

The Supreme Court of South Carolina

In the Matter of Marie Assa'ad-Faltas, Respondent.

Appellate Case No. 2013-000862

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Oct 20 2021

SC Court of Appeals

ORDER

On previous occasions, this Court filed orders addressing Respondent's conduct in and towards the courts of this State. These orders have been necessitated by Respondent's lamentable history of vexatious filings and inappropriate conduct toward the courts of this State, its officers, and employees. On June 21, 2017, this Court issued an opinion concerning Respondent. *City of Columbia v. Assa'ad-Faltas*, 420 S.C. 28, 800 S.E.2d 782 (2017). This recent opinion set forth many examples of Respondent's flagrant abuse of the court system in South Carolina, while also referencing Respondent's abusive tactics in courts in other jurisdictions. It is the duty of this Court to maintain the integrity of the court system in this State; it is also the duty of this Court to protect the rights of all persons, including Respondent, to meaningful access the courts of this State. In striking that balance, this Court finds it appropriate to issue this order to clarify Respondent's rights and responsibilities.

The following guidelines set forth Respondent's rights and responsibilities in connection with the courts of this State, including all officers and employees of the South Carolina court system:

- (1) Except as otherwise provided in this order, Respondent may not contact any judge, justice, law clerk, clerk of court, or any other officer or employee of the Unified Judicial System in person, in writing, or by mail, telephone, fax, e-mail, or any other form of electronic communication. Instead, if it is necessary for Respondent to contact an officer or employee of the Judicial System outside a scheduled hearing or trial, that contact shall be made in writing and shall be filed with the appropriate clerk of court by an

attorney licensed to practice law in South Carolina, or by Respondent if she has been permitted by an order of the applicable court to proceed *pro se*.

(2) Respondent may file a written *pro se* motion to either appoint counsel or relieve counsel with the appropriate clerk of court as long as she has good cause to make the motion. Nothing in this order shall be construed as preventing a court of this State from imposing restrictions on Respondent's ability to make a motion to either appoint or relieve counsel if she repeatedly files such motions without good cause.

(3) Respondent may appear *pro se* in a civil case in which she is a defendant. Respondent may appear *pro se* in a criminal case in which she is a defendant if the trial court determines that she has made a knowing and intelligent waiver of the right to counsel after being warned of the dangers and disadvantages of proceeding without counsel. If allowed to proceed *pro se* by the trial court, Respondent may file *pro se* documents with the clerk of the trial court, and may serve and file a notice of appeal from the trial court to the appropriate appellate court. In light of her prior conduct, Respondent's ability to proceed *pro se* shall end with the service and filing of the notice of appeal, and she shall be represented by counsel in the appeal (including any subsequent appeal to a higher court and any discretionary review under Rule 242 of the South Carolina Appellate Court Rules). Respondent is reminded that her right to proceed *pro se* as a criminal defendant is not absolute and may be forfeited, on a case-by-case basis, at the discretion of the trial court if she is unable or unwilling to abide by the rules of procedure and courtroom protocol. *McKaskle v. Wiggins*, 465 U.S. 168 (1984); *Faretta v. California*, 422 U.S. 806 (1975).

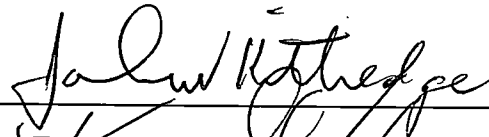

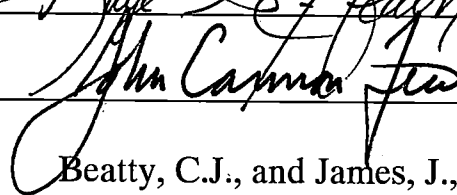
(4) If a *pro se* filing with a clerk of court is permitted under either (1), (2), or (3) above, that filing shall be made in writing and shall either be hand-delivered or mailed in the United States Mail to the clerk of court. Respondent shall not send filings to the clerk of court by fax, e-mail, or any other form of electronic communication. All *pro se* submissions of Respondent are subject to law, including Rule 11, SCRCP, requiring that all submissions be made in good faith and not for the purpose of delay, harassment, or the injection of irrelevant matter into the proceedings.

(5) Respondent may not represent herself *pro se* as a plaintiff in a civil action in any court of this State. Instead, she must be represented by counsel before any court of this State when appearing as a plaintiff. Respondent is

advised that she is not precluded from addressing any non-frivolous grievances she may have (as a plaintiff) in the courts of this State, assuming that she is represented by an attorney licensed to practice law in South Carolina.

Neither this order nor the prior orders or opinions of this Court shall have any impact on actions previously taken in connection with Respondent. Further, nothing in this order shall be construed as precluding the lower courts from placing additional restrictions on Respondent if she engages in frivolous, disruptive, or inappropriate conduct or filings.

Respondent is warned that a violation of the restrictions contained in this order may result in contempt proceedings being initiated against her.


_____ A.C.J.

_____ J.

_____ J.
Beatty, C.J., and James, J., not participating.

Columbia, South Carolina
September 27, 2017