

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

68096

APPEAL FROM DORCHESTER COUNTY

Patrick R. Watts, Special Referee

Case No. 2007-CP-18-2140

Irving T. Geddis, Jr., Harry M. Carroll, Barbara
C. Stancil, & Joanne C. Wade,

Respondents,

v.

Rebecca Geddis, Patricia Ann Geddis,
Cleveland Geddis, John Henry Geddis, Herman
Geddis, George Geddis, Patrice Geddis,
Joenatham Geddis, Yvonne Geddis Bowens,
Gwendolyn P. Spell, Harry P. Geddis,
Catherine Goodwine a/k/a Catharine
Goodwine, Jessie Goodwine, and any
individual who may be claiming an interest in
this action as an heir of these individuals, and
MWV Community Development and Land
Management, LLC, and John Doe and Jane
Doe, fictitious names designating the unknown
heirs, devisees, distributees, issue, executors,
administrators, successors or assigns of the
Defendants named above, and Richard Roe and
Mary Roe, fictitious names designating infants
and persons under disability or incompetent,
including those persons who might be in the
Military Services within the meaning of the
Soldier's and Sailor's Civil Relief Act of 1941,
Title 50, United States Code, and any other
person or legal entity who or which has or
claims any right, title, interest or lien in or to
the real property described in the Complaint, of
which CLEVELAND GEDDIS and PATRICE
GEDDIS are the

Appellants.

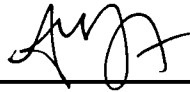
RECEIVED
APR 19 2013
SC Court of Appeals

NOTICE OF MOTION
And
MOTION TO BE RELIEVED AS COUNSEL

TO: THE ABOVE NAMED PARTIES:

YOU WILL PLEASE TAKE NOTICE THAT the undersigned moves before this Court for an Order relieving the undersigned as counsel for Cleveland Geddis and Patrice Geddis. This Motion will be based upon the applicable South Carolina statutory and case law, and upon the undersigned's memorandum filed simultaneously herewith.

April 14, 2013



Ashley G. Andrews (SC Bar No. 76667)
544 Savannah Highway
Charleston, South Carolina 29407
(843) 762-3554
Attorney for Cleveland Geddis and Patrice Geddis,
Appellants

Other Counsel of Record:

William E. McIntosh, Esq.
PO Box 280
Summerville, SC 29484
Attorney for the Respondents

G. Dana Sinkler, Esq.
PO Box 1254
Charleston, SC 29402
Attorney for MWV Community Development and Land Management, LLC

Christopher J. Murphy, Esq.
136 W. Richardson Avenue
Summerville, SC 29483
Guardian *ad Litem*

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GEDDIS are the

Appellants.

MEMORANDUM IN SUPPORT OF
MOTION TO BE RELIEVED AS COUNSEL

INTRODUCTION and STATEMENT OF FACTS

Ashley G. Andrews (hereinafter “Andrews”) represented Appellants, Cleveland Geddis and Patrice Geddis (hereinafter “Clients”), in the above-captioned matter. Andrews was not hired to represent the Clients in an appeal of the case. Andrews and the Clients entered into a retainer agreement on February 10, 2012. The retainer agreement was signed by all parties and stated, “Client’s case is concluded with the filing of a final order, order of dismissal, order granting or denying reconsideration, or any other court order normally ending a case. A motion to reconsider a final order is within the scope of representation.” The retainer agreement further stated, “Client understands that this Retainer Agreement does not require Counsel to undertake or defend any appeals or collateral litigation”

After a hearing on Clients’ Motion to Reconsider, Alter, and Amend Decree and for a New Trial, the motion was denied by an Order dated February 13, 2013. At the request of the Clients, Andrews served A Notice of Appeal on all parties. Thereafter, Andrews filed a motion to be relieved as counsel in the appellate action.

ARGUMENT

- I. Ashley G. Andrews should be relieved as counsel in the Clients’ appeal of Special Referee Patrick R. Watts’ decision in 2007-CP-18-2140.

An attorney retained only for a trial is required to serve and file the Notice of Appeal and to continue to represent the client until relieved by Court as required by the South Carolina Appellate Court Rules but the attorney may be relieved if (s)he shows that (s)he was not hired to represent a non-indigent client on appeal. See In the Matter of an Anonymous Member of the Bar, 303, S.C. 306, 400 S.E.2d 483 (1991).

In Matter of Anonymous, an attorney grievance was filed because an attorney, hired only for a trial, failed to perfect an appeal on behalf of a non-indigent client. The Supreme Court of South Carolina held that the attorney must serve and file the Notice of Appeal to protect the client's right to appeal. In the Matter of an Anonymous Member of the Bar, 303, S.C. 306, 400 S.E.2d 483 (1991). The Court further concluded that in such cases, an attorney must continue to represent the client until relieved by the Court under the South Carolina Appellate Court Rules, but that an attorney may be relieved on a showing that he was not hired to represent the non-indigent client on appeal. In the Matter of an Anonymous Member of the Bar, 303, S.C. 306, 400 S.E.2d 483 (1991).

In the present case, the Clients only hired Andrews to represent them in the filing of a Motion to Reconsider, and if granted, at a trial of the case. Andrews has preserved the Clients' right to appeal but has requested that the Court release her as counsel for the Clients for the purposes of this appeal.

"A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent." Rules of

Professional Conduct: Rule 1.2 (c), RPC, Rule 407, SCACR.

In the present case, Andrews informed the Clients that she would only represent them in filing of a Motion to Reconsider, and if granted, at a trial of the case, a limitation which was reasonable at the time the parties entered into the retainer agreement. The Clients gave their informed consent to this limitation by signing the retainer agreement and also initialing the page containing the limitation.

CONCLUSION

Andrews' Motion to be Relieved as Counsel should be granted because the scope of her representation of the Clients was limited to the filing of a Motion to Reconsider, and if granted, at a trial of the case, and the limitation was reasonable under the circumstances and both clients gave informed, written consent to the limitation.

April 14, 2013



Ashley G. Andrews (SC Bar No. 76667)
544 Savannah Highway
Charleston, South Carolina 29407
(843) 762-3554
Attorney for Cleveland Geddis and Patrice Geddis,
Appellants

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Special Referee

Patrick R. Watts, Special Referee

Case No. 2007-CP-10-2140

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C. Stancil, & Joanne C. Wade,

Respondents,


v.

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claims any right, title, interest or lien in or to
the real property described in the Complaint, of
which CLEVELAND GEDDIS and PATRICE
GEDDIS are the

Appellants.

PROOF OF SERVICE

I certify that I have served the Notice of Motion and Motion to be Relieved as Counsel and Memorandum in Support of Motion to be relieved as Counsel by depositing a copy of each in the United States Mail, postage prepaid on April 16, 2013 address to the Respondents, through their attorney of record, William E. McIntosh, Esq., PO Box 280, Summerville, SC 29484, MWV Community Development and Land Management, LLC, through their attorney of record, G. Dana Sinkler, Esq., PO Box 1254, Charleston, SC 29402 and the Guardian *ad Litem*, Christopher J. Murphy, Esq., 136 W. Richardson Avenue, Summerville, SC 29483, and to Cleveland Geddis and Patrice Geddis, both at 299 Geddisville Road, Adams Run, SC 29426.



Ashley G. Andrews (SC Bar No. 76667)
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(843) 762-3554
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Appellants

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Fax (843) 377-0111
andrews@lafondlaw.com

April 16, 2013

VIA US MAIL

The Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

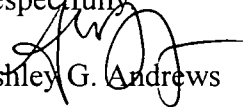
Re: Appellate Case No. 2013-000608

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Notice of Motion and Motion to be Relieved as Counsel and Memorandum in Support of Motion to be Relieved as Counsel for the above entitled action. Also enclosed is the Proof of Service, the filing fee, and a return envelope.

Thank you in advance for your assistance in this matter. With kind regards, I am,

Respectfully,


Ashley G. Andrews

Enclosures

cc: William E. McIntosh, Esq.
G. Dana Sinkler, Esq.
Christopher J. Murphy, Esq.
Cleveland Geddis
Patrice Geddis

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