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The State of South Carolina <sup>SC</sup> Court of Appeals  
In the Court of Appeals

Appeal from Richland County  
Court of Common Pleas

Paw M. Burch, Circuit Court Judge

Case No 2018-001809

Carmen Morgan Appellant,

v.

Yvonne Murray Boyles Respondent.

Initial Brief of Appellant

Carmen Morgan 11/30/18  
Carmen Morgan  
P.O. Box 8662  
Columbia, SC 29202

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## Statement of Issues on Appeal

1. Did the court err in failing to find that the assigned member/investigator did not call back to complete the investigation?
2. Did the court err in failing to find the fact the assigned member/investigator did not give me the opportunity to submit evidence into the record, which lead to a partial report, decision, and recommendation?

## Statement of the case

On March 27, 2017 I completed and returned the application for resolution of disputed fee. On August 15, 2017 I received written notice of the report and recommendation. Mr. David Miller assigned member/investigator report dated August 9, 2017 and Ms. Lisa Cotten Long Fifth Judicial Circuit Co-Chair Resolution of fee disputes Board letter dated August 11, 2017 stating the fee was earned. On September 8, 2017 I appealed to the Richland County Common Pleas Court/circuit court. On September 14, 2017

Respondent was served Notice of Appeal. On September 7, 2018 a Appeal hearing was held with Judge Paul Burch. I received the order September 26, 2018 stating affirmed the fee dispute board. On October 9, 2018 I served Notice of Appeal on Respondent, Ms. Michelle Dennis fee dispute coordinator, Ms. Ann Henley (Jeanette McBride Clerk of Court) Richland County Clerk of Common Pleas. On October 9, 2018 I filed Notice of Appeal with the South Carolina Court of Appeals.

## Statement of Review

Rule 20 Appeals (a) A party aggrieved by the final decision of the board may appeal the decision to the circuit Court in the county where the principal place of practice of the attorney is located.

(F) (2) There was evident partiality or corruption in an assigned member or hearing panel member, or misconduct prejudicing the rights of any party.

## Facts and Arguments

The assigned member/investigator did not address the fact that the Contract/Fee agreement does not address phone calls or travel time, Report of Assigned member p 4 and Contract/Fee agreement. I was not receiving a monthly account activity/bill from respondent to see how she was billing, Transcript p 5 line 8-17. The assigned member/investigator never asked respondent about the May 8, 2013 duplication of calls from respondent, Application resolution of disputed fee p 3 and Account activity/Bill p 1.

The report of the assigned member/investigator p 4 and 5 state respondent explained that she drafted and sent a subpoena to the apartment complex. The assigned member/investigator took respondent word for this work. I have not seen a subpoena and if it is one it was done without my approval and not necessary for the case. Respondent told me she did not need a subpoena, Transcript p 6 line 20-25.

The report of the assigned member/ investigator stated respondent alleges she never knew anything about child support and was never asked to handle any issues related to child support including transferring the child support case from York to Lexington. On May 1, 2013 respondent charged \$700.00 for complaint 2013 PR 3201081 p 3 that states custody, visitation and child support. On June 3, 2013 Financial Declaration was done for the purpose of child support and never got used. Account Activity/Bill 1 p 2, Transcript p 7 line 18-24. The assigned member/ investigator let respondent enter Affidavit into the record stating she discussed the case with her friend Kelly Seabrook who had worked on the case, Affidavit.

The assigned member/ investigator report p 5 states respondent further explained that she was never asked to file any post trial motions. The assigned member/ investigator took her word again. I told the assigned member/ investigator that I would like

to enter text message into record. The assigned member/investigator did not give me the opportunity to submit the text message, nor did he call back to finish the investigation, Transcript p 4 line 8-22. By text message I asked respondent what do you plan on doing next on the case? Respondent stated she told me about a motion to reconsider, but never did it. Respondent had from July 30, 2014 until November 2014 to file a motion to reconsider/Post trial motions.

The Report of the assigned member/investigator p 6 states respondent billed over the retainer. On May 1, 2013 Respondent said \$5,000.00 would do the custody case and it was no need for me to initial the revisit of the contract/fee agreement.

## Conclusion

I was not given the opportunity to submit evidence into the record. I was overcharged for work done on my case, work that

was not necessary, and without my approval. After the temporary hearing the amount of filing, fees, preparing for court, and court time could have waited for trial. I was not receiving a monthly account activity (BIT) from respondent during the case. I asked the assigned member/investigator to investigate the duplication of respondent phone calls he never did, assigned member/investigator took respondent word for the subpoena, child support, filing of post trial motions. The assigned member/investigator had no supporting evidence. The fact that the assigned member/investigator never finished the case need to be sent back for reexamination.

Respectfully Submitted,  
Carmen Morgan 1/30/18  
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### Proof of Service

I certify that I have served all parties the Initial Brief and Designation of Matter by depositing a copy of it in the United States mail postage paid November 30, 2018.

Carmen Morgan <sup>11/30/18</sup>

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