

MEMORIAL EXERCISES HELD IN THE RICHLAND COUNTY CIRCUIT COURTROOM ON THE 12<sup>TH</sup> DAY OF JUNE, 2015, AT 12:00 P.M. FOR MICHAEL G. SULLIVAN, ESQUIRE; JOHN B. ALLEN, JR., ESQUIRE; GEORGE I. ALLEY, ESQUIRE; BRYAN H. BLUESTEIN, ESQUIRE; LOVIC A. BROOKS, JR., ESQUIRE; C. ROBIN CHANDLER, ESQUIRE; ALLAN E. FULMER, SR., ESQUIRE; MELTON KLGIMAN, ESQUIRE; MARTIN H. KISER, ESQUIRE; BENJAMIN M. MABRY, ESQUIRE; WILLIAM J. QUIRK, ESQUIRE; HENRY F. SHERRILL, ESQUIRE; AND H. DAVE WHITENER, JR, ESQUIRE. PRESIDED OVER BY THE HONORABLE JAMES R. BARBER, III, AT-LARGE CIRCUIT JUDGE OF THE FIFTH JUDICIAL CIRCUIT. ALSO PRESENT WERE THE HONORABLE ROBERT E. HOOD, RESIDENT CIRCUIT JUDGE OF THE FIFTH JUDICIAL CIRCUIT; THE HONORABLE G. THOMAS COOPER, JR., ACTIVE/RETIRED RESIDENT CIRCUIT JUDGE OF THE FIFTH JUDICIAL CIRCUIT; THE HONORABLE DeANDREA GIST BENJAMIN, RESIDENT JUDGE OF THE FIFTH JUDICIAL CIRCUIT; THE HONORABLE TANYA A. GEE, AT-LARGE CIRCUIT JUDGE OF THE FIFTH JUDICIAL CIRCUIT; AND THE HONORABLE H. BRUCE WILLIAMS, ASSOCIATE JUDGE OF THE SOUTH CAROLINA COURT OF APPEALS.

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THE DEPUTY CLERK: ALL RISE. COME TO ORDER, PLEASE.

THE HONORABLE JUDGE BARBER, PRESIDING.

THE COURT: GOOD AFTERNOON, LADIES AND GENTLEMEN. PLEASE BE SEATED, IF YOU WOULD. SORRY, AS USUAL, MR. TRUETT IS TELLING ME WHAT TO DO.

ALL RIGHT, LADIES AND GENTLEMEN, PURSUANT TO STATUTE THAT WAS PASSED IN 1965 – WHICH NOW MAKES THIS THE 50<sup>TH</sup> ANNIVERSARY OF THIS MEMORIAL PROGRAM – THIS FRIDAY WAS SET ASIDE FOR THE RICHLAND COUNTY BAR TO MEMORIALIZE MEMBERS OF THE BAR WHO PASSED AWAY IN THE LAST YEAR. THIS IS A GREAT PROGRAM THAT THE RICHLAND COUNTY BAR HAS; AND, AS I THINK, THE JUDGES HERE IN RICHLAND COUNTY WILL TELL YOU, AS THEY TRAVEL

THE STATE, IT'S UNIQUE, IT JUST IS NOT DONE IN ANY PLACE THAT WE KNOW OF OTHER THAN HERE.

BEFORE WE BEGIN, I WANT TO INTRODUCE YOU TO SOME OF THE FOLKS THAT ARE JUDGES. WE HAVE OVER – SEATED OVER HERE – I DON'T KNOW WHY THEY WOULDN'T SIT WITH ME UP HERE – JUDGE BRUCE WILLIAMS, WHO IS A FORMER FAMILY COURT JUDGE IN RICHLAND COUNTY AND, AS YOU KNOW, NOW IS ON THE COURT OF APPEALS; JUDGE BENJAMIN, A CIRCUIT COURT JUDGE; JUDGE HOOD, WHO IS THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES FOR GENERAL SESSIONS AND A CIRCUIT COURT JUDGE; AND OUR NEWEST JUDGE, JUDGE GEE, WHO RECENTLY WAS – CAME ONTO THE JOB AND HAS BEEN TRAVELING A LITTLE BIT, BUT TELLS ME THAT SHE'S GOING TO START BEING HERE A GOOD BIT AND WE LOOK FORWARD TO WORKING WITH US; AND, OF COURSE, JUDGE COOPER IS SEATED SOMEWHERE – I CAN'T SEE – DOWN IN FRONT AND JUDGE COOPER IS AN ACTIVE/RETIRED JUDGE HOLDS COURT THROUGHOUT SOUTH CAROLINA.

AGAIN, BEFORE WE BEGIN, I WANT TO TAKE A FEW MINUTES AND THANK A COUPLE OF PEOPLE: ONE, MRS. ROBBIE DeFREESE, WHO IS OUR COURT REPORTER, AND IS MAKING A RECORD OF EVERYTHING THAT IS BEING SAID HERE AND HAS DONE THIS – DID YOU START DOING IT IN 1965, MRS. DeFREESE – BUT DOES AN EXCELLENT JOB AND WE REALLY THANK HER.

I ALSO WANT TO THANK REECE WILLIAMS AND CATHERINE MUBARAK, WHO – REECE HAS DONE THIS FOR A NUMBER OF YEARS, BEEN PUTTING THIS PROGRAM TOGETHER – AND I THINK HE'S HAD THE HELP OF CATHERINE MUBARAK TO ASSIST HIM.

REECE, WE THANK YOU FOR YOUR EFFORTS; AND, CATHERINE, WHEREVER YOU ARE, THANK YOU AS WELL.

SO, WITH THAT SAID, I'LL NOW TURN THIS PROGRAM OVER TO THE PRESIDENT OF THE RICHLAND COUNTY BAR, MR. WARD BRADLEY.

MR. PRESIDENT, IF YOU WOULD, PLEASE, SIR.

MR. BRADLEY: THANK YOU, JUDGE.

THANK Y'ALL FOR BEING HERE.

RECENTLY, BETSY AND I AND OUR BOYS WERE WATCHING THE LAST HARRY POTTER MOVIE AND HARRY POTTER IS THE HERO OF A SERIES OF KIDS BOOKS. HE'S AN ORPHANED WIZARD; AND HE HAS TO STOP THE MOST EVIL AND DANGEROUS WIZARD IN THE WHOLE WORLD; AND IN THE LAST BOOK, HE LEARNS THAT TO STOP THIS WIZARD, HE HAS TO DIE, AND SO, HARRY WALKS INTO THE WOODS TO FACE HIS DEATH. AND WHEN HE GETS INTO THE WOODS, HE'S SURROUNDED BY THE PEOPLE IN HIS LIFE THAT HE LOVED AND THEY TELL HIM ABOUT DEATH AND HE TURNS TO HIS MOTHER, THE GHOST OF HIS MOTHER, AND HE SAYS, WILL YOU COME WITH ME TO FACE HIS DEATH. AND SHE SAYS TO HIM, WE'RE ALWAYS WITH YOU.

AT THIS POINT IN THE MOVIE, BETSY BEGINS TO SOB AND THEN I START TO CRY; BUT OUR BOYS DON'T CRY AT ALL; AND MAYBE THAT'S BECAUSE EVERY TIME YOU LOSE SOMEONE THAT YOU CARE ABOUT IN YOUR HEART, IT GETS HARDER. IT NEVER GETS EASIER TO SAY GOODBYE TO PEOPLE WE LOVE. THERE'S NEVER A GOOD TIME AND IT ALWAYS GETS HARDER. BUT WE CAN CARRY THOSE PEOPLE IN OUR HEART AND WE CAN REMEMBER WHAT THEY TAUGHT US AND WE CAN REMEMBER WHAT WE SHARED WITH THEM. SO TODAY, WE'RE GATHERED TO HONOR THE PEOPLE IN OUR BAR WHO HAVE PASSED AWAY IN THE LAST YEAR, TO REMEMBER WHAT THEY TAUGHT US, AND TO REMEMBER WHAT WE SHARED.

I THANK YOU VERY MUCH FOR COMING. I THANK JUDGE BARBER FOR PRESIDING; AND I'LL TURN THE PROGRAM OVER TO HIM.

THANK YOU.

THE COURT: ALL RIGHT. THANK YOU.

LADIES AND GENTLEMEN, OUR FIRST SPEAKER IS MR. A. CAMDEN LEWIS – CAM LEWIS, WHO WILL BE SPEAKING ON BEHALF OF MR. MICHAEL SULLIVAN.

MR. LEWIS.

MR. LEWIS: THANK YOU, YOUR HONOR.

MAY IT PLEASE THE COURT, EVERYBODY ELSE.

I DON'T KNOW HOW MANY PEOPLE KNEW MICHAEL SULLIVAN. HE WAS A FRIEND OF MINE. HE WAS NOT FROM SOUTH CAROLINA; HE DIDN'T GO TO SCHOOL IN SOUTH CAROLINA; HE WASN'T RAISED IN SOUTH CAROLINA; AND HE DIDN'T SPEAK SOUTH CAROLINA. HE WAS BORN IN STATEN ISLAND, NEW JERSEY – NEW YORK; AND HIS DADDY WAS A BEAT COP UP THERE; AND HE GREW UP IN THOSE CIRCUMSTANCES. THE REASON WE HIT IT OFF SO MUCH WAS THAT HE WAS A PLATOON SERGEANT IN THE U.S. MARINE CORPS IN VIETNAM AND FOUGHT THERE AND SO DID I. SO WE WOULD SIT AROUND AND TALK ABOUT ALL THE DEMONSTRATORS AND HOW CHICKEN THEY WERE AND WE – WE GOT TO LIKING EACH OTHER.

AFTER THE WAR, HE WENT TO THE UNIVERSITY OF VERMONT AND THEN HE FOLLOWED HIS FATHER'S FOOTSTEPS AS A TROOPER FIRST CLASS IN THE VERMONT STATE POLICE; THEN HE WENT TO LAW SCHOOL; THEN HE WENT TO WASHINGTON AND JOINED A BIG FIRM, MADE SOME GOOD MONEY AND DIDN'T LIKE IT AND DECIDED TO LEAVE. HE WORKED IN THE MINING INDUSTRY; AND, FINALLY, HE ENDS UP IN SOUTH CAROLINA AND HE PRACTICED HERE UNTIL HIS DEATH. HE PUBLISHED SOME BOOKS -- ONE OF THEM WAS WITH ME ON CLASS ACTIONS. HE SERVED ON A SUBCOMMITTEE FOR CRIMINAL DOMESTIC VIOLENCE; HE WAS A CHILDREN'S ADVOCATE; HE HAS TWO CHILDREN, A SON AND A DAUGHTER; BUT MOST OF ALL, HE WAS MY FRIEND. HE HAD A THOUSAND IDEAS A DAY. IT WAS MY JOB TO PICK ONE GOOD ONE OUT OF IT. HE WAS – LIVED ON THE WILD SIDE A LITTLE BIT. HE WASN'T A REGULAR GUY THAT DROVE A BMW. HE'S THE ONLY GUY THAT I'VE EVER KNOWN THAT LIVED IN COLUMBIA, SOUTH CAROLINA THAT WOULDN'T USE AIR-CONDITIONING. HE WAS AN OUTDOORSMAN. HE LOVED TO BE OUT. ONE DAY I WAS COMING OUT OF THE COURTHOUSE IN

WINNSBORO, SOUTH CAROLINA – I HAD JUST BEEN BEAT UP BY SOME JUDGE – AND I LOOK UP AND THIS MOTORCYCLE IS COMING AT ME AT ABOUT A 1,000 MILES AN HOUR. THERE WAS A GUY IN BLACK LEATHER BOOTS, BLACK LEATHER PANTS, BLACK LEATHER JACKET, AND A BLACK HAT THAT SCREECHES UP BESIDE ME, AND MICHAEL SULLIVAN JUMPS OFF OF IT. MICHAEL SULLIVAN LOVED A MOTORCYCLE AS MUCH AS HE LOVED ANYTHING IN THE WORLD. HE HAD A BUNCH OF THEM. HE WOULD RACE IT ALL OVER THE SOUTHEAST. HE WOULD GO AND RACE THEM ON TRACKS. EVEN WHEN HE WAS AN OLD GUY, HE LOVED THEM. HE WOULDN'T GIVE IT UP. HE HAD A BIG WRECK UP IN WEST VIRGINIA AND I TRIED TO TALK HIM INTO GIVING IT UP AND HE SAID, NO, HE WASN'T GOING TO DO THAT. WELL, IT WAS A MOTORCYCLE THAT CAUSED HIS DEATH.

NOW, MOST OF Y'ALL DIDN'T KNOW HIM. I KNEW HIM AND HE WAS A GOOD FRIEND. THOSE THAT DIDN'T KNOW HIM, MISSED KNOWING A GREAT GUY. I'LL MISS MICHAEL SULLIVAN AND THOSE THAT KNEW HIM WILL MISS HIM. AND I'M SORRY MOST OF Y'ALL DIDN'T GET TO KNOW HIM. HE WAS AN IRISHMAN OF THE FULL. ANYTHING YOU COULD SAY ABOUT AN IRISHMAN, MICHAEL SULLIVAN WAS. HE HAD A TEMPER. HE WOULD GET FIREY; HE'D GET MAD; AND HE WAS ALWAYS RIGHT.

OKAY, YOUR HONOR, THANK YOU.

THE COURT: THANK YOU, MR. LEWIS.

ALL RIGHT.

I NOW CALL ON MR. JAMIE M. BEST, III, WHO WILL SPEAK ON BEHALF OF MR. JOHN B. ALLEN.

MR. BEST: THANK YOU, YOUR HONOR.

THE COURT: MR. BEST.

MR. BEST: I'M HERE TO TELL YOU ABOUT MY 31 YEARS AS AN ASSOCIATE, PARTNER, AND FRIEND OF JOHN B. ALLEN, JR.

MR. ALLEN WAS BORN OCTOBER 31, 1940. HE PASSED AWAY MAY 14<sup>TH</sup> OF LAST YEAR. HE WAS, AT THAT TIME, SURVIVED BY HIS WIFE. SHE HAS, TOO, PASSED ON AS OF SEPTEMBER OF LAST YEAR. HE HAD TWO CHILDREN AND TWO STEP-CHILDREN.

JOHN PRACTICED LAW HERE IN COLUMBIA SINCE 1972. HE GRADUATED AT USC; AND AFTER HE GRADUATED COLLEGE, HE WENT TO WORK IN THE INSURANCE INDUSTRY AS AN ADJUSTER. I THINK HE FIRST STARTED OUT WITH G.A.B., BUT HE WOUND UP AT FARM BUREAU. AND WHILE HE WAS AT FARM BUREAU, HE DECIDED HE'D GO TO LAW SCHOOL; AND ONCE HE GRADUATED LAW SCHOOL AND PASSED THE BAR, HE ASKED HIS SUPERVISOR IF HE COULD CHERRY-PICK SOME OF THE CASES OR FILES DOWNSTAIRS IN THE BASEMENT AND PURSUE SUBROGATION. AND TO USE JOHN'S WORDS, THOSE WERE THE CASES THAT ALLOWED HIM TO FEED HIS FAMILY WHILE HIS PRACTICE BEGAN TO GROW.

THIS ISN'T AS EASY AS IT LOOKS.

HE WAS BORN AND RAISED IN THE V.A. HOSPITAL AREA OF COLUMBIA. BOTH OF HIS PARENTS WORKED AT THE V.A. SO, WHEN HE ESTABLISHED HIS PRACTICE AND HUNG OUT HIS SHINGLE, IT WAS ON SUMTER HIGHWAY IN HIS OLD STOMPING GROUNDS. THAT'S WHERE IT STILL IS TODAY, ALLEN, GANTT & BEST.

HE WAS LAW REVIEW, ORDER OF THE WIG AND ROBE IN LAW SCHOOL. HE SERVED ON THE LAWYERS CARING ABOUT LAWYERS COMMITTEE AND THE UNAUTHORIZED PRACTICE OF LAW COMMITTEE FOR THE BAR.

JOHN HAD A KNACK FOR EXPLORING ALL POSSIBLE AVENUES TO GET HIS CLIENT THE BEST POSSIBLE RESULT. HE WAS TENACIOUS; HE WAS A FIERCE COMPETITOR, A ZEALOUS ADVOCATE FOR HIS CLIENT.

IF YOU EVER HAD THE OCCASION TO BE CO-COUNSEL OR OPPOSING COUNSEL OR A CLIENT OF JOHN'S OR HAVE HIM AS A CLIENT – EXCUSE ME – YOU KNOW THIS. HE TOOK CHARGE OR AT LEAST TRIED TO OF ANY CASE THAT HE WAS INVOLVED IN. BACK WHEN WE HAD

CONTRIBUTORY NEGLIGENCE AND LAST CLEAR CHANCE – I THINK HE GAVE ME THE CASE TO TRY – ANYWAY, HE SAT SECOND CHAIR; AND IT WAS LIKE A RACE HORSE TRYING TO GET OUT OF THAT GATE. HE COULDN'T BE STILL; HE COULDN'T KEEP QUIET; AND THE DEFENSE HAD PUT UP A SWEET LITTLE OLD LADY WITNESS AND I CROSS-EXAMINED HER, WALKED BACK, TOOK ONE OF THOSE BEGGING THE COURT'S INDULGENCE MOMENTS AND ASKED JOHN, WHAT DO YOU THINK. HE SAID, I THINK YOU'RE TREATING HER LIKE SHE'S YOUR OWN WITNESS, WHY DON'T YOU CROSS-EXAMINE HER.

HE LOVED TO READ. ONE OF HIS RECOMMENDED READINGS TO ME WAS WINNING THROUGH INTIMIDATION, OKAY. THAT'S THE KIND – THAT'S THE KIND OF EFFORT THAT HE PUT INTO EVERY CASE HE HAD. HE LOVED TO READ. HE LOVED A GOOD JOKE. HE LOVED A BAD JOKE. HE LOVED TO PLAY A PRANK. HE WAS BORN ON HALLOWEEN – WHAT DO YOU EXPECT?

ONE, IN PARTICULAR, ONE FRIDAY AFTERNOON LATE, WE FOUND OURSELVES – JOHN, ANSEL, AND MYSELF AT THE LOCAL WATERING HOLE WHEN THE WAITER BROUGHT US THE BILL; AND JOHN SAID, WHY DON'T WE FLIP FOR IT, ODD MAN PAYS. APPARENTLY, JOHN AND I GOT OUR COINS OUT FIRST. HE FLIPPED HEADS; I FLIPPED TAILS. HE LOOKED SQUARE AT ANSEL AND SAID, ANSEL, LOOKS LIKE YOU PAY THE TAB. ANSEL LOOKED SOMEWHAT CONFUSED, BUT HE PAID ANYWAY.

JOHN TOOK ME UNDER HIS WING IN 1983 AND UP UNTIL ABOUT A WEEK BEFORE HE WENT INTO THE HOSPITAL FOR THIS LAST ILLNESS THAT HE HAD, HE WAS ACTIVE IN OUR PRACTICE. HE WAS, AS I SAID, A ZEALOUS ADVOCATE. HE TUTORED ME ON TRIAL TACTICS OR TRIED TO. HE TUTORED ME ON THE EXPIRATION OF INSURANCE COVERAGES. HE TUTORED ME ON OFFICE MANAGEMENT AND ON LIFE IN GENERAL. HE AND I BOTH SMOKE AND THAT'S TABOO THESE DAYS, BUT ON OUR SMOKE BREAKS, WE WOULD TALK ABOUT MANY, MANY THINGS AND WE OFTEN GOT ACCUSED OF GOOFING OFF; HOWEVER, WE DID

DISCUSS THEORIES OF LIABILITY, COVERAGE QUESTIONS, SERVICE OF PROCESS ISSUES, SETTLEMENT OFFERS, AND OTHER THINGS THAT RELATED TO THE MATTERS THAT WE FELT WERE AT HAND WITH OUR CLIENTS. THOSE THINGS I'LL MISS; BUT I'LL MISS HIM MORE AS A FRIEND. HE WAS A FINE INDIVIDUAL.

THANK YOU.

THE COURT: THANK YOU, MR. BEST.

LADIES AND GENTLEMEN, WE'VE GOT TWO SPEAKERS FOR OUR NEXT SPEAKER, MR. FREDERICK GERTZ AND MR. WESLEY KIRKLAND, AND THEY WILL SPEAK ON BEHALF OF MR. GEORGE I. ALLEY.

MR. GERTZ.

MR. GERTZ: YES, SIR.

FELLOW COLLEAGUES, ESTEEMED GUESTS, I'M GOING TO TAKE A FEW MINUTES TO TALK ABOUT GEORGE; AND THEN, WES WILL FILL IN OTHER INFORMATION I DIDN'T HAVE.

GEORGE WAS BORN IN 1919 HERE IN COLUMBIA. HE WENT TO CLEMSON, WHICH HE WOULD REMIND YOU OF INCESSANTLY, FOR THREE YEARS, THOUGH. HE DIDN'T APPRECIATE IT WHEN I REFERRED TO HIM AS A CLEMSON DROP-OUT ALL THE TIME. THE THREE YEARS WAS LIMITED BY JOINING THE MILITARY DURING WORLD WAR II. HE WAS IN THE ARMY AIR CORPS. AT THE END OF THE WAR, HE WENT TO THE UNIVERSITY OF VIRGINIA, BECAME A TAX LAWYER FOR A FEW YEARS, THEN RETURNED HOME AND PRACTICED WITH HENRY KIRKLAND, RON AND DONNIE AARON AND A PLETHORA OF OTHER PEOPLE OVER THE YEARS. HE WAS A BRILLIANT LAWYER AND A GREAT FRIEND TO ME; BUT HE COULD GET DISTRACTED.

ONE AFTERNOON HE AND HENRY KIRKLAND CAME BY AND SUGGESTED I GO WITH THEM TO LEXINGTON BECAUSE I HAD NOT MET JUDGE TIMMERMAN. AS WE WERE DRIVING BY, WE PASSED 601 AND A SIGN THAT SAYS CAMDEN, FIVE MILES; AND I QUIETLY ASKED, NOT WANTING TO STIR ANYTHING UP, I THOUGHT LEXINGTON WAS A LITTLE



CLOSER TO COLUMBIA THAN CAMDEN; AT WHICH POINT, HENRY AND GEORGE LOOKED AT EACH OTHER AND WITHOUT SAYING A WORD, DID A U-TURN THROUGH THE MEDIAN AND HEADED FOR LEXINGTON.

I FIRST MET GEORGE IN 1979 WHEN RITA BRAGG ASKED ME IF I WOULD GO MEET THE GENTLEMAN SHE WAS WORKING FOR AND I DID AND I MET HIM. HE WAS IN HIS OFFICE WITH MIKE MUNGO. I MET THE TWO OF THEM AND I LEFT. AS SOON AS I CLOSED THE DOOR, THEY STARTED YELLING AT EACH OTHER AND IT WAS QUIET VOCIFEROUS. I TURNED TO MARGO, THE SECRETARY, AND SAID, YOU KNOW, IS IT SOMETHING I SAID? AND SHE SAID, OH, NO, THAT'S WHAT THEY ALWAYS DO. GEORGE ALWAYS TELLS PEOPLE WHAT THE LAW IS AND THEY WISH IT WAS OTHERWISE.

MOST PEOPLE, THOUGH, I FIND OVER THE YEARS, TOOK HIS ADVICE AND IF THEY DIDN'T, THEY REGRETTED IT.

IN HIS LATER YEARS, GEORGE WAS STILL EXAMINING TITLE UP UNTIL ABOUT A YEAR BEFORE HIS DEATH AND WE USED TO TALK ALL THE TIME. HE CAME BY THE OFFICE AND -- OR HE HAD GREAT TITLE PROBLEMS; BUT HE ALSO HAD -- GAVE UP DRIVING AND HE HAD MISS NANCY DRIVING HIM, WHICH GAVE US ANOTHER SET OF STORIES WE WOULD NOT HAVE HAD. HE TOLD ME ONE AFTERNOON WHEN HE CAME IN THAT THEY HAD JUST COME BACK FROM SUMTER AND NANCY HAD BEEN STOPPED ON THE HIGHWAY IN THE BACK FOR ALLEGEDLY GOING SUBSTANTIALLY OVER THE SPEED LIMIT BY A VERY YOUNG STATE TROOPER. THE STATE TROOPER LOOKED AT HER DRIVERS LICENSE -- I THINK WAS A LITTLE BIT SURPRISED BY THE AGE OF THE TWO OF THEM -- AND NANCY, ALWAYS WILLING TO PUT UP A GOOD DEFENSE, SAID, YOU KNOW, WE'RE OLD PEOPLE. YOU KNOW, ALL OF US SAY THAT OLD PEOPLE SHOULD KEEP UP WITH TRAFFIC AND NOT GET BEHIND AND THAT'S WHAT WE'RE DOING. AND THE POLICE OFFICER LOOKED AT HER, LONG PAUSE, AND SAID, MISS NANCY, YOU'RE THE ONLY CAR OUT HERE.

GEORGE WAS – SPENT A LOT OF TIME TRYING TO CONVINC ME TO MARRY ALICE, WHICH WASN'T A HARD SALE; AND HE EVEN WENT SO FAR AS TO BE THE PERSON WHO MARRIED US A LONG TIME AGO; AND HE WAS A GREAT FRIEND AND MENTOR TO ALL OF US. BUT ONE THING ABOUT GEORGE THAT HE UNDERSTOOD THAT I THINK IS IMPORTANT, HE UNDERSTOOD THE IMPORTANCE OF LUNCH. HE WOULD NOT HAVE BEEN HERE AT 12 O'CLOCK TODAY.

WES HAS GOT SOME MORE.

MR. KIRKLAND: I FORGOT MY EYES – IT'S HARD TO BELIEVE THAT – WELL, THERE ARE A FEW PEOPLE HERE THAT DON'T HAVE GRAY HAIR, BUT I'M ONE OF THEM THAT DOES, BUT WE ALL GET THESE EVENTUALLY.

I'M HERE BECAUSE I'VE KNOWN THE WHOLE ALLEY FAMILY SINCE I WAS BORN, I THINK. GEORGE ALLEY – THE ORIGINAL FIRM WAS LAW, KIRKLAND, AARON AND ALLEY. IT WAS TED LAW, WHO DIED MANY, MANY YEARS AGO; MY FATHER, HENRY KIRKLAND; GEORGE; AND RONNIE AND DONNIE AARON; AND THEY PRACTICED TOGETHER FOR A LONG TIME – A VERY LONG TIME. AND WHAT I REMEMBER ABOUT MR. ALLEY, WHEN I WAS A KID, WE USED TO – WE HAD AN OFFICE ON BULL STREET; AND WE WOULD GO IN THERE AND JUST – THERE WERE FOUR KIDS IN THREE AND A HALF YEARS MY MOM AND DAD HAD – SO WE'D BE RUNNING ALL OVER THE PLACE. AND THEY HAD ONE OF THESE OLD CHECK – CHECK MACHINE THAT YOU COULD MAKE CHECKS ON – I DON'T KNOW IF ANY OF YOU REMEMBER THAT. I'M TRYING TO ENVISION IT. AND HE USED TO GIVE US KIDS MILLION-DOLLAR CHECKS. IT HAD A MILLION DOLLARS ON IT. AND WE THOUGHT IT WAS THE COOLEST THING IN THE WORLD. NOW, LOOKING BACK, I JUST HOPE IT WASN'T A TRUST ACCOUNT. HE WOULD READ US GHOST STORIES AND LOTS OF THINGS.

HE HAD A BIG IMPACT ON ME. HE WAS A HUGE CLEMSON FAN. THREE OUT OF OUR FOUR KIDS ENDED UP AT CLEMSON.

THEY HAD A MOUNTAIN HOUSE THAT WHERE I LEARNED TO SNOW SKI AND I LOVE IT TO THIS DAY. HAD THE ALLEYS NOT HAD THAT HOUSE, I PROBABLY WOULD NEVER HAVE SNOW SKIED. I MEAN, JUST THINGS LIKE THAT WERE JUST HUGE TO US. BUT I THINK ONE OF THE GREATEST THINGS WITH HIM IS HE – HIS LOVE FOR CLEMSON AND THAT DOESN'T MEAN A LOT TO A LOT OF Y'ALL BECAUSE YOU LOVE OTHER SCHOOLS, BUT ONE OF THE THINGS ABOUT HIM – AND, YOU KNOW, HE DIED, I GUESS, WHAT – A LITTLE OVER A YEAR AGO – AT THE VISITATION, I TALKED TO MRS. ALLEY AND HE WAS – MR. ALLEY, THEY HAVE HIS ASHES, SO HE'S IN A – I DON'T KNOW WHAT HE'S IN – HE'S IN SOME KIND OF VASE, I GUESS, AT THIS POINT – AND SHE WAS DEAD SERIOUS. I SAID, WHAT ARE Y'ALL GOING TO DO WITH THE ASHES AND SHE SAID – I PROBABLY SHOULDN'T SAY SHE SAID IT BECAUSE, I THINK, IT'S AGAINST THE LAW TO DO IT – BUT SHE SAYS, OH, WE'RE GOING TO SPREAD THESE ON A FIELD AFTER A BALLGAME; AND I THINK THERE'S SOME LAW AGAINST THAT SO... AND, YOU KNOW, I – I GUESS, I VIOLATED POTENTIALLY THE ATTORNEY-CLIENT PRIVILEGE SINCE WE'RE UP HERE TODAY.

BUT I WANT TO TALK – AND I'M GOING TO MAKE THIS REAL BRIEF – OH, BY THE WAY, THEY HAVE TWO LICENSE PLATES WHEN YOU HAVE VANITY PLATES, THEY WENT TO GET THE CLEMSON PLATES LIKE EARLY. THEY WERE TAKEN. SO ONE SAID NOSMELC AND ONE SAID REGIT. YOU PROBABLY HAVE NO IDEA WHAT THAT MEANS. THAT'S CLEMSON SPELLED BACKWARDS AND TIGER SPELLED BACKWARDS.

BUT JUST ON A SERIOUS NOTE – AND THIS INVOLVES CLEMSON AND IT'S NOT AN ACCIDENT IT INVOLVES CLEMSON – I'M SURE THERE ARE A NUMBER OF PEOPLE IN THIS ROOM THAT ARE OLD ENOUGH TO REMEMBER WHAT THEY CALL THE 800 RULE.

DOES ANYBODY KNOW WHAT THE 800 RULE IS OR WAS? I KNOW YOU DO. AND A LOT OF CAROLINA PEOPLE DO, TOO, BECAUSE THE ACC BACK WHEN CAROLINA AND CLEMSON WERE IN IT EARLY ON,

THEY HAD A RULE THAT SAID THAT ATHLETES HAD TO HAVE AN 800 IN THE SAT; WHICH I'M SURE TODAY SOUNDS EXTREMELY LOW; BUT THEY DIDN'T HAVE TESTS WHERE YOU COULD PRACTICE FOR THE SAT BACK THEN SO... 800 WAS CONSIDERED A PRETTY HIGH BENCHMARK. SO NO ATHLETES COULD GO AND PLAY – GO TO SCHOOL AND PLAY SPORTS UNLESS THEY HAD 800 OR MORE IN THE ACC. WELL, THE PROBLEM WAS PEOPLE WHO WEREN'T ATHLETES COULD HAVE LESS THAN 800 ON THE SAT. SO THAT WAS NOT RIGHT. AND THERE WAS A GUY NAMED WILLIE ANDERSON AND I THINK HE WAS A TIGHT END – WASN'T HE A TIGHT END, ROB?

THE SPECTATOR: CENTER GUARD.

MR. KIRKLAND: SAME THING.

BUT HE COULDN'T GET IN CLEMSON. THERE WERE A COUPLE OTHER PLAINTIFFS, BUT GEORGE ALLEY, MY FATHER, AND MATTHEW PERRY, ALONG WITH, I THINK, THERE WERE SOME LAWYERS IN ANDERSON AS WELL INVOLVED IN THIS PROCESS, FILED A LAWSUIT; AND ONLY GEORGE ALLEY WOULD SUE HIS OWN UNIVERSITY TO IMPROVE THE FOOTBALL TEAM. AND THEY WENT BEFORE JUDGE HEMPHILL AND, LO AND BEHOLD, SAID IT WAS A VIOLATION OF THE FOURTEENTH AMENDMENT; AND THAT CHANGED ACC SPORTS FOREVER. PRETTY BIG DEAL. PRETTY BIG DEAL. SO I THINK THAT'S A NEAT THING FOR Y'ALL TO REMEMBER ABOUT THAT BECAUSE YOU WOULD HAVE NEVER KNOWN ABOUT IT HAD I NOT MENTIONED IT.

AND I SAW KEN LESTER WHEN I CAME IN – I TOLD HIM I WAS GOING TO MENTION HIS NAME – I ASKED HIM WHAT YEAR HE PLAYED FOOTBALL AND HE SAID, I PLAYED IN THE EARLY '60s. SO, APPARENTLY, KEN DID MAKE OVER 800 ON THE SAT AND I WOULD COMMEND HIM FOR THAT.

MR. LESTER: THEY DIDN'T HAVE THAT RULE AT CAROLINA.

MR. KIRKLAND: NO, BY THE WAY, CAROLINA LEFT THE ACC BECAUSE OF THAT, SO...

HE WAS A GREAT MAN; HE WAS A CLOSE FRIEND OF OURS; HE WAS A GREAT LAW PARTNER TO MY DAD; AND I'M SURE THERE'S MUCH MORE I COULD SAY.

OH, BY THE WAY, ROBIN ALLEY USED TO BABYSIT ME, SO IF YOU KNOW ROBIN, YOU'LL KNOW WHAT THAT WAS LIKE.

THANK YOU.

THE COURT: ALL RIGHT.

THANK YOU, MR. KIRKLAND.

ALL RIGHT.

I NOW CALL ON PROFESSOR JOEL H. SAMUELS, WHO WILL SPEAK ON BEHALF OF MR. BRYAN BLUESTEIN.

MR. SAMUELS: THANK YOU.

THE COURT: YES, SIR.

MR. SAMUELS: TODAY WE REFLECT ON AND CELEBRATE THE LIVES OF MANY LAWYERS IN OUR COMMUNITY WHO MADE AN IMPACT ON THOSE AROUND THEM. I HAVE THE JOY OF SHARING A FEW REFLECTIONS ABOUT MY FRIEND BRYAN BLUESTEIN, WHO PASSED AWAY ON SEPTEMBER 11<sup>TH</sup> OF LAST YEAR. BUT MY TASK IS A BIT DIFFERENT FROM THOSE BEHIND ME WHO HAVE BEEN ASKED TO SPEAK ABOUT OTHERS TODAY. YOU SEE, BLUE CHOSE A DIFFERENT PATH WHEN HE GRADUATED FROM LAW SCHOOL. HE DID NOT PRACTICE LAW IN THE TRADITIONAL SENSE. HE NEVER WROTE A BRIEF. HE NEVER DRAFTED A CONTRACT FOR A CORPORATE CLIENT. HE NEVER APPEARED BEFORE THE STATE SUPREME COURT, ALTHOUGH HE DID DRESS THE MAJORITY OF THE JUSTICES ON THAT COURT AT ONE TIME OR ANOTHER.

HIS PATH WAS THROUGH THE VISTA ICON THAT BORE HIS NAME – BLUESTEIN'S. BRYAN KNEW ALL ALONG THAT WAS HIS PATH. AFTER ALL, WHY ELSE WOULD HE HAVE CHOSEN TO TRAVEL TO EUROPE DURING ALL OF HIS SUMMERS IN LAW SCHOOL RATHER THAN CLERKING FOR A LAW FIRM, WHICH BY THE WAY, I MIGHT ADD IS WHAT ALL OF US

WOULD HAVE WANTED TO DO WHILE WE WERE IN LAW SCHOOL IF WE HAD BEEN GIVEN THE CHANCE.

BUT PLEASE DO NOT MAKE THE MISTAKE OF THINKING THAT BRYAN'S CAREER PATH WAS ONE THAT DIVERGED IN ANY REAL WAY FROM THE PATHS OF EVERYONE ELSE WE CELEBRATE TODAY. HIS JOURNEY WAS MARKED BY THE SAME COMMITMENT TO OTHERS THAT MOTIVATES ALL OF THE BEST LAWYERS TO DO WHAT THEY DO EACH DAY. THE CHANCE TO HELP THOSE IN NEED; TO PROVIDE COUNSEL; TO WORK WITH CLIENTS; TO MAKE A DIFFERENCE IN PEOPLE'S LIVES. THE SKILLS BRYAN HONED AT THE USC SCHOOL OF LAW SHARPENED HIS MIND AND HIS COMMITMENT TO THE COMMUNITY IN WHICH HE LIVED. HE SPENT HIS LIFE SERVING THAT VERY COMMUNITY -- THIS COMMUNITY. AND I MIGHT ADD THAT YESTERDAY I HAD LUNCH WITH MY COLLEAGUE ALAN MEDLIN, WHO WILL BE SPEAKING SHORTLY, AND MY COLLEAGUE LADD BOYLE, ALONG WITH JUDGE DENNIS SHEDD. WE WERE SPEAKING ABOUT A CURRENT LAW STUDENT -- ACTUALLY, A RECENT GRADUATE OF OURS ABOUT WHOM MANY OF YOU MAY HAVE READ, NICHOLAS LOFF, WHO LIKE BRYAN, IS CURRENTLY SUFFERING FROM A BRAIN TUMOR -- A DIFFERENT TUMOR, BUT A BRAIN TUMOR -- AND WE WERE TALKING ABOUT NICHOLAS' -- NICK'S TREATMENT; AND WHAT WAS VERY STRIKING ABOUT THAT TO ME AS WE TALKED ABOUT IT WAS THAT AS WE DISCUSSED, THROUGH THE WORK OF JUDGE SHEDD, JUDGE TRAXLER, AND A NUMBER OF OTHER JUDGES ON THE FOURTH CIRCUIT FEDERAL DISTRICT COURT, MY COLLEAGUES, ESPECIALLY LADD BOYLE, HE'S BEEN PUT IN TOUCH WITH THE LEADING BRAIN TUMOR TEAM IN THE COUNTRY AT DUKE UNIVERSITY. LADD REMEMBERED THAT TWO YEARS AGO WHEN NICK WAS FIRST DIAGNOSED WITH THIS, I HAD TALKED ABOUT THAT BECAUSE THOSE WERE -- THAT WAS BRYAN'S TEAM. AND WHAT WE TALKED ABOUT AT THAT MOMENT WAS HOW IMPORTANT -- WE'RE TALKING ABOUT THE STORY -- HOW IMPORTANT COMMUNITY IS AND FAMILY IS AND HAVING PRACTICED IN A DIFFERENT

STATE – I MOVED DOWN HERE TEN YEARS AGO TO JOIN THE FACULTY; I PRACTICED IN THE DISTRICT OF COLUMBIA AND IN CALIFORNIA -- I CAN'T TELL YOU HOW UNIQUE THE BAR OF THIS STATE IS AND THE LAW SCHOOL OF THIS STATE IS AND THE SENSE OF COMMUNITY AND FAMILY THAT YOU'VE NURTURED OVER THE YEARS. IT'S AN EXTRAORDINARY THING TO WITNESS AND IT'S AN EXTRAORDINARY THING TO BE A PART OF AND BRYAN WAS VERY MUCH A PART OF THAT.

HIS LIFE WAS NOT ENTIRELY DEVOID OF LEGAL PRACTICE, I SHOULD SAY, OR AT LEAST PRETENSIONS OF PRACTICE. AFTER ALL, MANY OF YOU WILL KNOW HIS WIFE MARTI, WHO IS HERE WITH US TODAY, AS ARE SOME OF HER LAW PARTNERS FROM THE FIRM, BLUESTEIN, NICHOLS, THOMPSON AND DELGADO, DESPITE THE REALITY THAT THE FIRST NAME OF THAT LAW FIRM IS FOR MARTI, THE MANAGING PARTNER OF THE FIRM, BRYAN NEVER CEASED TO REMIND THEM THAT HE WAS THEIR NOT SO SILENT, SILENT PARTNER. AT THE FIRM'S ANNUAL HOLIDAY PARTY, BLUE REGULARLY GAVE A SPEECH TO THE STAFF AS IF IT WAS, IN FACT, FROM THE FIRM'S LEADER. HE RECAPPED THE PAST YEAR TALKING ABOUT HIS PLANS FOR THE YEAR AHEAD – HIS PLANS FOR THE YEAR AHEAD – EFFECTIVELY GIVING A PEP TALK AT THE FIRM AS THE YEAR CAME TO A CLOSE. HE ALWAYS PREPARED HIS SPEECH CAREFULLY; IT WAS ALWAYS HILARIOUS; AND IT WAS ALWAYS A HIGHLIGHT OF THE EVENT. IT WAS AN ANNUAL RITE OF WINTER THAT HAS GONE SILENT WITH HIS PASSING.

BRYAN'S LIFE EMBODIED BY HIS LOVE OF FAMILY AND OF TRAVEL WAS A WONDERFUL JOURNEY; AND HIS VOYAGE WAS A RICH ONE. THE ADVENTURES HE HAD; THE BUSINESS HE SUSTAINED AND GREW; THE FRIENDSHIPS HE BUILT; AND ABOVE ALL, THE FAMILY HE CREATED. THE MEMBERS OF THIS COMMUNITY WERE IMPORTANT TO HIM; AND HE WOULD BE THRILLED TO KNOW THAT IN SPITE OF HIS UNCONVENTIONAL CAREER PATH, HE IS BEING REMEMBERED ALONGSIDE SO MANY OF HIS PEERS TODAY.

THANK YOU.

THE COURT: THANK YOU, PROFESSOR SAMUELS.

I NOW CALL ON THE HONORABLE G. THOMAS COOPER, JR., WHO WILL SPEAK ON BEHALF OF LOVIC BROOKS, JR.

JUDGE COOPER: THANK YOU, JUDGE BARBER.

AS CAM SAID, MANY OF YOU MIGHT NOT HAVE KNOWN MR. SULLIVAN; AND BY THE SAME TOKEN, MANY OF YOU MIGHT NOT HAVE KNOWN OR MET LOVIC BROOKS, JR. LOVIC – AND THAT IS PROBABLY BECAUSE LOVIC PRACTICED PRIMARILY IN ATLANTA FOR OVER 50 YEARS; BUT HE WAS A MEMBER OF THIS BAR. HE REMAINED A MEMBER OF THIS BAR UNTIL HIS DEATH IN JULY OF LAST YEAR.

LOVIC WAS BORN IN SAVANNAH IN 1927. HE WAS 88-YEARS-OLD WHEN HE PASSED AWAY, LEAVING HIS WIFE, CARRIE ALICE, AND SIX CHILDREN.

LOVIC STARTED OUT – HE WAS RAISED IN ANDERSON AND WENT TO THE CITADEL IN 1945; AND SHORTLY THEREAFTER, HE LEFT THE CITADEL TO SERVE IN WORLD WAR II. HE SERVED IN THE PACIFIC AND ONCE HE COMPLETED THAT, HE RETURNED TO THE CITADEL AND THEN PURSUED HIS LIFE-LONG DREAM OF BECOMING A LAWYER. HE GRADUATED SECOND IN HIS CLASS AT THE UNIVERSITY OF SOUTH CAROLINA AND HE RETURNED TO ANDERSON TO ENTER INTO THE GENERAL PRACTICE OF LAW. WHILE HE WAS IN ANDERSON, HE SERVED TWO TERMS IN THE SOUTH CAROLINA HOUSE; AND IN 1959, AT THE URGING OF SENATOR STROM THURMOND, LOVIC BECAME – WAS HIRED AS A SENIOR TRIAL LAWYER FOR THE NATIONAL LABOR RELATIONS BOARD AND MOVED HIS WHOLE FAMILY TO ATLANTA. THE FIRM THAT HE DEVELOPED, AS A RESULT OF THAT TIME WITH THE NATIONAL LABOR RELATIONS BOARD, HE FORMED A FIRM NAMED CONSTANGY, BROOKS & SMITH AND SERVED AS CHAIRMAN OF THE EXECUTIVE COMMITTEE FOR THAT FIRM FOR OVER TWO DECADES. THAT FIRM IS ONE OF THE OLDEST IN THE UNITED STATES THAT DEVOTES ITS ENTIRE PRACTICE TO LABOR



AND EMPLOYMENT LAW. MR. BROOKS INITIATED EXPANSION OF THE FIRM TO OFFICES THROUGHOUT THE UNITED STATES, REPRESENTING CLIENTS IN ALL 50 STATES AND VIRTUALLY ALL MAJOR INDUSTRIES. HE SERVED ON THE BOARD OF VARIOUS NEW YORK STOCK EXCHANGE COMPANIES AND AS GENERAL COUNSEL TO THE RUG AND CARPET INDUSTRY. HE WAS SOUGHT OUT AS A MOTIVATIONAL SPEAKER AT SEMINARS, ADDRESSING EMPLOYEE MOTIVATION AND PROMOTING POSITIVE EMPLOYEE RELATIONSHIPS; AND HE WAS FREQUENTLY ASKED TO SPEAK AT COLLEGES AND UNIVERSITIES ABOUT HIS SKILL. HE WAS HONORED LATER IN LIFE WHEN HE WAS ASKED TO SUBMIT HIS PAPERS OF HIS LABOR CAMPAIGNS TO THE SMITHSONIAN INSTITUTE.

NOW, WITH THAT SAID AND IN WAY OF BACKGROUND, BESIDES HIS FAMILY AND HIS PRACTICE OF LAW, LOVIC LOVED THE GAME OF GOLF AND WAS ACTIVE IN PLAYING – PERSONALLY PLAYING AND WAS INVOLVED IN FORMATION OF VARIOUS GROUPS THROUGHOUT GEORGIA AND NORTH CAROLINA FOR GOLFERS THAT WERE ATTORNEYS AND JUDGES. HE FOUNDED, ALONG WITH JUDGE CHARLIE SIMONS AND JUDGE BRUCE LITTLEJOHN AND JUDGE BOB CHAPMAN, THE SOUTH CAROLINA JUDICIAL INVITATIONAL GOLF CLASSIC, AN ORGANIZATION WHICH WAS FORMED IN 1980 AND HE WAS THE RAMROD. HE RAN THIS ORGANIZATION FOR 35 YEARS. THIS YEAR WILL BE THE 35<sup>TH</sup> ANNIVERSARY OF THE FOUNDING OF THIS ORGANIZATION. AND I JUST THOUGHT IT MIGHT BE INTERESTING QUICKLY TO GIVE YOU A LIST OF THE JUDGES AND LAWYERS THAT ATTENDED ONE OF THE FIRST MEETINGS OF THIS GROUP IN HILTON HEAD: ROSS ANDERSON – AND I ASK YOU TO THINK ABOUT THESE PEOPLE, SEE IF YOU CAN RECOGNIZE ANY OF THEIR NAMES – ROSS ANDERSON, HOWARD BALLENGER, JOE BERRY, SOL BLATT, JR., LEE CHANDLER, BOB CHAPMAN, GEORGE COLEMAN, WALTER COX, BOB CURRIN, GEORGE DIAL, CLYDE ELTZROTH – WHEN’S THE LAST TIME YOU HEARD THAT NAME – FRANK GRAHAM, GEORGE GREGORY, DAVID HARWELL, FALCON HAWKINS, BOB HEMPHILL, WESTON HOUCK, BILL

HOWELL, HAROLD JACOBS, BOBBY KNEECE, CAM LEWIS, HARRY LIGHTSEY, BRUCE LITTLEJOHN, STUMPY MCLEOD, JOHN GREG MCMASTER, BOB MCNAIR, SENATOR JOHN MARTIN, PAUL MOORE, BUBBA NESS, GRADY PATTERSON, RAMON SCHWARTZ, CHARLIE SIMONS, HUGER SINKLER, HORACE SMITH, JOHN WEST, AND BILLY WILKINS.

AS I SAID, LOVIC WAS THE RAMROD OF THIS ORGANIZATION. IT WAS ONE OF THE HIGHLIGHTS OF HIS LIFE. HE LOVED THE GAME OF GOLF. HE PLAYED ALL OVER THE WORLD; AND IT WAS A PLEASURE TO HAVE KNOWN HIM. HE WAS A GREAT LAWYER; HAD A GREAT PRACTICE; AND A GREAT FRIEND TO ALL WHO KNEW HIM.

THANK YOU.

THE COURT: THANK YOU, JUDGE COOPER.

I'LL NOW CALL ON MR. H. WESLEY KIRKLAND, JR., AGAIN, WHO WILL SPEAK ON BEHALF OF MR. ROBIN CHANDLER.

MR. KIRKLAND: THANK YOU, JUDGE.

I'M HERE TODAY TO TALK ABOUT ROBIN CHANDLER AND I'M NOT SURE A LOT OF PEOPLE KNEW ROBIN. PEOPLE WHO WERE INVOLVED IN THE FAMILY COURT PROCESS AT ALL OR PEOPLE WHO EVER GOT CHOSEN TO DO A D.S.S. CASE AGAINST THEIR WILL OR WITH THEIR WILL, WOULD HAVE PROBABLY RUN INTO ROBIN THROUGH THE YEARS. AND I'LL TELL YOU HOW I GOT UP HERE BECAUSE, I MEAN, I DIDN'T KNOW ROBIN SOCIALLY AT ALL; BUT WHEN I WAS TALKING TO MS. MUBARAK AND TO REECE WILLIAMS ABOUT ROBIN, THEY SAID THEY HAD EVERYBODY LINED UP AND I SAID, WELL – THEY SAID WE'VE GOT ONE PERSON THAT DOESN'T HAVE ANYBODY TO TALK ABOUT THEM. AND I SAID, WHO IS THAT? AND THEY SAID ROBIN CHANDLER; AND I SAID, WELL, IF THERE'S ONE PERSON THAT NEEDS SOMEBODY TO TALK ABOUT THEM, HE DOES. I MEAN, HE WAS THAT KIND OF A GUY. IF YOU'VE DONE – I KNOW JUST ABOUT EVERYBODY IN HERE HAS BEEN APPOINTED ON A D.S.S. CASE AND I KINDA FEEL PROBABLY THE REASON YOU MAY NOT KNOW HIM BECAUSE HE DID MORE WORK IN LEXINGTON COUNTY, OVER

IN THE ELEVENTH CIRCUIT, AND HE LIVED IN NEWBERRY. SO THAT MAY BE WHY YOU NEVER MET ROBIN. AND I'M GOING TO SAY SOMETHING HERE TODAY THAT I HOPE THERE'S NOBODY I WILL OFFEND. BUT ABOUT A MONTH BEFORE ROBIN DIED – AND I THINK THIS SPEAKS VOLUMES – MY LAW PARTNER'S SON WHO HAS JOINED US, WE WERE OVER IN THE HALLS, OVER IN THE FAMILY COURT AREA OVER HERE, AND I SAW ROBIN CHANDLER HERE AND I THOUGHT, WELL, WHY IS HE HERE? SO I FOUND OUT THAT D.S.S. HAS NOW PUT HIM IN RICHLAND COUNTY, THEY KINDA MOVED HIM AROUND A LOT. AND I LOOKED AT TRIP RUSH AND I SAID, I WANT YOU TO MEET THIS GUY. HE SAID, OKAY. I SAID, ROBIN, COME OVER HERE. I SAID IF YOU EVER HAVE A D.S.S. CASE, I WILL TELL YOU THIS – OF COURSE, THIS AGENCY DOES NOT HAVE THE BEST REPUTATION, BUT THE ONE WHO REALLY ACTUALLY KNOWS SOMETHING IS THIS DAMN GUY RIGHT HERE. SO I SAID, THAT'S WHO YOU TALK TO; AND THAT, I THINK, SPEAKS VOLUMES BECAUSE YOU COULD GO INTO A COURTHOUSE – AND A LOT OF US GET IN THOSE CASES – SOME I'VE BEEN PAID ON; SOME I'VE BEEN APPOINTED ON – BUT THERE'S A LOT OF THOSE LITTLE LAWS AND REGULATIONS THAT WE DON'T KEEP UP WITH EVERYDAY, BUT YOU COULD GO UP TO ROBIN AND JUST TELL HIM THAT. HE'S NOT GOING TO HOLD IT AGAINST YOU AND SAY, OH, WELL, I'VE GOT SOMETHING ON THIS GUY BECAUSE I KNOW MORE THAN HE KNOWS. HE WOULD TELL YOU WHAT THE LAW IS AND HE'D SAY, LOOK, THIS IS WHAT YOU NEED TO DO TO GET WHAT YOU WANT. I MEAN, JUST THAT KIND OF GUY. AND I DON'T THINK YOU SEE LAWYERS LIKE THAT A LOT ANYMORE. HE WOULD COME UP WITH A RESOLUTION. HE WAS AS HONEST AS HE COULD BE. HE WOULD LOOK AT THE PEOPLE THAT WORK FOR D.S.S. AND SAY, I KNOW WHAT YOU WANT; BUT THIS IS WHAT THE LAW SAYS AND THIS IS THE RIGHT THING TO DO – AND IT WOULD WORK OUT. AND WE NEED MORE PEOPLE LIKE HIM IN AGENCIES, ESPECIALLY AN AGENCY LIKE D.S.S.

SO, YOU KNOW, THAT'S HOW I KNEW HIM. NOW, I DID TALK TO SEVERAL OTHER PEOPLE ONCE I FOUND OUT I WAS GOING TO BE

DOING THIS THAT KNEW HIM PRETTY WELL TOO. THEY WERE FRIENDS OF HIS. AND I FOUND OUT HE LIVED IN NEWBERRY; HE WAS A FARMER. HIS FAVORITE THING TO DO WAS JUST GO OUT AND SIT IN THE FIELD ON HIS TRACTOR IS WHAT THEY SAY. HE HAD GRANDCHILDREN. OF COURSE, HE HAD CHILDREN AND HE HAD GRANDCHILDREN. HE LOVED HIS WIFE TO DEATH.

NOW, ONE OTHER THING I DID KNOW HE WAS A HUGE OBNOXIOUS CAROLINA FAN BECAUSE THAT DID COME UP OFTEN. SO WE KNEW THAT ABOUT HIM. BUT I JUST FELT LIKE THESE THINGS NEED TO BE SAID AND I'M SURE A LOT OF PEOPLE – SOME OF THE PEOPLE I TALKED TO WANTED TO BE HERE, BUT THEY COULDN'T AND THEY KNEW HIM BETTER THAN ME; BUT HE DESERVED IT. HE WAS A GREAT LAWYER AND A GREAT GUY.

THANKS.

THE COURT: MR. KIRKLAND, I'M CERTAINLY WAITING FOR YOU TO APPEAR IN FRONT OF ME NOW SINCE I'M A HUGE CAROLINA FAN, TOO.

MR. KIRKLAND: YOUR HONOR, IN THE COURTROOM AND CHAMBERS, I REALLY DON'T.

THE COURT: ALL RIGHT.

NOW, WE'LL CALL ON MR. W. STEVEN JOHNSON, WHO WILL SPEAK ON BEHALF OF MR. ALLAN FULMER.

MR. JOHNSON: THANK YOU, YOUR HONOR.

THE COURT: YES, SIR.

MR. JOHNSON: ALLAN FULMER, SR., WAS A MEMBER OF THE GROUP THAT JOURNALIST AND AUTHOR TOM BROKOW LABELED AS "THE GREATEST GENERATION". IT'S AN UNDERSTATEMENT TO SAY WE OWE A TREMENDOUS DEBT OF GRATITUDE TO ALLAN AND MANY OTHERS OF THAT GENERATION FOR THEIR DEDICATION TO THIS COUNTRY AND FOR THE FREEDOM THAT WAS PRESERVED FOR US TODAY BY RISKING THEIR LIVES AGAINST THE FORCES OF TYRANNY AND UNSPEAKABLE EVIL THAT

DEVELOPED AND AROSE AFTER WORLD WAR I IN THE 1930s AND 1940s. IN MY OPINION, IT'S NOT AN UNDERSTATEMENT TO SAY THAT THIS GENERATION PRESERVED WESTERN CIVILIZATION AND THE FREEDOM THAT EACH OF US ENJOYS TODAY. PONDER FOR ME, JUST FOR A MINUTE, WHERE WE MIGHT BE TODAY WERE IT NOT FOR THE BRAVE MEN AND WOMEN OF THE "GREATEST GENERATION".

AFTER GRADUATION FROM COLLEGE AND LAW SCHOOL, ALLAN MARRIED THE LOVE OF HIS LIFE, HIS BELOVED WIFE, KATHRYN. HE RAISED THREE CHILDREN AND BECAME A PILLAR OF HIS COMMUNITY THROUGH HIS INVOLVEMENT AND DEDICATION TO FIRST BAPTIST CHURCH, TO THE RICHLAND COUNTY BAR, AND AS A TRUSTEE OF FURMAN UNIVERSITY. HIS POSITIONS AT FIRST BAPTIST ARE TOO NUMEROUS TO MENTION AND YOU ONLY NEED TO KNOW THAT IN THE LATTER YEARS OF HIS LIFE, HE WAS BESTOWED BY HIS CHURCH WITH THE STATUS OF "DEACON EMERITUS". I THINK THAT SPEAKS VOLUMES.

ALLAN PRACTICED BEFORE THE BAR FOR MORE THAN 60 YEARS; AND IN MY MIND, I ALWAYS VIEWED HIM AS THE "DEAN" OF REAL ESTATE PRACTITIONERS. HE WAS PAST PRESIDENT OF THE RICHLAND COUNTY BAR ASSOCIATION AND HE SERVED MORE THAN ONE TERM AS A BAR EXAMINER, BEING SELECTED BY THE HONORABLE BUBBA NESS. THE ELECTION TO THE RICHLAND COUNTY BAR PRESIDENCY AND HIS SELECTION BY CHIEF JUSTICE NESS GIVES US ALL THE PERSPECTIVE THAT WE NEED TO UNDERSTAND WHY ALLAN HAD SUCH A GREAT REPUTATION AMONG HIS PEERS. HE SET A VERY "HIGH BAR" FOR ETHICS, PROFESSIONALISM, AND ESPECIALLY SERVICE TO THE PUBLIC. DURING HIS LATTER YEARS OF HIS LIFE, HE WAS ABLE TO PROUDLY SAY THAT HIS FIRM CONSISTED OF THREE GENERATIONS OF FULMERS IN THAT HIS SON, ALLAN, JR., AND HIS GRANDSON, BENNETT, PRACTICED WITH HIM IN THE FIRM THAT HE FOUNDED.

ONE OF ALLAN'S LESSER KNOWN TALENTS WAS THAT HE WAS AN EXPERT ON LAW OFFICE ECONOMICS. IF ASKED TO WRITE A

CHAPTER IN A LAW OFFICE ECONOMICS MANUAL, HE WOULD, NO DOUBT, HAVE CHOSEN TO WRITE THE CHAPTER ON THRIFT. FOR EXAMPLE, IT WAS REPORTED TO ME THAT ONE TIME DURING HIS LAW CAREER, HE WAS OFFERED A DEAL WHEREBY HE PURCHASED, AT A TREMENDOUS DISCOUNT, A BOXCAR OF NUMBER 2 LEAD PENCILS TO USE IN HIS LAW OFFICE. IT WAS NOT UNTIL MANY YEARS LATER THAT HE DISCOVERED THE PURCHASE PROVED LESS THAN A GOOD DEAL BECAUSE WITH THE PASSAGE OF TIME, THE ERASERS PETRIFIED; AND ALLAN, JR., BEING A YOUNG LAWYER, DUE TO THE NEED TO MODIFY DOCUMENTS, ACCORDING TO HIS FATHER'S STANDARDS, WAS UNABLE TO USE PENCILS WITHOUT ERASERS. NEVERTHELESS, ALLAN, SR., HAD A SHARP EYE FOR A DEAL; AND THAT'S A TALENT THAT WAS CERTAINLY INHERITED BY HIS SON, ALLAN, JR.

PERSONALLY, I WOULD LIKE TO SAY FOR ME THAT ALLAN LEFT ME A ROADMAP FOR LIFE THAT I WOULD LIKE TO SHARE WITH YOU. FIRST AND FOREMOST, HE WAS A GOD-FEARING MAN WHO SERVED HIS CHURCH WITH STEADFAST DEDICATION. NEXT, HE WAS AN EXCELLENT HUSBAND AND FATHER; AND AS A LAWYER, HE PRACTICED LONG AND HARD WITH AN EMPHASIS ON ETHICS, PROFESSIONALISM, AND PROVIDING QUALITY SERVICE TO THE PUBLIC WITH A QUIET DEDICATION; AND FINALLY, HE WAS A CITIZEN IN HIS COMMUNITY AND HE CERTAINLY GAVE MORE THAN HE EVER RECEIVED.

I CAN ENVISION, AS ALLAN ENTERED THE GATES OF HEAVEN, AN EXCHANGE BETWEEN ALLAN AND ST. PETER. FIRST, ALLAN, QUOTING FROM 2<sup>ND</sup> TIMOTHY WOULD PROUDLY SAY TO ST. PETER, "I HAVE FOUGHT THE GOOD FIGHT; I HAVE FINISHED THE RACE; AND I'VE KEPT THE FAITH". TO WHICH, ST. PETER WOULD REPLY FROM MATTHEW 25: "WELL DONE MY GOOD AND FAITHFUL SERVANT. YOU HAVE BEEN FAITHFUL OVER A LITTLE. I WILL SET YOU OVER MUCH. ENTER INTO THE JOY OF YOUR MASTER".

THANK YOU.

THE COURT: THANK YOU, MR. JOHNSON.

I NEXT CALL ON MR. JONATHAN M. HARVEY, WHO WILL SPEAK ON BEHALF OF MR. MELTON KLIGMAN.

MR. HARVEY: MAY IT PLEASE THE COURT.

THE COURT: YES, SIR.

MR. HARVEY: I'M PRIVILEGED TO BE ABLE TO SHARE WITH YOU REMEMBRANCES AND REFLECTIONS ON THE LIFE OF MELTON KLIGMAN.

MELTON KLIGMAN'S PATH BECOMING A LAWYER BEGAN WHEN HIS PARENTS ARRIVED FROM EASTERN EUROPE TO WHAT THEY BELIEVED WAS, AND WHAT TURNED OUT TO BE, THE GOLDEN SHORES OF AMERICA.

MELTON'S PARENTS CAME TO COLUMBIA BEFORE DARKNESS SETTLED OVER EUROPE. MELTON WAS RAISED ON HAMPTON STREET, WORSHIPED ON MARION STREET, AND HIS PARENTS RAN AN ARMY NAVY STORE ON ASSEMBLY STREET.

MELTON GRADUATED FROM COLUMBIA HIGH SCHOOL AND ATTENDED USC AND ITS LAW SCHOOL.

WHILE AT USC, HE WAS A MEMBER OF ITS NATIONAL FINALIST DEBATE TEAM WHICH FEATURED ANOTHER FUTURE STAR OF THE RICHLAND COUNTY BAR, MR. KERMIT KING.

MELTON BEGAN HIS CAREER WITH AN OFFICE IN THE BARRINGER BUILDING AND EVENTUALLY SETTLED IN TWO OFFICES ON BULL STREET. HE PRACTICED WITH THE LATE ROY POWELL, SR., AND PIERCE FLEMMING. IT WAS DURING THE 1408 BULL STREET PHASE – AND 1408 BULL STREET IS THE PRESENT LOCATION OF THE WELLS FARGO DRIVE-IN AT WASHINGTON STREET AND BULL STREET -- THAT'S WHERE MELTON PRACTICED WHEN I MET HIM. HE INTRODUCED ME TO HIS NEIGHBORS, MR. ALLAN FULMER, SR.; AND, OF COURSE, MR. BARRY GEORGE. I WAS IMPRESSED WITH THE DIGNIFIED BEARING OF MR. KLIGMAN AND MR. FULMER, HOW THEY TREATED ALL WHO CAME INTO

THEIR OFFICES WITH COMPASSION AND RESPECT. IT'S FITTING THAT MR. FULMER AND MR. KLIGMAN ARE HONOREES TODAY.

MELTON WAS SO GRATEFUL FOR THE OPPORTUNITY THAT HIS HOMETOWN AFFORDED HIM THAT HE NEVER FORGOT THAT WITH OPPORTUNITY COMES RESPONSIBILITY. FOR MELTON TO BE ABLE TO ACCOMPLISH IN ONE GENERATION, TO BECOME A COLLEGE GRADUATE, A LAW SCHOOL GRADUATE, AND TO BE A LAWYER IN A PLACE AND TIME THAT ALLOWED HIM TO SEEK HIS ASPIRATIONS AND ASSIST OTHERS WAS A CONTINUAL SOURCE OF MARVEL AND WONDERMENT FOR HIM. HE TOLD ME ON MULTIPLE OCCASIONS THAT NO MATTER THE ADDRESS OF YOUR CLIENT, NO MATTER WHAT THEIR BACKGROUND MAY BE, IF YOU'RE GONNA BE A LAWYER AND DO IT THE RIGHT WAY, THEN YOU OWE IT TO YOUR CLIENT AND YOU OWE IT TO THE PROFESSION TO DO YOUR VERY BEST AND GIVE YOUR CLIENTS YOUR BEST EFFORTS AND NO LESS THAN THAT.

MELTON NOT ONLY TAUGHT ME WHAT IT TOOK TO BE A PRACTICING LAWYER, BUT HE GAVE ME LESSONS ON WHAT REALLY MATTERS IN LIFE. I LEARNED FROM HIM WHAT IT MEANT TO BE A RESPECTFUL SON, DEVOTED HUSBAND, AN ENGAGED PARENT, AND ADORING GRANDPARENT; AND IN MY CASE, I WAS ESPECIALLY GRATEFUL THAT I LEARNED WHAT IT TOOK TO BE A PATIENT AND TOLERANT IN-LAW. SINCE THE MIDST OF THE FORD ADMINISTRATION, HE MANAGED TO WELCOME ME, AS I DATED, AND THEN MARRIED HIS ELDEST DAUGHTER, MY BEAUTIFUL WIFE, LYSSA.

I KNOW WHATEVER PROFESSIONAL ACCOMPLISHMENTS I MAY HAVE ACHIEVED, THOSE ACCOMPLISHMENTS PALE IN COMPARISON WITH MY HAVING SOMETHING TO DO WITH THE ARRIVAL OF HIS FIRST OF 12 GRANDCHILDREN. THE CAREER CHOICE OF MY DAUGHTER EDEN, A USC LAW GRADUATE, LIKE HER GRANDDAD, WAS A NEVER-ENDING SOURCE OF JOY FOR HER GRANDFATHER. I WON'T FORGET HOW HE WAS BEAMING WITH PRIDE WHEN SHE GRADUATED FROM USC LAW SCHOOL



AND BECAME A MEMBER OF THE BAR. HE WAS ESPECIALLY GRATEFUL FOR THE OPPORTUNITIES PROVIDED TO EDEN BY SOLICITOR GIESE AND NOW SOLICITOR JOHNSON. EDEN SERVES AS THE FAMILY COURT SOLICITOR FOR RICHLAND COUNTY.

THE PASSAGES OF MELTON'S LIFE REFLECT ALL THAT'S GREAT ABOUT OUR COUNTRY, ALL THAT'S GREAT ABOUT OUR STATE, AND OUR COUNTY. THE RICHLAND COUNTY BAR HAS HAD A LONG HISTORY OF OPENNESS AND INCLUSIVENESS WHICH STILL CONTINUES. AS I LOOK AROUND TODAY, I KNOW MELTON WOULD APPRECIATE AND WELCOME THE DIVERSE COMPOSITION OF THE RICHLAND COUNTY BAR.

I HAD MENTIONED THAT I MET MELTON DURING THE FORD ADMINISTRATION. I MET ANOTHER HONOREE OF TODAY'S PROGRAM, PROFESSOR QUIRK, WHEN I WAS A STUDENT AT USC DURING THE CARTER PRESIDENCY. I WAS FORTUNATE TO HAVE BEEN A RESEARCH ASSISTANT FOR PROFESSOR QUIRK; AND I AM GRATEFUL FOR HIS INSIGHT AND GUIDANCE DURING MY TIME AS A USC LAW STUDENT.

THANK YOU.

THE COURT: THANK YOU, MR. HARVEY.

I'LL NOW CALL ON REID B. SMITH, WHO WILL SPEAK ON BEHALF OF MR. MARTIN KISER.

MR. SMITH: THANK YOU, YOUR HONOR.

THE COURT: MR. SMITH.

MR. SMITH: I'M HERE TODAY TO HONOR MY FORMER LAW PARTNER, MY NEIGHBOR, AND MY FRIEND, MARTIN KISER. MARTIN PRACTICED – HIS MAIN AREA OF PRACTICE WAS REAL ESTATE LAW; AND LIKE MOST DIRT LAWYERS, HE WAS NITPICKY AND HE PAID CLOSE ATTENTION TO EVERY DETAIL OF A REAL ESTATE TRANSACTION. HE KNEW REAL ESTATE LAW AS WELL AS ANY ATTORNEY. HIS DEAR FRIEND AND REAL ESTATE PARALEGAL, JUDY GARVIN, REFERRED TO HIM AS “MR. REVERTER”. MARTIN EARNED THAT NICKNAME FOR ALL OF THE QUIET TITLE ACTIONS THAT HE BROUGHT INVOLVING DEEDS WITH REVERTER

CLAUSES FOR PROPERTY IN SHANDON AND OTHER AREAS OF OLD COLUMBIA.

NOW, MARTIN HAD A DRY SENSE OF HUMOR AND HE LOVED PRACTICAL JOKES. I REMEMBER THAT LOOK ON MARTIN'S FACE WHEN I CAME INTO THE OFFICE AND I COULD TELL THAT HE WAS TRYING TO SUPPRESS LAUGHTER. WHEN I SAW THAT LOOK, I KNEW TO BE ON MY TOES BECAUSE SOMETHING WAS ABOUT TO HAPPEN.

MARTIN HAD A SKILL THAT MANY OF US LACK, OR CHOOSE NOT TO USE – AND THAT IS THE ABILITY TO DEFLECT ATTENTION FROM HIMSELF. IT WAS NEVER ABOUT MARTIN. THE FOCUS WAS USUALLY ON THOSE AROUND HIM. AND THAT'S HOW HE PREFERRED IT.

THE LAST TIME THAT I SAW MARTIN, WE STOOD AT THE BACK FENCE OF OUR YARDS AND TALKED FOR ALMOST AN HOUR. EVERY TIME THAT HE LAUGHED, HE COUGHED – AND THAT WAS FREQUENTLY. HE DID NOT SAY ONE WORD ABOUT HIS HEALTH THAT DAY. MARTIN DIED ABOUT A MONTH LATER. HE HAD LUNG CANCER.

I'M GOING TO MISS THOSE TALKS AT THE BACK FENCE, WHICH IN RETROSPECT, I WISH HAD OCCURRED MORE OFTEN. I WILL MISS HIS INFECTIOUS LAUGHTER AND HIS WIT.

THE BAR HAS LOST A BRIGHT LEGAL MIND AND I HAVE LOST A GOOD FRIEND AND NEIGHBOR.

THANK YOU.

THE COURT: THANK YOU, MR. SMITH.

I NOW CALL ON MR. CHARLES L. HENSHAW, JR., WHO WILL SPEAK ON BEHALF OF MR. BENJAMIN MABRY.

MR. HENSHAW: MAY IT PLEASE THE COURT.

THE COURT: YES, SIR.

MR. HENSHAW: BENJAMIN MYERS MABRY WAS BORN ON SEPTEMBER 18, 1954; AND HE DIED ON FEBRUARY 17, 2014. HE WAS 59-YEARS-OLD. HE WAS MARRIED TO SHIRLEY MABRY IN 1986; AND SHE SURVIVES HIM. HE WAS THE SON OF A FAMOUS MAN, GENERAL GEORGE

MABRY, THE SECOND MOST DECORATED AMERICAN SOLDIER OF WORLD WAR II. FOR 28 YEARS, HE WAS THE LAW PARTNER OF ANOTHER FAMOUS MAN, LEWIS CROMER, AND TOGETHER THEY FORGED A HIGHLY RESPECTED LAW FIRM REPRESENTING VICTIMS OF DISCRIMINATION IN THE WORKPLACE. IN 2011, BEN STARTED HIS OWN SUCCESSFUL LAW FIRM, THE MABRY FIRM; AND HE WAS WORKING THERE ON THE DAY HE DIED.

HE HAD A BIG SMILE THAT CAME INTO THE ROOM BEFORE HE DID. HE WAS ALWAYS GOOD FOR A JOKE; HE WAS ALWAYS GOOD FOR A LAUGH; HE WAS ALWAYS GOOD FOR A COMPLIMENT. EVERY HELLO STARTED WITH A HANDSHAKE. EVERY GOODBYE ENDED WITH A HANDSHAKE.

I MET BEN ABOUT 1984 WHEN HE CALLED ME TO ASK FOR HELP IN FINDING AN EXPERT WITNESS. HE NEVER FORGOT THE FAVOR, AND HE ASSOCIATED ME ON MANY CASES AFTER THAT. WE BECAME VERY GOOD FRIENDS; AND WE HAD GOOD SUCCESS IN THE CASES THAT WE HANDLED TOGETHER.

BEN SEEMED ALWAYS TO BE ON A HEROIC ADVENTURE OR HEROIC QUEST. AGGRESSIVELY, HE WOULD DIVE INTO A PILE OF DOCUMENTS TO FIND THE SMOKING GUN THAT WOULD WIN THE CASE. ADVENTUROUSLY, HE WOULD RING UP FAMOUS PEOPLE, OUT OF THE BLUE, TO SEE IF THEY COULD HELP A CLIENT. HE BOLDLY TOOK ON THE POWERFUL, DEMANDING JUSTICE FOR HIS CLIENTS FROM GOVERNORS, SHERIFFS, COLLEGE PRESIDENTS, NEWSPAPERS, AND EVEN THAT MOST SAINTED OF CHARITIES, THE AMERICAN RED CROSS.

HE WAS KNOWN IN LEGAL AND TENNIS CIRCLES TO BE A TENACIOUS AND A RELENTLESS OPPONENT.

THERE WERE THE QUESTS: A HIKE UP A MOUNTAIN TO SEE A TRICKLE OF WATER THAT HE CALLED A WATERFALL; A HIKE TO A TREE JUST TO SEE BEAR PAW MARKS; A TRIP THAT HE TOOK ME ON TO A TOY STORE. HE WROTE A NOVEL AND ON ONE LONG ROAD TRIP, HE RECITED

TO ME A VERY LONG NOVEL IN ITS ENTIRETY; AND HE LAUGHED ABOUT WRITING ME IN AS A VILLAIN.

WE HAVE LOST A MOST INTERESTING AND TALENTED LAWYER.

THANK YOU FOR MEMORIALIZING MY FRIEND AND COLLEAGUE, BEN MABRY.

THE COURT: THANK YOU, MR. HENSHAW.

I'LL NOW CALL ON THE DEAN OF OUR LAW SCHOOL, DEAN ROBERT M. WILCOX, WHO WILL SPEAK ON BEHALF OF MR. WILLIAM J. QUIRK.

DEAN WILCOX: MAY IT PLEASE THE COURT.

THE COURT: YES, SIR.

DEAN WILCOX: PROFESSOR WILLIAM J. QUIRK DIED ON SEPTEMBER 22, 2014, AT THE AGE OF 80; AND TRUE TO HIS WISHES AND TO THE SURPRISE OF NO ONE WHO KNEW HIM, BILL QUIRK NEVER RETIRED. HE REFUSED TO LET EVEN A SERIOUS ILLNESS SEVERAL YEARS BEFORE HIS DEATH TAKE HIM OUT OF THE CLASSROOM FOR LONG. UNTIL THE VERY END, HE HAD EVERY INTENTION OF CONTINUING HIS LIFE'S PASSION OF TEACHING LAW STUDENTS ABOUT TAX LAW AND ABOUT THE HISTORY OF OUR FEDERAL CONSTITUTION. BILL'S OBITUARY DESCRIBED HIM AS A "FIXTURE" AT THE USC SCHOOL OF LAW FOR NEARLY HALF A CENTURY – AND INDEED HE WAS. HE WAS THE SENIOR MEMBER OF THE ACTIVE FACULTY AT HIS DEATH, AND HE HAD TAUGHT, BY THAT TIME, A MAJORITY OF THE SOUTH CAROLINA BAR.

HIS BEST TAX STUDENTS KNEW THAT A RECOMMENDATION FROM PROFESSOR QUIRK COULD GET THEM INTO THE BEST TAX SCHOOL IN THE COUNTRY. FORMER STUDENTS KNEW THAT THEY COULD DROP BY AT ANY TIME AND TALK THROUGH A PROBLEM THAT THEY HAD ENCOUNTERED, WHETHER IN THEIR PERSONAL LIFE OR IN THE PROFESSION.

NOW, BILL HAD COME TO SOUTH CAROLINA IN 1970 AFTER GRADUATING FROM PRINCETON AND FROM THE UNIVERSITY OF VIRGINIA SCHOOL OF LAW, BOTH INSTITUTIONS THAT REMAINED AN IMPORTANT PART OF HIS LIFE. HE HAD PRACTICED LAW IN NEW YORK CITY, FIRST IN PRIVATE PRACTICE, AND LATER, AS COUNSEL FOR THE CITY OF NEW YORK; AND HE MADE HIMSELF, WHEN HE CAME SOUTH, RIGHT AT HOME IN SOUTH CAROLINA, NEVER LOSING HIS NEW YORKER ASPECTS, BUT VERY MUCH BECOMING A SOUTH CAROLINIAN.

HE SURROUNDED HIMSELF EACH AND EVERY DAY WITH STUDENTS, WITH FORMER STUDENTS, AND WITH OTHERS WHOM HE CONSIDERED TO BE INTERESTING PEOPLE. WHEN HE WAS NOT WRITING – AND BILL WAS A PROLIFIC WRITER – HE WAS ALMOST ALWAYS ENGAGED IN CONVERSATION WITH A WIDE RANGE OF FRIENDS – OFTEN IN PERSON, NOT INFREQUENTLY THROUGH HANDWRITTEN NOTES THAT BORE THE TRADEMARK BROWN INK OF HIS FOUNTAIN PEN, AND SOMETIMES BY E-MAIL. MOST CONVERSATIONS TOOK PLACE IN HIS OFFICE AT THE LAW SCHOOL -- I WILL ASSURE YOU HE NEVER CAME TO SEE THE DEAN, THE DEAN WENT TO SEE HIM – BUT THE CONVERSATIONS ALSO OCCURRED WITH FRIENDS AT A LOCAL RESTAURANT, OFTEN AT TABLE 1 AT RESTAURANT DIVINO’S HERE IN COLUMBIA; AND SEVERAL TIMES A YEAR HE WOULD TAKE THE EXTENDED TRIP BACK UP TO NEW YORK TO CATCH UP WITH HIS FRIENDS THERE.

THE MANY FRIENDS OF BILL QUIRK WOULD AGREE THAT HE HAD A COMPLEX PERSONALITY. ALTHOUGH TECHNICALLY, A NATIVE OF NEW JERSEY, HE WAS A NEW YORKER WHO LOVED THE BOSTON RED SOX. HE WAS A SELF-STYLE CONSERVATIVE WHO CONTRIBUTED TO LIBERAL CANDIDATES IF HE KNEW THEM OR, PERHAPS, IF HE JUST THOUGHT THAT WRITING A CHECK TO THE OTHER SIDE MIGHT ADD SOME INTEREST TO AN ELECTION. HE WROTE A BOOK WITH A FOREWORD BY HIS GOOD FRIEND RALPH NADER THAT CONTAINED A JACKET ENDORSEMENT BY ANOTHER GOOD FRIEND, PAT BUCHANAN. HE ENJOYED FINE WINES AND HE DROVE

THE MOST UNEXOTIC AMERICAN CARS. AS MUCH AS HE ENJOYED OPERA, THEATER, LITERATURE, AND THE ARTS, HE LOVED BASEBALL. HE SNIFFED DERISIVELY AT SCHOLARS AND YET PROVED TO BE ONE HIMSELF. HE CLAIMED TO HAVE LITTLE TOLERANCE FOR CHILDREN, BUT HE RARELY MISSED AN OCCASION TO SEND A GIFT TO YOUNG PARENTS FOR THE ENJOYMENT OF THEIR SON OR DAUGHTER.

INDEED, BILL WAS COMPLEX. I HAD TO KEEP A SCORECARD, SIMPLY TO REMEMBER WHETHER WE WERE CURRENTLY BEST FRIENDS OR GOING THROUGH ANOTHER PHASE OF IGNORING ONE ANOTHER.

WHAT WAS MOST STRIKING ABOUT BILL QUIRK IS THAT EACH OF HIS MANY, MANY FRIENDS WOULD LIKELY TELL YOU A SLIGHTLY DIFFERENT STORY ABOUT HIS INTERESTS. AND THAT IS BECAUSE, WHEN YOU TALKED WITH BILL, YOUR INTERESTS BECAME HIS INTERESTS. HE LISTENED WELL AND HE WANTED TO KNOW YOUR THOUGHTS ON SOMETHING OF INTEREST TO YOU. HE UNDERSTOOD THAT TEACHERS DO NOT SIMPLY LECTURE THEIR STUDENTS – A GOOD TEACHER, HE KNEW, ENJOYS LEARNING FROM THEM AS THEY LEARN FROM HIM.

THE TOPICS HE DISCUSSED WITH FRIENDS VARIED, OFTEN, AS WE WOULD SAY, DEPENDING ON THE FRIEND'S INTEREST; BUT THE TOPICS INCLUDED SUCH THINGS AS: TAX LAW, FOOD, THOMAS JEFFERSON, THE SUPREME COURT, OPERA, HILLARY CLINTON, BASEBALL, GOVERNMENT FINANCE, AND HILLARY CLINTON. HOW BILL WOULD HAVE ENJOYED THE 2016 PRESIDENTIAL CAMPAIGN, WITH MORE THAN A DOZEN CANDIDATES IN ONE PARTY TO WATCH, AND BERNIE SANDERS RUNNING AGAINST HILLARY CLINTON IN THE OTHER PARTY!

BILL ALWAYS RESERVED A VERY SPECIAL AND LOVING SPOT IN HIS HEART FOR HIS ONLY DAUGHTER, AUGUSTA; BUT HE ALSO MADE ROOM IN HIS HEART AND IN HIS FAMILY FOR LITERALLY HUNDREDS OF FORMER STUDENTS WITH WHOM HE REMAINED IN CLOSE CONTACT FOR MORE THAN FOUR DECADES.

AND WITH THE DEATH OF PROFESSOR WILLIAM JAMES QUIRK, A TALENTED PROFESSOR OF TAX LAW PASSED ON; A PRODUCTIVE WRITER'S PEN WAS PUT DOWN; LAW STUDENTS LOST A FRIEND AND ADVOCATE; AND FOR ALL THOSE WHO KNEW BILL WELL, THE CONVERSATION AROUND DINNER BECAME A LITTLE LESS INTERESTING.

THANK YOU, YOUR HONOR.

THE COURT: THANK YOU, DEAN WILCOX.

I'LL NOW CALL ON MR. SHERWOOD "WOODY" CLEVELAND, WHO WILL SPEAK ON BEHALF OF MR. HENRY SHERRILL.

MR. CLEVELAND: MAY IT PLEASE THE COURT.

THANK YOU, YOUR HONOR.

THE COURT: YES, SIR.

MR. CLEVELAND: WELL, THIS IS TRULY LIKE A GREAT REUNION TO BE HERE AND HEAR ABOUT ALL THESE PEOPLE WHO WERE, AS I – WHEN I FIRST STARTED PRACTICING LAW WERE HERE AND PEOPLE I RESPECTED GREATLY – AND, ROBBIE, IT WAS GREAT TO HEAR ABOUT BILL QUIRK BECAUSE HE WAS A CLOSE FRIEND OF MINE AND HAD BEEN AND OF COUNSEL IN MY FIRM FOR A PERIOD OF TIME AND HE HAD A GROUP OF FRIENDS AND THEY CALLED THEMSELVES THE CURMUDGEONS, WHICH, I THINK, FIT BILL VERY WELL AND IT INCLUDED BILL, OF COURSE, AND THE GREAT F. SCOTT FITZGERALD SCHOLAR, WHOSE NAME I CAN'T RECALL RIGHT NOW, AND THEY DIDN'T INVITE ME, THEY INVITED MY WIFE TO JOIN THE CURMUDGEON GROUP. SO I WENT ALONG AS THE SPOUSE IN ATTENDANCE AND FELT, I CAN TELL YOU, INTELLIGENTLY VERY INFERIOR; BUT IT WAS A GREAT GROUP.

BUT IT'S A GREAT PRIVILEGE FOR ME TODAY TO SPEAK WITH YOU ABOUT MY CLOSE FRIEND AND FORMER LAW PARTNER, HENRY SHERRILL.

HENRY WAS KNOWN TO HIS CLOSE FRIENDS AS "PECK" AND I KNEW HENRY VERY WELL; BUT I NEVER FELT LIKE I QUITE ROSE TO THE POINT WHERE I COULD CALL HIM "PECK"; BUT THAT WAS HIS NAME

AMONG HIS REALLY CLOSE FRIENDS AND CONTEMPORARIES. HENRY WAS BORN IN 1922 IN STATESVILLE, NORTH CAROLINA; AND HE REALLY WAS ALWAYS A TARHEEL AT HEART. HE GRADUATED FROM WAKE FOREST IN 1943; SERVED IN THE SECOND WORLD WAR IN THE AIR FORCE IN THE BURMA INDIA THEATER.

FOLLOWING HIS WAR SERVICE, HE ATTENDED DUKE UNIVERSITY LAW SCHOOL, GRADUATING IN 1947. COLUMBIA, THE RICHLAND COUNTY BAR ASSOCIATION, AND THE SOUTH CAROLINA BAR ASSOCIATION BECAME THE BENEFICIARIES OF HIS RELATIONSHIP WITH HIS UNCLE CAM McLAIN, A DISTINGUISHED LAWYER IN SOUTH CAROLINA; AND HENRY MOVED TO COLUMBIA AFTER LAW SCHOOL AND STARTED PRACTICING WITH MR. McLAIN. AND THE FIRM LATER BECAME KNOWN AS McLAIN, SHERRILL, AND WILKINS. HENRY PRACTICED LAW –AND ROBBIE MENTIONED ABOUT BILL QUIRK NEVER WANTING TO RETIRE – THAT WAS ONE OF THE TRADEMARKS OF HENRY SHERRILL – RETIREMENT WAS NOT SOMETHING IN HIS VOCABULARY. BUT HE PRACTICED LAW FROM 1947 UNTIL JUST BEFORE HIS RETIREMENT, WHICH WAS A LEGAL CAREER SPANNING NEARLY 66 YEARS.

I HAD THE PRIVILEGE OF STARTING MY PRACTICE AS HIS ASSOCIATE IN 1971 AND BECAME HIS PARTNER IN 1976. HENRY WAS TRULY A BRILLIANT BUSINESS LAWYER. HE COULD HOLD HIS OWN WITH ANY WALL STREET LAWYER, WHETHER IT WAS AT THE CLOSING TABLE, IN A MERGER OR ACQUISITION TRANSACTION. I THINK WE WOULD ALL AGREE WHO KNEW HIM WELL, HE WAS IN THE TRUE SENSE OF THE WORD A “LAWYER’S LAWYER”.

HENRY CONVEYED SORT OF A QUIET AUTHORITY, YOU KNOW, HE NEVER SPOKE HARSHLY, BUT THERE WAS JUST AN AUTHORITY THAT HE HAD. AND I ONLY SAW ONE CRACK IN THAT ARMOR IN ALL THE YEARS THAT WE WORKED TOGETHER AND IT WAS BACK IN THE DAYS OF THE OLD McKAY, SHERRILL, WALKER AND TOWNSEND FIRM AND HENRY HAD A SECRETARY, WHO HAD BEEN WITH HIM FOR YEARS, AND ONE DAY



SHE CAME IN AND ANNOUNCED THAT SHE WOULD REALLY PREFER TO GO WORK FOR DOUGLAS McKAY AND – SO SHE DID. SHE WENT TO WORK FOR DOUGLAS McKAY -- AND SOMEBODY ASKED HER, SAID, CECILE, WHY WOULD YOU NOT WANT TO WORK WITH MR. SHERRILL, HE'S SUCH A FINE LAWYER, A CONSUMMATE GENTLEMAN. AND SHE SAID, I AGREE WITH ALL OF THAT, BUT I'M SORT OF MORE INTERESTED IN BEING AROUND AND KNOWING ABOUT WHO SHOT WHO AND WHO'S HAVING ADULTERY WITH WHO THAN WHO MERGED WITH WHO. SO, AT THAT TIME, HE THEN HAD A NEW SECRETARY OR PARALEGAL – I GUESS, WE DIDN'T CALL THEM PARALEGALS IN THOSE DAYS – AND SHE HAD WORKED FOR HAROLD JACOBS AND SO SHE HAD BEEN AROUND PEOPLE THAT KIND OF KNEW HOW TO THROW THEIR WEIGHT AROUND AND SHE INHERITED THAT FROM MR. JACOBS AND SHE CAME OVER TO WORK FOR MR. SHERRILL; AND SHE WAS VERY TEMPESTUOUS, VERY – IN FACT, SHE CONSIDERED HERSELF MORE COMPETENT AND SMARTER THAN ANY LAWYER IN THE FIRM WITH THE EXCEPTION OF MR. SHERRILL. SO SHE DID SOMETHING ON ONE OCCASION THAT INFURIATED A VERY IMPORTANT CLIENT AND LAWYERS JEAN BISSELL, AL MOSES AND BOB WILKINS PREPARED A LETTER FOR MR. SHERRILL'S SIGNATURE TO GO TO THIS SECRETARY. AND SO THE LETTER WAS A LETTER OF REPRIMAND AND BASICALLY PUTTING HER SORT OF ON – NOT SUSPENSION BUT PROBATION – IF ANYTHING LIKE THIS EVER HAPPENED AGAIN, SHE WOULD BE TERMINATED. SO THE LETTER WAS READ BY MR. SHERRILL, SIGNED BY MR. SHERRILL, AND DELIVERED TO THIS SECRETARY. I'LL NEVER FORGET THE DAY. I HAPPENED TO BE IN MY OFFICE AND AL MOSES WAS IN THE OFFICE NEXT TO ME WHEN THIS PARTICULAR SECRETARY STORMED INTO HIS OFFICE AND THREW THE LETTER ON THE DESK AND SAID, MR. SHERRILL, I CANNOT BELIEVE YOU WOULD WRITE THIS LETTER; AND HIS ANSWER WAS, WHAT LETTER? WE NEVER LET HIM – WE NEVER LET HIM GET OVER THAT ONE.

BUT THE THINGS THAT HENRY TAUGHT TO THOSE HE MENTORED – AND THERE WERE MANY OF THEM -- INCLUDING BOB WILKINS, AL MOSES, JOE ROOF, FRANCHELLE MILLENDER, MIKE BRACKET, MYSELF, DAN LOTT, AND MANY OTHERS. THE THINGS HE TAUGHT WERE NOT JUST HOW TO APPROACH A TRANSACTION OR THE SUBSTANTIVE ISSUES INVOLVED IN A BUSINESS DEAL OR REAL ESTATE OR COMMERCIAL TRANSACTION, HE ALSO TAUGHT AND INSTILLED A SENSE OF ETHICS, DUTY, AND INTEGRITY.

IN THE RECENT BOOK BY “NEW YORK TIMES” COLUMNIST, DAVID BROOKS CALLED THE ROAD TO CHARACTER, BROOKS IDENTIFIES TWO TYPES OF VIRTUE WHICH HE CALLS: ONE, THE RESUME VIRTUES AND THE OTHER, THE EULOGY VIRTUES. FOLLOWING BROOKS’ NARRATIVE, THE RESUME VIRTUES ARE THOSE TALENTS AND SKILLS, WHICH LEAD TO MATERIAL SUCCESS. HENRY CERTAINLY HAD THOSE IN SPADES. HE HAD A REALLY KEEN BUSINESS MIND AND, IN ADDITION TO HIS SKILL AS A LAWYER, HE WAS A SUPERB INVESTMENT MANAGER. THOSE OF US WHO WORKED WITH HIM KNEW THAT HE WAS PRACTICING LAW, BUT HE WAS ALSO MANAGING THE STOCK MARKET OR HIS VERSION OF THE STOCK MARKET. HIS SERVICE AS A HIGHLY RESPECTED AND INFLUENTIAL DIRECTOR AND MEMBER OF THE EXECUTIVE COMMITTEE OF FIRST CITIZENS BANK, OVER MANY DECADES, IS A MANIFESTATION OF THE RECOGNITION OF THOSE RESUME VIRTUES, AS WAS HIS SERVICE ON THE BOARD OF WAKE FOREST UNIVERSITY LAW SCHOOL AND THE BOARD OF OUTWARD BOUND.

DAVID BROOKS’ EULOGY VIRTUES –AND YOU CAN SORT OF SEE WHERE THIS IS GOING – THE EULOGY VIRTUES ARE WHAT OFTEN ARE IGNORED IN FAVOR OF THE RESUME VIRTUES, BUT BROOKS CHARACTERIZES THE EULOGY VIRTUES AS THE ONES THAT ARE REALLY IMPORTANT; AND THOSE ARE THE THINGS WE WANT TO BE REMEMBERED FOR AFTER WE DIE -- THE QUALITIES SUCH AS HONESTY, KINDNESS, LOYALTY, AND COURAGE. HENRY EPITOMIZED ALL OF THOSE QUALITIES

AND TAUGHT THEM TO HIS MANY PROTÉGÉS BY EXAMPLE. HE PREFERRED TEACHING BY EXAMPLE, BUT IF THE PROTÉGÉ OR THE PUPIL DIDN'T GET IT, HE KNEW HOW TO ISSUE THE COMMAND.

HENRY LOVED THE LAW; HE LOVED BEING A LAWYER AS MUCH AS ANY LAWYER I'VE EVER KNOWN. THE ONLY THINGS HE LOVED MORE WERE THE SIX WOMEN IN HIS LIFE – HIS DEVOTED WIFE, ISABEL, AND DAUGHTERS, BETSY AND JULIA, ALONG WITH HIS THREE GRANDDAUGHTERS.

THANK YOU VERY MUCH.

THE COURT: THANK YOU, MR. CLEVELAND.

ALL RIGHT.

AND, NOW, I – AGAIN, WE HAVE TWO SPEAKERS ON BEHALF OF MR. H. DAVE WHITENER, JR. ONE WOULD BE ALAN MEDLIN – MR. MEDLIN, ARE YOU GOING FIRST AND THEN MR. –

MR. MEDLIN: WE'RE GOING TOGETHER, YOUR HONOR.

THE COURT: YOU'RE GOING TO GO TOGETHER. OKAY.

MR. MEDLIN AND MR. ROBERT – BOBBY STEPP.

MR. MEDLIN: DAVE ASKED BOBBY AND ME TO GIVE HIS EULOGY. WE BOTH FELT TOTALLY INCOMPETENT TO DO THAT AND CERTAINLY UNWORTHY OF HONORING HIS AMAZING LIFE, BUT WE PROMISED HIM, SO, WE DID IT. IT WASN'T EASY, BUT WE DID IT; AND WE ARE HERE TO DO IT AGAIN TODAY.

MR. STEPP: ALTHOUGH THIS IS THE MUCH SHORTER VERSION LET ME – LET ME ASSURE YOU.

WHEN ALAN AND I UNDERTOOK TO DO THIS, WE – WE DID NOT KNOW EVEN HOW TO BEGIN. I MEAN, IT WAS IMPOSSIBLE FOR US TO SUM UP THE FABULOUS, VIBRANT, FULL LIFE THAT WAS DAVE WHITENER'S IN JUST A FEW WORDS, MUCH LESS THE VERY COMPRESSED TIME THAT WE HAVE HERE AND WE DIDN'T KNOW WHAT TO DO. BUT WE DECIDED TO MAKE SOME REMARKS ORGANIZED AROUND WORDS THAT DESCRIBE DAVE WHITENER AND, BOY, THERE ARE A LOT OF THEM AND

WE JUST PICKED SOME OF THE MOST PROMINENT ONES AND WE'LL TALK ABOUT A FEW OF THEM.

THE FIRST IS FATHER.

DAVE WAS A FATHER. HE WAS ALSO A GRANDFATHER. EVERYBODY WHO KNEW DAVE WHITENER UNDERSTOOD HIS UNEQUALLED DEVOTION TO HIS CHILDREN: LAURA AND TRIPP, THEIR SPOUSES; AND HIS GRANDCHILDREN: GRAY, EMMA, JAKE, CONNOR, AND JACK. THEY WERE HIS ENTIRE WORLD. HE WAS ALWAYS THERE FOR THEM. HE – THEY WERE HIS PRIORITY. HE WROTE THEM HANDWRITTEN NOTES, MANY OF WHICH WE GOT TO SEE IN CONNECTION WITH PREPARING HIS EULOGY. THAT WAS JUST THE MOST HEARTFELT, TOUCHING THINGS IN THE WORLD; BUT HE WAS ALWAYS CONSTANTLY SUPPORTING HIS CHILDREN AND SHOWING THEM HOW MUCH HE LOVED THEM.

HE WAS ALSO A HUSBAND.

IN ADDITION TO HIS CHILDREN AND GRANDCHILDREN, HE WAS COMPLETELY DEVOTED TO HIS WIFE, TRICIA. THEY WORKED TOGETHER; THEY SPENT EVERY MINUTE OF THE DAY TOGETHER AND THEN THEY WENT HOME AT NIGHT AND SPENT EVERY MINUTE OF THE NIGHT TOGETHER AND STILL THAT REALLY WASN'T ENOUGH FOR THEM. IF YOU COULD HAVE PUT A 25<sup>TH</sup> HOUR IN THE DAY, THEY WOULD HAVE CHOSEN TO BE TOGETHER IN THAT 25<sup>TH</sup> HOUR. IT WAS A WONDERFUL AND ALL ENCOMPASSING RELATIONSHIP.

YOU KNOW, DAVE WAS A REAL ESTATE LAWYER. HE ASKED ME – I WAS NEVER BEEN MORE FLATTERED IN MY LIFE – HE ASKED ME TO PERFORM THE MARRIAGE CEREMONY FOR DAVE AND TRICIA IN MARCH OF 2003; AND I SAID, DAVE, I'D LOVE TO DO IT, BUT I'M NOT A NOTARY PUBLIC AND HE ABOUT FELL OVER IN A FAINT BECAUSE HE COULDN'T IMAGINE THAT THERE WAS A LAWYER WHO WASN'T A NOTARY PUBLIC, BUT I SAID I'LL TRY TO SEE IF I CAN QUALIFY; AND SO, I MANAGED TO – I MANAGED TO – TO JOIN THE CLUB AND I WAS ABLE TO DO IT. BUT THEIR

LEGAL PARTNERSHIP AND THEIR PERSONAL PARTNERSHIP WAS SOMETHING MUCH TO BE CELEBRATED.

DAVE, OF COURSE, WAS A LAWYER. THAT'S WHY WE'RE HERE, A LONG-TIME MEMBER OF THE RICHLAND COUNTY BAR. HE WAS RECOGNIZED, I THINK, AS THE LEADING REAL ESTATE GURU OF HIS GENERATION. HE WAS NATIONALLY RECOGNIZED FOR HIS EXPERTISE; AND HE DESERVED THAT REPUTATION. HE REALLY WAS A FABULOUS, FANTASTIC LAWYER IN THE FIELDS OF BANKING, REAL ESTATE, AND TRANSACTIONS. HE WAS IN BEST LAWYERS IN AMERICA; HE WAS IN SUPER LAWYERS; HE WAS SUPER LAWYER, LAWYER OF THE YEAR; HE WAS IN THE LEGAL ELITE; THE BAR REGISTER OF PRE-EMINENT LAWYERS; THE PLATINUM COMPLEAT LAWYER AWARD FROM THE LAW SCHOOL ALUMNI ASSOCIATION; AND THE LEADERS IN LAW AWARD. SO HE WAS CELEBRATED FOR HIS EXPERTISE AND DESERVABLY SO.

BUT, YOU KNOW, THAT – HE LOVED THAT RECOGNITION FROM HIS PEERS; BUT WHAT DAVE REALLY LIKED WAS REPRESENTING HIS CLIENTS. THAT WAS HIS PASSION. AND, AGAIN, I'LL TELL YOU, WHEN HE PASSED AWAY, TRICIA AND HIS FAMILY RECEIVED AN UNBELIEVABLE OUTPOURING FROM FORMER CLIENTS OF DAVE'S TO TELL THEM HOW MUCH HIS REPRESENTATION OF THEM IN THEIR TIMES OF DIFFICULTY MEANT TO THEM; AND IT WAS THE MOST TOUCHING THING. I TOLD ALAN AND EVERYBODY ELSE, IF I EVER HAD EVEN ONE CLIENT THAT EVER THOUGHT I DID THAT MUCH FOR THEM, I WOULD CONSIDER MY ENTIRE CAREER A SUCCESS. AND DAVE HAD A MULTITUDE OF THEM.

HE WAS A LAWYER'S LAWYER AND THAT'S THE ULTIMATE COMPLIMENT. OTHER LAWYERS ALWAYS REACHED OUT TO HIM AND HE WAS ALWAYS THERE FOR OTHER LAWYERS. I CAN'T TELL YOU THE NUMBER OF LEGAL QUESTIONS I'VE ASKED HIM, THE NUMBER OF HOURS OF HIS TIME I TOOK UP. WHEN I'M LITIGATING SOMETHING ABOUT REAL ESTATE AND I DON'T KNOW BEANS ABOUT, DAVE WHITENER WOULD

VERY PATIENTLY TRY TO TEACH ME OR ANYBODY ELSE THAT ASKED HIM.

HE WAS A REAL GIANT OF THE BAR – THE RICHLAND COUNTY BAR – AND WE’RE GOING TO MISS HIM.

MR. MEDLIN: ONE OF THE MANY TERMS THAT WE USED AT THE EULOGY TO DESCRIBE DAVE’S AMAZING LIFE WAS AS A TEACHER AND A MENTOR.

AND AS MUCH AS HE LOVED BEING A LAWYER, AND HE LOVED BEING A LAWYER BECAUSE HE WANTED TO HELP PEOPLE, HE LOVED BEING A TEACHER EVEN MORE – AGAIN, BECAUSE HE COULD HELP OTHERS.

HE HAD AN AMAZING STOREHOUSE OF KNOWLEDGE AND HE LOVED TO SHARE IT. HE GENEROUSLY DONATED HIS TIME AND EXPERTISE AND IT IMPROVED THE LIVES OF HUNDREDS OF LAW STUDENTS AND HUNDREDS OF LAWYERS. HE TAUGHT AT LEAST ONE COURSE A YEAR, SOMETIMES TWO, AT THE LAW SCHOOL FOR 24 YEARS.

HE WAS CHOSEN BY THE CHIEF JUSTICE OF THE SUPREME COURT TO TEACH THE BRIDGE THE GAP COURSE FOR 23 YEARS. THAT’S A TRUE RECOGNITION OF HIS EXPERTISE.

HE TAUGHT OVER A HUNDRED C.L.E. SEMINARS. THERE ARE VERY FEW MEMBERS OF THE BAR WHO CAN SAY THAT THEY’VE DONE THAT; AND IT IS A RARE LAWYER, INDEED, WHO CAN SAY THAT THEY WERE INVITED TO ADDRESS THE A.B.A. CONVENTION; BUT HE DID.

THAT HE WAS IN SUCH DEMAND SHOWS HOW MARVELOUS A TEACHER HE WAS; THAT HE WOULD EXCEED TO SUCH DEMAND SHOWS HOW INCREDIBLY GIVING HE WAS OF HIS TIME.

HE ORIGINATED THE SOUTH CAROLINA BAR’S CONCEPT OF AN ADVANCED PRACTICE SEMINAR BACK IN 1984; AND THE BAR HAS REGULARLY OFFERED COURSES SINCE THEN, FOLLOWING THAT PARADIGM. DAVE SPEARHEADED THE REAL ESTATE VERSION OF THAT. IT WAS REGULARLY OFFERED, STILL IS TODAY; AND HE WAS KIND

ENOUGH TO LET BOBBY AND ME HELP HIM WITH THAT C.L.E. AND TO HONOR HIS INCOMPARABLE CONTRIBUTIONS TO THE BAR, MY UNDERSTANDING IS THAT THE BAR IS WORKING ON NAMING THAT SEMINAR AFTER DAVE.

SIMILARLY, THE LAW SCHOOL IS ESTABLISHING A SCHOLARSHIP FUND IN HIS NAME.

RELATED TO HIS PASSION FOR TEACHING WAS HIS PASSION FOR MENTORING. HE HELPED START THE BAR'S PROGRAM TO MENTOR YOUNG LAWYERS. HE HELPED START THE LAW SCHOOL'S PROGRAM TO MENTOR LAW STUDENTS; AND HE REMAINED INVOLVED IN BOTH PROGRAMS.

MANY HAVE BENEFITTED FROM HIS TUTORING, MOSTLY HIS WIFE TRICIA AND HIS FORMER PARTNER, YOURS TRULY. IT WAS LIFE-CHANGING.

MR. STEPP: YOU KNOW ANYBODY WHO HAD EVER TALKED TO DAVE KNEW HE WAS A STORYTELLER, HIS STORIES, WAR STORIES, HIS ABILITY TO TELL TALES WAS JUST LEGEND; HIS ABILITY TO SORT OF CAPTIVATE YOU WITH HIS WAY TO PRESENT INFORMATION WAS ONE OF THE THINGS THAT MADE HIM A GREAT TEACHER AND MADE HIM SUCH A DELIGHT TO BE AROUND. YOU MAY KNOW THAT HE ACTUALLY WAS DEVELOPING HIMSELF AS A WRITER AND HE WAS BEGINNING TO WRITE SHORT STORIES AND I'VE READ A COUPLE OF THEM AND I WANT TO TELL YOU WHAT, THEY WERE REALLY EXCELLENT. SO HE HAD A QUICK WIT; HE WAS ALWAYS A DELIGHT TO BE AROUND; HE WAS FUNNY; BUT MOST IMPORTANTLY, HE HAD THE CAPACITY TO MAKE YOU HAPPY. HE WAS A HAPPY GUY. HE LOVED LIFE. HE LOVED PEOPLE; AND IF YOU WERE AROUND HIM, HE MADE YOU FEEL GOOD AND MADE YOU HAPPY TOO.

MR. MEDLIN: YOUR HONOR, HE WAS A GAMECOCK.

HE LOVED CAROLINA ATHLETICS. HE GAVE GENEROUSLY TO THE PROGRAMS. HE SUPPORTED THE TEAMS AND THE PLAYERS. WHEN PERMISSIBLE, HE HAD THE PLAYERS OVER FOR DINNER.

HE REPRESENTED COACHES. HE REPRESENTED PLAYERS. HE NEVER CHARGED A PENNY FOR EITHER.

RECENTLY, LAST SUMMER, HE WAS FETED AS A LEGENDARY FAN.

MR. STEPP: DAVE WHITENER WAS A FRIEND. HE WAS MY BEST FRIEND AND I COULD NEVER EVER ASK FOR ANY BETTER GIFT IN MY LIFE THAN HIS FRIENDSHIP. HE WAS PERFECT. HE WAS CARING; HE WAS SUPPORTING; HE WAS CRITICAL WHEN HE NEEDED TO BE, BUT HE WAS ALWAYS THERE. HE WAS ALWAYS GIVING; HE WAS ALWAYS SHARING; AND HE WAS ALWAYS MAKING EVERYBODY WHO HAD THE JOY OF BEING HIS FRIEND A BETTER PERSON; AND BECAUSE OF THAT, HE HAD A LOT OF FRIENDS – AND I SEE A LOT OF THEM SITTING IN HERE TODAY AND A LOT MORE WHO ARE NOT HERE TODAY. SO DAVE IS ONE OF THESE GUYS THAT WAS EVERYBODY’S FRIEND, BUT HE MADE YOU FEEL SPECIAL. HE WOULD DROP ANYTHING FOR YOU. AND AS I HAVE SAID MANY TIMES, IF YOU WERE LUCKY ENOUGH TO HAVE DAVE WHITENER AS YOUR FRIEND, YOU WERE JUST PLAIN LUCKY ENOUGH.

MR. MEDLIN: THE LAST WORDS WE USED TO DESCRIBE DAVE WHEN WE GAVE THE EULOGY WAS THAT HE WAS AN EMBRACER OF LIFE AND AN EMBRACER OF PEOPLE. AND THOSE OF YOU WHO KNEW DAVE KNOW EXACTLY WHAT WE’RE TALKING ABOUT. HE HAD WHAT I THINK IS THE RAREST OF GIFTS. WHEN YOU WERE WITH HIM, YOU JUST FELT BETTER. AS BOBBY’S ALREADY POINTED OUT, HE MADE YOU FEEL HAPPY. HE MADE YOU FEEL SAFER. HE MADE YOU FEEL WARMER. HE MADE YOU FEEL MORE FRIENDLY. HE MADE YOU FEEL STRONGER. HE GAVE YOU A SENSE OF PEACE. YOU JUST FELT BETTER.

I NEVER DID REALLY FIGURE OUT WHY THAT HAPPENED. I ENJOYED IT. IT WAS A WONDERFUL EXPERIENCE TO HAVE ALL THAT PLACED UPON YOU; BUT SOMEHOW HE MANAGED TO TRANSPOSE -- TELEGRAPH – HOWEVER HE DID IT – HIS ESSENCE ONTO YOU WHEN YOU



WERE WITH HIM. YOU JUST FELT BETTER BECAUSE OF HIS LOVE FOR LIFE AND HIS EMBRACE OF PEOPLE AND LIFE.

SO WE CELEBRATE HIS AMAZING LIFE TODAY AND WE KNOW HIS LEGACY WILL ALWAYS BE WITH US.

THANK YOU.

MR. STEPP: THANK YOU.

THE COURT: THANK Y'ALL.

MR. BRADLEY, ANYTHING FURTHER FROM YOU?

MR. BRADLEY: THANK EVERYONE FOR COMING. CARRY YOUR FRIENDS IN YOUR HEART WHEN YOU LEAVE.

THANK YOU.

THE COURT: ALL RIGHT.

LADIES AND GENTLEMEN, ON BEHALF OF THE JUDICIARY AND THE MEMBERS OF THE BAR, TO THOSE BROTHERS OF THE BAR WHO WE LOST LAST YEAR AND TO THEIR FAMILIES, WE ARE SO SAD THAT WE LOST THESE GOOD FOLKS; AND WE ARE GLAD WE HAD THE OPPORTUNITY TO WORK WITH THEM AND TO KNOW THEM AND WE WILL THINK ABOUT THEM CONSTANTLY.

MY UNDERSTANDING IS THERE'S A RECEPTION OUTSIDE, MR. BRADLEY, IS THAT CORRECT?

MR. BRADLEY: YES, SIR.

THE COURT: IS IT ON THE SECOND FLOOR OR THIRD FLOOR?

MR. BRADLEY: IT'S RIGHT OUT HERE, YOUR HONOR.

THE COURT: THERE'S A RECEPTION RIGHT OUTSIDE. WE INVITE ALL OF YOU TO COME AND LET US SHARE FELLOWSHIP WITH YOU AND WISH YOU THE BEST FOR THE WEEKEND.

DEAN, IT'S ALWAYS GOOD TO HAVE YOU IN MY SPACE UP HERE.

DEAN WILCOX: THANK YOU, YOUR HONOR.

THE COURT: Y'ALL HAVE A NICE WEEKEND; AND THANK YOU.

WE ARE NOW IN RECESS.

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