



State of South Carolina
The Family Court of the Thirteenth Judicial Circuit

Karen S. Roper
Judge

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MEMORANDUM

To: Family Court Practitioners of the Pickens County Bar
From: Karen S. Roper, Chief Administrative Judge for Pickens County Family Court
Subject: Supreme Court Order 2020-000447
Date: April 8, 2020

Greetings,

In compliance with the Supreme Court's Order issued on April 3, 2020, the following procedures will be implemented in Pickens County Family Court:

1. All hearings will be held remotely via WebEx unless an emergency or other necessity renders a remote hearing impractical. Any in-person hearing request will be granted only if the court determines that it can be conducted in a manner to minimize personal risk, as detailed in the Supreme Court's Order and in my Memorandum dated March 24, 2020.
2. Upon being retained in a matter, it is imperative that you immediately file a Rule 8 notice, which shall include your mailing and email address.
3. For remote hearings, submit a hearing request to the docketing clerk with the following information; otherwise, your hearing will not be scheduled:
 - a. Names and email addresses for all parties, including pro se parties
 - b. Names and email addresses for all witnesses
 - c. Names and email addresses for all attorneys

Please confirm with all parties, witnesses, and attorneys that their information is correctly listed. I will generate the email link for the hearing, and can do so only if accurate information is listed on the hearing request form.

4. Request enough time for remote hearings. The remote hearing process takes longer than our hearings normally take in court. I recommend that you double the time you would normally request. No hearing request shall be for less than 30 minutes.
5. Please make sure that you, your clients, and your witnesses are on time for remote hearings. Due to the lengthier time requirements, it is important that everyone is prepared to begin promptly at the scheduled time.
6. Discuss your case with opposing counsel or the opposing pro se litigant prior to the remote hearing. Previously, attorneys were able to negotiate at the courthouse during the few minutes before a hearing, but you will not have that opportunity in the remote setting. Please make a good faith effort to settle as many issues as possible prior to the hearing.
7. Priority in scheduling remote hearings shall be as follows:
 - a. Matters granted emergency status
 - b. Matters granted expedited status
 - c. Matters that were previously scheduled between March 16 and May 1, but were continued due to the Chief Justice's Order issued March 16, 2020
 - d. Contested matters that require legal argument only and no witness testimony
 - e. All other matters as deemed appropriate by the court

If you are requesting a hearing with priority under this hierarchy, please include that information in your hearing request.

8. A court reporter is still required for remote hearings. Some hearings will be assigned a traditional court reporter, who will attend via WebEx. Because we have the DCRP system in Pickens, most remote hearings will be conducted in my courtroom, with the court reporter listening through microphones placed near my laptop. She will not have a screen to view the participants, so it is essential that you adhere to the directives set forth in Section 10 of the Supreme Court's Order, in addition to the following:
 - a. Each hearing will begin with a roll call test to ensure that the court reporter can clearly hear everyone. Please monitor your WebEx microphone and/or your computer's microphone to make sure it is muted/unmuted at the appropriate times. Please eliminate any background noise; otherwise, you may be asked to mute your microphone when you are not speaking.
 - b. I will control the order of speaking to ensure that only one person speaks at a time. Each person must identify themselves upon speaking. Please speak slowly and clearly, do not speak over each other, and do not speak out of turn.
 - c. Do not allow persons off-camera to speak. If you are attending a remote hearing in the same location as your client and/or witnesses and are sharing a computer screen, please shift it toward the person speaking.
 - d. All documents to be introduced should be submitted to the court prior to the hearing, so I can hand it to the court reporter to mark as an exhibit at the appropriate

time. These should also be scanned into your computer prior to the hearing so that it can be shared on the screen and forwarded to participants during the hearing.

- e. Have your file readily available.
 - f. Please explain these rules to your clients in advance of the hearing. All participants must respect the remote hearing just as if they were in the courtroom.
9. Motions, uncontested divorces, settlement agreements, and consent orders may be resolved without a hearing.
- a. Pending motions:
 - i. I am in the process of reviewing any previously filed motion which is still pending resolution. In accordance with the Supreme Court's Order, if I determine the motion to be without merit, it will be dismissed and any scheduled hearings will be canceled. If I determine the motion has merit, you will be contacted and provided a deadline for written submissions. All communications will be through email, so please confirm that your email address is correctly listed on AIS. Again, I encourage you to use this opportunity to resolve any motions by consent. No new motions will be scheduled for a hearing unless approved by a judge.
 - b. Motions for Temporary Relief, excluding those granted ex parte or those with emergency/expedited status where a different period is fixed by order of the court:
 - i. The opposing party shall be served with the Summons, Complaint, Notice, Motion for Temporary Relief, and the complete temporary packet, including all affidavits, exhibits, financial declarations, temporary hearing background information, and proposed parenting plan, at least five (5) days prior to the submission of any hearing request¹.
 1. Notice must include the following:
 - a. This Motion may, in the discretion of the court, be determined based upon written submissions only, without a hearing.
 - b. All written submissions in opposition to this Motion, including temporary hearing packets, affidavits, exhibits, financial declarations, temporary hearing background information, and proposed parenting plans **must be filed with the court within 15 days of service**, with a copy provided simultaneously to opposing parties. Any documents not filed within this deadline may be excluded from consideration by the court.
 - c. The physical address where documents are to be filed.
 - d. All written submissions **must include your current email address**. You will be notified by email of any hearing date and hearing instructions.

¹ This does not preclude affidavits submitted at a hearing as provided in Rule 21(c)

- ii. After the 5 day service period has expired, you may submit a hearing request to the docketing clerk, with the Affidavit of Service attached. Provide email addresses for all opposing counsel/pro se parties/guardians ad litem on the hearing request.
 - iii. Upon receipt of the opposing party's written submissions, the movant will be allowed an additional five (5) days to file any reply affidavits or documents.
 - iv. After the deadline for receipt of all written submissions, I will review the temporary hearing packets and the hearing request. If I determine that the temporary issues can be decided based upon the sufficiency of the written submissions, I will email my order instructions to all. If I determine that a hearing is necessary, a hearing will be scheduled as set forth above.
- c. Uncontested divorces and final settlement agreements: The Supreme Court's Order sets forth detailed requirements for approval of final matters without a hearing, so please use it as your checklist before submitting documents to the court. However, please note that the provisions of Sections (2)(C)(iv)(f) & (i) do not apply to approval of final agreements on behalf of pro se parties.

If you have an agreement with a pro se litigant, any affidavit submitted on behalf of the pro se litigant must also contain the following affirmations in order to be considered for approval:

- i. He/she has had the opportunity to seek legal advice, but has declined to hire an attorney.
- ii. He/she affirms his/her knowledge of the risks of proceeding without an attorney.
- iii. He/she affirms his/her knowledge that [opposing counsel] does not represent him/her, and instead [opposing counsel] represents only the interests of [opposing party].
- iv. He/she affirms that he/she has not relied on any legal advice provided by [opposing counsel].
- v. He/she believes the Agreement is fair and equitable, is the product of fair negotiations, and represents some sacrifices and compromises by each party.
- vi. He/she is aware of his/her right to request a hearing in front of a judge, but freely and voluntarily waives that right, and asks for the written agreement to be approved without a hearing.

Thank you in advance for your patience as we implement these changes. We surely will experience technical glitches and other challenges with the WebEx remote hearing system; however, the courthouse staff and I are committed to working through these challenges and revising these guidelines as necessary. I recognize that this has been a significant disruption to the way you practice law, but we will get through this learning curve together. I hope you and your families continue to remain healthy and safe.