

With all due respect to this Court, the Court's opinion is in error because it effectively rewrites the Rules of Appellate Procedure, Rule 416.

In its opinion, this Court writes: "We find Client consented to the jurisdiction of the Board as required under Rule 9 of Rule 416, SCACR, by signing the fee agreement." However, and with all due respect to this Court, signing a fee agreement does not satisfy Rule 9 of Rule 416, SCACR. Rule 9(b) states:

No **application** will be accepted from an attorney unless accompanied by the client's written consent to jurisdiction and consent to be bound by the final decision of the Board. Thereafter, both parties are bound. (Emphasis added).

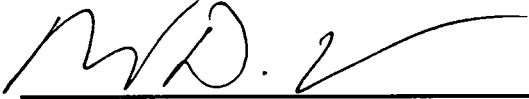
Rule 9 requires an "application" not a "fee agreement." A fee agreement is not application as required by Rule 9, even if signed by the client.

Rule 9 is clear – it requires an "**application**...accompanied by the client's written consent." Emphasis added. The facts in this case are equally clear and are not disputed: Respondent never submitted an "**application**...accompanied by client's written consent." Emphasis added. Instead, Respondent sought to have the lower court and this court rewrite Rule 416 in at least two important respects. First, by effectively changing the wording of Rule 9 from "application" to "fee agreement." Second, by effectively adding and changing the language Rule 9 so that the rule now vests the courts with the legal authority to compel arbitration through the Board based on a court order instead of an "application...accompanied by client's written consent."

Respectfully, Appellant requests rehearing and oral arguments for this Court to reconsider that portion of its opinion outlined above.

Respectfully submitted,

February 5, 2019



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Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

RECEIVED

FEB 05 2019

SC Court of Appeals

Appellate Case No. 2016-000804

Jean P. Derrick, Respondent,

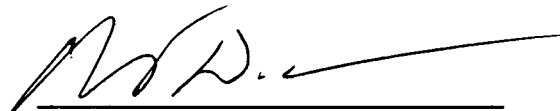
v.

Lisa C. Moore, Appellant.

PROOF OF SERVICE

I certify that I have served the Petition for Rehearing by depositing a copy of it in the United States Mail, postage prepaid, on February 5, 2019 addressed to her attorneys of record, William S. Tetterton, Tetterton Law Firm, LLC, P.O. Box 530, Camden, South Carolina 29021 and Katherine Carruth Goode, 229 South Congress Street, Winnsboro, South Carolina 29180.

February 5, 2019



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February 5, 2019

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
FEB 05 2019
SC Court of Appeals

Re: Jean P. Derrick, Respondent v. Lisa C. Moore, Appellant
Appellate Case No. : 2016-000804

Dear Ms. Kitchings:

Enclosed for filing is original and eight (8) copies of a Petition for Rehearing in the above case. Also enclosed are the following:

- 1) Proof of service of the Petition for Rehearing; and,
- 2) A filing fee of \$50.00.

February 5, 2019

A handwritten signature in black ink, appearing to read "R.D.", written over a horizontal line.

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