

From: Patel, Swati <SwatiPatel@gov.sc.gov>
To: Pisarik, HollyHollyPisarik@gov.sc.gov
Date: 6/28/2016 10:59:34 PM
Subject: Fwd: Abbeville
Attachments: Petition for Rehearing - St. Gov. Draft 2 clean (00512811xD2C78).docx
ATT00001.htm

The attached petition is the last filing our office submitted to the Court.

I see that I signed it for our office, you should do the same for the letter.

Sent from my iPhone

Begin forwarded message:

From: Emory Smith <ESmith@scag.gov>
Date: December 29, 2014 at 4:25:42 PM EST
To: "Patel, Swati" <SwatiPatel@gov.sc.gov>
Subject: RE: Abbeville

Thanks. Actually, a written signature for you is not necessary as your name is typed in and I can sign for all listed attys. If you prefer, I will add a line for a written signature for you. Let me know whether you prefer just one signature line as in the attached or my adding a line by your name.

Emory

-----Original Message-----

From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]
Sent: Monday, December 29, 2014 4:22 PM
To: Emory Smith
Subject: Re: Abbeville

Looks good!

Bar no. 14188

You can sign for me.

Sent from my iPhone

On Dec 29, 2014, at 4:12 PM, Emory Smith <ESmith@scag.gov> wrote:

Sorry, I did have it, and overlooked it this am as the email showed that it had already been reviewed.

Attached are redlined and clean versions that I believe incorporate these changes. I also added your name to the counsel list but need your bar no.

Thanks.

Emory

-----Original Message-----

From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]

Sent: Monday, December 29, 2014 3:59 PM

To: Emory Smith

Subject: Re: Abbeville

Did you see the redline I sent last week? I made some minor changes.

Sent from my iPhone

On Dec 29, 2014, at 3:20 PM, Emory Smith <ESmith@scag.gov> wrote:

Attached is the most recent House / Senate draft. It appears to be similar but Bobby Stepp reports some new information beginning on page 31. See also my questions in the email below if you haven't seen them yet.

I've attached our draft with the citation to the Initiatives and two minor redlined edits in the Petition. If it is ready to go, I'll bring it over in the am for you to sign or if you'd like to authorize me to sign your name "by Emory Smith with authorization," I'll be glad to do so.

Thanks.

Emory

-----Original Message-----

From: Emory Smith

Sent: Monday, December 29, 2014 1:07 PM

To: 'Patel, Swati'

Subject: RE: Abbeville

I have cited the Governor's initiative in the petition at the end of this sentence: The majority has also overlooked recent education initiatives put in place by the Governor's Administration and the General Assembly and will directly affect rural school districts in SC. See attached, K-12 Education Reform Initiative, 2014.

Do you know the date of the creation of the doc. in 2014? Were all of the proposals enacted by the General Assembly?

Thanks.

Emory

-----Original Message-----

From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]

Sent: Wednesday, December 24, 2014 10:55 AM

To: Emory Smith

Subject: Re: Abbeville

Yes please. And I would still like to list AG's office as well.

Sent from my iPhone

On Dec 23, 2014, at 5:44 PM, Emory Smith <ESmith@scag.gov> wrote:

Do you mean list your name as counsel for the governor? Certainly. Do you also still want the AG's office to be listed as counsel for both the state and the governor.

From: Patel, Swati [SwatiPatel@gov.sc.gov]

Sent: Tuesday, December 23, 2014 5:10 PM

To: Emory Smith

Subject: Re: Abbeville

One last thing, can I sign on to this response?

Swati S. Patel

Chief Legal Counsel

Office of the Governor

1205 Pendleton Street

Columbia, SC 29201

803-734-5095

From: Patel, Swati<<mailto:SwatiPatel@gov.sc.gov>>

Sent: Tuesday , December 23 , 2014 10 : 48 AM

To: Emory Smith<<mailto:ESmith@scag.gov>>

Emory - Did you get my redline? Can I get a finalized copy before you file it please?

I'm assuming we will file it on the due date?

Sent from my iPhone

On Dec 22, 2014, at 4:20 PM, Emory Smith <ESmith@scag.gov>> wrote:

See the attached. I included your part with a paragraph I wrote. Note that it concurs in the dissenting opinion as well as the House and Senate brief. The language re each child can learn comes from our 2012 letter to the Court but I added the part about poverty.

Let me know what you think.

Emory

From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]

Sent: Monday, December 22, 2014 1:45 PM

To: Emory Smith

Subject: RE: Abbeville

Emory,

I confirmed with the Governor on Friday an outline for a response.

1. Concur only in the legal arguments presented by the General Assembly

2. Provide a statement along the lines of the following:

The Executive Branch, through the Governor's Administration and the Secretary of Education, plays a key role in developing, advancing and budgeting for education initiatives for all students in the state, including those in rural, poorer school districts. The Legislature clearly has the sole constitutional duty to provide for the maintenance and support of public schools. The majority has improperly stepped into these long-established roles held by both the Executive and Legislative branches in Abbeville County School District, et al. v. The State of South Carolina, et al. The majority has also overlooked recent education initiatives put in place by the Governor's Administration and the General Assembly (attached) and will directly affect rural school districts in SC. Improving education outcomes for all students, particularly students in rural school districts, is an on-going, critically important goal for the Executive and Legislative branches, school districts, and teachers. This goal has not and will not change with the majority's decision.

3. We would like to include the attached document that was proposed by the Governor in January 2014 and adopted by the General Assembly July 1, 2014.

Let me know what you think. I will be available today and tomorrow. I will be going out of town Dec. 24 through Dec. 28 but will be available by email and phone.

Thanks,

Swati

Swati S. Patel

Chief Legal Counsel

Office of the Governor.South Carolina

1205 Pendleton Street

Columbia, SC 29201

DD 803.734.5095

From: Emory Smith [<mailto:ESmith@scag.gov>]

Sent: Thursday, December 18, 2014 2:15 PM

To: Patel, Swati

Subject: RE: Abbeville

Yes. I am here.

Emory

From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]

Sent: Thursday, December 18, 2014 12:47 PM

To: Emory Smith

Subject: RE: Abbeville

Can we talk today about this? I will be done reviewing the petition in a few minutes.

From: Emory Smith [<mailto:ESmith@scag.gov>]

Sent: Tuesday, December 16, 2014 10:24 AM

To: Patel, Swati

Subject: RE: Abbeville

Here it is. I have marked it confidential / privileged etc and my understanding is that you will maintain its confidentiality.

Please call after you've had a chance to review.

Thanks.

Emory

From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]

Sent: Tuesday, December 16, 2014 10:17 AM

To: Emory Smith

Subject: RE: Abbeville

I would like to see it. Thank you.

After we review it, can we do a call?

From: Emory Smith [<mailto:ESmith@scag.gov>]

Sent: Tuesday, December 16, 2014 9:12 AM

To: Patel, Swati

Subject: RE: Abbeville

I have received the draft of the General Assembly's Petition for Rehearing and have permission to send it to you if you'll agree to maintain its confidentiality.

Because I am sending it to you for purposes of our consideration as to whether to concur in it in whole or in part, it should be subject to attorney client / work product privileges. Please confirm that you'd like to see it and agree that it is a confidential document.

Thanks.

Emory

From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]

Sent: Monday, December 15, 2014 7:53 PM

To: Emory Smith

Subject: Re: Abbeville

I will call tomorrow morning. Thanks.

Sent from my iPhone

On Dec 15, 2014, at 5:12 PM, Emory Smith <ESmith@scag.gov<<mailto:ESmith@scag.gov>>> wrote:

Sure. Bobby Stepp was going to send me the House and Senate draft petition for review, but I have not yet received it. I just emailed him about it.

I'll be glad to talk to you at any time. I am leaving at 5:45 today – earlier than usual due to my daughter's church bball game and her 16th birthday. Will be in all day tomorrow except for around 1-3 when I'll go to lunch and have a doctor's appt.

Emory

From: Patel, Swati [<mailto:SwatiPatel@gov.sc.gov>]

Sent: Monday, December 15, 2014 3:11 PM

To: Emory Smith

Subject: Abbeville

Emory – given the deadline to submit something for the petition for rehearing is during the holidays, can we discuss very soon what our plan will be. I have already spoken to the Governor and have a general idea of our direction.

Swati

<Petition for Rehearing - St. Gov. Draft 1 (00510652xD2C78).docx>

<Petition-Memorandum in Support of Petition for Rehearing

(A0708532xA08D7....docx> <Petition for Rehearing - St. Gov. Draft 1

(00510652xD2C78).docx>

<Petition for Rehearing - St. Gov. Draft 2 clean

(00512811xD2C78).docx> <Petition for Rehearing - St. Gov. Draft 1 redlined

(00512810xD2C78).docx>