

RICHBARNEWS

Newsletter of the Richland County Bar Association

JODY A. BEDENBAUGH
Treasurer

WILL THOMAS
President

JOHN HEARN
President-Elect

UPCOMING EVENTS

Judicial BBQ

Thursday, May 19
5:30 PM
University House

Memorial Service

Friday, June 10
12:00 PM
Judicial Center

Family Night at the Zoo

Thursday, June 2
6:00 PM
Riverbanks Zoo

SAVE THE DATE 2011

Judicial Reception

Thursday, August 18



FROM THE PRESIDENT

RCBA - A Social Network

Because the movie *The Social Network*, which won three Oscars, finally made it to Time Warner's On-Demand service, I recently had the opportunity to watch it. As the proud father of two young boys, I cannot recall the last movie I actually saw at the theater that was not in a cartoon/3-D format. For those of you who have not seen *The Social Network*, the movie recounts the story of how computer programming prodigy and *Time* magazine's 2010 Person of the Year, Mark Zuckerberg, and his Harvard classmates developed the phenomenon known as Facebook.

Screenwriter Aaron Sorkin of *A Few Good Men* and *Charlie Wilson's War* delivers his fast paced story through deposition, testimony and associated flashbacks. The depositions arose out of a lawsuit brought against Mark Zuckerberg by two members of Harvard's crew team, the inimitable Winklevoss twins, who claimed that Zuckerberg actually stole the idea of Facebook from them. Although the Winklevoss twins initially settled their lawsuit for \$65 million in a cash/stock deal, they have recently petitioned a court to throw out the settlement claiming that Facebook's lawyers/executives deliberately understated the value of the company, which recently has been placed at \$50 billion. The twins, however, maintain that their fight against Zuckerberg is "not about the money," but rather is geared toward getting the rightful credit for the Facebook concept. Really? I highly recommend the movie not only for the interesting way the story is told through testimony, but also for the insight it provides into the informational transformation affecting society as a whole.

There are over 500 million worldwide Facebook users who connect with friends, family and colleagues. When I found out that my 64 year-old mother joined the ranks of Facebook users, I knew it was beyond mainstream. The impact of Facebook on our society cannot be understated. Many in the media claim that Facebook was instrumental in the organization of the recent uprisings against dictators in Egypt and Tunisia, which then sparked the upheaval in Libya. I have heard that lawsuits,

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FROM THE EDITOR



Our guest columnist, Barron Grier, has been an outstanding litigator in the midlands for 41 years. He grew up with the law as both his father and grandfather were lawyers before him. He has been a partner at Nelson, Mullins, Grier & Scarborough (1969-1974) and Richardson, Plowden, Grier & Howser (1974-1996). He founded the Grier Law Firm in 1996

which is now known as Grier, Cox and Cranshaw. Barron has tried hundreds of cases with great success. He now focuses his practice on mediation, and he is an excellent mediator. He is former president of the South Carolina Defense Trial Attorneys Association and 2006 president of the American Board of Trial Advocates (S.C. Chapter) which is an invitation only society for outstanding litigators. He is a good friend of mine, and I was very pleased when he responded to my offer to give some of his thoughts on practicing law. I am sure you will enjoy what he has to say.

Ward Bradley, Editor

What a Ride

Our editor, Ward Bradley, asked me to share some thoughts about the changes I have experienced practicing law over the last 41 years. As imagined, there are many changes, but time and space will not allow me to mention all of them. I will try to hit what I consider the highlights. The biggest change to me has come from discovery and actual trial practice. When I first started as a civil defense trial attorney, we had two Richland County courts with limited jurisdiction (15,000), which allowed all young attorneys easy access to the experience of trying cases. We would attend a roster meeting every Thursday and three or four cases would be set for each day of the ensuing week in both of the county courts. For example, if you were number two on Monday and did not get reached on Monday, it would be carried over to first priority the following week. You would not have to keep up with several dozen cases ahead of you, and you would know

exactly when you were going to trial. There was only a six person jury, and most cases involved simple wreck cases or slip and falls. This was wonderful training for all young attorneys, and the insurance carriers did not object to the younger attorneys trying these cases. We probably averaged at least one trial a month and sometimes one a week during those years.

In addition, there was basically no discovery, except in federal court. The state court did not recognize discovery and there were no Interrogatories, no Request to Produce and no Depositions. This was true even in the Circuit Courts. It was truly trial by ambush. Defense attorneys did anything they could to remove the case to federal court so that there would be discovery. State courts finally realized that without discovery there was very little chance to settle cases and thereafter adopted the federal rules of discovery, with of some variations. Mediation and Arbitration have drastically changed the landscape of trial work, and since my practice has evolved primarily into those fields I applaud these changes. I also think that Mediation and Arbitration are great tools that the Supreme Court has given us; there always will be some cases that can not be settled and must be tried.

During the first years of my practice, pro bono work was only for criminal cases of great significance. You were appointed either to a murder trial or robbery but not to magistrate's court or minor crimes. There was no appointment for civil matters. I believe pro bono has gone way too far and is an encroachment on the lawyer's time without compensation, but that is an argument for another day. Of course our past two bar presidents have been trying to deal with this issue, but so far the legislature has not been able to appropriate the necessary funds to at least compensate minimally the attorneys that have to handle these cases.

Another great change has been specialization versus general practice. When I first began practicing law, almost all lawyers were general practitioners and we could virtually

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NEW CO-CHAIRS OF THE RCBA YOUNG LAWYERS DIVISION

Please join the RCBA in welcoming Breon Walker and Walt Cartin as the new Co-chairs of the RCBA Young Lawyers Division for 2011. Breon and Walt are in the process of planning several events for RCBA Young Lawyers, and we encourage all young lawyers to attend. The RCBA has generally recognized young lawyers as those who are under age 35 or have less than eight years of practice experience. As you can see from their respective biographies, both lawyers are extremely accomplished and will be excellent representatives for RCBA young lawyers.

Breon Walker

Breon Walker is a member of the Litigation and Dispute Resolution Practice Group at Ellis, Lawhorne & Sims, P.A and focuses her practice on motor vehicle liability, premises liability, product liability and commercial litigation, with experience trying both civil and criminal cases to verdict.



Breon earned her Bachelor of Science degree in Business Administration with a double major in marketing and management from the University of South Carolina Honors College in 2000, completing her degree in three years. She earned her Juris Doctor from Emory University School of Law in 2003, where she was the recipient of the Custer Tuggle Award for Excellence in Family Law.

Following her graduation from Emory, Breon clerked for Circuit Court Judge Reginald I. Lloyd in Columbia, S.C. She then practiced in both the civil and criminal divisions of the South Carolina Office of the Attorney General until February 2007. While there, she handled all tobacco litigation for South Carolina and prosecuted general crimes in the criminal and State Grand Jury divisions.

An experienced speaker, Breon has prepared and presented seminars to clients and colleagues on statutory compliance, case law developments and effective witness prepara-

tion. She is a member of the South Carolina Bar, the Richland County Bar Association, and the South Carolina Defense Trial Attorneys Association, on which she serves as a member of the Executive Committee. Breon is involved in the community through her service work with the Columbia Chapter of The Links, Inc. and is a member of the 2010-2011 class of Leadership Columbia.

Breon was the 2010 recipient of the Gary Walker Memorial Scholarship to attend the International Association of Defense Counsel's (IADC) Trial Academy at Stanford University. This award is given annually to one minority and/or female attorney in the country to attend the IADC Trial Academy, which is one of the oldest and most well respected programs for developing defense trial advocacy skills. In January 2011, Breon was recognized by *South Carolina Lawyers Weekly* as one of South Carolina's ten Emerging Legal Leaders.

Walt Cartin

Walt Cartin practices in the area of healthcare law. He represents a diverse range of healthcare providers, including hospitals, nursing homes, physicians, and a variety of outpatient facilities.

While in law school, Walt served as the senior articles editor of the *South Carolina Law Review* and as a member of the Honor Council. He received the Joseph O. Rogers, Jr. Scholarship and, upon graduation, was awarded the Compleat Lawyer Award by the University of South Carolina School of Law Alumni Association. Additionally, Walt was inducted into the *Order of the Coif*, the *Order of the Wig and Robe*, the *Order of the Barristers*, and Phi Delta Phi.



Before joining Parker Poe, Walt served as a Captain in the United States Army Infantry. During his time in the

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MEMORIAL PROCEEDINGS SET FOR JUNE

The Richland County Bar Memorial Service will be held on Friday, June 10 at 12:00 noon on the second floor of the Judicial Center. The Honorable James R. Barber will be the presiding judge.

Susan Campbell of McGowan Hood and Felder, chair of the RCBA Memorial Committee, will organize and plan the ceremony. It is traditionally held in June of each year. All business in other courtrooms ceases for that hour in honor of those being memorialized. The ceremony is dedicated to the memory of recently deceased members of the association and allows friends and family mem-

bers to remember them as members of our collegium.

It is equally important that we honor their service to the Bar and that we uphold the dignity of our profession. The committee encourages you to participate by attending this special event and honoring our past members.

The ceremony will begin promptly at noon and last for one hour. You are urged to arrive on time so as not to interrupt the proceeding. Please remember that parking spaces are limited and allow time to walk. The service will be followed by a recep-

tion with refreshments in the lobby, where you will have an opportunity to speak with the families and friends of those remembered. No reservations are necessary.

Those being remembered this year who died in 2010 are: Dennis Aughtry, Charles Baker, Isadore Bernstein, James Chandler, R. Westmorland Clarkson, Stuart D. Garfield, William G. Flowers, Christopher Henderson, William Hodges, Thomas Linton, Clarke McCants, Joseph Munnerlyn, Donald Richardson, and Gail E. Lovett.

NEW CO-CHAIRS ...continued from page 4

military, Walt spent more than a year in Iraq, leading combat and nation-building operations. Additionally, Walt graduated from United States Army Ranger and Airborne School.

Upon returning to South Carolina after military service, he served as a field representative for United States Congressman Joe Wilson of South Carolina's Second Congressional District.

Walt's practice centers around advising clients on federal and state self-referral and fraud and abuse issues, assisting clients in navigating state and federal regulations of the healthcare industry, and in all matters requiring litigation. He also advises clients on certificate of need, licensure, EMTALA and HIPAA, as well as general corporate governance matters.

Walt is an active member of the

American Health Lawyers Association and the Richland County Bar Association. In the short time since graduating from law school, Walt has authored a number of articles for professional publications and has made several continuing legal education presentations. He and his wife Marianna are members of the First Presbyterian Church. They have one child, W. Hammond Cartin, Jr.

JUDICIAL BBQ

It is that time of year again when we honor the local members of the judiciary with a fabulous BBQ. Mark your calendars for Thursday, May 19 at 5:30 PM. Mike Tighe, Reece Williams, and all the Callison Tighe chefs will spend all day cooking the pigs in the parking lot at University House. Everyone has come to appreciate their expertise in preparing a delicious feast for members and their guests. There

will also be other wonderful food prepared by Seawell's that complements the BBQ. You are encouraged to go home and change into casual clothing.

We also encourage you to bring your family to the event. Children five to eight are included at half price and children under four are free. It is **VERY IMPORTANT** to let us know

in advance if you are coming. We do not like to run out of food. We have live music for your listening entertainment.

Be on the lookout for a postcard and website updates announcing all the particulars. The cost is \$15.00 per adult person and your check is your reservation.

IN THE SPOTLIGHT: DAN JOHNSON

Cool. That's the one word that describes the man who has the power to determine which accused criminals in Richland and Kershaw counties are prosecuted. Totally confident and comfortable in his own skin, his light brown eyes convey both intensity and compassion. The newly elected solicitor, Dan Johnson, took office in January and hasn't lost his cool yet.

He has an ambitious agenda for improving crime prosecution, as well as crime prevention, in Richland County. His years as an assistant solicitor and chief deputy at the Richland County Sheriff's office gave him plenty of ideas and now that he's in a position to implement those ideas, he hasn't missed a beat.

Johnson reorganized the Solicitor's office, creating teams of five assistant solicitors to prosecute crimes according to regions of the counties, corresponding with existing law enforcement structure. That way, five prosecutors consistently work with the same law enforcement officers in the same neighborhoods, learning the local crime issues of concern to their assigned community.

He has conceived and implemented a new and innovative program for training prosecutors. A new prosecutor will spend thirty days riding around with cops in her assigned region – nights, days, and weekends. Then she will go defend cases in the public defender's office in another jurisdiction. Then she will come take her job as an assistant prosecutor, armed with perspective from all viewpoints.

A native of Washington, DC who grew up in Maryland, we can thank the Citadel's football scholarship for bringing him down here. He graduated from USC Law School in 1997. He has served eight years with the United States Army Reserves, advising soldiers with their legal issues.

As a child, he wanted to play pro football for the Dallas Cowboys and practice law. As a member of the only black family in his neighborhood, he faced injustice early on and, characteristically, he wanted to be able to confront it head on.

In law school, he wanted to be a public defender, but his

phone calls to an assigned mentor with the Richland County Public Defender's Office were left unanswered. Anyone who knows their workload understands. But that twist of fate, along with attorneys Joe Chaplin and Johnny Gasser, led him to a job at the Solicitor's Office in 1997.



He recognizes that not every criminal can be put in jail. He focused his campaign on diversionary programs. Just like some kids go to college for four years, we send kids to prison for four years and they come out with more knowledge of crime than when they went in, Johnson notes.

There are ten thousand pending cases in this circuit, with thirty-five lawyers to prosecute them. As law enforcement agencies receive increased resources to arrest criminals, the Solicitor's office needs correspondingly more resources to follow through on prosecution. That hasn't happened.

Johnson sees the big picture and notes that there are studies which show that children who attend Head Start early education programs are less likely to commit crimes. As such, we should invest in these programs to prevent the obviously expensive consequences of crime, he says.

Regarding the gang problems in the Midlands, he believes our unwillingness to recognize the problem early on, led to the loss of some potentially valuable members of society and the destruction of families. He spends a lot of his free time mentoring young people and coaching youth football.

He has no shortage of thoughts about gangs. Gang membership is about belonging and acceptance, which is a need for kids from all walks of life. Maybe the kid is not

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FROM THE PRESIDENT (...continued from page 1)

generally involving claims of personal injury, have been lost when defense attorneys investigated plaintiffs' Facebook pages and found pictures posted by plaintiffs showing themselves performing physical feats that would be impossible given their alleged claims. Facebook has reconnected family members who would have otherwise not found one another. Also, Facebook has cost companies billions of dollars in revenue and lost productivity due to employees logging on instead of working.

I am not on Facebook, but I admit to having my wife look up old friends from time to time using her Facebook account. When I have some spare time, I will likely join Facebook out of necessity and probably ask my wife to establish the page and keep it up to date with recent pictures given her proficiency with the site and my proclivity to neo-luddism.

If you were not aware, the RCBA has a Facebook page that is in a primordial stage and somewhat underutilized. Nonetheless, I would encourage members who are currently users of Facebook to visit the page and feel free to make suggestions on how we might improve it. Currently, you can post to the wall and view photos from past RCBA events.

While the RCBA ventures into "new media," what I truly enjoy about our organization is that it functions as a true social network, as those of you who attended last month's oyster roast and the many other events RCBA

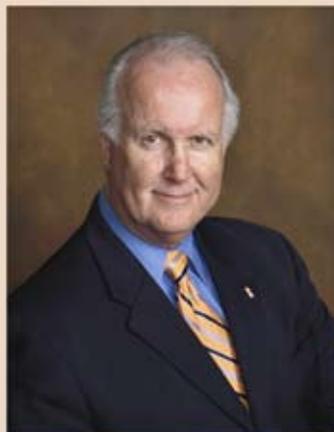
sponsors are aware. The turnout at the oyster roast was incredible, due in part to the unusually warm weather, and everyone I spoke with had a wonderful time. These social events are excellent forums for social and business networking, catching up with law school classmates, and meeting people in our profession who you might not otherwise see in court or in the conference room. While Facebook is clearly an important medium in which to communicate, nothing beats the kind of face-to-face contact you will experience at RCBA's events. If you are not attending these events, I would strongly encourage you to get more involved in the RCBA social network.



Network with your fellow members, stay updated on all RCBA events, see posted photos, and more!

ONLINE MEMBER DIRECTORY

Please help us have a more complete online member directory! If you go to the Member Directory on www.richbar.org and see that any of your contact information and/or headshot is missing or outdated, please e-mail the information and photo (in jpeg format) to rcba@scbar.org.



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IN THE SPOTLIGHT

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accepted for some reason, but the gangs are willing to take all comers. “We don’t have programs for these kids, but the gangs always have a program.”

We have to listen to them and take the time to answer their questions. If we don’t, somebody else will, and we might not like their answers. Instead of saying “don’t join a gang,” ask them what’s appealing to them about it. What can we offer as an alternative?



After our interview, it’s time to leave his half-decorated angular office on Main Street with a great view of all those who enter the courthouse. He’s off to talk to a group of children at a Midlands charter school and hopefully contribute toward decreasing the office’s caseload.

Written by Eleanor Duffy Cleary, a sole practitioner in Columbia. You can reach Ellen at edcleary@att.net.

RICHBARNEWS

Classified Ad Policy

Rates are as follows:

Classified Ads - \$1.00 per word

Quarter Page Ads - \$75.00

Half Page Ads - \$150.00

Business Cards - \$50.00

All ads must be prepaid. Ads must be obtained by the 15th of the month previous to publication in January, March, June, September and November.

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LEAGUE OF WOMEN VOTERS SEEKS PARTICIPANTS

The Columbia Chapter of the League of Women Voters is sponsoring an essay contest in Richland and Lexington Counties for high school seniors to submit their thoughts on the topic of “Comparing the Strengths and Weaknesses of the South Carolina Judicial Selection System with Those in Other States.”

The League is hopeful that members of the RCBA will

participate by assisting with this project by serving as judges of the submissions, offering shadowing opportunities for entrants, and speaking on the topic of Judicial Independence and Diversity to community organizations and schools using PowerPoint presentations provided by the League. If you are interested in assisting with this project, please call Pat Fobis, RCBA member and President of the League of Women Voters, at 253-6170.

PARKER POE COLUMBIA PARS CLIENT APPRECIATION WITH COMMUNITY SERVICE

The Columbia office of Parker Poe held their “Toast the New Year and Give Back” client event at Rosso on January 24, 2011. This party is about getting together with our clients to help our community, and we did just that. Parker Poe partnered with Family Shelter for the second year in a row for a very successful event.

The event could not take place on the originally scheduled date due to snow, but the new date didn't put a damper on the generosity of clients and friends of the firm. More than 150 guests attended this unique event. As their “ticket” to the event, guests were asked to bring along a donation of cleaning supplies, linens and other household items. Thanks to the generosity of our attorneys, clients and friends, we exceeded items collected last year and filled nearly three vehicles headed to Family Shelter at the end of the night.

In addition to supporting our cause, Family Shelter, our guests were asked to provide the name of their causes. During the event a drawing was held and three names were selected to have contributions made by Parker Poe to the charities of their choice. Winners were Annie Caggiano, whose charity of choice was Harvest Hope, Chuck Whipple, whose charity of choice was Greater Waverly

Foundation, and Jeff Reeves whose charity of choice was Palmetto Health Children's Hospital.

Family Shelter provides emergency shelter to homeless families with children, while coordinating services to alleviate the conditions that contributed to their individual circumstances. A private, non-profit agency established in 1979, Family Shelter is the only shelter in the area exclusively for families. To find out more about Family Shelter, visit www.columbiafamilyshelter.org.



HELPFUL INFORMATION

**Legal Staff Professionals/
Midlands Meeting:
2nd Tuesday 1:00**
Call Laura Foster at 803-799-9800 ext 338
or e-mail lfoster@mcnair.net

**Palmetto Paralegal
Association**
Call Adrith D. Schrauger
at 803-217-7557

**S.C. Women Lawyers
Association**
Call Angel Warren
at 803-788-4114

RICHLAND COUNTY COMMON PLEAS JURY VERDICTS

2010-CP-40-0597R

Elizabeth Feurstein Seale vs. Richland County Sheriffs
Dept.

Attorneys:

Plaintiff: John W. Carigg, Jr

Defendant: Robert David Garfield

Cause of Action: Personal Injury

Verdict: For Defendant

2009-CP-40-7829

Wesley J. Jordan vs. Coastal Operators, LLC

Attorneys:

Plaintiff: William Chad Bettis

Defendant: Wallace H. Jordan Jr.

Cause of Action: Personal Injury/ Slip and Fall

Verdict: For Plaintiff

Actual Damages: \$30,000.00

2010-CP-40-0622

Jacqueline Gilbert vs. Patricia Wilcox

Attorneys:

Plaintiff: Garry L. Wooten

Defendant: Clifford Koon

Cause of Action: Personal Injury/Auto

Verdict: For Plaintiff

Actual Damages: \$6075.00

2009-CP-40-0052

Radvansky Contractors, LLC vs. Larry Young, Maxine
Young

Attorneys:

Plaintiff: Brian Robinson

Defendant: Charles McDonald

Cause of Action: Property/Mechanics Lien

Verdict: For Defendant

Actual Damages: \$81,999.00 (Breach of
Contract), \$46,228.92 (negligent Construction Claim)

2009-CP-40-0386

Robert Bratton vs. Loretta Geiger Lyles

Attorneys:

Plaintiff: Hammond A. Beale, Jr.

Defendant: Shannon Furr Bobertz

Cause of Action: Personal Injury/Assault

Verdict: for Defendant.

2010-CP-40-0422

Deshaun Brooks vs. Allison Mae Smith

Attorneys:

Plaintiff: Roopal Samuels, Robert Buffington

Defendant: James E. Bradley

Cause of Action: Personal Injury/Auto

Verdict: For Plaintiff;

Actual Damages: \$50,000

Punitive Damages: \$5000.00

2009-CP-40-6950

BB&T Financial vs. R.L. Buff

Attorneys:

Plaintiff: E.W. Ruschky

Defendant: D. D. Dodson

Cause of Action: Contract/Loan Debt

Verdict: For Plaintiff

Actual Damages \$16,365.80

2010 CP-40-0064

Lea Sandiford vs. Steve Nguyen

Attorneys: Stephanie Fajardo, Jerry Finney

Defendant: Kirby Shealy III

Cause of Action: Personal Injury/Auto

Verdict: For Plaintiff

Actual Damages: \$4,935.46

2009-CP-40-8643

Yatta S. Sanders vs. Matthew J. Leblanc

Attorneys:

Plaintiff: Eleazer R. Carter

Cause of Action: Personal Injury/auto

Defendant: E. Dale Lang, Jr.

Verdict: For Defendant

2009-CP-40-8488

James L. Shannon vs. Leslie Nelson

Attorneys:

Plaintiff: William C. Land

Defendant: J. Austin Hood

Cause of Action:

Verdict for Plaintiff

Actual Damages: \$1161.74



FIFTH JUDICIAL CIRCUIT DRUG TREATMENT COURT PROGRAMS

Solicitor Dan Johnson is invested in continuing to provide the services of the Drug Treatment Court programs to the communities of the Fifth Judicial Circuit. By providing this resource, Solicitor Johnson brings together the criminal justice and public health systems of Richland and Kershaw Counties to treat chemically dependent offenders, thereby reducing drug use, increasing public safety, and improving the quality of life for the community.

Toward this end, Solicitor Johnson has initiated a program overhaul that transforms the Drug Treatment Court programs into a joint project that now includes the Richland County Public Defender's office, The City of Columbia, Richland County Government, Richland County Sheriff's Department and the City of Columbia Police Department. By forging these partnerships, Solicitor Johnson provides a more efficient coordination of resources that will be channeled through the Drug Treatment Court programs so as to better serve the community.

ALL RISE!

For centuries, anyone with business before the court has heard two words called out by the bailiff or court officer. Two words that demand everyone in the courtroom to come to attention. Two words that create order amidst

chaos. Those two words are **ALL RISE!**

In Drug Court, these two words have an even greater meaning. These simple words capture the essence of what a Drug Court does. **ALL RISE** describes how instead of imprisoning an addict, Drug Courts insert hope and support into the very lives of people who the traditional justice system says are hopeless.

Whenever one person rises out of addiction and crime, we **ALL RISE**. When a child is reunited with clean and sober parents, we **ALL RISE**. When the intergenerational cycle of drug addiction in a family is broken and healing begins, we **ALL RISE**. Whether the charge is driving while impaired, theft or any number of other addiction-driven offenses, we **ALL RISE** when a Drug Court guides the offender past the chaos and wreckage and toward recovery we **ALL RISE**. (*National Association of Drug Court Professionals NADCP*)

For additional information or to refer a client, please contact Gayelois Siddon-Mckeiver, Solicitor's office, at 803.576.1857 or siddong@rcgov.us.

One Book, One Columbia

The City of Columbia and Richland County Public Library (RCPL) have joined forces to launch their first citywide reading adventure, One Book, One Columbia. All residents of Columbia and Richland County are invited to read the book between April 1 and May 15 then share their experiences with friends and neighbors. This year's book is *Having Our Say: The Delany Sisters' First 100 Years* by Amy Hill Hearth, Elizabeth Delany and Sarah Delany. Numerous discussions centered around the book will take place during the reading period. Visit www.myrcl.com/onebook for more details.



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NOTEWORTHY NEWS & ANNOUNCEMENTS



Ellis Lawhorne announces that **Karen Hudson Thomas** has been appointed Chair of the Taxation Law Specialization Advisory Board of the Supreme Court

of South Carolina's Commission on Continuing Legal Education and Specialization; **Rita Cullum** has been appointed to the USC Educational Foundation Board.

Lourie Law Firm announces that **Tish Dozier Alleyne** has become a partner of the firm.

Gaffney Lewis & Edwards announces that **Mary D. LaFave** has joined the firm located at 3710 Landmark Dr. #109, 29204. Phone: 790-8838.

McAngus Goudelock & Courie announces that **Andrew Delaney** has been invited to join the Council on Litigation Management, a nonpartisan alliance comprised of thousands of insurance companies, corporations, Corporate Counsel, Litigation and Risk Managers, claims professionals and attorneys.

Collins & Lacy announces **Rebecca K. Halberg** has been appointed to the Kids Chance of South Carolina Board of Directors. Kids Chance was formed to provide financial scholarships for dependents of seriously injured or deceased workers to complete their education.

Nexsen Pruet announces that **George Scott** has been appointed to leadership positions for the International

Legal Fraternity of Phi Delta Phi and is now Province President of North Carolina and Assistant Province President of South Carolina and Georgia.

McAngus Goudelock & Courie announces that **Stephanie N. Lawrence** has joined the firm's Columbia office located at 1320 Main St., 29201. Phone: 779-2300. Fax: 748-0526.

Rogers Townsend & Thomas announces that **Vance L. Brabham III** who came to the firm's office as Special Counsel in 2010 has been made an associate with the firm. Rogers Townsend & Thomas also announces the opening of an office in Charleston.

Turner Padget announces that **Michelle Clayton** has been selected to participate in the 2011 SC Bar's Leadership Academy.

Parker Poe Adams & Bernstein announces that the firm has appointed **Sidney J. Evering II** as its new Director of Diversity.

Turner Padget announces that **Shannon Bobertz, Matthew R. Cook** and **Brandon Hylton** have become shareholders of the firm.

Sherrill Roof Millender announces the retirement of **Henry F. Sherrill**. **C. Joseph Roof** has withdrawn from the firm and will continue his practice as **C. Joseph Roof, Attorney** with a practice limited to VA conservatorships, mediation and service as an expert witness in real estate attorney malpractice actions. His mailing address is PO Box 405, Columbia 29202-0405. Phone: 730-7277. **Franchelle**

C. Millender will continue the firm as **Millender Elder Law LLC** with **Andrew J. Atkins** as an associate with offices relocated to 1441 Main St. #725, 29201. Phone 733-3433.

South Carolina Lawyer's Weekly announces that 6 RCBA members have been chosen as winners of "2011 Leadership in Law Award" which honors attorneys who are working to better the legal profession through mentoring and involvement within the community as well as going above and beyond in their everyday job. Those so honored are: **Robert T. Bockman, Rita Bragg Cullum, Edward W. Mullins, Jr. Steven J. Pugh, Louis T. Runge, Jr. and Carl L. Solomon.**

Supreme Court Chief Justice **Jean Hoefler Toal** has been named the first recipient of the National Center for State Courts' Sandra Day O'Connor Award for the Advancement of Civics Education. NCSC established the award in 2010 to honor an organization, court or individual who has promoted, inspired, improved or led an innovation or accomplishment in the field of civics education.

Mike Kelly Law Group announces that **Walton J. "Tad" McLeod IV** has become an associate of the firm located at 500 Taylor St. 29201. Phone: 726-0123.

The University of South Carolina announces that former state Attorney General **Henry McMaster** has joined as a senior advisor to assist in development, funding and alumni relations.

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NOTEWORTHY NEWS & ANNOUNCEMENTS (...continued from page 12)

John C. Phillips, Jr. announces the opening of his new law firm **Law Office of John C. Phillips, Jr.** located at PO Box 142, Columbia 29202-1492. Phone: 629-6264. Fax: 926-2290.

Robinson McFadden announces shareholder, **Frank Ellerbe**, has been named "Groundbreaking Lawyer of 2010" by *Public Utilities Fortnightly* for his work in utility litigation and state regulation.

McWhirter Bellinger & Associates announces that **Cindi Mason** has become associated with the firm located at 119 E. Main St. Lexington SC 29072. Phone: 359-5523.

Davidson & Lindemann announces that **Michael B. Wren** has become a shareholder with the firm and Lawrence S. Kerr, MD has become special counsel with the firm located at 1611 Devonshire Dr. 29204. Phone: 806-8222.

Barnes Alford announces that **Brian E. Sopp** has become an associate of the firm located at 1613 Main St. 29201. Phone: 799-1111. Fax: 254-1335.

Kristina L. Baker announces the relocation of **KL Baker Law Firm** to 1313 Elmwood Ave., Suite A, 29201. Phone: 234-0754.

Callison Tighe & Robinson announces that **Ian McVey** has been elected a member of the firm.

The Law Office of Thomas Dougall announces that **William A. Collins Jr.** has become a partner in the firm located at 1700 Woodcreek Farms Rd., Elgin SC 29245. The Firm has

changed its name to **Dougall & Collins**.

Diedra W. Hightower announces the opening of the **Law Office of Diedra W. Hightower, LLC** located at 1313 Elmwood Ave. 29201. Phone: 936-2685.

WFG National Title Insurance Company announces that **Clinton Yarborough** has become its Agency State Manager/Counsel for South Carolina with offices located at 2711 Middleburg Dr. #312, Columbia 29204. Phone: 799-4747.

The McKay Firm announces that **Erin M. Farrell** has been selected to serve on Childrens Law Committee by the SC Bar.

Baker Ravenel & Bender announces that **Susan Drake Dubose** and **Robert L. Brown** have become associates of the firm located at 3710 Landmark Dr. #400, Columbia 29204. Phone: 799-9091.

McKay Cauthen Settana & Stublely announces that **Brandon P. Jones** has become an associate of the firm located at 1303 Blanding St., 29201. Phone: 256-4645.

Richardson Plowden & Robinson announces that **Mason A. Summers** has become a shareholder and **Drew H. Butler** has become an equity shareholder in the firm.

Rogers Townsend & Thomas announces that **Brian C. Gambrell**, **Douglas E. Leadbitter** and **Robert H. Williams** have joined the firm located at 220 Executive Center Dr. Co-

lumbia 29210. Phone: 771-7900.

Sowell Gray & Laffitte announces that **Becky Laffitte** has been named the Trial Lawyer of the Year by the SC Chapter of the American Board of Trial Advocates.

Bluestein Nichols Thompson & Delgado announces that **John S. Nichols** and **John D. Delgado** have been selected by their peers as two of the midland's top attorneys and legal leaders and will be members of the "2010 Legal Elite." The firm also announces that **Marti Bluestein** has been selected as the 2011 chairperson of the SC Workers' Compensation Educational Association's Editorial Committee.

Nelson Mullins announces that **Bernie Hawkins** has been appointed as a vice chair of the Climate Change, Sustainable Development and Ecosystems Committee of the American Bar Association's Section of Environment, Energy and Resources.

Grier Cox & Cranshaw announces that **Danielle F. Payne** and **Carli J. Wilcox** have become associates of the firm located at 2999 Sunset Blvd. in West Columbia, 29169. Phone: 731-0030.

Collins & Lacy announces that **Brian Comer** has been selected to serve as chair of the firm's Products Liability Practice Group.

Turner Padgett announces that **Michelle Clayton** has been selected to participate in the 2011 SC Bar's Leadership Academy.

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NEWS FROM THE RICHLAND COUNTY COURT OF COMMON PLEAS

Judge Alison R. Lee is currently serving as Chief Judge for Administrative Purposes for the Fifth Judicial Circuit. At the request of the Richland County Bar News, Judge Lee gave the following suggestions to lawyers practicing in the Court of Common Pleas for Richland County:

Please realize that court resources are stretched thinly. With this in mind, the Court cannot continue to make courtesy calls to lawyers when their cases are transferred to the active trial roster. Richland County Cases will reach the active trial roster one year after filing. At six months, the Court sends a reminder letter to attorneys. The Clerk's office publishes an internet list of cases which will be on the

active trial roster in thirty days. Please monitor this list to be aware of where your cases are on the roster. Once a case is placed on the active trial roster, it will remain there from week to week until it is tried.

Due to limited court resources, non-jury motions will be heard about four months after they are filed. So, do not be alarmed if your motions are not scheduled more quickly.

Pursuant to order of the South Carolina Supreme Court, a request for continuance must be accompanied by a motion and appropriate fee. If you need a continuance, please file the motion and pay the fee. Then send a copy of the filed motion to Judge Lee for

consideration.

Please send correspondence to the Judge's office by facsimile or letter but not both. Sending correspondence twice just creates confusion.

If you need a status conference, please request it at least a week before the roster meeting (preferably when the on-line roster is first published). Waiting until the roster meeting creates confusion and delay for other lawyers who need to have their cases heard.

Judge Lee has enjoyed seeing everyone at the roster meetings and welcomes suggestions for improving the court process.

YOUNG LAWYERS DIVISION FUNDRAISER FOR HARVEST HOPE

The Richland County Bar's Young Lawyers Division is sponsoring a happy hour and fundraiser to benefit the Harvest Hope Food Bank on Thursday, April 21st. The happy hour begins at 6:00 and will take place at the Sheraton Roof Top Bar, located at

1400 Main Street. The event, including drinks and appetizers, is free to all YLD members (all Richland County Bar members under the age of 40 or Richland County Bar members who have been practicing for less than 7 years). The YLD will collect donations

to benefit the Harvest Hope Food Bank during the event. If you have any questions, please contact Walt Cartin (waltcartin@parkerpoe.com) or Breon Walker (bwalker@ellislawhorne.com).



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NOTEWORTHY (...continued from page 13)

Nexsen Pruet announces that **Angus Macaulay** has been elected President-Elect of the SC Bar; **Tushar Chikhlikar** has been named to *The State Newspaper's* "20 under 40" list for 2011; **Billy Newsome** has been named Chair of the Estate Planning & Probate Law Specialization Advisory Board; **Bob Coble** is the newly elected Chair of the Columbia World Affairs Council and **Rick Mendoza** has been named Chair of the Bankruptcy & Debtor-Creditor Law specialization Advisory Board.

Graydon V. Olive III announces his change of address to South Carolina Underwriting Counsel, Investors Title Insurance Company at 2711 Middleburg Dr. #216 Columbia 29204. Phone: 799-8650. Fax: 252-3504.

Ellis Lawhorne announces that **Karen Hudson Thomas** has been appointed Chair of the Taxation Law Specialization Advisory Board of the Supreme Court of South Carolina's Commission on Continuing Legal Education

and Specialization; **Rita Cullum** has been appointed to the USC Educational Foundation Board.

Nexsen Pruet announces that **George Scott** has been appointed to leadership positions for the International Legal Fraternity of Phi Delta Phi and is now Province President of North Carolina and Assistant Province President of South Carolina and Georgia.

FAMILY NIGHT AT THE ZOO

Richland County and Lexington County Bar members and their families are invited to get together for this enjoyable evening on Thursday, June 2nd at Riverbanks Zoo at 6 PM.

You don't have to have children to enjoy the evening. Bring your spouse or significant other for a special date night. The regular zoo guests are gone for the evening, so we will have a wonderful time having the zoo and all its animals to ourselves. Riverbanks Zoo has set aside the evening just for Bar members and their families. The zoo keepers will stay late and keep as

many animals as possible outside for our viewing pleasure. There are many new animals residing at the zoo since last year that your family will enjoy seeing.

The menu will include hamburgers and hotdogs and all the trimmings. This event has been a lot of fun and many families have really enjoyed sharing the evening. Encourage your colleagues to participate and we will continue to make this an annual event. Reservations will be **REQUIRED** in order to prepare the right amount of food. The Zoo charges us ½ price for

children 4-8 yrs. Children under 4 are free, therefore we need know how many children are in the 4-8 bracket you are bringing.

You will receive a postcard in May with further details.



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FROM THE EDITOR (...continued from page 2)

handle all types of cases that might come to us. Now it is highly specialized. The practice of law is much more complicated than it was 40 years ago, and I believe overall specialization has been a good thing.

One of the great changes over the years has been women and minorities in the practice. When I was in law school, there were only three or four women and two African Americans in the entire law school for all three years. Our Chief Justice Toal was one of those women. In fact, until my junior year in law school, women could not even sit on a jury in South Carolina. That's hard to believe now.

One of the most troubling changes has occurred in the area of civility. I know many speakers and writers have dealt with this subject *ad nauseum*, but it deserves further mention. When I first started practicing law, a lawyer would not dream of holding another attorney in default and would always graciously grant opposing counsel any extra time that he or she needed to respond to discovery. I personally believe the discovery process we now have is one of the main reasons for incivility among bar members. Interrogatories, Request to Produce and Request for Admissions have gotten totally out of hand. A case should not have to be tried in its entirety on paper. Because so many of the questions are overbearing and burdensome, counsel cannot respond properly, which automatically makes the opponent think you are trying to hide something and not produce relevant documents or answer the discovery. In addition, attorneys should not list every person who could conceivably have any minute knowledge about a certain case, thus requiring numerous unnecessary depositions. This is unfair not only to the attorney, but to the clients as well. "In the old days," after we conducted our depositions, each attorney would simply call the other attorney on the phone and ask who he planned to use as a witness. Usually the parties could stipulate as to which witnesses they would use and the scope of their testimonies. This would leave only the really important witnesses who needed to be deposed.

Both my grandfathers and my father were attorneys and one of my daughters is an attorney as well. I love the legal profession, and I have enjoyed my career as an attorney - I cannot think of anything I would rather do. The practice

of law has its own tensions sufficient for everyone, and there is no need to create additional tensions by being uncivil to each other.

One of the major changes from the defense standpoint is the way legal fees are billed to clients. When I started, and for the first five years or so of my practice, billing was not done on an hourly basis. At the end of the case, whether it was settled or tried, the attorney would dictate paragraphs of basically what was done and what was accomplished. They would not put a dollar figure by those paragraphs but would submit those paragraphs to at least three senior partners. The partners would evaluate each paragraph separately and allocate a reasonable amount of money for each accomplishment. The bill would be higher for great success than it would be if there was a loss. Defense attorneys make more money now by using the hourly rate, but it felt more like a profession. It now feels more like a business. Plaintiff attorneys always used the 1/3 contingency; however they were prohibited from advancing cost to the client. This obviously needed to be changed because most clients could not afford the cost.

Another major change is that before 1974, there were virtually no products liability cases and very few medical malpractice or other professional liability cases. In addition, we worked much more closely with the medical field. Richland County actually had a committee made up of three senior attorneys, and the medical society of Richland County had three doctors. Whenever there was a dispute or argument over fees or money matters, the committees would meet and reach an accord. This had the effect of much more goodwill between the medical society and the bar. All of that obviously had to change, and at that time there were so few doctors and lawyers that we all knew each other personally and professionally and worked very closely with each other.

Also "in the old days," lawyer advertising was not allowed in any form. It was considered solicitation. As a matter of fact, I started with one of the largest firms in South Carolina, and we did not even list all of the attorneys under the firm name in the Yellow Pages. We simply listed

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FROM THE EDITOR (...continued from page 16)

the name of the firm and did not even put it in bold black letters. That's how scared everyone was of being accused of soliciting business.

While I understand the Supreme Court's ruling concerning lawyer advertising, I personally feel that it has greatly changed the perception of lawyers. It is getting better now because we see the medical field doing the same thing, and it moves us more into a business than a profession when we cut on the television and see lawyer advertising practically during any program day or night. I believe this offends lawyers and judges more than it does the general public. I do not think the general public cares whether lawyers advertise or not, and some may even find it helpful in finding an attorney. I am not arguing that we should do away with advertising, but I am just pointing out the differences over the last 41 years.

Finally, I would like to mention the American Board of Trial Advocates (ABOTA). This organization exemplifies what we all should be striving for whether a member

of this organization or not. The principles of ABOTA support the 7th Amendment right to a jury trial in civil matters and the principles of civility. The organization is made up of 50 percent plaintiff attorneys and 50 percent defense attorneys. The presidency of the organization rotates every year with every other year being a plaintiff attorney or defense attorney. It is remarkable the civility that has been achieved through these meetings, dinners and seminars. It also shows how much we have come to respect and admire our opponents in this arena.

The South Carolina Bar should be just like that on the issue of civility.

I just hit the highlights. I hope that as we grow in the profession, we always remember that the clients and their rights come first "within ethics and the law," and that we learn to deal with one another with the utmost respect.

Submitted by F. Barron Grier III

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Members who wish to offer assistance or ideas are welcome to call the committee chair. Many things are being planned by your association and the RCBA welcomes your input.

FURNISHED OFFICE SPACE AVAILABLE: Secretarial assistance. Library/conference room. One block away from Five Points. Call 254-8000.

LAW OFFICE FOR SALE OR LEASE: 1421 Calhoun Street. Conference room, reception area and 5 offices. Call 771-0936.

CONTRACT ASSOCIATE NEEDED: Two person Columbia, SC litigation firm is seeking a contract associate with experience in attending motion hearings, depositions, and drafting and responding to discovery requests and related litigation matters. Applicants must be willing to travel. Reply to P.O. Box 7632, Columbia, SC 29202.

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The editors welcome your inquiries, comments and contributions. Please send them to RCBA, P.O. Box 7632, Columbia, SC 29202 or rcba@scbar.org.

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CLASSIFIEDS (…continued from page 18)

POSITION AVAILABLE: Large food service company is seeking applicants for a contract specialist/paralegal to work at the Columbia, SC branch of its corporate Legal Department for its Assistant General Counsel of Contracts. Responsibilities will include inputting/track-ing contract management database; assist attorney in drafting contracts, amendments and letters; type memos and accurately redline complicated contracts; maintain

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MOCK TRIAL JUDGES & JURORS NEEDED

Your help and expertise are needed! We are looking for three judges and nine jurors to help with a homeschool Mock Trial competition on Friday, May 13th. The Homeschool Program is part of a nationwide group which offers K-12 educational opportunities to parents seeking help in educating their children. As the Debate strand of our program, we compete in a Mock Trial that is based on a real murder trial that took place in North Carolina many years ago.

Six homeschool classes from across the state of South Carolina will be competing in a Mock Trial competition on Friday, May 13th from 1-5 at the Federal Courthouse in downtown Columbia. We need your help! Please let me know if you are willing to participate as a juror or judge in our competition. You will be amazed at the level of competency these young students show while in the courtroom. Contact Beth Anne Bailey by e-mail at basiemanski@gmail.com or by phone at 803-781-9789 for more information or to volunteer.



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