

# Law In Action tackles a new issue

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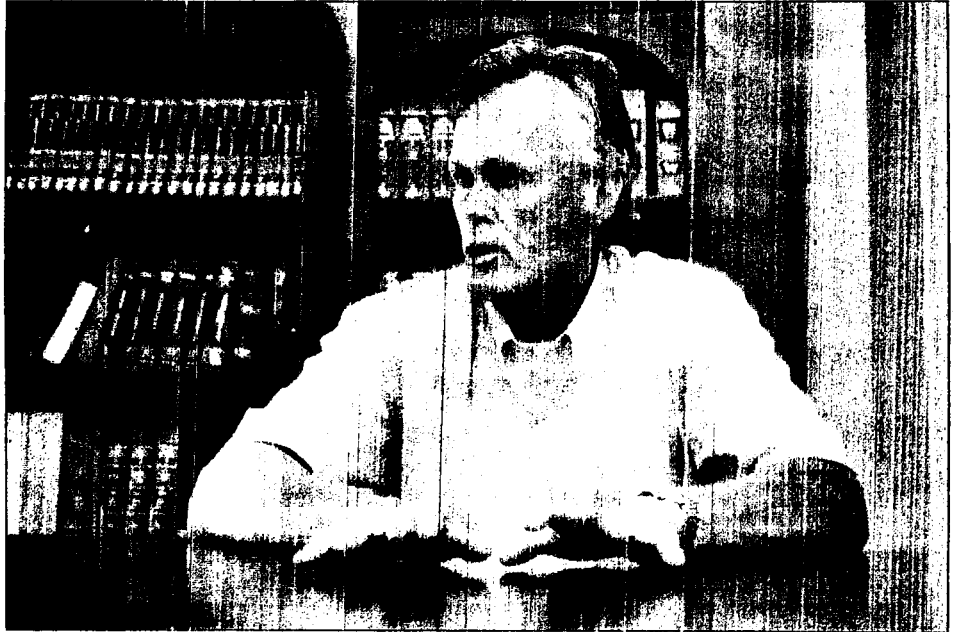
Whether lobbying to protect the rights of inmates, pushing to ensure students have legal counsel during expulsion hearings, teaching workers about job rights or ensuring teenagers understand the judicial system, Law In Action's roots run deep in Greenville County.

Now, after accomplishing one of its initial goals, the nonprofit organization founded by local attorney Steve Henry in 2002 is focusing at least a portion of its efforts in a new direction.

As of this fall, Law In Action will no longer match-up low-income parents and their children with free legal counsel in the face of student expulsion hearings.

With a list of willing attorneys in place, that role is being taken over by Legal Services, which already handled the job of determining whether families were poor enough to qualify for the free service.

For years, Law In Action, under Henry's guidance, had asked Greenville County Schools to include at least a mention about the availability of free legal counsel in letters notifying parents of upcoming expulsion hearings.



Michelle Mogavero/Staff

**COURT:** Law in Action will shift its focus after accomplishing one of its major goals - making sure low-income students get the free legal counsel they have a right to receive.

"For five years, we asked them to do this," he said. "And for five years, they refused."

That stance recently changed following an intensive advertising campaign that included billboards and media coverage, Henry said.

"Our job is done," he said.

But a new task is on the horizon

for the organization which focuses its efforts on four ongoing endeavors including the Jail Project, which, in an effort to protect rights, sends individuals into the county detention center to work with inmates who've been arrested on magistrate's court offenses.

The South Carolina Bar >

> Foundation recently awarded Law In Action \$30,000 for its work assisting those inmates obtain pretrial release, addressing their bond situations and improving communication between them and the courts.

Using those dollars and other money provided by local charities, Law In Action will focus on ensuring inmates in magistrate's court cases aren't forgotten following their initial arraignment and bond hearing.

The concern is that some inmates with cases pending in magistrate's court for charges stemming from such things as trespassing after notice or having an open container of alcohol are waiting as long as 45 days for a trial, when the maximum penalty is 30 days.

"There is no bond review process," Henry said. "And while I'm getting a lot of agreement that this needs to change, what we'll probably end up having to do next is bring a case to challenge it."

It is Henry's argument that after 30 days, these inmates are entitled to habeas corpus relief. And so far, in cases where inmates have sought such relief with the assistance of Law In Action, it has been granted without so much as a hearing.

Officials with both the detention center and the 13th Circuit Solicitor's Office are supportive of the efforts, Henry said.

Letters have been sent to all of Greenville County's magistrates outlining corrective measures that could all but eliminate inmates aren't incarcerated longer than the penalty they can potentially receive.

He included information about two U.S. Supreme Court decisions - one expanding the right to counsel

to include misdemeanor defendants who are likely to be imprisoned and a second that says the right to counsel attaches at the time of arraignment.

"At present, magistrate courts do not monitor jailed defendants after bond has been set and they are placed in detention," Henry wrote. "Law In Action has taken on the monitoring task (e.g. seeking bond reductions, communicating with family members, facilitating quicker guilty pleas) to reduce jail overcrowding."

If the committing magistrate in every case where a personal recognizance bond has been considered and rejected would ask if the inmate would like to be screened for a public defender, the problem could begin to be addressed, Henry said.

Thirteenth Circuit Public Defender John Mauldin has said his office is willing to take on the extra cases, but more funding would be necessary, Henry said.

Ultimately, a public defender could ensure that an inmate isn't incarcerated beyond the maximum number of days he could be sentenced to if convicted.

Greenville County Magistrate Diane Cagle said Wednesday the issue could be complicated to address.

"But I would be interested in supporting anything that improves our judicial system," she said.

In addition to the Jail Project, Law In Action also conducts workshops on job rights, civil and constitutional rights, offers interested classroom teachers and other groups a real life judicial experience with mock trials and recruits college students to assist lawyers handling court appointed criminal cases.

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