

IN RE: CASE CAPTIONED BY APPELLANT AS FOLLOWS:

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
DEC 01 2017
SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Eleventh Judicial Circuit

South Carolina Bar Resolution of Fee Disputes Board

Appeal From
Final Decision of South Carolina Bar Resolution of Fee Disputes Board

Joe Thomas Davis,.....Appellant,

v.

South Carolina Bar Resolution of Fee Disputes Board, Rebecca West, Sandra Parker, Lex
A. Rogerson, Jr., Huntley Crouch,.....Respondents.

MOTION TO DISMISS

Appellant filed a Notice of Appeal from the Final Decision of the Resolution of
Fee Disputes Board of the South Carolina Bar, dated October 25, 2017.

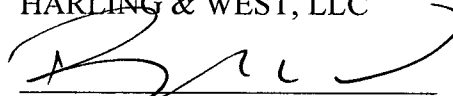
An appeal of a final decision of the Resolution of Fee Disputes Board (hereinafter
“Board”) must be filed with the “circuit court in the county where the principal place of
practice of the attorney is located.” Rule 416, Rule 20(a), SCACR.

The Appellant filed the Notice of Appeal with the South Carolina Court of
Appeals rather than the Lexington County Circuit Court.

Therefore, the appeal must be dismissed.

HW

HARLING & WEST, LLC



Rebecca West

Respondent

203 West Main Street, Suite B

Post Office Box 2485

Lexington, South Carolina 29071

(t) (803) 957-0889/ (f) 800-762-4915

rwest@harlingandwest.com

November 30, 2017

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Eleventh Judicial Circuit Court

South Carolina Bar Resolution of Fee Disputes Board

APPEAL FROM

Final Decision of South Carolina Bar Resolution of Fee Disputes Board

Joe Thomas DavisAppellant,

v.

South Carolina Bar Resolution of Fee Disputes Board, Rebecca West, Sandra Parker, Lex A.
Rogerson, Jr., Huntley CrouchRespondents.

NOTICE OF APPEAL

I, Joe Thomas Davis, hereby move before this honorable Court, to appeal the Final Decision of the Resolution of Fee Disputes Board of the South Carolina Bar, dated October 25, 2017 and received on October 27, 2017;

Davis is informed and believes, the final decision was procured by corruption, fraud, or other undue means, as defined by Rule 416, SCACR, Rule 20. Subsequent to the Courts opinion in Kores Nordie, Rule 416 was amended to provide for a limited right of appeal to the circuit court. The rule (Rule 20 within SCACR Rule 416) provides that a party may appeal a final decision of the Board to the circuit court on certain limited grounds. As such, Davis is informed and believes that this court has appellate jurisdiction to review such matters;

Davis retained West in August 2016 to advise him in certain legal matters. He paid West for her services. According to Davis, West failed to perform the work and refused to return the fee. David filed an application with the Resolution of Fee Disputes Board of the South Carolina Bar (Board).

In compliance with Rule 416, SCACR, the matter was referred to the circuit chair and assigned to an investigator. An investigation was conducted, and on or about October 25, 2017,

a letter was sent to Michelle Dennis of South Carolina Bar from Rogerson with the report of assigned member Sandra Parker. The investigation yielded a recommendation that West return a portion of the retainer to Davis. The letter further states that West had previously refunded Mr. Davis and "no additional refund be due to Mr. Davis from Ms. West". Rogerson also specifically extended his explanation to include that "Ms. West refunded Mr. Davis the unearned portion of the retainer paid" in the amount of One Thousand Three Hundred Forty-Seven Dollars and Ninety One Cents (\$1,347.91). Ms. West did issue Mr. Davis a check in this amount on August 10, 2016, however Mr. Davis was unsatisfied with the amount returned and did not deposit the check, informing Ms. West (and later the assigned board investigating attorneys) of the same. West then begrudgingly forwarded, in an email, Mr. Davis the application and information to file a report with the South Carolina Bar Resolution of Fee Disputes Board. No further action was taken towards resolving the dispute of the un-refunded amount on Ms. West's behalf. All parties were informed during the investigation that the check had not been deposited and notated that the check had expired. Additionally, in accordance with West's financial banking institutions rules and regulations of their Commercial Bank Services Policy, Paragraph 16, Titled STALE ITEMS,

"The Bank will not and (is not obligated) to pay items drawn on any account which are presented more than six (6) months after their date."

The check that was issued to Davis over Six (6) months ago, is registered in the financial institution's system as null and void and the check has expired. As such, no refund was ever paid to Mr. Davis by Ms. West, as Mr. Rogerson states in his letter to Michelle Dennis.

Additionally, Davis is informed and believes that the South Carolina Bar Resolution of Fee Disputes Board did not adequately investigate the matters initially reported, as there were multiple discrepancies throughout the *Statement of Services Rendered* that were **not** properly investigated. Had a proper investigation occurred, it would have been discovered that there were a multitude of hours that were documented by West as client meetings and phone calls that did not take place, or, if they did, the time billed was often fraudulently doubled or tripled on the statements. There are documented correspondence, specifically emails, that were never sent or received by Ms. West to Mr. Davis, and extensive fees fraudulently applied for the same. Additionally, Davis was quoted amounts for additional costs for services, and then, without his knowledge or further consent, was charged double or triple the originally agreed upon amount. All of which, would have been straightforwardly discoverable, had a proper investigation taken place.

Respectfully Submitted,



Joe Thomas Davis
2473 Catalina Blvd
North, SC 29112
(803) 240-6869

PROOF OF SERVICE

I certify that pursuant to SCRAP 203(d)(1)(B), I have filed a copy of the Notice of Appeal and proof of service upon the Defendants/Respondents with the Clerk of the South Carolina Court of Appeals, by depositing a copy of it in an envelope via the United States First Class Mail on November 27, 2017 addressed to:

The Honorable Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

and by sending a copy of the same addressed to the Lexington County Clerk of Court as follows:

Eleventh Judicial Circuit Court, Lexington County
Lexington County Courthouse
205 East Main Street
Lexington, SC, 29072

and the Respondents as follows:

South Carolina Bar Resolution of Fee Disputes Board
P.O. Box 608
Columbia, SC 29202

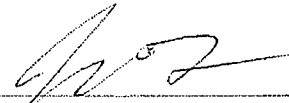
Rebecca West
203 West Main Street, Suite B
Lexington, SC 29071

Sandra Parker
218 E. Main Street
Lexington, SC 29072

Lex A. Rogerson, Jr.
Attorney at Law
P.O. Box 365

Lexington, SC 29071

Huntley Crouch
605 E. Main Street
Lexington, SC 29072



Joe Thomas Davis
2473 Catalina Blvd
North, SC 29112
(803) 240-6869
JoeDavis5310@gmail.com
APPELLANT

SWORN to before me this _____
day of _____ 20 _____

Notary Public for South Carolina
My Commission Expires: _____

November ____, 2017

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A. Rogerson, Jr., Huntley Crouch,.....Respondents.

PROOF OF SERVICE

I certify that I have served the MOTION TO DISMISS upon the following
individuals by depositing a copy of it in the United States Mail, postage pre-paid, on
November 30, 2017, addressed as follows:

Mr. Joe Thomas Davis
2473 Catalina Blvd.
North SC 29112

Michelle Dennis
South Carolina Bar
PO Box 608
Columbia, South Carolina 29202

Sandra Dooley Parker, Esquire
218 E. Main Street
Lexington, South Carolina 29072

1
pw

Lex A. Rogerson, Jr., Esquire
PO Box 365
Lexington, South Carolina 29071

Huntley Smith Crouch, Esquire
605 E. Main Street
Lexington, South Carolina 29072

HARLING & WEST, LLC



Rebecca West

Respondent

203 West Main Street, Suite B

Post Office Box 2485

Lexington, South Carolina 29071

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Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Joe Thomas Davis v. South Carolina Bar Resolution of Fee Disputes Board,
Rebecca West, Sandra Parker, Lex A. Rogerson, Jr., Huntley Crouch


Dear Ms. Kitchings:

Enclosed, please find the original and six (6) copies of the Motion to Dismiss, together with the Proof of Service in the above-referenced matter. I have also enclosed a filing fee check for \$25.00.

Mr. Davis served the Notice of Appeal on me on November 28, 2017, and I do not have an appellate case number. Therefore, I am attaching a copy of the Notice of Appeal for reference.

Should you have any questions, please do not hesitate to contact me.

Sincerely,
HARLING & WEST, LLC



Rebecca West
Fellow, American Academy of Matrimonial Lawyers

cc: Joe Thomas Davis
Michelle Dennis, South Carolina Bar
Sandra Dcoley Parker, Esquire
Lex A. Rogerson, Jr., Esquire
Huntley Smith Crouch, Esquire

h/w
HARLING | WEST
ATTORNEYS

203 West Main Street, Suite B
Post Office Box 2485
Lexington, South Carolina 29071

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