

The Supreme Court of South Carolina

RE: Methods of Electronic Filing and Service Under Rule
262 of the South Carolina Appellate Court Rules (As
Amended May 6, 2022)

Appellate Case No. 2020-000447

ORDER

(a) Purpose. Pursuant to Rule 262(a)(3) and (c)(3) of the South Carolina Appellate Court Rules (SCACR), this Court may by order establish methods for the electronic filing and service of documents. For the purpose of this order, "Appellate Court" means the Supreme Court of South Carolina or the South Carolina Court of Appeals.

(b) Electronic Methods of Filing. Filings with an appellate court may be made electronically using the methods listed below.

(1) Electronic Filing by Lawyers. Lawyers who are licensed to practice law in South Carolina may utilize OneDrive for Business to electronically submit documents for filing with the Supreme Court and the Court of Appeals, and *lawyers are strongly encouraged to use this method of filing*. More information about this method, including registration and filing instructions, is available in the Attorney Information System (<https://ais.sccourts.org/AIS>) under the tab "Appellate Filings."

(2) Filing by E-mail. Filings may be made by e-mail. For the Supreme Court, the e-mail shall be sent to suptcfilings@sccourts.org; for the Court of Appeals, the e-mail shall be sent to ctappfilings@sccourts.org. This method may not be suitable for large documents, and if it becomes necessary to split a document into multiple parts, the e-mail shall identify the part being sent (i.e., Record on Appeal, Part 1 of 4). A document filed by this method must be in Adobe Acrobat portable document format (.pdf). Filers shall not utilize any other file format or a file-sharing service when e-mailing

documents for filing. The clerk of the appellate court may reject any document submitted by e-mail in a format other than .pdf or using a file-sharing service.

(3) Faxing Documents. A document may be filed by an electronically transmitted facsimile copy. The fax number for the Supreme Court is 803-734-1499. The fax number of the Court of Appeals is 803-734-1839. While this method is well suited for relatively small documents, depending primarily upon the limitations of the sending fax machine, it may not be possible to send large documents, such as a record on appeal, in a single transmission. If it becomes necessary to split a document into multiple parts to make the fax transmission, a separate cover sheet should be used on each part to identify the document (i.e., Brief of Appellant, Part 1 of 4). In the event the facsimile copy is not sufficiently legible, the clerk of the appellate court may require the party to provide a copy by mail.

(c) Filing Date and Payment of Fees for Documents Filed Electronically.

When filed using one of the methods specified in (b) above, a document transmitted and received by 11:59:59 p.m., Eastern Standard Time, shall be considered filed on that day. If a filing fee is required for the document, a check or money order for the fee must be mailed or delivered to the appellate court within five (5) days of the filing; the case name and the Appellate Case Number, if known, should be listed on the check or money order.

(d) Electronic Service Using AIS E-mail Address.

(1) Service on Another Lawyer. A lawyer admitted to practice law in South Carolina may serve a document on another lawyer admitted to practice law in South Carolina using the lawyer's primary e-mail address listed in the Attorney Information System (AIS). Documents must be e-mailed as an attachment in .pdf. In the absence of consent, a lawyer serving a document by e-mail may not utilize another file format or a file-sharing service. For documents that are served by e-mail, a copy of the sent e-mail shall be enclosed with the proof of service, affidavit of service, or certificate of service for that document. Lawyers are reminded of their obligation under Rule 410(g), SCACR, to ensure that their AIS information is current and accurate at all times.¹

¹ The primary AIS e-mail address for lawyers admitted to practice in South Carolina may be obtained using the search function at

(2) Service by an Appellate Court. An appellate court may send an order, opinion or other correspondence to a lawyer admitted to practice law in South Carolina using that lawyer's primary e-mail address in AIS. A self-represented litigant may request the appellate court serve the litigant by e-mail under this provision. Any request must be in writing and must include the e-mail address for service. It is the responsibility of the self-represented litigant to immediately inform the appellate court of any change in e-mail address.

(3) Service on Persons Admitted Pro Hac Vice. For attorneys admitted pro hac vice under Rule 404, SCACR, service on the associated South Carolina lawyer using an electronic method permitted by this order shall be construed as service on the pro hac vice attorney; if appropriate, it is the responsibility of the associated lawyer to provide a copy to the pro hac vice attorney.

s/ Donald W. Beatty C.J.

s/ John W. Kittredge J.

s/ Kaye G. Hearn J.

s/ John Cannon Few J.

s/ George C. James, Jr. J.

Columbia, South Carolina
May 6, 2022

<https://www.sccourts.org/attorneys/dspSearchAttorneys.cfm>. Lawyers may update their AIS information at <https://ais.sccourts.org/AIS>.

The Supreme Court of South Carolina

RE: Service by E-Mail in the Trial Courts

Appellate Case No. 2022-000029

ORDER

(a) Purpose. Pursuant to Rule 613 of the South Carolina Appellate Courts Rules (SCACR), the Supreme Court may promulgate an order setting forth permissible methods of electronic service in the trial courts, including by e-mail.¹ The purpose of this order is to provide a uniform rule for service by e-mail in the various trial courts of this state.

(b) E-Mail as Additional Method of Service. In addition to the methods of service that may be provided for in the rules governing service of pleadings and other papers in the circuit, family, probate, and summary courts of this state, pleadings and other papers may be served by e-mail pursuant to the provisions of this order.

(c) E-Mail Service on Lawyers. A lawyer admitted to practice law in this state may serve a pleading or other paper on another lawyer admitted to practice law in this state by e-mail using that lawyer's primary e-mail address listed in the Attorney Information System (AIS). The primary e-mail address for a lawyer admitted in South Carolina can be accessed utilizing the Attorney Information Search at: <https://www.sccourts.org/attorneys/dspSearchAttorneys.cfm>. Lawyers are reminded of their obligation under Rule 410(g) of the South Carolina Appellate Court Rules (SCACR) to ensure their AIS information is current and accurate at all times.

¹ The Supreme Court similarly permits service by electronic means in matters governed by the SCACR in accordance with 262(c)(3), SCACR, which states that, in addition to service by delivery or via U.S. mail, a party may also serve a copy by electronic means in a manner specified by order of the Supreme Court.

(d) E-Mail Service By and On Self-Represented Litigants. A self-represented litigant who is not a lawyer admitted to practice in this state may consent in writing to be served by e-mail and designate a correct e-mail address for service. A lawyer may consent in writing to accept service by e-mail from a self-represented litigant.

(e) Requirements for Service. In all cases:

(1) E-mail service under this order is intended for the service of pleadings and other papers subsequent to the initiation of a case, and may not be used for the service of a summons and complaint, subpoena, or other pleading or document required to be personally served under any rule of court. However, this provision does not prohibit a party from consenting to accept such service by e-mail or other electronic means.

(2) Pleadings and papers served by e-mail must be sent as an attachment in Adobe Acrobat portable document format (.pdf) unless otherwise agreed by the parties. In the absence of consent, a party serving a document may not utilize another file format or a file-sharing service for e-mail service.

(3) Service by e-mail under this order is complete upon transmission of the e-mail. If the serving party learns the e-mail did not reach the intended recipient(s), the party shall immediately provide a copy of the pleading or paper by other means set forth in the applicable court rule, together with evidence of the prior attempt at service by e-mail.

(4) E-Mail service under this order may not be utilized for documents that are required to be E-Filed in accordance with Section 2 of the South Carolina Electronic Filing Policies and Guidelines, except as to parties that are not authorized E-Filers. Lawyers are reminded that the E-Filing System automatically serves parties that have appeared in a case, and the Notice of Electronic Filing (NEF) indicates which parties have been served.

(5) In any action governed by the South Carolina Rules of Civil Procedure (SCRPC), computation of the time for a response after service by e-mail is governed by Rule 6, SCRPC. In accordance with Rule 6(e), SCRPC, service by e-mail will be treated the same as service by U.S. Mail for purposes of determining the time to respond; therefore, five days shall be added to the

prescribed period to respond from the date of transmission of the e-mail serving the document.

(6) For attorneys admitted pro hac vice, service on the associated South Carolina lawyer under this method of service shall be construed as service on the pro hac vice attorney; if appropriate, it is the responsibility of the associated lawyer to provide a copy to the pro hac vice attorney.

(f) Proof of Service. Any proof of service of a document that is served by e-mail shall include a copy of the sent e-mail with the proof of service, affidavit of service, or certificate of service for that document.

s/ Donald W. Beatty C.J.

s/ John W. Kittredge J.

s/ Kaye G. Hearn J.

s/ John Cannon Few J.

s/ George C. James, Jr. J.

Columbia, South Carolina
May 6, 2022



OPINIONS
OF
THE SUPREME COURT
AND
COURT OF APPEALS
OF
SOUTH CAROLINA

ADVANCE SHEET NO. 17
May 11, 2022
Patricia A. Howard, Clerk
Columbia, South Carolina
www.sccourts.org

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