

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
H.W. Funderburk, Jr. Administrative Law Judge

Case No.: 20-ALJ-22-0070-AP

Appellate Case No. 2020-000981

Robert M. Ardis,

Appellant,

v.

South Carolina Department of Employment and
Workforce and Sykes Enterprises, Inc.,

Respondents,

**APPELLANT’S SUPPLEMENTAL MOTION TO STRIKE AND SUPPLEMENTAL
MOTION FOR SANCTIONS**

COMES NOW the Appellant on his own behalf¹ and files this **Supplemental**

¹ See *Erickson v. Pardus* 551 U.S. 89, 127 S. Ct. 2197 U.S., 2007. A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers. Pleadings in this case are being filed by the Petitioner *in propria persona*, wherein pleadings are to be considered without regard to technicalities. *Propria* pleadings are not to be held to the same high standards of perfection as practicing lawyers. See *Haines v. Kerner* 92 S. Ct. 594, also See *Powell v. Lennon*, 914 F2d 1459 (11th Cir 1990).



Motion to Strike and Supplemental Motion for Sanctions. The Appellant stands behind his previously filed **Motion to Strike and Motion for Sanctions.** The disingenuous, bad faith arguments of the Appellees and their attorney notwithstanding. The fact that they can actually make such arguments should tell this Honorable Court all it needs to know.

1. In support of this pleading I hereby incorporate by reference, everything contained in my prior **Motion to Strike and Motion for Sanctions and for Other Relief**, as if quoted verbatim herein.

2. I clearly and unequivocally stated, as follows in the confidential email I wrote to the Appellees/Defendants :

“ . . .pursuant to the law of this state, consider this email a “settlement negotiation.” Here is the applicable law on such matters and nothing in this email can be used in any court proceeding or pleading.”²

STANDARD OF REVIEW

3. This Honorable Court reviews all questions of law ***de novo***. *E.g., Fields v. J.*

² The precise wording and verbiage of my confidential email to the Appellees has **never** been denied nor refuted.

Haynes Waters Builders, Inc., [376 S.C. 545, 564](#), [658 S.E.2d 80, 90](#) (2008). While the Appellees attempt to mislead the Court with legalistic tricks and gamesmanship, nothing they say can negate what I wrote in the email referenced above in paragraph one and in the attached **Appendix A, Appellant’s Motion to Strike and to Impose Sanctions and for Other Relief.**³

4. To determine whether an action is legal or equitable, this Court must look to the action's main purpose as reflected by the nature of the pleadings, evidence, and character of the relief sought. *Ex parte Wheeler v. Estate of Green*, [381 S.C. 548](#), [673 S.E.2d 836, 839](#) (Ct.App. 2009). There can be **no mistake** about the wording and intent of the confidential, settlement email I sent to the Appellees. It is disgusting for them to even attempt to “justify” their abhorrent, unethical actions.

5. When I wrote and sent the email to the Defendants, I trusted that they would keep it confidential as the Rules clearly outline. This rule contemplates that the

³ I am submitting the **Motion to Strike**, minus its attachments, which are already in the possession of the Court.

parties need to feel free to make certain assumptions for the purpose of settlement negotiations and that those statements are assumed by the author to be true only for the purpose of compromise negotiations. The rule codifies the longstanding principle that evidence of conduct or statements made in compromise negotiations is not admissible. See *QHG of Lake City, Inc. v. McCutcheon*, [360 S.C. 196, 209, 600 S.E.2d 105, 111](#) (Ct.App. 2004) ("Because the law favors compromises, our appellate courts have long held that testimony as to negotiations and offers to compromise are inadmissible for proving liability."); *Commerce Ctr. of Greenville, Inc. v. W. Powers McElveen Assocs., Inc.*, [347 S.C. 545, 558, 556 S.E.2d 718, 725](#) (Ct.App. 2001) ("The courts favor compromise; accordingly, evidence relating to settlements is generally not admissible to prove liability."); *Hunter v. Hyder*, [236 S.C. 378, 387, 114 S.E.2d 493, 497](#) (1960) ("[C]ompromises are favored and evidence of an offer or attempt to compromise or settle a matter in dispute cannot be given in evidence against the party by whom such offer or attempt was made.").

6. The following is taken direct from this Honorable Court's holding in the case of *Fesmire v. Digh* 385 S.C. 296, 307 (S.C. Ct. App. 2009)

Rule 408, SCRE provides as follows:

Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or **offering or promising** to accept, a valuable **consideration** in compromising or attempting to **compromise** a claim which was disputed as to either validity or amount, **is not admissible to prove liability** for or invalidity of the claim or its amount. **Evidence of conduct or statements made in compromise negotiations is likewise not admissible.** (emphasis added)

7. All of the foregoing, and what is contained within **Appendix A** and its attachments, clearly demonstrate the ill intent and untoward actions of the Appellees. The undersigned avers the Court must **Strike** the pleading of the Appellees, and **impose Sanctions**, in order to cure such abhorrent actions and dissuade them from similar actions in the future.

8. In support of this **Supplemental Motion to Strike and Supplemental Motion for Sanctions**, the undersigned is including **Appendix B**. **Appendix B** is the **South Carolina Bar's Standards of Professionalism**, minus commentary.

9. Without being redundant or unduly wasting the Court's time, I will simply state that the actions of the Appellees, by and through their betrayal of the confidential email I sent to them, **violated no less than a half dozen** of the **South Carolina Bar's Standards of Professionalism (Appendix B)**. And, as such their

reprehensible “pleading” must be **Stricken from the Record**. Likewise, **Sanctions** must be imposed to deter such future actions from occurring.

10. The Appellant thanks this Honorable Court for its consideration in this matter.

WHEREFORE, the Appellant Prays for the following Relief in the interests of Justice:

a) That this Honorable Court gives these matters attention, in the interests of justice since the undersigned and his family have been without the income he has been due since November of 2019;

b) That pursuant to **Rule 201(b)** and **Rule 201 (d)**, **South Carolina Rules of Civil Procedure**, and any applicable **Appellate Court Rules**, that the Court takes **Compulsory Judicial Notice** of everything the Appellant has filed in this matter, including all pleadings and Motions from the lower tribunal, and the attached **Appendix A** and **Appendix B**, and the **Appendix A** through **Appendix J**, filed with my original **Motion to Strike and to Impose Sanctions and for Other Relief**;

c) What SCDEW and its “attorneys’ thought of my July 31, 2020, email is immaterial and of no moment. The fact remains that I submitted it to them under the cloak of protection afforded to me as a **Settlement Negotiation**. This Honorable Court must **not** reward such despicable conduct. Accordingly this Court should **Strike** the Respondent’s Return to Appellant’s Motion to Expedite, in accordance with the Court Rules and Model Rules of Professional Conduct;

d) Pursuant to **Rule 12(f)**, **South Carolina Rules of Civil Procedure**, and any applicable **Appellate Court Rules** I am respectfully requesting that this Court issues an **ORDER** which

STRIKES the Respondent's Return to Appellant's Motion to Expedite, for all the reasons set forth herein;

e) This Court recently issued a Decision in the case of *Harwell v. Harwell*, Appellate Case No. 2017-002290 (S.C. Ct. App. Apr. 8, 2020), where this Court held in part:

Pursuant to Rule 11, a court may impose sanctions on a party or a party's attorney for filing a frivolous pleading, motion, or other paper. (emphasis supplied)

f) In accordance with this Honorable Court's Decision *Harwell v. Harwell*, and any other applicable controlling legal authorities, I am respectfully requesting that this Court Impose **SANCTIONS**, against the South Carolina Department of Employment and Workforce, and its attorney Mr. Steven A. Jordan, Jr., based upon everything contained in this pleading, and as detailed in the attached **Appendixes A-J**. I am respectfully requesting that the Court assesses **monetary damages against the Respondents** in the amount of **\$8,150.00**, in accordance with this Court's holding in *Harwell v. Harwell*;

g) That this Honorable Court **ORDERS** the attorney for the Respondents, Steven A Jordan, Jr., to self-report his unethical Conduct to the S.C. Supreme Court's Office of Disciplinary Counsel;

h) That this Honorable Court, in **ORDERS** SCDEW to immediately begin following the provisions of **House Bill 4014, Labor and Employment Law, South Carolina Laws Act 203**, which requires **all decisions** reached by SC DEW, must be done in accordance with the **South Carolina Rules of Civil Procedure** and the **South Carolina Administrative Procedures Act**;

i) That this Honorable Court **ORDERS** SCDEW to implement the legal provisions specified in **Appendix B, South Carolina Code 1976 § 41-35-760, Publication of department regulations on electronic website. Effective: March 30, 2010**. As clearly set forth in this and other pleadings I have filed in the lower tribunal, SCDEW has NEVER implemented the provisions of this Codified Law, for well over a full decade. There should be consequences for this because countless thousands of fellow South Carolinians have been negatively impacted by should grossly incompetent and illegal actions;

j) Any and all other Relief the Court deems just, proper, and in the interests of justice;

Respectfully submitted on November 5, 2020

/s/ Robert Michael Ardis
Robert Michael Ardis, Appellant
105 North Guignard Drive
Sumter, S.C. 29150
(803) 236-0859
michael.ardis2001@gmail.com

VERIFICATION

COMES NOW the Appellant, ROBERT MICHAEL ARDIS, who, under penalty of perjury and under the laws of the United States of America and the state of South Carolina, does hereby declare that I have read the foregoing, and that the facts alleged therein are true and correct to the best of my knowledge and belief. I understand that a false statement in this verification, and above in Paragraphs 1-10, will subject me to penalties of perjury.

/s/ Robert Michael Ardis
Robert Michael Ardis, Appellant
105 North Guignard Drive
Sumter, SC 29150
michael.ardis2001@gmail.com
(803) 236-0859

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Nov 05 2020
SC Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT
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Robert M. Ardis,

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v.

South Carolina Department of Employment and
Workforce and Sykes Enterprises, Inc.,

Respondents,

**APPELLANT’S MOTION TO STRIKE AND TO IMPOSE SANCTIONS AND FOR
OTHER RELIEF**

COMES NOW, the Appellant, Robert M. (Mike) Ardis, on his own behalf¹ and

¹ See *Erickson v. Pardus* 551 U.S. 89, 127 S. Ct. 2197 U.S., 2007. A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers. Pleadings in this case are being filed by the Petitioner *in propria persona*, wherein pleadings are to be considered without regard to technicalities. *Propria* pleadings are not to be held to the same high standards of perfection as practicing lawyers. See *Haines v. Kerner* 92 S. Ct. 594, also See *Powell v. Lennon*, 914 F2d 1459 (11th Cir 1990).

respectfully files this **Motion to Strike and to Impose Sanctions and for Other Relief**. It is respectfully submitted to this Honorable Court that I am not an attorney, and I will be speaking in a first person, narrative form in order to make my points to the Court. I categorically **DENY** and **REFUTE** all defamatory, unfounded allegations made by SCDEW in its recent pleading.

1. I am going on the Record making this Court aware that I hate, loathe and despise everything concerning the South Carolina Department of Employment and Workforce. Hereinafter referred to as SCDEW. It, and its Senior Administrators, are especially repugnant and offensive. This firmly held opinion will be borne out in this pleading and in the attached **Appendixes A-J**.

2. Case in point, their Return to Appellant's Motion to Expedite, dated August 17, 2020, and received by me on August 22, 2020. The sole purpose of this unethical filing was their feeble brained attempt to prejudice this Court against me. One thing I did not mention in my confidential email is that I have had three attorneys Sanctioned in the state of Florida, and one attorney Sanctioned in the state of South Carolina. It appears that I shall now add to the total in South Carolina. Never mind that they violated their ethical duties with the inclusion of a **confidential email** that they have labeled as **Exhibit A**. I am of the firm belief that the Office of Disciplinary Counsel will be interested in these matters, regardless of what actions this Court does or does not take against them.

3. As clearly indicated in their **Exhibit A**, I clearly and unequivocally stated, as follows: “. . . *pursuant to the law of this state, consider this email a “settlement negotiation.” Here is the applicable law on such matters and nothing in this email can be used in any court proceeding or pleading.*” Then I included the specific link as indicated in their **Exhibit A**. This meant

absolutely nothing to SCDEW. Their actions, with the inclusion of **Settlement Negotiations**, in a Court Pleading, is beyond reprehensible, and should be indicative to this Court of the exceptionally low and infamous caliber of “attorneys” and “public servants” that it is now dealing with. I would say they should be ashamed, but having dealt with this rogue, state agency, since December of 2019, I am of the firm belief that they have **no shame**. One must have morals in order to feel shame, and from the top (Dan Ellzey) down, this Agency is disgusting and unscrupulous.

4. I respectfully move this Honorable Court to hold SCDEW to account for its unethical actions, in contradiction of the Court Rules, the SC Bar Model Rules of Professional Conduct, and also in contradiction of the Decisional Law of this very Court, with their Return to Appellant’s Motion to Expedite.

5. I am moving this Court to **Strike** the Respondent’s Return to Appellant’s Motion to Expedite, and am also requesting the Court to Impose **Sanctions** for SCDEW’s brazenly unethical, immoral, and indecent behaviors. This Court must act, unlike the Administrative Law Court, a Court that I call into question for even existing.

ARGUMENT AND AUTHORITY

Standard of Review

6. “In ruling on a [Motion to Strike], a Court decides whether a party should be allowed to plead a defense or other matter, not whether there are facts supporting what has been pleaded.” *Alladin Plastics, Inc. v. Wintenna, Inc.*, 301 S.C. 90, 93, 390 S.E.2d 370, 372 (Ct.App.190). “In a

motion to strike as irrelevant, immaterial or redundant, only the pleadings may be considered.”
Lancaster v. Sweat, 239 S.C. 120, 124, 121 S.E.2d 444, 446 (1961).

7. “It is recognized that striking a pleading is a severe remedy and should be resorted to only in cases palpably requiring it for the administration of justice. The remedy will be granted only when the defect is plain, for where there is a semblance of a cause of action or defense set up in the pleading, its sufficiency cannot be determined on motion to strike out.” 41. *Archambault v. Sprouse*, 215 S.C. 336, 343, 55 S.E.2d 70, 73 (1949) *citing* Am.Jur.,Sec. 354, Page 532.

8. “Any objections to impertinent or scandalous matters in a pleading are properly raised by a party in a motion to strike.” *Doe v. Doe*, 324 S.C. 492, 499, 478 S.E.2d 854, 857 (Ct.App.1996).
“A motion to strike that challenges a theory of recovery in the pleading is in the nature of a motion to dismiss under Rule 12(b)(6), SCRPC.” *McCormick v. England*, 328 S.C. 627, 632, 494 S.E.2d 431, 433 (Ct.App.1997).

9. The law and rules are clear. I clearly, and without any room for interpretation, clarified and stipulated that my July 31, 2020, email, included as their **Exhibit A**, and discussed at length in their Return to Appellant’s Motion to Expedite, was a **Settlement Negotiation**. Regardless of what they thought, they were Obligated to treat it as such. This forms a partial basis of my forthcoming Complaint to the Office of Disciplinary Counsel. The Model Rules regarding Fairness to Opposing Parties, and Fairness to Unrepresented Persons, etc., among other arguments, will be detailed at length. Again, if they had any ethics, they should be ashamed. But they do not.

10. In an ironic twist, this very Court has been crystal clear in such matters. Attached as my **Appendix A**, is this Court's Decision in *Fesmire v. Digh*, 385 S.C. 296 (S.C. Ct. App. 2009) 683 S.E.2d 803, held in part, as follows:

Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or **offering or promising** to accept, a valuable **consideration** in compromising or attempting **to compromise** a claim which was disputed as to either validity or amount, **is not admissible to prove liability** for or invalidity of the claim or its amount. **Evidence of conduct or statements made in compromise negotiations is likewise not admissible.**

11. The emphasis that is notable above, in this Court's Decision (**Appendix A**), was not added by me, but rather, was added by this Court.

12. However, this Court went further on this subject, and wrote the following, concerning precisely what the Respondents did, contrary to this Court's Decision in *Fesmire v. Digh*

This rule contemplates that the parties need to feel free to make certain assumptions for the purpose of settlement *308 negotiations and that those statements are assumed by the author to be true only for the purpose of compromise negotiations. The rule codifies the longstanding principle that evidence of conduct or statements made in compromise negotiations is **not admissible**. See *QHG of Lake City, Inc. v. McCutcheon*, 360 S.C. 196, 209, 600 S.E.2d 105, 111 (Ct.App. 2004) ("Because the law favors compromises, our appellate courts have long held that testimony as to negotiations and **offers to compromise are inadmissible** for proving liability."); *Commerce Ctr. of Greenville, Inc. v. W. Powers McElveen Assocs., Inc.*, 347 S.C. 545, 558, 556 S.E.2d 718, 725 (Ct.App. 2001) ("The courts favor compromise; accordingly, evidence relating to settlements is generally not admissible to prove liability."); *Hunter v. Hyder*, 236 S.C. 378, 387, 114 S.E.2d 493, 497 (1960) ("[C]ompromises are favored and evidence of an offer or attempt to compromise or settle a matter in dispute cannot be given in evidence

against the party by whom such offer or attempt was made."). 308
(emphasis added)

13. This is not an oversight by an inexperienced attorney. Mr. Jordan, the attorney for SCDEW, from his own AVVO page, relates the following about himself:

About Steven

Steven Jordan practices out of Columbia, SC and has been licensed for 9 years. This attorney attended University of South Carolina School of Law and handles cases in Internet, Construction & Development, Appeals.

Practice areas

1. Appeals 34%
2. Construction and development 33%
3. Internet 33%

14. An attorney licensed for nearly a decade, who states that he devotes over 1/3 of his case work to Appeals, most certainly was/is aware that what I wrote was a **Settlement Negotiation**. Whether or not the Respondents questioned the “legitimacy” of my **Settlement Negotiation** email is of no moment. I clearly clarified it as such. However, I submit to this Honorable Court that SCDEW is scared. They are scared that they have repeatedly violated the laws, rules, and even the Constitution of South Carolina, for a least over a decade now, and counting. And they

desperately do not want this to come out. But come out it will. I have made it my mission that it will.

15. What SCDEW and its “attorneys’ thought of my July 31, 2020, email is immaterial and of no moment. The fact remains that I submitted it to them under the cloak of protection afforded to me as a **Settlement Negotiation**. This Honorable Court must **not** reward such despicable conduct. Accordingly this Court should Strike the Respondent’s Return to Appellant’s Motion to Expedite.

Request for Sanctions

16. In the next section I intend to demonstrate to this Court the complete lack of oversight, management, and adherence to the laws of this State, as practiced by SCDEW. It is truly a repugnant and lawless State Agency. Sadly, because it rests within the Governor’s Cabinet, the Office of the Governor, which is responsible for its lawlessness, refuses to take corrective actions regarding it. I should know as my repeated Complaints to that Office are regularly ignored.

17. This Court recently issued a Decision in the case of *Harwell v. Harwell*, Appellate Case No. 2017-002290 (S.C. Ct. App. Apr. 8, 2020), wherein, in part, this Court wrote the following:

Pursuant to Rule 11, a court may impose sanctions on a party or a party's attorney for filing a frivolous pleading, motion, or other paper. *Id.*; see also *Ex parte Gregory*, 378 S.C. at 437, 663 S.E.2d at 50.

"The party and/or attorney **may also be sanctioned**

for filing a pleading, motion, or other paper in **bad faith** whether or not there is good ground to support it." *Ex parte Gregory*, 378 S.C. at 437, 663 S.E.2d at 50. "The sanction may include an order to pay the reasonable costs and attorney fees incurred by the party or parties defending against the frivolous action or action brought in bad faith" *Id.* at 437-38, 663 S.E.2d at 50. "**Further, if appropriate under the facts of the case, the court may order a party and/or the party's attorney to pay a reasonable monetary penalty to the party or parties defending against the frivolous action or action brought in bad faith.**" *Id.* at 438, 663 S.E.2d at 50. "(emphasis added)"

18. The cretins at SCDEW have the nerve to allege that my case does not warrant being expedited. How dare they?! I have a 78 year old Mother who is suffering from Stage 4 Bone Cancer, that I am caring for, and we are facing eviction from our home. If there was ever a case more deserving of expedition, I would appreciate it if they would direct me to it.

19. I am respectfully requesting that this Court enters monetary **Sanctions** against SCDEW, awarded to me, **in the amount of \$8,150.00.** The amount I am due from SCDEW for the unemployment compensation that it has illegally kept from me and my family since December of 2019. **This Honorable Court has the discretion, jurisdiction, and ability to make this award.**

Egregious, Unethical and Illegal Acts of SCDEW

20. I would respectfully submit to the Court that these matters between myself and SCDEW is personal and ugly. Not on my part, but on the part of SCDEW. They have flagrantly violated the laws of this State for over a decade. Attached as **Appendix B** is **South Carolina Code 1976 § 41-35-760, Publication of department regulations on electronic website. Effective: March 30, 2010.**

21. This is but one issue that has developed into animosity between myself and SCDEW. I am inviting this Court to research the complete SCDEW Website. Look for SCDEW's compliance with **South Carolina Code 1976 § 41-35-760, Publication of department regulations on electronic website.** I will save the Court the time. It will **not** find compliance with this law passed **over ten (10) years ago! That is over a decade ago.** And, in a demonstration of its collective, passive aggressive behavior, SCDEW has repeatedly violated the laws, regulations, rules, and even the South Carolina Constitution, in its denial of my unemployment compensation. This is what I have been up against going on a year now. When you point out their abject failure to comply with a ten year old law, they get very recalcitrant and disagreeable. It is not my fault they are a grossly

incompetent Agency. It is the fault of whoever is doing the hiring over there.

22. In consideration of judicial brevity, I will not attempt to “reinvent the wheel” in this pleading. Rather, I will be including some previously filed pleadings, motions, emails, etc., and would ask that this Court takes Compulsory Judicial Notice of the following, which are self-explanatory.

23. In accordance with Rule 201 of the **South Carolina Rules of Civil Procedure**.

Specifically, **Rule 201(b)** and **Rule 201 (d)**, which read as follows:

(b) Kinds of Facts. A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

(d) When Mandatory. A court shall take judicial notice if requested by a party and supplied with the necessary information.

I am requesting **Compulsory Judicial Notice** of **Appendix A** and **Appendix B**, and of the following:²

Appendix C April 20, 2020, Memorandum of Law (minus attachments)³

8. The Appellant/Claimant avers that he has been Retaliated against, by SC DEW, for pointing out that that Agency has never complied with South Carolina Code

² I am taking the liberty of excerpting portions of each document below its listing for added emphasis on the true nature of these proceedings.

³ I have not included the attachments, for any of the Appendixes, out of a sense of brevity. The attachments are part of the Record in the lower tribunal. However, I will provide them should the Court request it.

1976 § 41-35-760, which mandatorily requires the following:

(A) The department must promulgate all regulations described in this chapter and regulations governing procedures at all proceedings, hearings, and appeals before the department or any member or employee of the department, including claims for benefit determinations, and all appeals of determinations regarding those claims, and publish all regulations on an electronic website.(emphasis added)

Appendix D April 29, 2020, Emergency Motion for Summary Judgment and Other Relief (minus attachments)

30. Taking each subsection of **S.C. Code Ann. § 1-23-380(5)**), individually, the undersigned at all times is referencing what is contained above, and in all his prior pleadings before the Court:

Did the Respondents take actions in (a) *in violation of constitutional or statutory provisions?*

The answer is a resounding yes. Please see their noncompliance and violations of **Article I, § 22**, of the S.C. Constitution; their noncompliance and violations of **S.C. Code of Regulations R. 47-51**; and their noncompliance, cited repeatedly by the undersigned, with **S.C. Code Ann. § 41-35-760**; along with multiple other violations not being cited for purposes of brevity;

Did the Respondents take actions in (b) *in excess of the statutory authority of the agency?*

The answer is a resounding yes. Besides the violations cited immediately above, the Respondents never conducted an evidentiary hearing; the Respondents openly violated the **S.C. Freedom of Information Act**; the Respondents reviewed and considered and incorporated the undersigned's Official Complaint emails, **ex parte**, directed to the Administration of the Respondents, which is simply further conclusive proof that the Respondents have **never** complied with **S.C. Code Ann. § 41-35-760**, in the more than ten (10) years since it became law;

Did the Respondents take actions in (c) *made upon unlawful procedure?*

The answer is a resounding yes. Where to begin? Making decisions without interviewing the undersigned's witnesses; not holding evidentiary hearings; changing hearing officers without Notice; reviewing and considering Complaint emails; violating numerous statutes, rules, and even the S.C. Constitution; the undersigned could turn this into a dissertation if time permitted;

Did the Respondents take actions in (d) *affected by other error of law;*

The answer is a resounding yes. Please reference each and everything listed above, and each and every pleading filed by the Appellant/Claimant in this cause;

Did the Respondents take actions in (e) *clearly erroneous in view of the reliable, probative and substantial evidence on the whole record?*

The answer is a resounding yes. The Appellant/Claimant is verifying this **Emergency Motion** and he stands behind everything he has pled. The Respondents are an inept, lazy, incompetent agency. I am sorry, but they just are. There is no Record, because there has **never** been an evidentiary hearing. The Respondents have retaliated against the undersigned because he has pointed out that the Respondents have never, ever Complied with **S.C. Code Ann. § 41-35-760**. The Respondents, by simply having a link on their website, which has a copy of the law, is **not** Compliance. They should be ashamed of themselves.

Did the Respondents take actions in an (f) *arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.*

The answer is a resounding yes. The undersigned would respectfully request that the Court reviews everything he has filed in this cause. There has been rampant, multiple arbitrary, capricious actions, and not just an abuse of discretion, but a perversion of discretion. It sickens me that a state agency would behave in such a disgusting manner. And, the undersigned would ask the Court to take **Judicial Notice** of the fact that the Respondents, have **never, ever, not once**, attempted to deny the allegations of the undersigned. Respectfully, this Honorable Court should not require anything further.

Appendix E May 26, 2020, Emergency Motion to Vacate Order of Dismissal and to Schedule Emergency Contested Hearing, and for Other Relief (minus attachments)

10. Both Executive Branch Agencies, the Administrative Law Court and the South Carolina Department of Employment and Workforce, have been **ORDERED** by the Governor, in **Executive Order 2020-10**, to:

Section 3. I hereby authorize **and direct any agency** within the undersigned's Cabinet or any other department within the Executive Branch, as defined by **section 1-30-10 of the South Carolina Code of Laws**, as amended, through its respective director or secretary, to **waive or "suspend provisions of existing regulations prescribing procedures** for conduct of state business if strict compliance with the provisions thereof would **in any way** prevent, hinder, or delay necessary action in coping with the emergency," in accordance with **section 25-1-440 of the South Carolina Code of Laws** and other applicable law. (**emphasis supplied**)

Appendix F June 15, 2020, Second Emergency Motion for Reconsideration, and to Schedule Emergency Contested Hearing and for Other Relief (minus attachments)

- Appendix G** **South Carolina Code 1976 § 41-35-610. Procedures must be pursuant to department regulations; duties of employers. Effective: March 30, 2010⁴**
- Appendix H** **Friday, August 7, 2020, email to senior administrators of SCDEW⁵**
- Appendix I** **Monday, August 10, 2020, email to senior administrators of SCDEW**
- Appendix J** **Copies of various Certified Mail Receipts. These represent the only way that SCDEW will admit to actually receiving something that I have sent them. I am sick and tired of dealing with such a duplicitious organization. This Court should exact tough Sanctions upon these rogues, in accordance with its discretion and jurisdiction.**

24. I am respectfully requesting that this Court completely and fully reads and reviews what is contained in **Appendixes A- J**. A complete review of these Appendixes will fully apprise this Honorable Court of the reprehensible “state agency” with which it has been my unfortunate to deal with for nearly a year.

25. I am respectfully requesting that this Honorable Court views this pleading, and everything I have filed, in a light most favorable to me. In the case of *Erickson v. Pardus* , 551 U.S. 89, 127 S. Ct. 2197 U.S., 2007, regarding the lenency given to *pro se* filings, the Supreme Court held:

The Court of Appeals' departure from the liberal pleading standards set forth by Rule 8(a)(2) is even more pronounced in

⁴ Here again, this is laughable seeing as how SCDEW has **never** with **Appendix B** is **South Carolina Code 1976 § 41-35-760**,

⁵ These two emails are further evidence of SCDEW violating its very own policies and procedures in a defiant act of **Retaliation** against me for daring to point out their failures to comply with the Laws of South Carolina. These represent more recent, open violations of the law, committed by SCDEW.

this particular case because petitioner has been proceeding, from the litigation's outset, without counsel. A document filed pro se is "to be liberally construed," *Estelle*, 429 U.S., at 106, 97 S. Ct. 285, and "a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers," *ibid.* (internal quotation marks omitted). Cf. Fed. Rule Civ. Proc. 8(f) ("All pleadings shall be so construed as to do substantial justice").

WHEREFORE, the Appellant Prays for the following Relief on an

Emergency Basis:

a) That this Honorable Court gives these matters **Emergency** attention, in the interests of justice since the undersigned and his family have been without any income since November of 2019;

b) That pursuant to **Rule 201(b)** and **Rule 201 (d)**, **South Carolina Rules of Civil Procedure**, that the Court takes **Compulsory Judicial Notice** of everything the Appellant has filed in this matter, including all pleadings and Motions from the lower tribunal, and the attached **Appendix A** through **Appendix J**;

c) What SCDEW and its "attorneys' thought of my July 31, 2020, email is immaterial and of no moment. The fact remains that I submitted it to them under the cloak of protection afforded to me as a **Settlement Negotiation**. This Honorable Court must not reward such despicable conduct. Accordingly this Court should **Strike** the Respondent's Return to Appellant's Motion to Expedite, in accordance with the Court Rules and Model Rules of Professional Conduct;

d) Pursuant to **Rule 12(f)**, **South Carolina Rules of Civil Procedure**, I am respectfully requesting that this Court issues an **ORDER** which **STRIKES** the Respondent's Return to Appellant's Motion to Expedite, for all the reasons set forth herein;

e) This Court recently issued a Decision in the case of *Harwell v. Harwell*, Appellate Case No. 2017-002290 (S.C. Ct. App. Apr. 8, 2020), where this Court held in part:

Pursuant to Rule 11, a court may impose sanctions on

a party or a party's attorney for filing a frivolous pleading, motion, or other paper. (emphasis supplied)

f) In accordance with this Honorable Court's Decision *Harwell v. Harwell*, I am respectfully requesting that this Court Impose **SANCTIONS**, against the South Carolina Department of Employment and Workforce, and its attorney Mr. Steven A. Jordan, Jr., based upon everything contained in this pleading, and as detailed in the attached **Appendixes A-J**. I am respectfully requesting that the Court assesses **monetary damages against the Respondents** in the amount of **\$8,150.00**, in accordance with this Court's holding in *Harwell v. Harwell*;

g) That this Honorable Court ORDERS the attorney for the Respondents, Steven A Jordan, Jr., to self-report his unethical Conduct to the S.C. Supreme Court's Office of Disciplinary Counsel;

h) That this Honorable Court, in **ORDERS** SCDEW to immediately begin following the provisions of **House Bill 4014, Labor and Employment Law, South Carolina Laws Act 203**, which requires **all decisions** reached by SC DEW, must be done in accordance with the **South Carolina Rules of Civil Procedure** and the **South Carolina Administrative Procedures Act**;

i) That this Honorable Court ORDERS SCDEW to implement the legal provisions specified in **Appendix B, South Carolina Code 1976 § 41-35-760, Publication of department regulations on electronic website. Effective: March 30, 2010**. As clearly set forth in this and other pleadings I have filed in the lower tribunal, SCDEW has NEVER implemented the provisions of this Codified Law, for well over a full decade. There should be consequences for this because countless thousands of fellow South Carolinians have been negatively impacted by should grossly incompetent and illegal actions;

j) Any and all other Relief the Court deems just, proper, and in the interests of justice;

Respectfully submitted on August 31, 2020

/s/ Robert Michael Ardis

Robert Michael Ardis, Appellant
105 North Guignard Drive
Sumter, S.C. 29150
(803) 236-0859
michael.ardis2001@gmail.com

VERIFICATION

COMES NOW the Appellant, ROBERT MICHAEL ARDIS, who, under penalty of perjury and under the laws of the United States of America and the state of South Carolina, does hereby declare that I have read the foregoing, and that the facts alleged therein are true and correct to the best of my knowledge and belief. I understand that a false statement in this verification, and above in Paragraphs 1-25, will subject me to penalties of perjury.

/s/ Robert Michael Ardis

Robert Michael Ardis, Appellant
105 North Guignard Drive
Sumter, SC 29150
michael.ardis2001@gmail.com
(803) 236-0859

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of this **Emergency Motion**, and its **Appendixes**, have been provided to the Court and the South Carolina Department of Employment and Workforce, on this 31st day of August 2020, via U.S. Mail.

/s/ Robert Michael Ardis

Robert Michael Ardis, Appellant

STANDARDS OF PROFESSIONALISM

STATEMENT OF PRINCIPLES

- 1. Principle:** A lawyer should revere the law, the judicial system and the legal profession and should, at all times in the lawyer's professional and private lives, uphold the dignity and esteem of each, and exercise the right to improve it.
- 2. Principle:** A lawyer should further the legal profession's devotion to public service and to the public good.
- 3. Principle:** A lawyer should strictly adhere to the spirit as well as the letter of the Rules of Professional Conduct, to the extent that the law permits, and should, at all times, be guided by a fundamental sense of honor, integrity and fair play.
- 4. Principle:** A lawyer should not knowingly misstate or improperly distort any fact or opinion.
- 5. Principle:** A lawyer should conduct himself or herself to assure the just, prompt and economically efficient determination and resolution of every controversy consistent with thoroughness and professional preparation.
- 6. Principle:** A lawyer should avoid all rude, disruptive and abusive behavior and should, at all times, act with dignity, decency and courtesy consistent with any appropriate response to such conduct by others and a vigorous and aggressive assertion to appropriately protect the legitimate interests of a client.
- 7. Principle:** A lawyer should respect the time and commitments of others.
- 8. Principle:** A lawyer should be diligent and punctual in communicating with others and in fulfilling commitments.
- 9. Principle:** A lawyer should exercise independent judgment without compromise of a client and should not be governed by a client's ill will or deceit.
- 10. Principle:** A lawyer's word should be the lawyer's bond.

These standards of professionalism are guides and goals for lawyers in the conduct of their professional life at the Bar. They are to always be construed and consistent with the duty to reasonably and effectively represent the client.

Violation of a guideline, principle or standard should not give rise to a cause of action nor should it create any presumption that a legal duty has been breached. The civility guidelines are designed to provide guidance to lawyers and define a structure for helping lawyers deal in a responsible fashion and are not designed to be a basis for civil liability nor a basis for any disciplinary action since disciplinary action is governed by Rule 407 of the Rules of Professional Conduct.

SOUTH CAROLINA BAR STANDARDS OF PROFESSIONALISM

The South Carolina Bar adopts the following Standards of Professionalism for all of its members to the extent that these Standards are not in conflict with the constitutional rights of clients, existing law or court rules.

Reverence for the Law, the Legal System and the Legal Profession

1. Principle: A lawyer should revere the law, the judicial system and the legal profession and should, at all times in the lawyer's professional and private lives, uphold the dignity and esteem of each, and exercise the right to improve it.

Standards:

1.1 A lawyer should, at all times, defend the inherent nobility and worth of the law, the rule of law and the judicial system.

1.2 A lawyer should, at all times, defend the role of the legal profession in the judicial system and in our system of laws.

1.3 A lawyer should support proposals to improve the administration of justice.

1.4 A lawyer should support proposals to advance the science of jurisprudence.

1.5 A lawyer should encourage and support qualified candidates to seek judicial office and encourage and support qualified and competent judges personally and publicly.

1.6 A lawyer should decline to encourage or support for appointment or election to judicial positions persons who, by skill, knowledge, experience, integrity or temperament are not qualified to fill those positions.

1.7 When considering whether to advertise and what methods of advertising to employ, a lawyer should be guided by the benefit to society of promoting and protecting public confidence in the judicial system and public esteem of the legal profession.

1.8 A lawyer should not solicit, in person or otherwise, professional employment from a prospective client with whom the lawyer has no family or prior professional relation-

ship when the prospective client is, in connection with the subject matter of the potential representation, physically suffering or emotionally or mentally distressed or distraught if that condition of the client would not enable the client to exercise independent judgment in the employment of a lawyer.

1.9 A lawyer should not solicit by advertising or by employment of non-practicing lawyers to solicit legal business that the lawyer is not competent or willing to pursue for the purpose of thereafter brokering such business for an unreasonable portion of the fee.

1.10 A lawyer should not solicit business by advertising or otherwise, legal business which the lawyer cannot or does not intend to fulfill for the purpose of charging a fee and performing little or no legal contribution.

1.11 A lawyer should strive to maintain and enhance his or her competence and to keep abreast of all developments in the law that are relevant to his or her substantive areas of practice.

1.12 A lawyer should, at all times, be appropriately prepared for court appearances, meetings and conferences, not only for the benefit of the lawyer's client but also for the benefit of the court if a court appearance, and other persons involved, if a meeting or conference.

1.13 Upon being employed by a new client, a lawyer should discuss fee arrangements at the outset of the representation and, if practical, promptly confirm those arrangements in writing.

1.14 In any representation in which the fee arrangement is other than a contingent percentage-of-recovery fee or a fixed, flat sum fee or in which the representation is anticipated to be of more than brief duration, a lawyer should bill clients on a regular and frequent interim basis.

1.15 When a fee dispute arises, a lawyer should first attempt to resolve the matter with the client and then should refer the client to the appropriate fee arbitration panel which should endeavor to arbitrate or mediate such disputes.

1.16 A lawyer should treat the practice of law as a privilege conferred upon the lawyer by the public and should, at all times, be responsible to the public for his or her actions. The character test of the Character and Fitness Committee should not reject those with unpopular views and alternate lifestyles who are otherwise fit and competent.

1.17 A lawyer should, at all times in his or her professional life, act in a manner that will enhance or maintain the public's esteem for the law, the judicial system and the legal profession.

1.18 A lawyer should promote a strong commitment to the ideals and independence of the legal profession.

1.19 A lawyer should, at all times, avoid the appearance of impropriety provided that the espousal of unpopular causes, the aggressive representation of an unpopular client and unconventional lifestyles shall not be the measure of propriety.

1.20 A lawyer should counsel and encourage other lawyers to abide by these standards of professionalism.

1.21 A lawyer and the Bar should educate the schools of law, students and lawyers entering the profession and encourage lawyers as to these principles, their practicality and their fairness.

Devotion to Public Service and the Public Good

2. Principle: A lawyer should further the legal profession's devotion to public service and to the public good.

Standards:

2.1 A lawyer should contribute the skill, knowledge and influence gained as a lawyer to the furtherance of civic responsibility and the public good.

2.2 A lawyer should provide or assist and defend efforts to provide all persons with just causes, regardless of their means or the popularity of their cause, to full and fair access to the law and to the judicial system.

2.3 A lawyer should defend the importance to society of serving the fundamental rights of individuals notwithstanding any contrary popular opinion of the day.

Adherence to a Fundamental Sense of Honor, Integrity and Fair Play

3. Principle: A lawyer should strictly adhere to the spirit as well as the letter of the Rules of Professional Conduct, to the extent that the law permits and should, at all times, be guided by a fundamental sense of honor, integrity and fair play.

Standards:

3.1 A lawyer should never attempt to inappropriately humiliate or intimidate any person or party for the purpose of obtaining unfair advantage consistent with the adversarial system and protection of the client's legitimate interest.

3.2 A lawyer should not oppose matters on mere form or style when such dispute creates an undue burden on the judicial system or the parties involved.

3.3 A lawyer should not impose arbitrary or unreasonable deadlines for action by others and should freely grant requests for reasonable time extensions.

3.4 In drafting a proposed agreement, a lawyer should not insert unnecessary terms and provisions which are unfair or for the purposes of inappropriate deception.

3.5 In drafting a proposed letter of intent, the memorialization of an oral agreement or a written contract reflecting an agreement reached in concept, a lawyer should draft a doc-

ument that fairly reflects the agreement of the parties.

3.6 A lawyer should not unreasonably oppose an adversary's application for an order or an adversary's request to insert a term or provision in a document.

3.7 A lawyer should stipulate all facts and principles of law that are not in dispute when it is fair to do so.

3.8 A lawyer should promptly respond to requests for stipulations of fact or law.

3.9 A lawyer should voluntarily withdraw claims or defenses when it becomes apparent that they are without merit or are superfluous or merely cumulative.

3.10 A lawyer should promptly comply with requests to prepare proposed orders unless there are compelling or unusual personal and professional reasons for delay.

3.11 A lawyer should never permit nonlawyer support personnel to communicate with a judge or judicial officer on any matters pending before the judge or officer or with other court personnel except on scheduling and other ministerial matters when it is inappropriate to do so.

3.12 A lawyer should notify opposing counsel of all communications with the court or other tribunal, except those involving only scheduling matters not related to the choice of judges, and should simultaneously provide opposing counsel with copies of any written communication with the court by the same or substantially the same means by which they were provided to the court.

3.13 A lawyer should not make scheduling decisions with the motive of limiting opposing counsel's opportunity to prepare or respond.

3.14 When scheduling hearings and other adjudicative proceedings, a lawyer should request an amount of time that is truly calculated to permit full and fair presentation of the matter to be adjudicated and to permit equal response by the lawyer's adversary.

3.15 A lawyer should immediately notify all counsel of any hearing time that the lawyer has reserved with the court or tribunal.

3.16 A lawyer should bring to the attention of the court or other tribunal all controlling legal authority, whether or not favorable to the client's position and whether or not disclosed by opposing counsel when it is known to the lawyer.

3.17 A lawyer should appear at a hearing before a court or other tribunal appropriately prepared to submit the matter at issue to the court or tribunal for adjudication when the matter is not subject to reasonable grounds for postponement or dismissal and when the case is called for trial with reasonable notice and under appropriate circumstances by the court.

3.18 A lawyer should not use the post-hearing submission of

proposed orders as a guise to argue or reargue the merits of the matter to be determined consistent with the right to further the formation of the grounds for appeal.

3.19 A lawyer should not request rescheduling, cancellations, extensions and postponements without legitimate reasons and never solely for the purpose of delay or obtaining unfair advantage.

3.20 When there has been pretrial disclosure of trial witnesses, a lawyer should make a reasonable, good-faith effort to identify those witnesses whom the lawyer believes are reasonably likely to be called to testify.

3.21 When there has been pretrial disclosure of trial exhibits, a lawyer should make a reasonable good-faith effort to identify those exhibits that the lawyer believes will be proffered into evidence.

3.22 During trials and evidentiary hearings, a lawyer should disclose the identities requested in discovery and estimated duration of witnesses anticipated to be called that day and the following day, including depositions to be read, and should cooperate in sharing with opposing counsel visual aid equipment and demonstrative exhibits, charts, graphs and diagrams which have been jointly prepared or which have been previously placed into evidence consistent with the preparation and protection of the trial strategy.

3.23 A lawyer should not mark or alter exhibits, charts, graphs and diagrams without opposing counsel's permission or leave of court except when prepared by counsel for that purpose.

3.24 A lawyer should abstain from conduct calculated to detract or divert the fact-finder's attention from the relevant facts or otherwise cause it to reach a decision on an impermissible basis.

3.25 A lawyer should not enter into an agreement to withhold information from a client to serve the lawyer's own interest or convenience inconsistent with the promotion of a just and fair resolution in the client's best interest.

Honesty and Candor

4. Principle: A lawyer should not knowingly misstate or improperly distort any fact or opinion.

Standards:

4.1 A lawyer should not knowingly misstate, distort or improperly exaggerate any fact or opinion in a deceitful or deceptive manner for an improper purpose.

4.2 A lawyer should not improperly permit the lawyer's silence or inaction to mislead anyone deceitfully and deceptively for a wrongful purpose.

4.3 In drafting documents, a lawyer should point out to opposing counsel all changes that the lawyer makes or causes to be made from one draft to another.

4.4 A lawyer should not knowingly draft a document or through silence permit a document to be drafted in a manner that permits the lawyer, the lawyer's client or a third party to take advantage of a term or provision or of the absence of a term or provision to the disadvantage of the adversary in such a manner as the lawyer knows or believes that the adversary neither anticipates nor contemplates.

Fair and Efficient Administration of Justice

5. Principle: A lawyer should conduct himself or herself to assure the just and economically efficient determination and resolution of every controversy consistent with thoroughness and professional preparation.

Standards:

5.1 A lawyer should accede to reasonable requests for waivers of procedural formalities when the client's legitimate interests are not adversely affected.

5.2 A lawyer should not invoke a rule for the sole purpose of creating undue delay or obtaining unfair advantage.

5.3 A lawyer should never use discovery for the primary purpose of harassing or burdening an adversary or causing the adversary to incur unnecessary expense.

5.4 A lawyer should frame reasonable discovery requests tailored to the matter at hand.

5.5 A lawyer should assure that responses to proper requests for discovery are timely and complete and are consistent with the obvious intent of the request.

5.6 A lawyer should seek a resolution of disputes on the merits of the case in preference to procedural formalities when the lawyer can fairly do so without detriment to the client's legitimate interest.

Courtesy

6. Principle: A lawyer should abstain from all rude, disruptive, disrespectful and abusive behavior and should, at all times, act with dignity, decency and courtesy when such conduct is reciprocal or not necessary to protect the client from such similar behavior by others.

Standards:

6.1 A lawyer should refrain from rude, disruptive, disrespectful and abusive behavior consistent with this principle.

6.2 A lawyer should encourage support personnel to refrain from all rude, disruptive, disrespectful and abusive behavior consistent with this principle.

Respect for the Time and Commitments of Others

7. Principle: A lawyer should respect the time and commitments of others.

Standards:

7.1 Before scheduling a hearing on any motion or discovery objection, a lawyer should endeavor to resolve or narrow the issue at hand.

7.2 In scheduling depositions upon oral examination, a lawyer should allow enough time to permit the conclusion of the deposition, including examination by all parties, without adjournment.

7.3 Unless circumstances compel more expedited scheduling, a lawyer should endeavor to provide litigants, witnesses and other affected persons or parties with ample advance notice of hearings, depositions, meetings and other proceedings.

7.4 Whenever practical, a lawyer should schedule hearings, depositions, meetings and other proceedings at times that are convenient to all interested persons.

7.5 A lawyer should accede to all reasonable requests for scheduling, rescheduling, cancellations, extensions and postponements that do not prejudice the client's opportunity for full and fair consideration and adjudication of the client's claim or defense.

7.6 Upon receiving an inquiry concerning a proposed time for a hearing, deposition, meeting or other proceeding, a lawyer should promptly agree to the proposal or offer a reasonable counter-suggestion.

7.7 A lawyer should call potential scheduling conflicts or problems to the attention of those affected, including the court or tribunal, as soon as they become apparent to the lawyer.

7.8 A lawyer should avoid last-minute cancellations of hearings, depositions, meetings and other proceedings.

7.9 A lawyer should promptly notify the court or tribunal of any resolution by the parties that renders a scheduled court appearance unnecessary.

Diligence and Punctuality

8. Principle: A lawyer should be diligent and punctual in communicating with others and in fulfilling commitments.

Standards:

8.1 A lawyer should endeavor to achieve the client's reasonable and lawful objectives as economically and expeditiously as possible.

8.2 A lawyer should counsel the client concerning the benefits and detriments of mediation, arbitration and other alternative methods of resolving disputes.

8.3 A lawyer should counsel the client to consider and explore settlement in good faith.

8.4 A lawyer should be punctual in attending all court appearances, depositions, meetings, conferences and other proceedings.

8.5 A lawyer should respond promptly to inquiries and communications from clients and others when appropriate and consistent with reasonable case management.

Independence of Judgment

9. Principle: A lawyer should exercise independent judgment and should not be governed by a client's ill will or deceit.

Standards:

9.1 A lawyer should, at all times, provide the client with objective evaluation and advice without purposefully understating or overstating achievable results or otherwise creating unrealistic expectations.

9.2 A lawyer should counsel the client to act with fundamental honesty, candor and fairness.

9.3 A lawyer should not permit the client's ill will toward an adversary, witness or tribunal to become that of the lawyer.

9.4 A lawyer should counsel the client against the use of tactics designed to hinder or delay the process involved.

9.5 A lawyer should counsel the client against the use of tactics designed to embarrass, harass, intimidate, burden or oppress an adversary or any other person or party when appropriate to do so.

9.6 A lawyer should counsel the client that it may be in the client's best interest to refrain from all rude, disruptive, disrespectful and abusive behavior, even when confronted with such behavior.

9.7 A lawyer should counsel the client or prospective client, even with respect to a meritorious claim or defense, concerning the burdens of pursuing the claim as compared with the benefits to be achieved.

9.8 A lawyer should counsel the client about the propriety of withdrawing a claim or defense if it becomes apparent that it is without merit or is superfluous.

9.9 In contractual and business negotiations, a lawyer should counsel the client concerning what is reasonable under the circumstances.

9.10 A lawyer should counsel with a client about the disadvantages of rancor and the advantages of settlement when those settlements are of potential benefit to the client.

9.11 A lawyer should not persist in pursuing a case of questionable merit or value when compared with the negative and expensive aspects of litigation.

9.12 A lawyer should pursue cases of a novel and imaginative import when the case or cause might legitimately advance a cause of public or private benefit previously unrecognized. It is the lawyer's duty to espouse novel, but reasonable causes.

9.13 A lawyer, when necessary, should acquaint the client with these principles, their practicality and fairness when requested by the client to violate them.

Fulfilling Promises

10. Principle: A lawyer's word should be the lawyer's bond.

Standards:

10.1 A lawyer should strive to fulfill all promises and other commitments.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of this **Motion**, and its **Appendixes**, have been provided to the Court and the South Carolina Department of Employment and Workforce, on this 5th day of November 2020, via U.S. Mail.

/s/ Robert Michael Ardis

Robert Michael Ardis, Appellant

RECEIVED

Nov 05 2020

SC Court of Appeals