South Carolina homeless courts help end cycle of homelessness

BY RENEE SEXTON
rsexton@scbiznews.com

Homelessness is a conspicuous problem in America, but many homeless people try hard to make themselves as invisible as possible. Some of them have mental health or addiction issues. Others are veterans who couldn’t find their place in society once they hung up the uniform. Some just can’t get by with the meager money they earn.

But South Carolina’s legal system is starting to take notice of the state’s homeless people and is making an effort to get them off the streets and find them a place to call their own.

In September the South Carolina Supreme Court, at the recommendation of the South Carolina Access to Justice Commission, announced the establishment of homeless courts in Florence and Spartanburg. Plans are underway to establish a similar program in Greenville, and there is similar interest for a homeless court in Rock Hill.

The first homeless court in South Carolina was established in Columbia in 2015 through the work of William Hubbard and George Cauthen, both partners at Nelson Mullins. They studied the first homeless court established in the U.S., in San Diego, and its founder, Steve Binderman.

Together with Chief Municipal Judge Dana Turner, they went to work helping the homeless of South Carolina’s capital city.

“So many homeless people have a lot of littering convictions, a lot of open container convictions,” Cauthen said. “Some of these things go back years. Through homeless court, we can go back and get that cleaned up and their record clean. And once their record’s clean, there are plans to help end cycle of homelessness.

Sheriffs urge FCC to let prisons jam cell phone signals

BY RENEE SEXTON
rsexton@scbiznews.com

For more than a decade, the South Carolina Department of Corrections has been dealing with issues stemming from inmates having access to contraband cell phones.

Just last month, an inmate convicted of running a drug ring from prison while serving 30 years for murder was charged with the kidnapping and murder of a woman in July in Laurens County.

James Peterson is accused of orchestrating the killing of Michelle Dodge, 27, by using a contraband cell phone from a state prison. While announcing the charges against Peterson, Laurens County Sheriff Don Reynolds urged the Federal Communications Commission to allow prisons to jam cell phone signals within the prison fences.

“It puts lives at risk when there are cell phones on the inside,” said David Stumbo, Solicitor of the 8th Judicial Circuit, which includes Laurens County, where Dodge was killed. “Prosecutors are at risk; law enforcement, victims, witnesses. And so it’s for everyone’s safety to make sure that we control this problem and attack this problem.”

Stumbo spoke at a news conference Sept. 27 with South Carolina Attorney General Alan Wilson announcing the state grand jury indictments of 21 new defendants in an ongoing prison cell phone investigation called Cash Cow. The investigation includes more than 200 charges against 38 defendants.

Wilson said the alleged conspiracy could not have occurred without cell phones. He described the operations run by eight current SCDC inmates as "SOUTH CAROLINA LAWYERS WEEKLY"

OCTOBER 7, 2019 | VOL. 19, NO. 7 | SCLAWYERSWEEKLY.COM | $8.00 PER COPY

See Propane Page 3
See Homeless Page 5

Woman burned in propane explosion settles suit for $7.5M

BY RENEE SEXTON
rsexton@scbiznews.com

A woman who was burned in a propane cloud explosion at work in 2016 has confidentially settled a negligent installation and maintenance lawsuit for $7.5 million, her attorneys report.

Ryan Langley and Charles Hodge of Hodge & Langley Law Firm in Spartanburg report that the 45-year-old woman, whose name was withheld, was filling a propane tank on the forklift she was operating when the hose caught the forklift wheel and separated from the dispensing station tank, causing a propane cloud to form. The catalytic converter on the forklift ignited the cloud, even though the forklift's ignition was off.

Langley said his client had performed the task multiple times before without incident.

The dispensing station did not have a pull-away or quick disconnect that could have prevented the propane cloud from forming, Hodge and Langley said.

The woman suffered severe burns to her face, requiring treatment at the JMS Burn Center in Augusta, Georgia, and multiple surgeries to correct scarring. The $7.5 million settlement includes approximately $1.5 million in special damages to account for her injuries.

INSIDE

LAW
Episcopal Church wins federal trademark suit
Page 2

ATTORNEY WELLNESS
Stress management tips for anxious attorneys
Page 3

ATTORNEY WELLNESS
Learn to treat law like a marathon
Page 5
HOMELESS / New courts are setting up across the state

Continued from 1 >

some apartments they can get that they couldn’t get with a criminal record. Their jobs can get that they didn’t have, too. The criminal record. So it opens a whole new avenue for them.”

The tension has been involved in the establishment of every homeless court in South Carolina and now that he has it down on paper less and less time to get a court up and running.

It tolerates the cooperation of the municipal court, solicitor, public defender, law enforcement, and social services agencies that serve homeless people to make courts not happen. They address the root cause of a person’s homelessness, such as mental illness or a substance abuse problem. They work on getting the criminal cases settled, and take care of past cases.

Once a participant’s criminal record is clear and they’ve gotten the treatment they need, the partner social services program provides a home. The court is in session once a month, and the charge must be related to a crime that the participant committed either while they were homeless or because they were homeless. Officers in court cases recommend people for the homeless court because they can see that a homeless person may not be convicted of a charge because they want to disobey the law, but because they think they have no other choice.

Yungman said in the Supreme Court orders that establish the courts, local solicitors’ offices work with the public defender’s office and establish a court of a designated municipal judge. Social service providers who are dedicated to helping homeless people are involved with providing recovery, mental health and location resources so people when their legal issues are resolved.

Cauthen said since police, solicitors, and public defenders were all involved in determining the needed people in court, they wanted to do something to help them.

JAM CELLS / Feds say technology is ready

Continued from 1 >

phasticated and highly lucrative.”

A defendant in a major federal drug case has been accused of trying to make arrangements with people on the outside to have the prosecutors and the lead witness in the case killed. Stumbo said an assistant U.S. Attorney was threatened. The same concern goes for defense attorneys.

“Not every homeless person who represents someone and they don’t get the result they want in court, that lawyer may be at risk because that inmate gets into the system, they get a contradable cell phone and they say, ‘You know what? I don’t like the result. I have my system that lawyer gave me,’ which they often do complain when they get into the prison system. And the systems to reach out to somebody on the outside to put that attorney at risk,” Stumbo said.

Defense attorneys who are working for incarcerated clients need to be aware if they’re getting calls from inside prison on the unassisted cell phones. SCDC director Bryan Stirling said he hears frequently that

HOMELINESS is a problem throughout the country, but Cauthen said the focus is on homeless courts. The South Carolina homeless courts are being used as a model for the federal government.

“Helping the homeless has been a passion for Nelson Mullins. As a client, you feel that a person was made homeless during the Great Depression through a foreclosure brought by the firm. Eventually, Scabro’s earned a law degree and became a partner in the firm, ensuring its pro bono program. The law firm currently has a partner, James Lehman, founded Miracle Hill Rescue Mission in Greenville.

“It’s a sweet, sweet turnout that way,” Cauthen said. “We’ve got real strong leadership in the area of homelessness.”

The sound of applause is rare in a courtroom. But when someone finds success through a homeless court, applause is now a tradition.

“Everyone gets so taken away with the good results for the person involved,” Cauthen said. “It’s a very useful event to attend.”

Cauthen said.

LEADING / Continued from 4 >

vision? Do people know what they are supposed to do, and by when? If you, as a leader, were to describe your firm’s vision, goals, roles and responsibilities so that the answers to the questions above are all “yes,” you would have a written strategic plan with guidance for everyone in your firm. The vision of your firm, your long-term plan, your mission, your core values, your strategic plan, and other components of your strategic plan can inspire everyone to buy into the vision and goals. If you evaluate whether people have the tools they need, you can help them carry out their responsibilities under the strategy, or a plan to determine future business growth. Ensure your strategic plan and demonstrate how much you care about the people who work for your firm.

Susan Letterman White works with lawyers and law firms on leadership, performance, marketing and business development. She is the principal consultant at Letterman White Consulting. She has been a principal consultant for more than 20 years.