

Saturday, January 20, 2024
8:30 – 11:45 a.m.
Civil Rights Law Section
3.0 MCLE Credit Hours,
Supreme Court Commission on CLE Course #: 240015
Room Location: Jenkins-King Charles

In-Custody Litigation in South Carolina

Attendees will hear both plaintiff and defense perspectives on topics covering county detention centers, the Department of Juvenile Justice, and the South Carolina Department of Corrections (including Death Row). Discussions include theories of liability and defenses available under the South Carolina Tort Claims Act, 42 U.S.C. 1983, and Federal Tort Claims Act.

Agenda

- 8:30 – 8:45 a.m. **Introduction**
- J. Christopher Mills
Chris Mills Law
Columbia, SC
- 8:45 – 9:40 a.m. **Pretrial Detention: When Prison is Not a Prison**
- Discussion will center on the unique issues regarding the liability involving pretrial detainees and local detention facilities. Topics include litigation procedural requirements, discovery, excessive force claims, denial of medical services, use of private medical providers and general conditions of confinement cases.
- Patrick J. McLaughlin
Wukela Law Firm
Florence, SC
- Stuart M. Andrews, Jr.
Burnette Shutt & McDaniel, P.A.
Columbia, SC
- Daniel R. Settana, Jr.
Settana Law Firm LLC
Columbia SC
- 9:40 – 10:35 a.m. **Juveniles in Custody: It's Not Kids Play**
- Discussion includes the procedural and substantive issues involved in suing the Department of Juvenile Justice that distinguishes it from other institutional litigation. Panelists will also discuss the unique challenges of representing juveniles and defending correctional agencies and officers.
- Daniel C. Boles
Boles Law Firm
Charleston, SC

David A. DeMasters
Riley Pope & Laney, LLC
Columbia, SC

10:35 – 10:50 a.m. **Break**

10:50 – 11:45 a.m. **Litigation in the Big House: Safety Under the 8th Amendment**
After conviction, litigation will likely involve the South Carolina Department of Corrections. Panelists will discuss the PLRA, 11th Amendment immunity, individual liability, and unique litigation involving inmates housed on Death Row.

Lindsey S. Vann
Justice 360
Columbia, SC

Elloree Ganes
Hood Law Firm, LLC
Charleston, SC

Course Planner/Moderator:

J. Christopher Mills
Chris Mills Law
Charleston, SC

Michelle Mapp
The Charleston School of Law
Charleston, SC