

# The Supreme Court of South Carolina

Re: Extension of Pilot Program for the Designation of  
Secure Leave Periods by Lawyers

Appellate Case No. 2018-000122

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## ORDER

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By Order dated November 16, 2022, this Court adopted a Pilot Program for the Designation of Secure Leave Periods by Lawyers. On March 13, 2024, the Court requested written public comment on the Pilot Program. The Court received forty-nine written comments from lawyers, clerks of court, and judges.

Based on positive comments from lawyers and other data collected during the Pilot, this order extends the current Pilot for the calendar years of 2025 and 2026. Furthermore, the Pilot is amended to increase the number of weeks a lawyer may designate for secure leave from three to four weeks and to provide that leave must be requested at least sixty days, rather than ninety days, in advance of the secure leave period. These changes are effective immediately, such that lawyers may designate a total of four secure leave periods in 2024, and all future secure leave periods may now be designated at least sixty days in advance.

This Court is also reviewing a number of other potential changes to the Pilot, some of which were suggested in written comments. Others were approved for submission to this Court by the South Carolina Bar. These potential changes include, among other things, allowing individual days of secure leave and creating other forms of leave, such as medical and parental. If adopted, these sorts of changes will require more extensive modifications to the Attorney Information System (AIS), which is the mechanism to designate and communicate secure leave to various courts. As such, these suggestions must be further studied to ensure any modifications to the current processes function properly.

We also take this opportunity to re-emphasize two points. First, lawyers are encouraged to use secure leave to purposefully schedule times when they are free from the urgent demands of professional responsibility in the legal profession,

which may serve to enhance not only the overall quality of their personal and family lives, but also permit lawyers to better fulfill their professional obligations.

Second, and consistent with the South Carolina Bar's original proposal, the procedures in the Pilot Program are intended to supplement, rather than replace, the current processes of honoring letters and orders of protection in individual matters on a day or period of days. Accordingly, judges should not decline to issue letters or orders of protection solely on the basis of the existence of this Pilot Program. Nevertheless, we continue to be hopeful that the secure leave process will reduce the volume of requests for protection that judges are requested to consider.

### **Designation of Secure Leave**

**(a) Authorization; Application.** Any lawyer who is admitted to practice in South Carolina may designate secure leave periods as provided by this order, during which that lawyer is protected from appearing in a trial, hearing, or other court proceeding. Designated secure leave applies in any court in the Unified Judicial System.

**(b) Length; Number.** A secure leave period shall consist of one complete calendar week, from Monday to Friday. Lawyers may not designate single days or portions of weeks for secure leave. A lawyer may designate up to four calendar weeks of secure leave during a calendar year.

**(c) Designation; Service.** A lawyer shall utilize the functions of the Attorney Information System (AIS) to electronically designate a secure leave period. Secure leave must be designated in AIS at least sixty days before the beginning of the secure leave period and before any trial, hearing, deposition, or other proceeding has been scheduled during that designated secure leave period. The lawyer may print or save a .pdf version of the secure leave designation using the features of AIS.

**(1) Electronic Transmission to Certain Courts.** Designations entered into AIS by a lawyer will be electronically shared by AIS to certain courts and will be viewable by court personnel in the Case Management System (CMS) of that court. AIS will electronically share secure leave designations to:

- (A)** the court of common pleas;
- (B)** the court of general sessions;

- (C) the office of the master-in-equity;
- (D) the magistrates courts;
- (E) those municipal courts which utilize the statewide CMS.

**(2) Submitting Secure Leave Designations to the Family and Probate Courts.** In order to avoid scheduling issues in the family courts and the probate courts, a lawyer shall, within one business day of entering secure leave in AIS, mail or otherwise submit a court-approved secure leave designation form, together with a copy of the secure leave designation confirmation from AIS, to:

- (A) the clerk of the family court of the county where that lawyer predominantly practices;<sup>1</sup> and
- (B) each probate court in which the lawyer is counsel of record at the time the lawyer designates secure leave in AIS.

**(3) Service.** A lawyer who makes a secure leave designation shall promptly serve that designation upon all parties of record in cases where that lawyer has made an appearance. The version to be served may be accessed by utilizing the "Print Confirmation" feature in AIS, which will produce a .pdf document that includes all of that lawyer's current and future secure leave designations. Service may be made in any form authorized by the rules applicable to that matter.

**(d) Effect.** Except as provided in paragraph (g), upon the electronic designation of a secure leave period in accordance with this order, the secure leave designation shall be deemed allowed without further action of any court, and neither the lawyer nor any party represented by the lawyer shall be required to appear at any in-court or remote proceeding, including a deposition or court-annexed alternative dispute resolution proceeding, unless the lawyer consents. Once final in AIS, a secure leave designation may not be amended by the lawyer<sup>2</sup> or by the court, except as

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<sup>1</sup> Since the entry of a secure leave designation by single clerk will be shared with all other clerks in the family court case management system, lawyers should submit a single secure leave designation to the county family court in which they predominantly practice.

<sup>2</sup> Lawyers are advised to exercise care in selecting a secure leave period. Since a secure leave designation will be electronically shared with courts that rely on these

provided in paragraph (g) of this order. A lawyer is not required to file or submit a secure leave designation with any court, except as provided in paragraphs (c)(2) and (e) of this order.

**(e) Proceedings Scheduled During Designated Secure Leave Period.** If a proceeding is scheduled during a designated secure leave period, and the lawyer wishes to exercise the right to secure leave, the lawyer shall promptly file and serve on all parties to that matter a copy of the designation and a request that the proceeding be continued or rescheduled. If the proceeding was scheduled by a person or agency who is not a party to the action or is not a clerk of court, the lawyer shall, in addition to filing the notice and serving all parties to the action, serve notice of the designation on that person or agency. The proceeding shall be rescheduled unless the court finds the designation did not comply with the provisions of this order or that the secure leave designation was made solely to hinder the timely disposition of a matter. No motion fee shall be charged for filing proof of a secure leave designation.

**(f) Filing and Service Deadlines.** A secure leave designation shall not toll or otherwise extend the deadlines to file and/or serve pleadings and other papers or documents in the courts.

**(g) Action by Court.** The court may enter an order revoking a secure leave designation upon a finding that the designation did not comply with the provisions of this order or that the secure leave designation was made solely to hinder the timely disposition of a matter.

**(h) Inherent Power.** Nothing in this order shall prevent a court from employing its inherent power to permit a lawyer to be protected from appearing in a proceeding or proceedings on a day or period of days or from continuing a proceeding where appropriate. Furthermore, the procedures in this order are not intended to supplant the current procedures for requesting protection for other reasons.

**(i) Period; Forms.** Unless modified, extended, or rescinded by order of this Court, this Pilot Program shall be effective until December 31, 2026. The attached revised forms are approved for use in the family and probate courts.

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designations in scheduling proceedings, a designation may not be withdrawn or amended once it is final.

s/ Donald W. Beatty C.J.

s/ John W. Kittredge J.

s/ John Cannon Few J.

s/ George C. James, Jr. J.

s/ D. Garrison Hill J.

Columbia, South Carolina  
June 19, 2024

STATE OF SOUTH CAROLINA )  
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COUNTY OF )  
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In re: Secure Leave for Lawyers )  
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[Attorney Name and Bar Number] )  
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IN THE FAMILY COURT  
JUDICIAL CIRCUIT  
**NOTICE OF  
SECURE LEAVE**

Pursuant to the Supreme Court of South Carolina's Order dated June 19, 2024, *Re: Extension of Pilot Program for the Designation of Secure Leave Periods by Lawyers*, [ATTORNEY NAME AND BAR NUMBER] provides notice that the attorney has designated the week(s) of for secure leave.

Attorney is providing this notice to the Clerk of Court for the Family Court in this County because this is the county of predominant practice for the lawyer. A copy of the secure leave designation confirmation from AIS is attached.

Attorney certifies that the secure leave was designated in AIS at least sixty days before the beginning of the secure leave period and before any trial, hearing, deposition, or other proceeding has been scheduled during this designated secure leave period.

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Attorney Name: \_\_\_\_\_  
S.C. Bar No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
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COUNTY OF )  
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In re: Secure Leave for Lawyers )  
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[Attorney Name and Bar Number] )  
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IN THE PROBATE COURT

**NOTICE OF  
SECURE LEAVE**

Pursuant to the Supreme Court of South Carolina's Order dated June 19, 2024, *Re: Extension of Pilot Program for the Designation of Secure Leave Periods by Lawyers*, [ATTORNEY NAME AND BAR NUMBER] provides notice that the attorney has designated the week(s) of [ ] for secure leave. A copy of the secure leave designation confirmation from AIS is attached.

Attorney certifies that the secure leave was designated in AIS at least sixty days before the beginning of the secure leave period and before any trial, hearing, deposition, or other proceeding has been scheduled during this designated secure leave period.

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Attorney Name: \_\_\_\_\_  
S.C. Bar No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_