

Judge Walter L. Blackwell III (ret)  
10120 Two Notch Rd. 2-341  
Columbia, S.C. 29223  
(803) 788-4730

12/10/09

The Honorable Daniel E. Shearouse  
Clerk of Court—Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, South Carolina 29211

Dear Mr. Shearouse:

I was first admitted to the bar in California in 1970 and served as a trial judge in the Superior Court of California for over ten years. I have presided over literally thousands of motion hearings. I have appeared in federal court numerous times. Based upon that experience I strongly support the proposed amendments to Rule 7 SCRPC.

I would also suggest the addition of the following:

"(5) (F) Any argument not contained in the memorandum is deemed waived unless unusual circumstances such as newly enacted legislation, new court decisions or newly discovered facts, prevented its inclusion."

As a matter of practice I would recommend that all motion hearings begin with the Court announcing its intended ruling based upon the previously filed memoranda and that argument be limited to issues raised by the intended ruling.

I believe these changes are consistent with the practice in most state and federal courts and that they would free up valuable court time.

Sincerely,