

## TRIAL SCHEDULING ORDER

**CASE:** insert case caption and number here

(Example "Wells Fargo vs. John Smith 2018CP3201234" you do not have to put the entire caption)

**ORDER OF REFERENCE** insert date order of reference was filed here

**Type of Case:** insert type of case

**ATTORNEYS/PARTIES PRESENT** (at status conference):

\_\_\_\_\_ (P) \_\_\_\_\_ (D)

**CONFLICT NOTICE:** I worked for Dooley Law Firm for 20+ years. Attorney Randy Davis of (Davis/Frawley) represented my parent(s) in real estate and related probate matters and upon information and belief, may represent my mother (K. Spence) in a personal injury action against Target. Please review with your clients any possible conflicts. I ask that you discuss any possible conflict with (1) attorneys (2) parties (3) witnesses that need to be brought to everyone's attention by letter to court and parties prior to moving forward in this case.

**SRL/ SELF REPRESENTED LITIGANT NOTICE.** Please note that while a person can represent themselves in a court action, a person is prohibited from representing a corporation or other business entity and from testifying on behalf of any other person or entity through a power of attorney.

***You are bound by the same rules of Law, Procedure, Evidence and Civility that a lawyer is.***

Please be advised that all parties, the Plaintiff and Defendants, are responsible for checking the status of their case and obtaining a copy or copies of any filed COURT ORDER.

Parties can obtain copies by either (1) coming to the CLERK OF COURT RECORD room and searching and obtaining copies of COURT ORDER (s). (2) Searching on line.

I am not certain that the Clerk of Court sends out Court Orders to Non-Lawyers; please verify.

The MIE Office is a judicial office; MIE Office is not tasked with duty of mailing out filed Orders. We are not staffed, trained or budgeted to do so.

Each party is responsible for (1) filing and (2) serving pleadings or discovery request as set forth in the South Carolina Code of Procedure.

The South Carolina Judicial Department Website has several relevant SELF-HELP links:

1. GENERAL PUBLIC TAB 2. Welcome to SC COURTS- A list of things Court Staff can and cannot do. 3. FAQ SECTION REVIEW (a) General Questions (b) Circuit Court (c) Master-in-Equity Court. 4. Your Day in Circuit Court Self-Help Video.

You can find additional information on the Lexington County Master-in-Equity web page.

**SCHEDULING ORDER:**

1. Discovery completed on or before \_\_\_\_\_.

2. All motions filed on or before \_\_\_\_\_.

**Note:** prior to e-filing a Motion to Compel, the moving party must set a phone conference with the court and opposing counsel.

3. Any outstanding motions to be heard **replace this red wording with the date MIE staff gives to you before you e-file the order 10:00 a.m.** (\*in person see note below) Courtroom 2-A. ***Moving Party to provide court reporter.*** Court Reporter subject to Rule 607 requirement of March 15, 2023 order.

**All pending motions not presented for disposition are deemed abandoned.**

4. Mediation held \_\_\_\_\_.

5. Trial set for **replace this red wording with the trial date MIE staff gives you before you e-file the order 10:00 a.m.** (\*in person see note below) in courtroom 2-A of the Lexington County Judicial Center - ***Plaintiff to provide court reporter.***

\*Pursuant to South Carolina Supreme Court Administrative Order 2022-02-17-02, protective masks are no longer required in county courthouses; however, any person who is at risk or concerned about the dangers of COVID-19 may continue to wear a mask inside any courthouse, subject to a request from judges, courthouse staff, or law enforcement to briefly remove that mask during the presentation of a case or when necessary for security or identification purposes.

**Additionally, please advise the Plaintiff's Attorney's office (by email \_\_\_\_\_ or phone \_\_\_\_\_ or the Court (803-785-8291) within 24 hours of the scheduled hearing date**

**and time referenced above, so that Court personnel can be alerted regarding your attendance.** This

Court also recommends and highly encourages you to send an email to the Plaintiff's attorney, \_\_\_\_\_ (\_\_\_\_\_), to provide your contact information (email address and best phone number) to the Plaintiff's attorney so that you can be notified, as soon as possible, if this hearing is canceled for any reason.

6. Prior to hearing or trial, **please contact the Equity Court 5-10 days prior to the trial** concerning use of monitors for trial presentation(s).

7. **Attorneys to meet at 9:00 a.m. for pre-trial conference and attorneys shall present court with following signed stipulations:**

(a) Disputed factual issues to be decided by Court (b) Respective legal claims/defenses with applicable authority (c) names of witnesses (d) Exhibits to be marked, stipulated or grounds for objections.

(b) Please do not approach the bench after or during hearing or trial without requesting permission to do so. If you do approach it should be with opposing counsel and to discuss only legal matters, not social or personal exchanges. As everyone knows contested motions and trials are serious matters and often emotionally charged. We all, Bench and Bar, need to be alert so that we do not create situations that indicate the appearance of impropriety.

(c) We will recess 15 minutes after trial and then reconvene to discuss Order drafting procedures.

(d) Counsel(s) will file Consent Order setting proposed Order submission date.

(e) Proposed Order shall be in the format discussed post-trial.

(f) Your proposed Orders should be the same: (i) Statement of Case and ruling (ii) stipulated facts (iii) disputed facts, (iv) legal issues (v) Legal conclusions so that I can review them side by side on computer, cutting and pasting where necessary to draft an Order that more accurately (and hopefully, timely) represents the arguments of both parties.

(g) I further note that there are several Order Writing Tip articles both on the MIE website and contained in various yearly MIE Bench-Bar seminars. You can find the articles in the topical index.

8. While WORD has a grammar and spell-check function, legal writing speakers uniformly urge concise writing. Attorney Bill Latham kindly shared the following article about a legal editing program that was contained in a 2014 Richland Bar Newsletter. If interested, you might contact Mr. Latham. About the WORD RAKE PROOF READER PROGRAM.

#### 9. SHEPARDIZE CASES AND ENSURE CORRECT CITATIONS.

Lisa Smith-Butler, Associate Dean for Information and Technology at Charleston School of Law notes that there are a number of services available:

"I'm familiar with the Lexis auto cite service

@ [https://web.lexis.com/help/research/gh\\_checkcitation.asp](https://web.lexis.com/help/research/gh_checkcitation.asp) but it is fee based as is Westlaw's West Check which is available

@ <http://scontent.westlaw.com/images/banner/survivalguide/pdf08/08usingwestcheck.pdf>. They might try the Bluebook Citation Machine @ <http://www.citationmachine.net/bluebook-law-review/cite-a-book>. I don't know anything about it but it is worth a look and appears to be free.

As to shepardizing, I think Lexis' Shepard's or Westlaw's Keycite are the most thorough. You could try the citations feature on Google Scholar @ <https://scholar.google.com/> for a more limited citation function. South Carolina bar members also have access through their bar

membership to Fastcase, an online legal research tool, which has a Bad Law Bot which does a partial updating. See <http://www.fastcase.com/faq/>.

I would think that they could get an Internet connection by visiting any public library in their area. If they are in Charleston, they can walk in and use our library. We have 3 Lexis terminals w/Shepard's access for practicing attorneys but you have to walk in our building to use. I would think USC's law library in Columbia would also provide either print or electronic access to Shepard's."

IT IS SO ORDERED

James O. Spence, Master In Equity

**Signature page to follow**

Effective 03/15/2023 Lex. Co. MIE