

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2018-001164

RECEIVED

AUG 15 2018

S.C. SUPREME COURT

South Carolina Lawyers Weekly,
by and through its principal, Dolan Publishing Company, Petitioner,

v.

Scarlett Wilson, Solicitor of the Ninth Judicial Circuit,
An elected public official, Respondent.

**REPLY TO RETURN TO
PETITION FOR WRIT OF CERTIORARI**

The petition for writ of certiorari should be granted for the reasons set forth in the initial petition, as well as the arguments set forth below, offered in reply to the Respondent's Return to that petition:

Issue One

The solicitor revealed the content of the grievances against her by advising that they were critical of her handling of her office and of particular cases in her office. If the issue of waiver is an issue of law, the trial court's ruling is legal error. However, since the law requires that issues

of waiver are questions of fact, waiver should have been reserved for the fact finder. This issue is more fully addressed in the Petition for Writ of Certiorari.


Issues Two and Three

The Rules for Lawyer Disciplinary Enforcement cannot possibly be used to modify the language of the Freedom of Information Act. The Court can construe the act, but it cannot amend it by enacting court rules that are used to construe the act itself. The legislature has authority to enact the Freedom of Information Act.

CONCLUSION

The issues presented by this Petition for Writ of Certiorari are of significant importance. This Court's construction of the issues presented is required not only because the trial court and the Court of Appeals got it wrong, but because of the significance of the legal issues presented.

Respectfully submitted by



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ATTORNEYS FOR PETITIONER

August 13, 2018

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PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on, August 13, 2018, I served a copy of the **Reply to Return to Petition for Writ of Certiorari** in the above-captioned case on the following individual by electronic mail and by United States Mail, with sufficient first-class postage affixed, addressed as follows:

J. Emory Smith, Jr., Esquire
Assistant Deputy Attorney General
Post Office Box 11549
Columbia, South Carolina 29211


Beth Cogan, Paralegal

August 13, 2018
West Columbia, South Carolina