



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: Order of the Supreme Court of South Carolina RE: In-Person Proceedings in Circuit, Family, Probate, and Master-in-Equity Courts, dated January 6, 2021
Date: January 7, 2021

Pursuant to the above Supreme Court Order, the following will be implemented in Pickens County Family Court:

1. **All hearings¹ will be converted to Virtual Courtroom hearings effective Monday, January 11, 2021.**
 - a. The Clerk's office is sending a Notice of Virtual Hearing to each attorney and party scheduled for hearing in the remainder of January². The Notice of Virtual Hearing form provides instructions for joining the Virtual Courtroom, as previously detailed in my 12/29/20 memo. In addition, please make every effort to notify all parties on your case of this change, so we can avoid as many continuances as possible.
 - b. Until further notice, all future hearings that are not an emergency will convene in the Virtual Courtroom. You are responsible for sending the Notice of Virtual Courtroom Hearing to all parties in accordance with SCRCP & SCRFC.
2. Temporary hearings/motion hearings:
 - a. Please submit all affidavits/temporary hearing packets to the Court 24 hours before the scheduled hearing, unless the assigned Judge requests otherwise.
 - b. Per SCRFC 21, you are not required to serve affidavits supporting temporary relief on the opposing party prior to the hearing. However, in order for your affidavits to be considered at the hearing, the opposing party must be provided a copy. Many

¹ Except emergency hearings as defined in Chief Justice Beatty's Order of 01/06/21

² For hearings scheduled after January, notices will be sent with the goal of providing at least 10 days' notice of the conversion to a remote hearing.

attorneys have experienced problems using the “Share Content” capability on WebEx. If you cannot utilize “Share Content” and you have not provided your affidavits to the opposing party prior to the hearing, you risk having your affidavit excluded. To avoid this problem, I strongly recommend voluntarily exchanging packets prior to the hearing.

3. Contested trials, including contempt hearings:
 - a. All intended exhibits should be provided to the Court 24 hours before trial, pre-marked for identification. Please include a cover sheet identifying and numbering each proposed exhibit; notifying the Judge whether the exhibit has been provided to the opposing party (and if not, why); and whether the admissibility of the exhibit has been stipulated.
 - b. All witnesses testifying in a remote hearing should be alone (unless another attendee’s presence is made known and approved); must not have access to any digital device other than that which is being used to testify; must not send or receive texts or phone calls during testimony; must not communicate with others during testimony; and must not refer to any notes or other papers to assist in answering a question, unless done properly on the record. If it is discovered that a witness engaged in prohibited conduct, or was in any manner coached during testimony, it could be grounds for a mistrial or other sanctions in the discretion of the Court.
 - c. Please inform your clients/witnesses that recording the proceeding is strictly prohibited and could subject them to sanctions.
 - d. Please remind your clients/witnesses that dress codes apply in the Virtual Courtroom in the same manner as an in-person hearing.
 - e. Please inform your clients/witnesses that attendance by children is prohibited, unless authorized by statute or the Court. Children should not be within hearing range of the proceeding.
 - f. Even if you believe that your trial is not suited for a remote hearing, please attend the Virtual Courtroom on the date and time originally scheduled, so that we can address your concerns. I anticipate that many trials may have to be continued, but we can use the opportunity to address pre-trial issues and avoid wasted docket time.
4. As always, I encourage your continued submission of packets for approval of uncontested divorces and settlement agreements without a hearing.

Again, I appreciate all of your efforts to serve your clients throughout these fluctuating court procedures. I will try to keep you up-to-date as quickly as possible upon receipt of any Order directing further changes.