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The state of South Carolina S.C. SUPREME COURT  
In the Court of Appeals

Appeal From Richland County  
Court of common Pleas

Casey manning, Judge

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OCT 11 2019

Case No: 2019-001012

SC Court of Appeals

Carmen Morgan Appellant,

✓

Kelly Seabrook Respondent.

Initial Brief of Appellant

Carmen Morgan 11/19  
Carmen Morgan  
P.O. BOX 8662  
Columbia, SC 29202

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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 Cohen 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 Pleas). 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. (P)(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 24, 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 pre-trial order, On April 29, 2013 letter to judge with form 4F for \$42.50. After she charged \$750.00 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, \$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

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

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

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

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Designation of matter

Transcript p 7, 8, 10, 12, 13  
Complaint 2012-DR46-1147  
Order to withdraw  
order of dismissal  
order to vacate  
Affidavit of Yvonne Murray Boyles  
Application for resolution of dispute fee p 3  
Assigned member/Investigator report p 2, 3, 4  
Billing Statement p 1, 2, 3  
Copy of check leftover from retainer \$336.53  
Contract/fee agreement p 1, 2  
Letter to defendant

Cummer Morgan 10/11/19  
Cummer Morgan  
P.O. Box 8662  
Columbia, SC 29202

1 what I'm appealing. The Assigned Member -- The Assigned  
2 Member Report -- The contract didn't state fax, copying,  
3 postage, phone calls, travel time. She told the assigned  
4 member that the travel time to York County Courthouse, it  
5 wasn't necessary. The assigned member didn't address this  
6 -- didn't address that problem, and she said -- she told  
7 him that she didn't charge for travel time, which she did  
8 charge for travel time, because it didn't add up. So the  
9 billing was not accurate.

10 Page three of the Assigned Member Report...

11 Do you have a copy of --

12 THE COURT: Yes, ma'am.

13 MS. MORGAN: -- the report?

14 THE COURT: Just make your argument. I have  
15 everything I need to have to make a decision, okay?

16 Continue with your argument.

17 MS. MORGAN: Okay. I just want to make sure that  
18 you make the right decision.

19 THE COURT: Well, ma'am, stop. We have a file.  
20 You need to make your argument. Don't --

21 MS. MORGAN: Okay.

22 THE COURT: -- worry about my job.

23 MS. MORGAN: Okay.

24 THE COURT: Do you understand that?

25 MS. MORGAN: All right. Page --

1                   **THE COURT:** Continue, please.

2                   **MS. MORGAN:** Okay. Page Three of the Assigned  
3 Member Report, the child support fee, we did not spend all  
4 of that time waiting on no child support case, or whatever,  
5 and she charged travel time. The \$1500; that travel time  
6 was included, but she told me her travel time was not  
7 included.

8                   Okay. Page Two of the Assigned Member Report  
9 stated about the child support. All right. On October the  
10 19<sup>th</sup>, I met with Ms. Seabrook, and we talked about the case  
11 for about a hour. She charged 1.90; \$475. This amount  
12 wasn't accurate.

13                   On October the 19<sup>th</sup>, when I met with her, she  
14 also told me that she would write a letter to contempt him  
15 because he had not paid for the guardian *ad Litem*. So, she  
16 wrote a letter; one page; charged me \$125 for a letter; one  
17 page. So she said by writing this letter -- In this -- in  
18 this letter, she guaranteed my attorney fees. She said he  
19 was already over the amount that -- the Order that the  
20 judge had given him. She gave him more time in this  
21 letter, stating that he had 15 more days; that he had more  
22 days, in order to try to pay for the guardian *ad Litem*.

23                   At that time, Ms. Seabrook charged me \$125 for --

24                   **THE COURT:** Stop ma'am. Just stay there. Just  
25 stay there. I have the file. Please.

1           Okay. So the -- to draft the -- draft the rule -  
2 - the Order -- The letter was 125. She charged me 250 to  
3 draft up the contempt, when she did not contempt him, and  
4 he was already over the time, and, plus, the letter gave  
5 him more -- she gave him more days. There was a \$25 filing  
6 fee.

7           THE COURT: They do charge. That's right.

8           MS. MORGAN: There was a \$25 filing fee I did not  
9 get back; I did not get the 250 back; the 125 for the  
10 letter; the forty-two fifty; twenty-five fifty; the --

11           So I spent over \$500 in a contempt, and she  
12 withdrew the contempt. But she told the assigned member  
13 that she got me my attorney fees back. That's on Page  
14 Three of the Assigned Members Report.

15           Okay. Page Three of the Assigned Members Report,  
16 "emails and phone calls," she spent -- contacted the court  
17 --

18           THE COURT: Let me help you out, ma'am. I'm not  
19 here to retry the case. Do you have -- Listen to me  
20 carefully. I'm not here to retry --

21           MS. MORGAN: I understand.

22           THE COURT: -- the case. You've got to tell me  
23 what mistakes was made that I should reverse --

24           MS. MORGAN: Okay.

25           THE COURT: -- the decision.

1           **THE COURT:** All right.

2           **MS. MORGAN:** Okay. Page Four, the drafting of  
3 the April 2013 Order, which Ms. Seabrook -- I just handed  
4 her the Order. Ms. Seabrook charged me for that Order  
5 after my case got dismissed. The judge wrote the Order on  
6 April the 26<sup>th</sup>; the same day the case got dismissed. Ms.  
7 Seabrook, later on, on April 28<sup>th</sup>, she charged me another a  
8 hundred and -- hundred and something; a hundred and, what,  
9 twenty-five, for a Order that --

10                   On April the 28<sup>th</sup>, she charged me \$150 to draft  
11 the Order that the judge wrote his self on April 26<sup>th</sup>.

12                   Okay. All right. For the pre-trial, the \$750,  
13 she charged me to go to a -- \$750 to go to a pre-trial that  
14 got dismissed because it had not been mediated, and, at the  
15 same time, the assigned member left that out about the --  
16 what all happened in April. He didn't -- He didn't talk  
17 about the \$750 that she charged me for the pre-trial, which  
18 was in the wrong jurisdiction, and she charged me travel  
19 time.

20                   Okay. He left out -- After -- after the  
21 hearing, she had a meeting with me and my mom which lasted  
22 five minutes. She said it lasted more than that; charged  
23 me \$50. What could she tell me after she got my case  
24 dismissed for in the wrong jurisdiction?

25           **THE COURT:** You're repeating yourself, ma'am.

1           **MS. MORGAN**: Okay. At this time, Page Three --  
2           So the judge did not ask her to do a Order, and  
3           she went ahead and did the Order and took me to a pre-trial  
4           and charged me \$750 travel time for being in the wrong  
5           jurisdiction and knew it had not been mediated, and she's  
6           supposed to be a certified mediator. That's what the copy  
7           of her headline say.

8           Okay. At this time, the assigned member was  
9           partial in his decision and did not address the fact that  
10          the fee contract did not address the phone calls that she  
11          charged me for, copies, postage, fax, and travel time.

12          The report does not address the work that was  
13          done without my approval; the travel time to a case that  
14          got dismissed for not being mediated, when she's supposed a  
15          certified --

16          **THE COURT**: Stop ma'am.

17          **MS. MORGAN**: -- mediator.

18          **THE COURT**: You've said that five times. Okay.

19          **MS. MORGAN**: Okay. I just --

20          **THE COURT**: Now, anything else you want to tell  
21          me as to why I should reverse this decision? Because I've  
22          heard enough already, and I have the file.

23          **MS. MORGAN**: Okay. The decision --

24          **THE COURT**: What else do you have to say?

25          **MS. MORGAN**: The assigned member was partial in

STATE OF SOUTH CAROLINA )

IN THE FAMILY COURT

COUNTY OF YORK )

IN THE SIXTEENTH JUDICIAL CIRCUIT

Carmen Morgan,

Plaintiff,

-vs-

Thomas Delaney,

Defendant.

Docket Number: 2012-DR-46-1147

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DAVID HAMILTON  
FAMILY **COMPLAINT**  
YORK COUNTY, SC

The Plaintiff complaining of the above named Defendant would respectfully show unto this Honorable Court:

1.

That the Plaintiff is a resident and citizen of Fairfield County in the State of South Carolina.

That the Defendant is a resident and citizen of Lexington County in the State of South Carolina.

2.

That the parties were never married, however, they are the parents of one (1) child, namely, Thomas Delaney, Jr., born April 25, 2008.

3.

That an Order was issued by the Honorable David G. Guyton, dated August 28, 2012, appointing Michelle Gorski, guardian ad litem for the parties' minor child, Thomas Delaney, Jr. That pursuant to this Order the Defendant was required to pay Five Hundred (\$500.00) Dollars to guardian so that she may begin her investigation within Fifteen (15) days from the date of this Order. To date, the Defendant has failed to pay the guardian her retainer fee.

4.

That the Plaintiff is informed and believes that the Defendant is in willful contempt of this Court's order and should be punished accordingly.

That the Plaintiff attempted to resolve these issues with the Defendant, however, she was unable to do so. That the Plaintiff has incurred attorney fees and costs, as a result of having to file this action for contempt. For these and other reasons, Plaintiff is informed and believes that the Defendant should be required to pay her attorney's fees and costs incurred in this matter.

**WHEREFORE**, Plaintiff prays for the following relief:

1. That the Defendant be held in contempt for violating this Court's Order and be punished accordingly;
2. That the Defendant be required to immediately pay the guardian ad litem's retainer fee;
3. That the Defendant be required to pay the Plaintiff's attorney fees and costs incurred in pursuing this action; and
4. That the Court award such other and further relief as may be deemed just and proper.

**LAW OFFICE OF KELLY A. SEABROOK, LLC**

BY: 

**Kelly A. Seabrook**  
**Attorney for Plaintiff**  
**1803 Hampton Street**  
**Columbia, South Carolina 29201**  
**(803) 251-2288**

Columbia, South Carolina

October 31, 2012

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )  
\_\_\_\_\_ )

IN THE FAMILY COURT  
IN THE SIXTEENTH JUDICIAL CIRCUIT

Carmen Morgan, )  
 )  
Plaintiff, )

Docket Number: 2012-DR-46-1147

-vs-

**ORDER TO WITHDRAW  
RULE TO SHOW CAUSE**

Thomas Delaney, )  
 )  
Defendant. )  
\_\_\_\_\_ )

This case was scheduled for a contempt hearing on January 28, 2013 at 2:30 p.m.

**IT APPEARS** that the Defendant has complied with the Courts order;

**THEREFORE**, Attorney Kelly A. Seabrook, respectfully withdraws her motion for a Rule to Show Cause hearing.

\_\_\_\_\_  
**HONORABLE DAVID G. GUYTON  
PRESIDING FAMILY COURT JUDGE  
SIXTEENTH JUDICIAL CIRCUIT**

This \_\_\_\_, day of December, 2012  
\_\_\_\_\_, South Carolina

**I SO MOVE:**

  
\_\_\_\_\_  
**Kelly A. Seabrook  
Attorney for Plaintiff**

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

IN THE FAMILY COURT  
SIXTEENTH JUDICIAL CIRCUIT  
2012-DR-46-1149

Carmen Morgan,  
PLAINTIFF,

vs.

Thomas Delaney,  
DEFENDANT,

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2013 APR 30 AM 8:28  
ORDER OF DISMISSAL  
(Without Prejudice)  
DAVID HAMILTON  
FAMILY COURT  
YORK COUNTY, SC

DATE: April 25, 2013  
JUDGE: David G. Guyton  
APPEARANCES: Plaintiff Carmen Morgan was present with her attorney Kelly Seabrook  
Defendant Thomas Delaney appeared pro se  
Guardian ad Litem Michelle Gorski was present  
COURT REPORTER: Shannon McGilberry

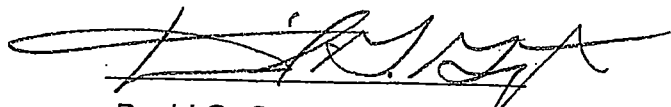
- The above case is hereby dismissed without prejudice for the following reason:
- This case was not mediated, was not exempt from mediation, nor was it requested.
  - This case is beyond the 365 day time frame.
  - I cannot remain impartial and am hereby recusing myself from hearing any matters between the above parties in the future.
  - The Guardian ad Litem was present, stated she had been paid for her services in this matter, and is hereby relieved of all of her duties in this matter.

NOW, THEREFORE, IT IS  
ORDERED, ADJUDGED AND DECREED:

That the within case be and hereby is dismissed.

ALL OF WHICH IS DULY ORDERED.

April 26, 2013  
Rock Hill, South Carolina

  
David G. Guyton, Judge  
Sixteenth Judicial Circuit

FILED-RECEIVED

STATE OF SOUTH CAROLINA  
COUNTY OF YORK

2017 APR 11 AM 11:11  
DAVID HAMILTON  
FAMILY COURT  
YORK COUNTY, SC

IN THE FAMILY COURT OF THE  
SIXTEENTH JUDICIAL CIRCUIT

Thomas Delaney,  
PLAINTIFF,

CASE NO.: 2012-DR-46-2032

VS.

ORDER TO VACATE

Carmon Morgan,  
DEFENDANT.

This matter came before me on April 10, 2017 for purposes of a bench warrant hearing regarding child support. A Civil Contempt Order was issued. After the hearing, it was discovered that there was a Final Custody Order in Lexington County that terminated the Defendant's obligation to pay child support. The Defendant owes nothing and the funds paid for her release shall be refunded and the York County child support case shall be closed. The Civil Contempt Order filed on April 10, 2017 shall be vacated.

AND IT IS SO ORDERED.

*Wayne M. Creech*  
Wayne M. Creech, JUDGE

Rock Hill, South Carolina  
DATED: *April 11*, 2017

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

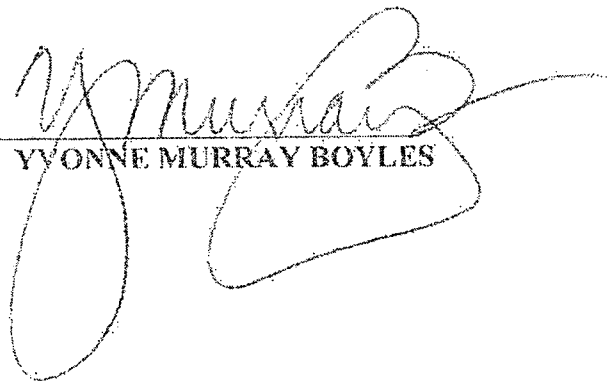
2017 APR 11 AM 11:48

CERTIFIED TRUE COPY

AFFIDAVIT


I, YVONNE MURRAY BOYLES, being first duly sworn depose and say that:

1. I am an attorney licensed to practice in the State of South Carolina.
2. I was hired by Carmen Morgan to represent her in the case of Morgan vs. DeJaney, Docket Number: 2012-DR-46-1147.
3. That Ms. Morgan's prior attorney in this case was Kelly Seabrook. That I received the file from Ms. Seabrook after Ms. Morgan hired me to represent her. When I received the file from Ms. Seabrook it was voluminous and I had many questions about its contents and was not quite sure as to what needed to be done in order to properly represent Ms. Morgan.
4. I contacted Ms. Seabrook and requested that we have a meeting to discuss this case. Ms. Seabrook agreed to meet with me and we had lunch at Harper's Restaurant. I cannot remember the exact date as this happened over four years ago in 2013. I did not charge Ms. Morgan for this meeting, however, I was led to believe at the time that Ms. Seabrook was charging her as I do not believe the order to substitute counsel had been filed.
5. Our lunch meeting took approximately two hours of which at least an hour and a half was utilized discussing Ms. Morgan's case.

  
YVONNE MURRAY BOYLES

SWORN TO AND SUBSCRIBED BEFORE ME

this 16 day of JUNE, 2017

  
Notary Public for South Carolina  
My Commission Expires: 9/28/25

10. Did you pay court costs or filing fees in advance? Yes:  No:

If yes, what amount? \$ 25.00

Do you have any receipts? If so, submit copies.

11. List, as best you can recall, each time you met with the Lawyer and state how long each office visit lasted:

October 19, 2012 meeting lasted (one) hour initial interview  
April 26, 2013 meeting lasted 5 (five) minutes MS. Seabrook  
stated case had been dismissed I need to file in Lexington.

12. List, as best you can recall, each time you discussed your legal matter by telephone with the Lawyer and state how long each telephone call lasted:

MS. Seabrook would never  
call back. She would duplicated phone calls in the  
same day, and said she called me on some occasions,  
when I called her to check on my case calls lasted

13. List all legal papers, if any, the Lawyer prepared for you. Attach copies to this application: 3 minutes.

Rule to Show Cause <sup>with</sup> Complaint

14. List all court appearances the Lawyer made on your behalf and state the amount of time each hearing or trial lasted.

December 12, 2012 DSS child support hearing lasted <sup>(ten)</sup> 10 minutes  
April 26, 2012 Pre-trial hearing lasted 5 (five) minutes

15. What is the status of your legal matter at this time?

I am seeking custody

16. List names, addresses, and telephone numbers of individuals who may have information about your fee dispute AND would be comfortable speaking to the board if we cannot locate you:

from her during a Rule to Show Cause hearing filed by the biological father. Petitioner retained Seabrook to represent her in regaining custody of her children. This matter rested in York County. Petitioner's 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.<sup>2</sup>

Respondent Seabrook submitted her complete billing history detailing all of the work she had done for Ms. Morgan. She charged a \$5,000.00 retainer, some of which was used for work on the child support matter, and billed at a rate of \$250.00/hour.

#### DISCUSSION

As explained to both parties at the outset of this investigation, the ONLY matters that can be considered are those related to the fee and billing in this case. The Resolution of Fee Disputes Board has no jurisdiction to consider other matters.

Rule 1.5, Rules of Professional Conduct (Rule 407, SCACR), provide for reasonableness of a fee. It is the opinion of this Investigator, based upon the factors in Rule 1.5 that Ms. Seabrook's Fee was reasonable in this case.

This was a custody case where Petitioner was asking the Court to transfer or change custody that another court had already set in place. There was also the issue of outstanding child support. Further, this matter was going to be contested, and thus discovery and a full hearing would be required.

---

<sup>2</sup> That attorney was Yvonne Murray-Boyles, and will be addressed in a concurrent report submitted herewith.

The Fee was a fixed fee of \$5,000.00, billed against at a rate of \$250.00/hour. With fourteen (14) years of experience, I find that fee to reasonable in this community. Ms. Seabrook is well-known Family Court practitioner with a good reputation in the South Carolina legal community.

Thus, after lengthy phone interviews, I determined that the only issues for consideration were the number of hours spent on the work, and the "necessity" of the work performed.<sup>3</sup> Petitioner primarily disagrees with the hours spent on 10/19/2012, 10/26/2012, 12/12/2012, and during April of 2013.

Respondent articulated how careful she is with billing. She indicates that she uses a timer and bills in tenths of an hour. The time on 10/19/2012 is accurate. Further, the Rule to Show Cause drafted on 10/26/2012 was also necessary to get the father to pay attorneys fees and other fees previously ordered by the Court. After drafting and serving the Rule to Show Cause, the father paid the required fees and thus the Rule was withdrawn. Finally, the court appearance in York County on 12/12/2012 was legitimate. Respondent did not bill for travel time, and spent the day in Court either waiting for the case to be called, meeting with Petitioner about the case, or meeting with other relevant parties to the case. This was time that could not be spent on other matters, and that was relevant and reasonable in a Family Court matter.

During 2013, Petitioner primarily contends that some of the e-mails and telephone calls during February and March were not necessary or were overbilled. I do not find Respondent engaged in any overbilling. These calls and e-mails are all separately received and billed for, and

---

<sup>3</sup> I find that Respondent's bill is thorough, complete, and accurate.

the billing is ethical and appropriate.

The only two final matters as to billing are the call to the GAL and the drafting of the Order in April 2013. The phone call with 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, Esq.

The only amount remaining at the end of representation was \$336.53. This fee was earned from Respondents consultation with Petitioner's next attorney; Ms. Murray-Boyles, in preparing her to take over the case. This conference lasted at least 1.5 hours and is evidenced by an Affidavit of Yvonne Murray-Boyles, which is made part of the record of review in this matter.

#### CONCLUSION

Thus, I find that Respondent's billing is completely proper and accurate in this case. The amount of time spent performing the tasks for which she was hired by Petitioner are appropriate and reasonable. In my opinion, Respondent does not owe a refund of any portion of the fee to Petitioner.

**LAW OFFICE OF KELLY A. SEABROOK, L.L.C.**

Attorney at Law  
1803 Hampton Street  
COLUMBIA, SC 29201 USA

OFFICE: 803-251-2288

FAX: 803-251-3377

Carmen Morgan  
16641 Hwy 15 South  
Winnsboro, SC 29180  
12-168

Matter: Custody  
Statement Date: 1/9/2015  
Amount Due: \$0.00  
12-168

**FEES**

Date	Billor	Description	Code	Hours	Amount
10/11/2012	RNJ	New client letter	LT		\$0.00
10/15/2012	RNJ	Meeting with client	MW	0.20	\$17.00
10/16/2012	KAS	Phone call from York County Family Court	PCF	0.10	\$25.00
10/16/2012	RNJ	Management open and set up new client file	MAN	0.30	\$25.50
10/16/2012	RNJ	Phone call to Patricia Reed- DSS attorney	PCT	0.10	\$8.50
10/16/2012	RNJ	Scanned and emailed letter to Patricia Reed	EML	0.20	\$17.00
10/19/2012	KAS	New client initial interview	OC	1.90	\$475.00
10/19/2012	KAS	Letter to defendent re: payment to GAL	LT	0.50	\$125.00
10/22/2012	RNJ	Sent letter with notice of representation	LT	0.40	\$34.00
10/22/2012	RNJ	Sent letter re: order Appointing a Guardian ad litem to Defendent	LT	0.30	\$25.50
10/26/2012	KAS	drafting of Rule to Show Cause	DO	1.00	\$250.00
10/29/2012	RNJ	Phone call to client	PCT	0.10	\$8.50
10/29/2012	RNJ	Drafting of motion coversheet, rule cover and verification	DO	0.30	\$25.50
10/29/2012	RNJ	Meeting with client re: RTSC-verification	MW	0.10	\$8.50
10/30/2012	RNJ	Letter to clerk of court re: Rule to show cause	PCT		\$0.30
11/7/2012	RNJ	Meeting with client re: GAL	MW	0.10	\$8.50
11/13/2012	RNJ	Read and responded to clerk's email	EML	0.10	\$8.50
11/19/2012	KAS	Phone call from client	PCF	0.20	\$50.00
11/28/2012	RNJ	Meeting with client re: case	MW	0.20	\$17.00
12/3/2012	RNJ	Letter to client re: Rule to Show Cause	LT	0.30	\$25.50
12/3/2012	RNJ	Scanned and emialed pleadings to processor server	EML	0.20	\$17.00
12/10/2012	RNJ	Emailed process server	EML	0.10	\$8.50
12/11/2012	RNJ	Phone call to client re: financial declaration	PCT	0.50	\$42.50
12/11/2012	RNJ	Affidavit of service	DO	0.20	\$17.00
12/12/2012	KAS	Court apperance re: child support hearing--York County	CA	6.20	\$1,550.00
12/12/2012	RNJ	Drafting of motion cover and motion to be relieved as counsel	DO	0.50	\$42.50
12/12/2012	RNJ	Letter to clerk re: motion	LT	0.30	\$25.50
12/12/2012	RNJ	Drafting motion cover and order dismissing motion	DO	0.50	\$42.50
12/12/2012	RNJ	Letter to Judge re: order	LT	0.30	\$25.50
12/13/2012	KAS	Phone call from client	PCF	0.10	\$25.00
12/17/2012	RNJ	Phone cal from Michelle Gorski- GAL	PCF	0.10	\$8.50
12/18/2012	RNJ	Phone call York Family Court re: Order	PCT	0.10	\$8.50
12/18/2012	RNJ	Letter to client re: Order	LT	0.30	\$25.50
12/28/2012	KAS	Phone call from client	PCF	0.20	\$50.00

## FEES (continued)

Date	Billor	Description	Code	Hours	Amount
1/9/2013	KAS	Phone call from client	PCF	0.10	\$25.00
1/28/2013	RNJ	Phone call from client	PCF	0.10	\$8.50
1/28/2013	RNJ	Phone call to Judge's office re. order	PCT	0.10	\$8.50
2/8/2013	KAS	Read and responded to GAL's email	EML	0.10	\$25.00
2/12/2013	KAS	Phone call from client	PCF	0.20	\$50.00
2/12/2013	KAS	Phone call from client	PCF	0.10	\$25.00
2/12/2013	KAS	Sent email to GAL re. counseling appt.	EML	0.10	\$25.00
2/12/2013	KAS	Sent email to GAL	EML	0.10	\$25.00
2/12/2013	RNJ	Phone call to client re. contact w/minor child	PCT	0.10	\$8.50
2/12/2013	RNJ	Phone call from client	PCF	0.10	\$8.50
2/12/2013	RNJ	Phone call from client 2	PCF	0.10	\$8.50
2/12/2013	RNJ	Phone call from client 3	PCF	0.10	\$8.50
3/5/2013	KAS	Phone call from client	PCF	0.20	\$50.00
3/11/2013	RNJ	Drafting of letter w/request for hearing	DO	0.50	\$42.50
3/21/2013	KAS	Read and responded to docketing clerks email	EML	0.10	\$25.00
3/22/2013	KAS	Read and responded to docketing clerks email	EML	0.10	\$25.00
3/25/2013	KAS	Read and responded to docketing clerks email	EML	0.10	\$25.00
3/28/2013	RNJ	Letter to client re: hearing	LT	0.30	\$25.50
3/28/2013	RNJ	Letter to Defendant re: Hearing w/ Aff	LT	0.50	\$42.50
3/28/2013	RNJ	Letter to GAL re: Hearing w/COS	LT	0.50	\$42.50
4/5/2013	RNJ	Phone call to client	PCT	0.20	\$17.00
4/25/2013	KAS	Phone call from GAL - Michelle Gorski	PCF	0.20	\$50.00
4/26/2013	KAS	Court appearance - York County Family Court	CA	3.00	\$750.00
4/26/2013	KAS	Meeting with client & mother	MW	0.20	\$50.00
4/28/2013	KAS	Drafting of Pre-trial Order	DO	0.60	\$150.00
4/29/2013	RNJ	Letter to Judge w/ Form 4F	LT	0.50	\$42.50
<b>SUBTOTAL:</b>				<b>24.30</b>	<b>\$4,606.80</b>

## EXPENSES

Date	Billor	Description	Code	Amount
10/15/2012	RNJ	Postage-- letter to Judge	POST	\$0.45
10/16/2012	RNJ	Photocopies letter to Judge	PCPY	\$0.10
10/16/2012	RNJ	Faxed letter to Judge	FAX	\$2.50
10/18/2012	RNJ	Photocopies letter to new client	PCPY	\$0.00
10/18/2012	RNJ	Postage-- new client letter	POST	\$0.00
10/22/2012	RNJ	Photocoies of letter re: Order Appointing Guardian ad litem	PCPY	\$1.80
10/22/2012	RNJ	Postage-- letter re: Order Appointing Guardian ad litem	POST	\$1.95
10/24/2012	RNJ	Photocopies letter to clerk of court re: notice of representation	PCPY	\$0.70
10/24/2012	RNJ	Postage-- letter to clerk of court re: notice of representation	POST	\$0.90
11/6/2012	RNJ	Photocopies of rule to show cause	PCPY	\$2.60
11/6/2012	RNJ	Mailed rule to show cause	POST	\$2.80
11/9/2012	RNJ	Photocopies of letter re: hearing continuance	PCPY	\$0.30
11/9/2012	RNJ	Mailed letter re: hearing continuance	POST	\$0.45
11/13/2012	RNJ	Photocopies of file	PCPY	\$5.70
12/3/2012	RNJ	Photocopies of notice of hearing	PCPY	\$1.00
12/3/2012	RNJ	Mailed notice of hearing	POST	\$0.65
12/11/2012	RNJ	Photocopies of rule to show cause	PCPY	\$0.90
12/13/2012	RNJ	Photocopies of order to dismiss	PCPY	\$0.80
12/13/2012	RNJ	Mailed order to dismiss	POST	\$1.80

**EXPENSES (continued)**

Date	Billor	Description	Code	Amount
12/19/2012	RNJ	Photocopies of letter re: Order	PCPY	\$0.30
12/19/2012	RNJ	Mailed letter re: Order	POST	\$0.45
3/13/2013	RNJ	Photocopies-Request for hearing	PCPY	\$0.70
3/13/2013	RNJ	Postage-Sent request for hearing	POST	\$1.84
4/3/2013	RNJ	Photocopies - Notice of Hearing	PCPY	\$1.40
4/3/2013	RNJ	Postage - Notice of Hearing	POST	\$1.58
<b>SUBTOTAL:</b>				<b>\$31.67</b>

**OTHER CHARGES**

Date	Billor	Description	Code	Amount
10/30/2012	RNJ	Filing Fee-York County Family Court	FF	\$25.00
<b>SUBTOTAL:</b>				<b>\$25.00</b>

**PAYMENT**

Date	Description	Code	Amount
10/26/2012	Trust Account Payment		(\$1,010.90)
11/29/2012	Trust Account Payment		(\$163.65)
12/28/2012	Trust Account Payment		(\$1,919.90)
1/31/2013	Trust Account Payment		(\$42.00)
2/28/2013	Trust Account Payment		(\$184.00)
3/26/2013	Trust Account Payment		(\$170.04)
4/18/2013	Trust Account Payment		(\$130.48)
6/8/2013	Trust Account Payment		(\$1,042.50)
<b>SUBTOTAL:</b>			<b>\$4,663.47</b>

**Trust Account Activity**

Date	Description	Amount
	Previous Balance	\$0.00
10/15/2012	Retainer	\$5,000.00
10/26/2012	Trust Account Payment	(\$1,010.90)
11/29/2012	Trust Account Payment	(\$163.65)
12/28/2012	Trust Account Payment	(\$1,919.90)
1/31/2013	Trust Account Payment	(\$42.00)
2/28/2013	Trust Account Payment	(\$184.00)
3/26/2013	Trust Account Payment	(\$170.04)
4/18/2013	Trust Account Payment	(\$130.48)
6/8/2013	Trust Account Payment	(\$1,042.50)
1/3/2014	Withdrawal to General Account	(\$336.53)
<b>TRUST ACCOUNT BALANCE:</b>		<b>\$0.00</b>

Bank of America  
ACH R/T 053904483

3533

67-448/539 SC  
208

LAW OFFICE OF KELLY A. SEABROOK, LLC. 12-08  
1803 HAMPTON ST.  
COLUMBIA, SC 29201

1/9/2015

PAY TO THE  
ORDER OF

Carmen Morgan

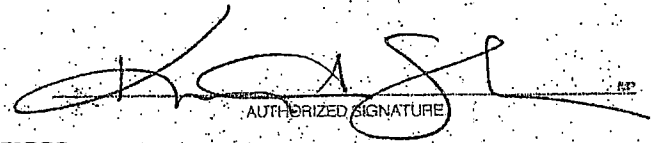
\$ \*\*336.53

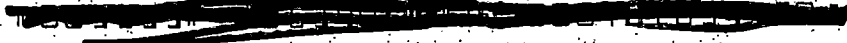
DOLLARS

Three Hundred Thirty-Six and 53/100\*\*\*\*\*

Carmen Morgan

MEMO

  
AUTHORIZED SIGNATURE



# LAW OFFICE OF KELLY A. SEABROOK, L.L.C.

5000 Thurmond Mall, Suite 103  
Post Office Box 153  
Columbia, SC 29202  
803-251-2288

\*\*\*\*\*

## ATTORNEY EMPLOYMENT AGREEMENT (HOURLY RATE)

I, Carmen Morgan, the undersigned hereby request and authorize the law firm of LAW OFFICE OF KELLY A. SEABROOK, L.L.C. to represent me, as my attorney in fact and in law. I have retained no other attorney to represent me in this claim.

### COMPENSATION

I agree to pay as compensation for the legal services rendered by an attorney for LAW OFFICE OF KELLY A. SEABROOK, L.L.C. \$250.00 Dollars per hour. The rate to be paid for paralegal services is \$85.00 Dollars per hour.

### RETAINER FEE

I agree to pay a retainer fee of \$5,000.00 Dollars to LAW OFFICE OF KELLY A. SEABROOK, L.L.C. as consideration of having the LAW OFFICE OF KELLY A. SEABROOK, L.L.C. agree to represent me. A retainer fee is the money that is paid to an attorney to secure their services. THIS IS A NON-REFUNDABLE FEE, however if the retainer is not all used, any money left in trust account after case is over will be refunded

CM  
Initials

\*I further understand that the hourly fee is billed against the retainer fee. If the retainer is depleted during the pendency of this action, you will continue to be billed at a rate of \$250.00/\$85.00 per hour until the case is completed. CM

Initials

### PAYMENTS

I agree to pay promptly all bills upon being presented to me. I understand that if my bill remains unpaid after thirty (30) days or more, the LAW OFFICE OF KELLY A. SEABROOK, L.L.C. has the option to be relieved as counsel.

**EXPENSES**

I agree to reimburse **LAW OFFICE OF KELLY A. SEABROOK, L.L.C.** for all out-of-pocket expenses incurred as a result of representing me.

**APPEAL**

I further understand that the fee I agree to pay does not include cost of any appeal, if any.

**CHANGE OF ADDRESS**

I agree to notify my attorney promptly if my address, place of employment or telephone number should change.

**GUARANTEES**

I understand that my attorney does not warrant any results.

**OTHER**

The client understands that **LAW OFFICE OF KELLY A. SEABROOK, L.L.C.** reserves the right at its sole discretion to use any attorney, paralegal, legal secretary or any other staff members in the representation of the client. If another attorney not employed by the **LAW OFFICE OF KELLY A. SEABROOK, L.L.C.** is associated on the case, it will be done only with the consent of the client.

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**\*\*\*PLEASE READ CAREFULLY AND ASK ANY QUESTIONS BEFORE SIGNING\*\*\***

NAME: Carmen Morgan

By:   
**LAW OFFICE OF KELLY A. SEABROOK, L.L.C.**

Columbia, South Carolina

10/15, 2012

# LAW OFFICE OF KELLY A. SEABROOK, L.L.C.

ATTORNEY & COUNSELOR AT LAW

POST OFFICE BOX 153

COLUMBIA, SOUTH CAROLINA 29202

(803) 251-2288 • FAX: (803) 251-3377

EMAIL: Kelly@seabrooklaw.com



KELLY A. SEABROOK  
CERTIFIED FAMILY COURT MEDIATOR

October 22, 2012

Mr. Thomas Delaney  
100 Riverbend Drive, Apartment C-3  
West Columbia, SC 29619

RE: Morgan -vs- Delaney  
Docket Number: 2012-DR-46-1147  
Our File Number: 12-168

Dear Mr. Delaney:

Please be advised that I have been retained to represent Ms. Carmen Morgan in the above referenced case. I do not know whether you were previously served with this Order, and therefore, I hereby serve you with a Certificate of Service the Order Appointing Guardian ad Litem which is dated August 28, 2012 and signed by the Honorable David G. Guyton.

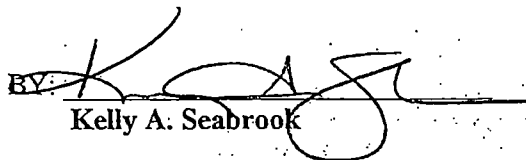
Pursuant to this Order, Michelle Gorski, was appointed as the guardian ad litem for your son, Thomas C. Delaney. Judge Guyton further ordered that you pay Mrs. Gorski within Fifteen (15) days from the date of this Order the sum of Five Hundred (\$500.00) Dollars so that she may begin working on your case. To date, Mrs. Gorski has not begun her investigation as you have failed to pay the retainer fee as ordered.

Please be advised that if you do not pay the retainer fee to Mrs. Gorski as ordered by Friday, October 26, 2012, Ms. Morgan will have no other choice than to file an action for contempt against you. Ms. Gorski's address is 205 West Main Street, Lexington, SC, 29072. Mrs. Gorski's telephone number is 803-356-8441. It is my hope to resolve this issue in an amicable manner and without the need for further court intervention.

With kindest regards, I am

Yours very truly,

Law Office of Kelly A. Seabrook, LLC

BY:   
Kelly A. Seabrook

KAS: mj  
cc: Mrs. Michelle Gorski  
Ms. Carmen S. Morgan

# The South Carolina Court of Appeals

Carmen Morgan, Appellant,

v.

Kelly Seabrook, Respondent.

Appellate Case No. 2019-001012

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## ORDER

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This appeal is dismissed because this court lacks appellate jurisdiction over appeals from the Resolution of Fee Disputes Board. *See Wright v. Dickey*, 370 S.C. 517, 521, 636 S.E.2d 1, 3 (Ct. App. 2006) ("We conclude there is no appeal from a decision of the Resolution of Fee Disputes Board of the South Carolina Bar beyond the circuit court as set forth in Rule 416, SCACR, Rule 20."). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:

Carmen Morgan

Kelly A. Seabrook, Esquire

**FILED**

October 25, 2019

Appellate Case No. 2019-001012

Carmen Morgan, Appellant,

v.

Kelly Seabrook, Respondent.

In the  
South Carolina  
Court of Appeals

### Motion to Reinstate Appeal

1. My name is Carmen Morgan.
2. I am the petitioner in this case.
3. This case was dismissed by order signed on October 25, 2019.
4. I am asking the court to sign an order reinstating the appeal.

Respectfully Submitted,  
Carmen Morgan November 1, 2019  
Carmen Morgan  
P.O. Box 8662  
Columbia, SC 29202

# The South Carolina Court of Appeals

Carmen Morgan, Appellant,

v.

Kelly Seabrook, Respondent.

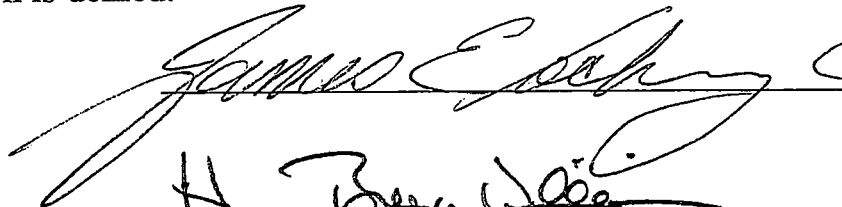
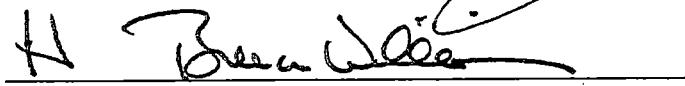
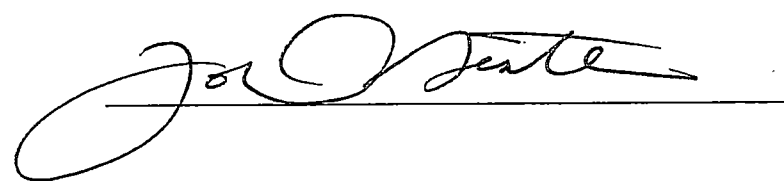
Appellate Case No. 2019-001012

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## ORDER

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After careful consideration of Appellant's motion, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for reinstating this appeal or granting a rehearing. Accordingly, the motion is denied.

 J.  
 J.  
 J.

Columbia, South Carolina

cc:  
Carmen Morgan  
Kelly A. Seabrook, Esquire

**FILED**

January 5, 2020