

**NO. 23-1917**

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**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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SOUTH CAROLINA STATE CONFERENCE OF THE NAACP;  
MARVIN NEAL; ROBYNNE CAMPBELL; and DE'ONTAY WINCHESTER,  
Plaintiffs-Appellants,

v.

ALAN WILSON, in his official capacity as Attorney General of South Carolina,  
Defendant-Appellee.

On appeal from the U.S. District Court for the District of South Carolina  
(Civil Action No. 2:23-01121DCN)

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**MOTION FOR STAY OF APPEAL**

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The Appellee Attorney General moves for a stay of this appeal, including briefing deadlines, while the South Carolina Supreme Court considers the Appellants' Petition for Original Jurisdiction of the South Carolina seeking authorization for its proposed Housing Advocate Program that is also at issue in this appeal. In the attached letter of November 29, 2023, the Supreme Court reports that it is "considering authorizing the proposed Program on a provisional basis or as a pilot program." The letter requested more information about the proposed program.

Because of this review of the program by the Supreme Court and the possibility that it could be approved, the Attorney General seeks a stay of this appeal.

If the Supreme Court approves the program, his position is that it would moot this appeal.

The Appellants consent to a stay of up to but not exceeding 90 days. Local Rule 27(a). The Attorney General consents to that 90 day limitation, but he reserves the right to request an extension of any stay granted. The Attorney General requests that the current briefing deadlines be held in abeyance while this motion is considered.

Respectfully submitted,

ALAN WILSON  
Attorney General

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/s/ J. Emory Smith, Jr.  
J. EMORY SMITH, JR.  
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December 5, 2023

Counsel for Attorney General Wilson

## CERTIFICATE OF COMPLIANCE

1. This Motion for Extension of Time complies with the type-volume limitation of Rule 27(d)(2)(A), FRAP, because it contains 187 words, excluding the caption and signature block
2. This motion complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman.

December 5, 2023

/s/ J. Emory Smith, Jr.  
J. EMORY SMITH, JR.  
Counsel for Defendant-Appellee

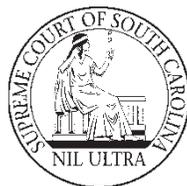
**CERTIFICATE OF SERVICE**

I hereby certify that on this December 5, 2023, I filed the above Motion for Extension of Time with the Clerk of the Court using the CM/ECF system, which will automatically serve electronic copies upon all counsel of record.

/s/ J. Emory Smith, Jr.  
J. EMORY SMITH, JR.  
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**ATTACHMENT TO MOTION TO STAY**  
**Appeal No. NO. 23-1917, NAACP v. Wilson**

Letter from South Carolina Supreme Court, November 29, 2023



## The Supreme Court of South Carolina

PATRICIA A. HOWARD  
CLERK OF COURT

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November 29, 2023

James Edward Cox, Jr., Esquire  
PO Box 728  
Greenville, SC 29602

Re: In Re: South Carolina NAACP Housing Advocate Program, et al.  
Appellate Case No. 2023-001608

Dear Mr. Cox:

The Supreme Court has instructed me to inform you that following review of the petition and exhibits filed by the NAACP on October 13, 2023 in this matter, the Court is considering authorizing the proposed Program on a provisional basis or as a pilot program. S.C. Const. art. V, § 4; *In re Unauthorized Prac. of L. Rules Proposed by S.C. Bar*, 309 S.C. 304, 305, 422 S.E.2d 123, 124 (1992) (clarifying that certain practices involving the provision of legal services by nonlawyers do not constitute the unauthorized practice of law). The Court has requested that the NAACP file a supplement to its October 13, 2023 petition addressing two issues.

First, the Court is interested in data and performance metrics to gauge the success of the NAACP's proposed approach. With respect to that question, for example, the Court would like to receive data from the NAACP similar to what the Charleston Housing Court Pilot Project provided during that pilot. *See RE: Charleston Housing Court Pilot Project*, S.C. Sup. Ct. Adm. Order dated May 24,

2019.<sup>1</sup> During the Charleston Housing Court Pilot Project, the housing court tracked various data to determine the Pilot Project's rate of success, which ultimately led to the Supreme Court agreeing to "authorize the expansion of the Charleston Housing Court Pilot Project to all counties in South Carolina." *RE: Charleston Housing Court Expansion*, S.C. Sup. Ct. Adm. Order dated Jan. 26, 2023.<sup>2</sup>

The Court expects that, as part of the NAACP's own evaluation of this proposed Program, the NAACP will collect and analyze various data and other metrics; however, the petition and program documents do not specifically address that question. The Court would request that the NAACP share relevant data with the Office of Court Administration and the South Carolina Access to Justice Commission.

Examples of data that may be relevant or useful may include the:

- number and identity of volunteers
- number of tenants who contact the Program for assistance
- number of tenants who were assisted
- number of tenants who were declined assistance
- number of tenants who were referred to legal service providers
- number of hearings requested
- counties in which assistance was provided
- number of evictions that were settled or dismissed
- number of evictions with writs of ejectment issued

Second, although the Program Manual provided as Exhibit 2 contains sufficient information about the nature of the work that certified Program volunteers will perform, there are few details with respect to how the volunteers qualify to be certified, the nature of the mandated training to be certified (i.e., the length of training sessions and who will lead the sessions), and how the certified volunteers will be supervised.

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<sup>1</sup> Available at:

<https://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2019-05-24-01>.

<sup>2</sup> Available at:

[https://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2023-01-26-01#\\_ftn2](https://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2023-01-26-01#_ftn2).

The Court requests that the NAACP file a supplement to its petition addressing these questions within twenty (20) days of the date of this letter.

Very truly yours,

*Patricia A. Howard*

CLERK

cc:

Alan McCrory Wilson, Esquire

J. Emory Smith, Jr., Esquire

Christopher G. Isgett, Esquire