From: Susanne Smith <susannesmith5@hotmail.com>
To: Pisarik, HollyHollyPisarik@gov.sc.gov
CC: simsprivate@gmail.comsimsprivate@gmail.com
Mottel, HaleyHaleyMottel@gov.sc.gov
Date: 1/18/2016 8:43:36 AM
Subject: Re: Arbitration and Child Custody

Good morning ladies! I hope you have both had a Happy New Year.

I contacted the Attorney General's office several weeks back and left a message to set up a meeting with Mr. Wilson. I did receive a phone call back from his office asking for specifics as to why I would like to meet with Mr. Wilson. Given all of the lies and deceit that I have dealt with, even from my original attorney, I really do not feel comfortable divulging information to people that I do not know, especially since Mr. Wilson's office is in the same office building as Mark Taylor (our Arbitrator).

Is there anyway possible that I could ask for either one of you or for the Governor to contact Mr. Wilson directly and request a meeting for me with him? It would be very much appreciated.

Also, Rep. Horne has told both Simmi and myself, as well as our attorneys, that she does agree with us and with Judge Morris here in Richland Co. that Arbitrating child custody issues is very much illegal and that there is definitely a money making scam going on, as well as corruption with this process. She has stated that she is going to have her name removed from Bill H.4001 and also ask that the bill be killed and to start a new Bill making it very clear with the wording that child issues is against the child's Constitutional rights and per the Supreme Court SC statute S.C.Code 14-2-10 (1976), that it is illegal - so that there is no "loophole" as it is now with the Bill, for this process to be able to continue within our State.

I have not heard from Rep. Horne in the past week or two, so I am very curious to see, especially from Haley since she is the Legislative Liaison, if anything has occurred in the Legislature since they have reconvened on January 12th. If you have any information, please let me know.

Thanks,
Susanne Smith
803-351-1327

From: Susanne Smith <susannesmith5@hotmail.com>
Sent: Friday, December 18, 2015 4:47 PM
To: Pisarik, Holly
Cc: simsprivate@gmail.com; Mottel, Haley
Subject: Re: Arbitration and Child Custody

Good evening Holly and Haley - Thank you so very much for taking your time to speak with me and to meet with me. I am grateful that the Governor took her time to listen to the both of you and for giving me suggestions on where to go from here.

I do ask that you please relay this email to the Governor for me.

I understand that our Governor is in the Executive branch and cannot "wave a magic wand". Doesn't the Governor have veto power over bills? Can she not veto this bill if it is passed?

As I told Haley, I am not on a witch hunt nor to have anyone disbarred. I am however, determined to put

a stop to the corruption and financial racket that these select attorneys and arbitrators are doing by using a "loop hole" in the wording of a certain Rules in this state. These attorneys and arbitrators are making huge monetary gains at the expense of our children and their futures, financially and emotionally, through their "club" with Binding Arbitration over child custody issues.

With all due respect, I must point out where you are not 100% correct with what you reference in your email about the pending bill, H.4001, "In it's current form, the bill does not exclude child custody cases from arbitration." Please the highlighted portion from page 4 of 6 in Judge Morris' ruling in the final order of our case, where he rules Binding Arbitration is not legal for child custody issues. Please read the highlighted area very carefully. *

This is the very loop hole used to take advantage of and abuse clients financially, this is my whole point and exactly what Mark Taylor, Mark Andrews and the other attorneys that belong to the American Academy of Matrimonial Attorney's, who Mark Taylor is the President of.

Someone must help, someone must put politics to the side and do what is right. I am not going to stop until I know that I have left no stone unturned. Right must prevail. This state is a wonderful state, there is no where else I would rather be. I believe in this state and I believe in our Governor and her compassion and her passion for what is right.

I truly do appreciate all of your time and energy with this. If anything changes or anyone comes up with any other ideas, please know that it would be greatly appreciated.
*

1. I find and conclude that the South Carolina Family Court system was created by statute, S.C.Code 14-2-10 (1976), and this Court's jurisdiction therefore stems from the South Carolina General Assembly, and is controlled by statute.

2. By Order dated February 1, 2006, the Supreme Court of South Carolina adopted Court-Annexed Alternati ve Dispute Resolu tion (ADR) Rules which govern court-annexed ADR processes in the South Carolina Family Courts in domestic relations actions. Rule 4, SCADR controls the Family Court's jurisdiction to submit issues to Alternate Dispute Resolution. Rule 4(d)(l) allows for the mediation of children's issues bu t is silent as to submitting those same issues to arbitration. Rules 4(d)(2) & (5) expressly allow for the issues of alimony and property division to be submitted to binding arbitration, but are silent as to any other issues. "To express or include one thing implies the exclusion of another, or of the alternative." *Hodges v. Rainey*, 341 S.C. 79, 533 S.E. 2d 578, 582 (2000). It is clear to this Court that the South Carolina Supreme Court could have added children's issues to alimony and property as proper subjects for arbitration if they so desired. However, children's issues were excluded as subjects of arbitration.

3. In interpreting the language of a court rule, the Supreme Court applies the same rules of construction used in interpreting statutes. *Green v. Lewis Truck lines*, 314 S.C. 303, 443 S.E.2d 906 (1994). Therefore, the words of Rule 4, SCADR, must be given their plain and ordinary meaning, without resort to subtle or enforced construction to expand the Rule.

4. I therefore conclude that the Family Court is without subject matter jurisdiction to submit children's issues to binding arbitration.

Sincerely,

Susanne Smith

From: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Sent: Friday, December 18, 2015 3:56 PM
To: susannesmith5@hotmail.com
Cc: simsprivate@gmail.com; Mottel, Haley
Subject: Arbitration and Child Custody

Ms. Smith,

Thank you for sharing your story with me on the phone and Haley in person. We both met with the Governor today about your arbitration experience related to child custody issues. While the Governor is very sympathetic to your story, as you are probably aware, she has no authority to change the manner in which child custody issues are handled in our state, but she wanted us to offer you several suggestions.

- If you have a complaint against a particular attorney or arbitrator, you can call or file a complaint with the following: Commission on Lawyer Conduct, 1015 Sumter St., Ste. 305, Columbia, SC 29201, Telephone: 803-734-2037.

- If you think your case was mishandled by your attorney, you could consider consulting another attorney about a potential malpractice case.

- There is a pending bill, H.4001, related to arbitration proceedings in family court cases. In its current form, the bill does not exclude child custody cases from arbitration, but you could continue to work with Representative Horne to make this amendment.

- I understand from Haley that you are concerned that others may be in your situation. It is also my understanding that your attorney filed a Rule 60 motion to render void the arbitration award provisions related to children's issues. You could encourage others to seek the advice of an attorney to file a similar motion.

Thanks again for sharing your story with us. Please let me know if you have questions.

Thanks, Holly

Holly G. Pisarik
Chief Legal Counsel
Office of Governor Nikki R. Haley
O: 803-734-8465 C: 803-322-6255