

The Supreme Court of South Carolina

RE: Amendments to the South Carolina Appellate
Court Rules

Appellate Case No. 2021-000086

ORDER

Pursuant to Article V, § 4 of the South Carolina Constitution, Rules 218, 240, 262, and 267 of the South Carolina Appellate Court Rules are amended as indicated in the attachment to this order. These amendments shall be submitted to the General Assembly as provided in Article V, § 4A of the South Carolina Constitution.

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
January 29, 2021

The South Carolina Appellate Court Rules (SCACR) are amended as follows:

(1) Rule 218, SCACR, is amended to add the following:

(d) Remote Oral Argument. With the permission of the Chief Justice, an appellate court may conduct oral argument in a case using remote communication technology. Further, any necessary oath or affirmation may be administered by remote communication technology. For the purpose of this provision, remote communication technology means technology such as video conferencing and teleconferencing which allows audio and/or video to be shared at different locations in real time.

(2) Rule 240(h), SCACR, is amended to read:

(h) Hearing. Unless otherwise directed by the court, motions or petitions shall be decided without oral argument. If argument is directed, the appellate court may elect to conduct the argument using remote communication technology. Further, any necessary oath or affirmation may be administered by remote communication technology. For the purpose of this provision, remote communication technology means technology such as video conferencing and teleconferencing which allows audio and/or video to be shared at different locations in real time.

(3) Rule 262, SCACR, is amended to read:

(a) Filing. Except for petitions for rehearing (Rule 221) and motions for reinstatement (Rule 260), filing may be accomplished by:

(1) Delivering the document to the clerk of the appellate court. The date of filing shall be the date of delivery;

(2) Depositing the document in the U.S. mail, properly addressed to the clerk of the appellate court, with sufficient first class postage attached. The date of filing shall be the date of mailing; or,

(3) Filing the document by electronic means in a manner provided by order of the Supreme Court of South Carolina.

(b) Proof of Service to Be Filed. Any document filed with the appellate court shall be accompanied by proof of service showing the document has been served on all parties.

(c) Service. Whenever under these Rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party is ordered by the appellate court. Service upon the attorney or upon a party shall be made by:

(1) Delivering a copy to the person, in which case service is complete upon delivery. Delivery of a copy under this provision means: handing it to the attorney or to the party; or leaving it at the office of that person with a clerk or other person in charge thereof; or, if there be no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving a copy at the person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein;

(2) Depositing a copy in the U.S. mail, properly addressed to the person at that person's last known address with sufficient first class postage attached, or, if no address is known, by leaving it with the clerk of the appellate court. Service by mail is complete upon mailing; or,

(3) Serving a copy on the person by electronic means in a manner provided by order of the Supreme Court of South Carolina.

(4) Rule 267(b), SCACR, is amended to read:

(b) Signatures. A document filed with the appellate court shall be signed by the lawyer or the self-represented litigant filing the document. In addition to a traditional hand-written signature, a lawyer or self-represented litigant may sign a document using "s/ [typed name of person]," a signature stamp, or a scanned or other electronic version of the person's signature. Regardless of form, the signature shall act as a certificate that the person has read the

document; that to the best of the person's knowledge, information, and belief there is good ground to support it; and that the document is not interposed for delay.

SUBMITTED TO GENERAL ASSEMBLY