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STATE OF SOUTH CAROLINA Court of Appeals
COUNTY OF CLARENDON

IN THE COURT OF COMMON PLEAS

CIVIL ACTION: 2018-CP-14-00381

FRANCES REANEY WILLIAMS,

Appellant,

vs.

SHIRELLE JUNIOUS, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
JARONE WILLIAMS,

Respondent.

ORDER AFFIRMING THE DECISION OF
THE PROBATE COURT

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OF ORIGINAL FILED IN THIS OFFICE
DATE 6/10/19

Beulah B. Roberts

CLERK OF COURT
CLARENDON COUNTY, SC

This appeal from the decision of the Probate Court came before the Court on April 24, 2019. Ms. Patricia Coard Seabrooks appeared on behalf of the Appellant Frances Reaney Williams and indicated that she was the Attorney-in-fact for Ms. Williams. The Respondent did not appear.

Jarone Williams died testate on May 29, 2017. In his will, Mr. Williams named Shirelle Junious as the Personal Representative. On July 10, 2017, Frances Reaney Williams, through her attorney-in-fact Patricia Coard Seabrooks, filed a Summons and Petition with the Clarendon County Probate Court contesting Mr. Williams' will. An amendment to the Petition was filed on August 7, 2017.

On June 28, 2018, the Probate Court mailed Appellant certified copies of the Order for Hearing on the Petition, setting a hearing date of July 30, 2018. The cover letter for the Order states, "Please note that as Petitioner it is your responsibility to notify all interested parties." The Order for Hearing also states, "Pursuant to SCPC 62-1-401, Petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing date."

On July 18, 2018, the Probate Court issued an Order dismissing the Petition. The Order states, "The Petitioner did not file a Proof of Service. This Summons and Petition would have needed to be served on not only the Personal Representative, but also on all interested parties, to wit: all devisees in the will and all heirs at law of the decedent." Because service of the Petition was not perfected, the Probate Judge dismissed the Petition with prejudice.

As an initial matter, the Court notes that the Appellant appears to be outside of the time limits for filing an Appeal. Judge Sorrell's order was signed on July 18, 2018 and the Notice of Appeal in this matter was not filed with the Circuit Court until September 17, 2018, outside of the thirty-day jurisdictional deadline.

Of further concern is the fact that Ms. Seabrooks appears to be engaging in the unauthorized practice of law. Appellant did not appear at the hearing. Ms. Seabrooks appeared

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and represented to the court that she is the Power of Attorney for Appellant, who lives out of state. Ms. Seabrooks appears to have signed all of the petitions and other documents which have been submitted to the court, as agent for Appellant. She further purported to represent Appellant's interests at the hearing and spoke on her behalf.

South Carolina, like other jurisdictions, limits the practice of law to licensed attorneys. "No person may practice or solicit the cause of another in a court of this State unless he has been admitted and sworn as an attorney." S.C. Code Ann. § 40-5-310. In Brown v. Coe, 365 S.C. 137, 616 S.E.2d 705 (2005), the South Carolina Supreme Court held that a nonlawyer Personal Representative for an estate could not represent the estate in an appeal. The court stated, "the filing of a notice of appeal on behalf of the estate and preparation of briefs that will be required to further perfect this appeal clearly constitutes the practice of law as defined by this Court." The court cited a number of other jurisdictions which have made similar holdings. See Kasharian v. Wilentz, 226 A.2d 437 (N.J. App. Div. 1967) ("nominal representatives or even active fiduciaries of the persons in beneficial interest, not themselves lawyers, should not be permitted to conduct legal proceedings in court involving the rights or liabilities of such persons without representation by attorneys duly qualified to practice law."); State Bar Ass'n of Conn. V. Conn. Bank and Trust Co., 153 A.2d 453 (Conn. 1959) (holding banks serving as executors or administrators of estates could not be represented in probate court by employees not licensed to practice law.); Ferris v. Snively, 19 P.2d 942 (Wash. 1933) (holding appearance on behalf of others in probate proceedings constitute the practice of law).

The Federal District Courts have likewise found that a nonlawyer may not assert the rights of other pro se litigants. See Myers v. AT&T Corp., 2013 WL 4823282, (U.S. Dist Court, D.S.C. 2013); Bank of Am. Inc v. Campbell, 212 WL 1951820 (M.D.N.C. 2012) ("district courts in the Fourth Circuit have uniformly refused to recognize that a designation of "power of attorney" confers the power to non-licensed persons to litigate claims in the name of others."); S.E.C. v. White, 2011 WL 1544202 (D.S.C. 2011) (designation of power of attorney does not allow a non-attorney to exercise one's 28 U.S.C. §1654 privileges on their behalf).

Based on the above, the court finds that Ms. Seabrooks is not a proper party to appear in court on behalf of the Appellant.

In addition, this Court finds no fault with Judge Sorrell's ruling. It is elemental that a Petition must be served on all interested parties before a hearing may proceed. Appellant had almost an entire year to serve the interested parties before Judge Sorrell issued her Order of Dismissal, but failed to do so.

For the above reasons, the decision of the Probate Court Judge is AFFIRMED.

IT IS SO ORDERED.

June 7, 2019
Clarendon, SC

Kristi Curtis, Circuit Court Judge



Clarendon Common Pleas

Case Caption: Frances Reanay Williams VS Shirelle Pr Junious , defendant, et al
Case Number: 2018CP1400381
Type: Order/Dismissal

So Ordered

s/ Kristi F. Curtis, Circuit Court Judge, No. 2762

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