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January 18, 2008

The Honorable Chief Justice Jean Hofer Toal
THE SUPREME COURT OF SOUTH CAROLINA
Post Office Box 12456
Columbia, South Carolina 29211

Re: Task Force on Closing Responsibilities

Dear Chief Justice Toal:

According to our understanding from a letter sent by you and Lanneau Wm. Lambert, Jr., Esq., various entities of the South Carolina Bar were to send the Task Force comments to our report. The comment period that you suggested was extended for an additional week by the South Carolina Bar. We received comment letters from three entities, and met yesterday to review them. Those entities are the Professional Responsibility Committee, the Unauthorized Practice of Law Committee and the Corporate, Banking and Securities Law Section Council.

We appreciate, and are very impressed with, the amount of time and effort that these entities expended to meet and publish their comments. We understand that it is not an easy task when multiple lawyers from various backgrounds must reach a consensus.

The Task Force decided to make one technical change to our initial report to the Court, but decided that the balance of our report would remain as it was presented earlier. That one change was to modify the word "can" to "may" in the preamble to the two lists relating to the Unauthorized Practice of Law. We have included a final report that includes that change.

We are not agreeing or disagreeing with the statements found in the three responses. These responses address very important issues. These issues were contemplated by the Task Force from the very beginning. We continue to support our conclusions.

One of the main reasons that we are taking this position is that a public hearing has been contemplated. In that forum, we believe that these entities, other interested groups and individuals will have the opportunity to present their positions directly to the Court. We look

forward to presenting ours.

We continue to believe that this entire process will result in a material improvement in both the lawyering and the proper handling of real estate transactions in South Carolina. If you have any questions concerning the process or our conclusions, please feel free to contact me.

Very truly yours,

H. Dave Whitener, Jr.
WHITENER & WHARTON, P.A.

Enclosures

cc: Lanneau Wm. Lambert, Jr., Esq.
Edward J. Hamilton, Jr., Esq.
Kathleen G. Smith, Esq.
Mardi S. Fair, Esq.
Stephen A. Spitz, Esq.
Robert S. Wells, Esq.