

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
Court of Common Pleas
Paul M. Burch, Circuit Court Judge

Case No: 2017-CP-40-05419

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JAN 22 2019

SC Court of Appeals

Yvonne Murray-Boyles,

Respondent

v.

Carmen Morgan,

Appellant

RESPONSE BRIEF OF RESPONDENT

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ATTORNEY FOR THE RESPONDENT

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The civil court properly addressed the appeal presented by	
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Argument in Reply

Appellant has failed this appeal based on a fee dispute initiated by Appellant, to which she was not satisfied with the result. The basis for a fee dispute surrounds solely the amount of fees charged by an attorney in regard to the attorney's representation of a client in a legal matter. The Appellant argues, in her brief, that the hearing judge in Common Pleas, Honorable Paul Burch, failed to make a finding that the assigned member investigator failed to complete the investigation and failed to allow the Appellant to submit evidence into the record before making his decision. Respondent will show that the investigation was complete and there is no relief that can be sought before this Court.

On March 27, 2018, Appellant filed an application to the Fee Dispute Board alleging she was improperly charged for services she incurred on or about May 1, 2013. The assigned investigator made a decision on August 15, 2017, finding that the fees charged were appropriate based on the work done by the Respondent. The Appellant, thereafter, filed an appeal in the Court of Common Pleas on September 8, 2017, alleging the assigned member failed to properly investigate and gather information from the Appellant. The Honorable Paul Burch ruled there was no basis to vacate the finding of the assigned member. The Appellant is appealing the decision.

I. Resolution of Fee Disputes Board Rule 20

Honorable Paul Burch made the correct finding based on Rule 20, which addresses appeals relating to all fee disputes. Rule 20(f) states the particular basis for the finding of an assigned member's finding to be vacated in an appeal. The basis are as follows: (1) the decision was made procured by corruption, fraud or other undue means; (2) there was evident partiality or corruption in an assigned member or hearing panel member, or misconduct prejudicing the rights of any party;

(3) the assigned member or hearing panel members exceeded their powers; (4) the hearing panel members refused to postpone the hearing, if any, upon sufficient cause being shown therefore, or the assigned member or hearing panel members refused to hear evidence material to the controversy, or otherwise conducted the proceeding as to substantially prejudice the rights of a party; or (5) the hearing panel chair did not provide notice as required under Rule 15.

Appellant's brief states there are two (2) issues before the Court however, the only issue relayed in her case in chief is the assigned member's decision should have been vacated based on Rule (20) (f) (2). Appellant's argument is the there was partiality or corruption in the assigned member or his misconduct prejudiced her rights as a party. Appellant has not provided any factual basis that would substantiate her claim. The allegations in her brief were addressed in the letter from the assigned member dismissing her claim. The same allegations were brought before the Honorable Peter Burch, to which Appellant provided no evidence the assigned member was partial in making his decision nor that he was corrupt or that she was prejudiced by his misconduct.

CONCLUSION

Based on the foregoing, the Respondent respectfully submits that the circuit court properly addressed and ruled in regard to the appeal before the Court. Further, there is no factual or legal basis to support the Appellant's claim that circuit court erred in making it's ruling.

Wherefore, the Respondent respectfully requests that the Appellant's action be dismissed.

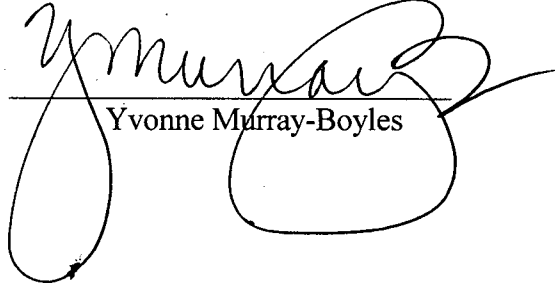
Respectfully submitted,

BY: 

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CERTIFICATE OF COUNSEL

The undersigned certifies that this Reply Brief complies with Rule 218(b)(2), SCACR.



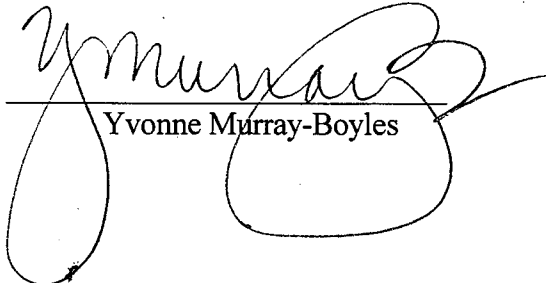
Yvonne Murray-Boyles

January 18, 2019

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CERTIFICATE OF COUNSEL

The undersigned certifies that this Reply Brief complies with Rule 218(b)(2), SCACR.


Yvonne Murray-Boyles

January 18, 2019

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