

Table of Content page I

Statement of Issues on Appeal page 2

Statement of the case page 2, 3

Standard of review page 3

Facts / Arguments page 3, 4, 5, 6, 7, 8

Conclusion page 8, 9

**RECEIVED**

OCT 21 2019

SC Court of Appeals

## Statement of Issues on Appeal

1. Did the court err in failing to find the assigned member/investigator did not finish the investigation?
2. Did the court err in failing to find 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?
3. Did the court err in the finding of the fee dispute when it had been established and was not raised?

## 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 disputes board letter dated August 11, 2017 stating the fee was earned. On September 8, 2017

I filed an appeal to the Richland County Circuit Court (Common Areas). On September 12, 2017 Respondent was served. Order dated January 4, 2019 the matter came before the court and is not currently hearing matters involving his former employers and therefore in an abundance of caution this matter was reset for another hearing with a different judge. On April 19, 2019 a hearing was held by order dated May 20, 2019 by Judge Casey Manning Affirmed Stating formal order to follow.

### Standard of Review

Rule 20 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. (1) (2) there was evident partiality or corruption in an assigned member or hearing panel member, or misconduct prejudicing the rights of any party.

### Facts / Arguments

The assigned member report p 2,

States this matter rested in York County, Petitioners primary complaints included that the matter was not transferred out of York County, that she was ultimately not successful at the final hearing, and that she had to retain another attorney after Seabrook. There was also the issue of outstanding Child Support. On April 26, 2013 Respondent had a hearing take place in York County that got dismissed, Order of dismissal. The case had not been mediated. I was charged \$750.00 on April 26, 2013 for this five minute hearing which not accurate, Billing statement p 2. The assigned member/investigator report p 4, states in April 2013 the two final matters as to billing are the call to the GAL and the drafting of the April 2013 order. The assigned member/investigator did not finish all of the fees for April 2013 the phone calls, court appearance, meet with client and mother, drafting of pretrial order, letter to judge with form 4f, Billing statement p 2 Assigned member/investigator report p 4, state the phone call to the GAL

was necessary in preparation for the hearing as the GAL had not drafted a written report in this case. Further the judge required Ms. Seabrook prepare an order. It was at this point that respondent referred petitioner Morgan to Yvonne Murray Boyles. The phone call to the GAL was not necessary because Respondent knew the case was over 365 days and had not been mediated. On April 26, 2013 the judge did not require respondent to write the order. The court wrote the order of dismissal on April 26, 2013. Respondent charged me April 28, 2013 \$150.00 for the drafting of a pretrial order, On April 29, 2013 letter to judge with form 42 for \$42.50. After she charged \$75.00 for a five minute court appearance in York County, Respondent told me and my mom to come to her office and she said I needed to file my case in Lexington and her paralegal was gone this need to be done right away and her friend Yvonne Murray Boyles would do it. Another \$50.00 fee that is not accurate. The talk respondent had with me and my mom lasted five minutes, Transcript

p 12 line 2-24, p 13 line 1-15.  
The assigned member report/  
investigator report p 3 states  
Respondent did not bill for  
travel time. The billing was not  
accurate for the child support  
case, \$1,550.00 travel time had to  
be included. The hearing lasted  
about 10 minutes (ten minutes),  
I was over charged for the  
child support case, Billing statement  
p 1, Transcript p 8 line 2-7.

After having to pay child support  
eventually my case got closed,  
Order to vacate. The assigned  
member report / investigator report  
p 3. On October 19, 2012 I met  
with respondent for about 1 hour.  
Respondent charged 1.90 \$475.00.  
Respondent also charged me on  
October 19, 2012 for a letter to the  
defendant re: payment to GAL. 50  
\$125.00, Transcript p 8 line 2-23.

Billing statement p 1. In the  
meeting respondent promised me  
that by writing this letter I was  
guaranteed my attorney fee,  
letter to defendant, Assigned  
member / investigator report p 3  
states further the rule to show  
cause drafted on 10/26/12 was necessary

to get the father to pay attorney fees and other fees previously ordered by the court, Complaint 2012-DR 461147 and order to withdraw Rule to Show Cause 2012-DR 461147. Respondent did not get my attorney fees back from defendant. Respondent told the assigned member/investigator that she had got my attorney fees back when in fact she did not.

This contempt action was done without my approval, Transcript p 10 line 1-14. The assigned member/investigator report p 3 states during 2013 petitioner contends that some of the emails and telephone calls were not necessary or were overbilled. The respondent spent time contacting people about the case knowing it was over 365 days and had not been mediated. The contract does not state fax, copying, postage, phone calls, travel time, Transcript p 7 line 1-9, Billing statement p 1, 2, 3, Contract fee agreement p 1, 2. The assigned member/investigator did not address the duplication of phone calls, Application for resolution of disputed fee p 3, May 2013 was no mutual consent. Respondent

Court done. My custody case got dismissed due to the respondent. The child support case eventually got vacated. The assigned member/investigator took respondent word, did not provide supporting evidence, and did not address all of April 2013 billing in the fee dispute, travel time, attorneys fees issue when the bill is not accurate, phone calls, copy, fax, emails was not in the contract/fee agreement. The assigned member/investigator did not address duplication of phone calls like I asked and was part of the application. The fact that the assigned member/investigator never finished the fee dispute need to be sent back for reexamination.

Respectfully submitted,  
Carmen Morgan 10/11/19  
Carmen Morgan  
P.O. Box 8662  
Columbia, SC 29202

Said her paralegal was gone and it need to be done right away and her friend Yvonne Murray Boyles would do it. The assigned member/ investigator let respondent make an affidavit from Yvonne Murray Boyles part of the record and did not let me enter evidence into the record. The assigned member/ investigator was partial in his investigation. I had no knowledge that Respondent and Yvonne Murray Boyles were meeting about the case and a fee would be involved. The fee dispute started when the respondent gave me a check for \$336.53 on 1/9/15, a check \$336.53 leftover from retainers, <sup>Billing Statement</sup> P 3. The fee dispute had been established under Rule 2 Rules of procedure South Carolina Bar Resolution of Fee disputes board. Respondent did not raise the issue.

## 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. The Respondent charged me for work the

## Certificate of Counsel

The designation of matter contains no matter which is irrelevant to the appeal.

Carmen Morgan 10/21/19  
Carmen Morgan  
P.O. Box 8662  
Columbia, SC 29202

**RECEIVED**  
OCT 21 2019  
SC Court of Appeals