

From: Taylor, Richele
To: Tom Davis <tdavis@harveyandbattey.com>
Date: 9/15/2016 4:12:31 PM
Subject: RE: Fastcase Document - Opinion as to whether the Governor has the power to appoint someone to replace a magistrate who resigned in April of this year when the Legislature was in session, but the Governor's Office did not receive notice of the resigna...

Great. I hope to get it out tomorrow, Monday at the latest.

Richele

From: Tom Davis [<mailto:tdavis@harveyandbattey.com>]
Sent: Wednesday, September 14, 2016 9:35 PM
To: Taylor, Richele
Cc: Patel, Swati
Subject: Re: Fastcase Document - Opinion as to whether the Governor has the power to appoint someone to replace a magistrate who resigned in April of this year when the Legislature was in session, but the Governor's Office did not receive notice of the resigna...

That's an excellent resolution. I appreciate you looking into this and look forward to receiving the letter. Thanks so much!

Tom

On Sep 14, 2016, at 6:28 PM, Taylor, Richele <RicheleTaylor@gov.sc.gov> wrote:

better route really is under the Rogers' case that says *she continues to serve as no successor was appointed*. There is a Supreme Court case and AG opinion stating that it does not matter that she resigned her duties, she continues to hold the office so long as no one was appointed. I have attached these for your benefit. The AG opinion you forwarded cites to this case in the last paragraph and holds the same interpretation. In other words, although she stepped down for a period from handling her duties, the office is still hers.

We can provide her a letter to that effect and asking her to continue her duties as the office is still hers. We can refer to the fact that she tendered her resignation as required under Canon 5 of the Judicial Code, but she still continues to hold the office until such time as someone else is appointed. Thus, we are asking her to resume her duties as she is still the appointee.

We will provide a letter to her, you, court administration, and the delegation explaining that she is still serving and she can resume her duties as she still holds the office. This is a unique situation, so please feel free to call