

Before THE SUPREME COURT ("S Ct") OF SOUTH CAROLINA ("SC")

On Appeal from Richland County Circuit Court of Common Pleas

Appellate Case No. 2021-000343

SC Public Interest Foundation, et al, Appellants,  
v.  
Alan Wilson, Respondent.

PROPOSED Amicus/Intervenor's MOTION to Appoint Counsel  
To Assist Proposed Amicus/Intervenor in Presenting to  
this Court Relevant Matters that Escaped its Attention.

To the extent Mr. Crangle sets himself out to represent all the SC public, Marie Assa'ad-Faltas, MD, MPH ("Dr. Assa'ad-Faltas") is already a party to this case and seeks leave to bring to this Court's attention a very important point of public interest *totally* overlooked in the oral arguments. But if this Court still insists on not hearing from Dr. Assa'ad-Faltas directly in civil matters, she asks for the appointment of counsel to tell this Court what a bio-statistician noticed and noticed that no lawyer or judge noticed. In the 6 April 2022 oral argument of this case, SC Associate Justice Few mentioned that seven Litigation Retainer Agreements are on SC's Attorney General's ("SCAG") website. Dr. Assa'ad-Faltas looked them up and found one to be an hourly-fee agreement but the other six to be contingency bases with this *identical* schedule in each of the six.

Amount of the remaining net recovery	Contingent percentage
First \$0 to \$25,000,000.00	21%
\$25,000,000.00 to \$50,000,000.00	18%
\$50,000,000.00 to \$75,000,000.00	15%
\$75,000,000.00 to \$100,000,000.00	13%
\$100,000,000.00 to \$125,000,000.00	11%
\$125,000,000.00 to \$150,000,000.00	9%
\$150,000,000.00 to \$250,000,000.00	4%
Greater than \$250,000,000.00	1%

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This agreement is NOT in the public interest because, for a \$25M recovery, the special counsel a \$5.25M contingency fee **but for ten times that recovery; i.e., \$250M, special counsel gets only \$2.5M contingency fee, i.e., less than half the fee for a recovery ten times smaller.** It does NOT detract from the character of the *particular* special counsel chosen to note that *human nature* would *disincentivize* special counsel to get the biggest recovery possible for SC and its people. Perhaps the only SC jurist with a strong mathematical background, SC Circuit Judge Jocelyn Newman, would have immediately noticed that perversity had the matter been submitted to Her Honor. Otherwise, Dr. Assa'ad-Faltas asks this Court to be open to the sincere contributions of highly-educated people who are not yet equipped with a law license. But Dr. Assa'ad-Faltas also notes that, as a broader legal matter, the privatization of essential government function is an open question that the U.S. Supreme Court is looking for a suitable case in which to address it. *Vide* Statement of Justices Alito, Thomas and Gorsuch, respecting denial of *certiorari* in *Texas v. Commissioner of Internal Revenue et al*, No. 21-379, 569 U.S. \_\_ (28 March 2022).

So, this Court should accept Dr. Assa'ad-Faltas' statement that, if privatization of SCAG's function is permissible at all, the mathematical formula should be corrected to incentivize maximal recovery for the public. Or this Court should appoint counsel to say on behalf of Dr. Assa'ad-Faltas what she just said in this document.

**Certificate of Submission and of Service**

Submitted and served by hand-delivery to Ms. Kristen Simons in SCAG's office at 1000 Assembly Street, Columbia, SC, as counsel for respondent Wilson, and by U.S. mail to Mr. Carpenter as counsel for SC's Public Interest foundation, *with additional courtesy copies by e-mail to Mr. Zelenka and to all the other counsel listed in the case on C-track, all on 11 April 2022, and all God so willing.*

[S] Marie-Thérèse Assa'ad-Faltas, MD, MPH, Proposed *amicus/intervenor pro se* for purposes of this submission  
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