

SCLSPR 94.04(c)(6) FAMILY LAW PROCEEDINGS MOTIONS

Comments

Commenter: Family Support Deputy Prosecuting Attorneys

Date Received: 06/10/2021

Comment:

SCLSPR 94.04(c)(6)(C) Family Law Proceedings Motions: This proposed rule change received much discussion. Positive feedback to avoid hundreds of pages of exhibits, but request the Court consider increasing the total number to account for pertinent documents and/or consider a more specific rule (i.e., require a declaration with attachments or require leave of court or order electronic submission [via email or on a CD or other easily storable and reviewable media]) to include screenshots of text messages, social media, or other voluminous exhibits.

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SCLSPR94.04(c)(6)(G): Positive feedback - wise addition!

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Including Exhibits in the page limits is a big change, and frankly will be very harmful to cases with high DV level to change this so. DV often has loads of documentary evidence, and to limit it will be problematic.

C. Exhibits: Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. Photographs, text messages, email, electronic communications, depositions and similar material shall count toward the page limit.

Including documentary evidence in page limits will result in declarations being more poorly written, and micro images of texts, facebook pages, etc used as supporting evidence. Or edited versions of these documents which do not contain the entire conversation to keep within page limits. In high conflict cases that involve repeated verbal abuse, stalking behaviors, and harassment, electronic messages can support and proof other's poor behavior. Rather than page limit documentary evidence (i.e. police reports), a rule explaining best use of material would be better service. i.e. Photographs, text messages, email, electronic communications, depositions and similar material should only be used as exhibits if referenced and text included from these documents in the body of the parties declaration. All exhibits should be clearly printed and legible for ease of reading. Exhibits should not exceed 15 pages.