

STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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SEP 19 2025

Honorable H. Steven DeBerry, IV, Circuit Court Judge

SC Court of Appeals

Unpublished Opinion No. 2025-UP-255
Submitted June 1, 2025 – Filed July 23, 2025

In the Matter of The Estate of Juleanne Judy Bryan

Margaret Elaine Chapman Appellant,

V.

Grady W. Dubose, Wade Wilson Judy, and Marvin Lee Judy, III Respondents,

PETITION FOR WRIT OF CERTIORARI

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CERTIFICATE OF COUNSEL

Counsel for petitioner certifies that the Petition for Reconsideration was made and finally ruled on by the Court of Appeals on August 21, 2025.

QUESTIONS PRESENTED

1. Did the Court of Appeals err in holding that this action is barred by failure of the appellant to timely file the Notice of Appeal when the Probate Court used an email address other than that designated by appellant's attorney as his email address in his annual certification of his email address to the bar?
2. Did the Court of Appeals err in failing to address the underlying substantive issue of the limits to the behavior of counsel during then mediation proceedings when it decided this case on a technical notice issue rather than the underlying substantive issue?

STATEMENT OF THE CASE

This case involves three claims to the estate of the decedent, Juleanne Judy Bryan. (R. pp. 11-15, pp. 41-51). The claims of Wade Wilson Jude and Marvin Lee Judy are based on the intestacy of the decedent, the claim of Grady Dubose is based on his claim to be the common law husband of the decedent. (R. pp. 11-15) and Margaret Chapman's claim is based on her claim to be the beneficiary of the estate by virtue of the will of the decedent. (R. pp. 41-51).

The parties conducted discovery to the extent that they chose to do so. The parties thereafter met at the office of attorney Bradish Waring for him to mediate the case on August 22, 2022. The parties were able to reach a settlement agreement dividing the estate of the decedent.

Thereafter Ms. Chapman sought to reconvene the mediation after learning that certain assertions made during the mediation, on which she relied, were totally false and known to be false or negligently asserted by one of the attorneys for the respondents during the negotiations at

the mediation hearing. The appellant thereafter sought to resume the mediation and the parties filed proposed orders to the probate judge resuming the mediation (R. pp. 59-66) and enforcing the agreement. (R. pp. 67-71).

The proposed order of the respondents was subsequently adopted by the probate judge.

The Probate Court issued its order Dated December 22, 2022, Approving and Enforcing Settlement and sent it to the Watson Law Firm using the firm's former email address (but still sometimes used to deliver emails to the firm because of its presence on certain Watson law firm older documents) during the Christmas and new years' holidays. However, The Watson Law Firm designated the email address, jewatson.lwr@gmail.com, in the state's AIS system to receive notices from the court. (R. pp. 76-77)

Actual notice of the filing of the probate court's order was thereafter placed in the US mail on December 28, 2022, and was received by the Watson Law firm by US postal mail from an attorney for Respondent nephews sometime after the mailing on December 28, 2023. (R. pp. 76-77).

On January 5, 2023, the Appellant filed her Notice of Intent to Appeal with this Court. (R. pp. 73-74)

The Court of Appeals affirmed the judgment of the circuit court. Unpublished Opinion No.

2025-UP-255. Submitted June 1, 2025 – Filed July 23, 2025

Petitioner seeks a writ of certiorari to review that decision

Arguments:

1. THE COURT OF APPEALS SHOULD HAVE HELD THAT THE EMAIL ADDRESS DESIGNATED BY ATTORNIES IN THEIR ANNUAL CERTIFICATION OF EMAIL WITH THE SOUTH CAROLINA BAR SHOULD BE THE EMAIL ADDRESS USED BY THE COURT TO NOTIFY A PARTIES OF ACTIONS TAKEN BY THE COURT.

STATEMENT OF THE LAW:

§ 62-1-308(b) provides that “within forty-five days after receipt of written notice of the order ... the appellant must file with the clerk of the circuit court a Statement of issues on Appeal ... and a copy served on all parties.

APPLICATION OF THE LAW IN THIS CASE:

The circuit court judge erred in finding that the 45 days for filing the Statement of Issues on Appeal ended on February 6, 2023. That date was calculated from the December 22, 2022 date that he used as the date of receipt of the probate court order by the attorney for Ms. Chapman because the probate court sent an order on that date to the disputed email address, to wit: watsonlawfirm@sc.twcbc.com and not to the email address designated by attorney Watson in the SC Bar AIS system. The AIS address is jewatson.lwr@gmail.com Actual Notice was received when the Respondent’s attorney mailed the court order to the appellant’s attorney. The appellant complied with this rule but the trial judge used the wrong service date in his calculations.

Should service be allowed to be made to any email address ever used by an attorney and not the one designated in the AIS system, it would mean that an attorney could be served at any address he has ever used. This would allow for sewer service electronics style.

2. THE COURT OF APPEALS SHOULD HAVE RULED ON THE UNDERLYING
ISSUE OF THE LIMITS OF THE BEHAVIOR OF THE PARTIES THAT IS
ACCEPTABLE BY THE ATTORNEIES DURING THE MEDIATION OF A CASE
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It is well established law that courts favor the resolution of cases on the merits rather than technicalities. The underlying question presented is a novel one. That question is: “what are the limits, if any, that attorneys can go through in deceiving a participant during the mediation process without incurring the wrath of the judicial system. Especially when the proceedings during the mediation process are confidential.

Can I put a gun to the head of a participant to make that person sign an agreement? Surly the court would be repulsed by such behavior.


So what exactly are the limits to an attorney’s behavior and how can that behavior be challenged?

In this case an attorney alleged that he had proof that no notary existed with the signature on the will in this case when that notary was located subsequent to the mediation. The participant relied on that assertion to her detriment.

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

Respectfully submitted:
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Columbia, South Carolina
Dated: September 19, 2025

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STATE OF SOUTH CAROLINA
COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY CIRCUIT COURT

Honorable H. Steven DeBerry, IV, Circuit Judge

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Appellate Case No. 2023-000751

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SC Court of Appeals

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Counsel for Respondent

CERTIFICATE OF SERVICE

I, Johnny E. Watson, attorney for the Appellant, above-named, hereby certify that I have served the individual named below with a copy of the document described herein by hand delivery, email and/or by depositing it in the US Mail, postage prepaid, at the address listed below on the date listed herein below.

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DOCUMENT: **PETITION FOR CERTIOARI AND APPENDIX**

DATE SERVED: September 19, 2025.



Johnny E. Watson, Document Server

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