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August 19, 2021

Via email: ctappfilings@sccourts.org
V. Claire Allen
Chief Deputy Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
Aug 19 2021
SC Court of Appeals

Re: *Donald and Carlee Simmons v. Benson Hyundai, LLC*
Appellate Case No. 2019-000344

Dear Ms. Allen:

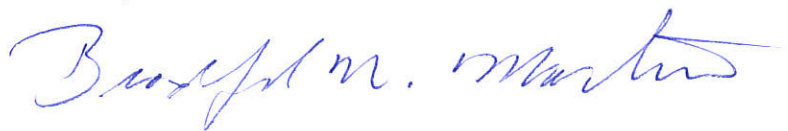
In response to Mr. Moise's letter to you, the Appellate Rules presume oral argument. Rule 215, SCRAP allows the Court to decide a case without oral argument only if the Court determines oral argument would not aid the Court in determining the appeal. As U.S. Supreme Court Justice William J. Brennan famously declared:

Oral argument is the absolutely indispensable ingredient of appellate advocacy . . .
[O]ften my whole notion of what a case is about crystallizes at oral argument.

Harvard Law School Occasional Pamphlet Number Nine at 22-23 (1967). Our state's own former Chief Justice Toal has observed: "[O]ral argument . . . could play a vital role in determining the outcome of the appeal."¹

Instead of limiting his response to the Clerk's August 9th scheduling request, Respondents' counsel asserted to you that oral argument is unnecessary. Appellant respectfully and strongly disagrees.

Sincerely,



Bradford N. Martin

cc: Warren Moise, Esq.

¹ *Appellate Practice in South Carolina*, 2nd Ed., Toal, Vafai, and Muckenfuss, pg. 237 (2002).