. This case involved an appeal by the State and our cross-appeal. Certiorari petitions and subsequent briefs were filed *twice*; once in the Court of Appeals and then in the Supreme Court. Actually cert petitions were originally filed in the Supreme Court, then the case was transferred to the Court of Appeal. Cert was granted, briefs were filed and the case was orally argued in that Court. After I won in the Court of Appeals, the State appealed back to the Supreme Court. Once again, certiorari petitions were filed, cert was granted, briefs were filed, and the case was orally argued in the Supreme Court. I ultimately won *again*.

J. Hugh Ryan, III
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I will look forward to hearing from you soon. I would very much appreciate getting paid in this matter as soon as possible. Thank you very much. For now, I remain,

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tara". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sm

Enclosures

cc: The Honorable Daniel E. Shearouse
Clerk of Court, Supreme Court of South Carolina (w/enclosures via U.S. Mail)

LAW OFFICE OF



EXHIBIT A

RECEIVED

MAY 15 2017 TARA DAWN SHURLING, PA

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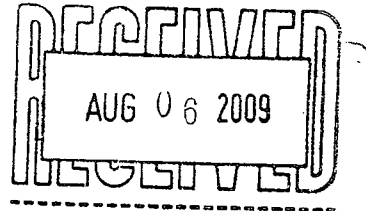
E-Mail: tdslaw@shurlinglaw.com

S.C. SUPREME COURT

Jeremy A. Thompson

Associate Attorney

August 5, 2009



The Honorable Kaye G. Hearn
Post Office Box 438
Conway, SC 29528

RE: Titus Williams, Jr. 189883, v. State of South Carolina; 2004-CP-46-01499.

Dear Judge Hearn:

Please find enclosed my SCCID Voucher and timesheets in the above captioned PCR appeal. I also enclose a copy of my Order of Appointment. I incurred some expenses in this case and have enclosed a proposed order for your review. I have requested payment for a small amount of paralegal time. None of this time was for secretarial or administrative time. I have only claimed time for the paralegal compiling the appendix materials, formatting and numbering the pages and drafting the index with reference to the Appendix page numbers.

To be candid with the Court, SCCID policies say that they will not pay for paralegals. I take the position that the authority given to the bench by § 17-3-50 (B) and (C) is not superseded by SCCID policy. If my paralegal had not performed these services, I would have had to do it myself and that would have cost them more both because my rate per hour is slightly higher and because I am much slower at these sorts of tasks. In the past, SCCID has paid me for paralegal time when the expense was expressly approved by Court order many times. Recently however, they have chosen to fight payment for paralegal expenses on the theory that a judge can't order the payment of expenses that their administrative policies say they will not pay. I also note that ~~my office did not get an order approving~~ paralegal expenses in advance. The Supreme Court's order appointing me does, however, expressly say that I should be paid for any transcripts required and for copies of the appendix, petition and briefs. I would take the position that the small amount of paralegal expense claimed was part of the cost for producing these items. Again, *just to be perfectly clear*, I have not asked to be reimbursed for the hours of secretarial time that went into typing the legal documents in this case.

No appellate court has had the occasion to rule on the issue of whether SCCID policies ever override the decisions of the presiding judge concerning what expenses are necessary and appropriate on the facts of a given case. On a related issue, SCCID policies also say that the vouchers of court-appointed lawyers have to be submitted to them within thirty (30) days of the last action on the file. I very seldom am able to even get the bill out to the judge within thirty days much less, back from the judge and to

The Honorable Kaye G. Hearn

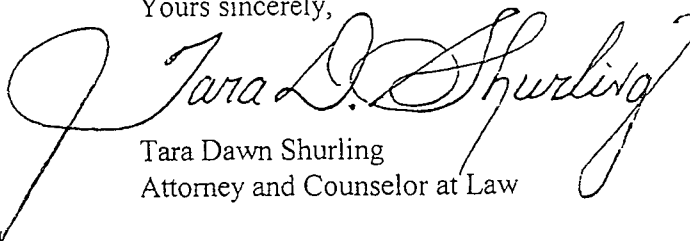
August 5, 2009

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SCCID within thirty days. Fortunately, in every case where the Circuit Court approved payment of my bill outside the 30 days, the bills were paid. In two cases where SCCID fought paying two of my vouchers for court-appointed *appeals* because the bills were submitted for approval months after the time limits set by their policies, *the Supreme Court ordered that I be paid*. So, I can only assume that in that situation at least, the Supreme Court was comfortable that they had the authority to override SCCID policy.

Obviously, the Chief Justice's memoranda on the subject of SCCID bills allow for Your Honor to have a hearing and seek impute from SCCID concerning my fees or expenses if you feel such a hearing is necessary. I hope that my time and expense records are sufficiently clear that you do not feel such a hearing to be necessary. If however, you would like to have a hearing on either my fees or the expenses I am claiming, I will make myself available at the convenience of the Court. I have provided you with detailed orders in case you felt comfortable making a decision without a hearing. If these Orders meet with your approval would you please sign and return in the enclosed self-addressed, stamped envelope? For now, I remain,

Yours sincerely,



Tara Dawn Shurling
Attorney and Counselor at Law

TDS/ts

Enclosures

cc: Hugh Ryan, Esquire
Deputy Director and General Counsel SCCID

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

IN THE SOUTH CAROLINA COURT OF APPEALS

TITUS WILLIAMS, JR., 189883,)
)
APPLICANT,)
)
v.)
)
THE STATE,)
)
RESPONDENT.)
)
_____)

ORDER FOR PAYMENT OF FEES

2004-CP-46-01499

The Petitioner in the above-captioned Post-Conviction Relief appeal is an indigent who was represented by court-appointed counsel, Tara Dawn Shurling. Counsel has requested that this Court authorize payment of her fees in this matter. Counsel has acknowledged that it has been more than thirty (30) days since her last action in this case in June, 2009. She has advised this Court however, that there has been no previous billing for her services rendered in this case. Inasmuch as Counsel clearly provided the services claimed, this Court now orders that her bill for legal fees be paid by SCCID upon submission.

Counsel has claimed fees totaling in excess of the \$1,000.00 fee cap set by SCCID for PCR matters. This case involved judgments for distribution of crack cocaine and distribution of crack cocaine within proximity of a school. The Petitioner is serving an aggregate sentence of 30 years for these convictions. The Petitioner raised numerous allegations of ineffective assistance of counsel in his PCR action and from which Counsel selected, prepared and presented four issues on appeals. Counsel prepared a thorough Petition for Writ of Certiorari in this matter and filed a Petition for Rehearing on behalf of this client after the decision of this Court was entered. In addition, after the Petition for Rehearing was denied, Counsel had to spend time explaining the application of recent Supreme Court of South Carolina decisions to the Petitioner which had the effect of barring him from appealing the decision of this Court to the Supreme Court. Having reviewed the detailed time records kept by court-appointed counsel in the above captioned matter, I now find, pursuant to §17-3-50 (C), that the services provided in this case were reasonable and that the time spent by Counsel on this case was necessary to provide the Applicant with effective assistance of counsel. Accordingly, I find that Counsel should be paid for 47.90 hours out-of-court and 00.00 hours in-court for a total of \$1,916.00.

IT IS SO ORDERED.

Kaye G. Hearn
Chief Judge
South Carolina Court of Appeals

nunc pro tunc
Date of Appointment 08/20/07