

# RICHBARNEWS

## Newsletter of the Richland County Bar Association

JODY A. BEDENBAUGH  
Treasurer

BETH BERNSTEIN  
President

BOB MCKENZIE  
President-Elect

### UPCOMING EVENTS

#### Oyster Roast

February 19, 2009  
5:30-8:00 PM  
University House  
see page 11 for more info.

#### 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

Contact Angel Warren at  
803-788-4114

#### SAVE THE DATE 2009

Judicial BBQ - May 14  
Memorial Service - June 11  
Judicial Reception - Aug. 20  
CLE - Nov. 6  
Annual Meeting - Dec. 10



## FROM THE PRESIDENT

*In the fall, when you see geese heading south for the winter flying along in "v" formation, one might consider what science has discovered as to why geese fly this way. Each bird flaps its wings creating uplift for the bird immediately following. A flock has a greater flying range in formation than a single bird would have on its own. When a goose falls out of formation, it feels the drag and resistance of trying to fly alone and quickly rejoins the formation. The goose takes advantage of the lifting power of the bird in front. The geese in formation honk from behind to encourage those flying up front to keep their speed. When a goose gets sick or wounded and falls out of formation, two other geese will fall out of formation with that goose to follow it down to lend help and protection. They stay with that fallen goose until it is able to fly or it dies. Only then do they launch out on their own or with another formation to catch up with their flock. People, who share a common direction and sense of community, can reach a goal more quickly and easily because they are traveling on the thrust of one another. It is harder to do something alone than together. - Anonymous*



As I start the year as your new President, I am thankful for the wonderful leadership of our Executive Committee, including that of our most recent past President, Roy Laney, and our Executive Director, Coleman Chambliss. My transition has been made much easier due to the tireless efforts of all those who have served before me.

As we enter into this new year, we face many challenges. Our country is in the worst financial crisis since the Depression. Not only are we affected individually, but our clients also are affected. The financial crisis will affect all professions and socioeconomic groups. However, there is also a sense of renewed optimism and an opportunity for positive change.

In this tough economic climate, you may feel the temptation to become less involved and/or feel pressure to save money by dropping your Bar membership. Please don't - this is the time we need to stay strong as an organization for our profession and our

continued on page 6...

# FROM THE EDITOR

## Change the Station

A law school friend came to my shop not long ago to conduct an in-house CLE. The topic was interesting; the discussion lively; the sandwiches...well, they were stale, but that wasn't her fault. But it was her closing remarks that sparked the idea for this column. I hope she'll forgive my paraphrasing:

"You know, I know what it is like to carry the burdens you folks carry around every day. You work hard, your clients are stressed out, you are stressed out, and then when you finally drag yourself home...well, you just have to vent. You dump all that stress in your living room, or on your kids."

Her advice? Don't. Leave it at the office.

This is easier said than done, and I realize this is not one-size-fits-all advice or strategy. My spouse of nearly five and a score may not be my soul mate, but she is my confidante and sounding board. I know many of my brethren have the same wonderful problem.

Maybe you've seen the old anecdote about the lawyer husband and his wife at the cocktail party. Wife's best friend comes up to lawyer and thanks him profusely for some great legal result lawyer has obtained for wife's friend. Wife is astonished that lawhub has not confided in her, as is wife's friend. Lawyer is forever revered as a person of tremendous discretion, and folks say the nicest things at his funeral.

Don't get me wrong. I know I'm supposed to be the dead lawyer. (I've been told that many times.) But I'm not, at least not always. Nor do I fit the profile of the gasbag who uses client war stories as his sole source of conversation, whether at the gym or at the family dinner table. Instead, like most of us, I fall in between. Despite my best efforts, sometimes the work spills over into the living room chair.

As an occasional lapse or indulgence, sharing the latest work drama is no big deal. It may even be a healthy thing. The prob-

lem—at least for me—comes when the stray anecdote becomes a litany, a rant, a mere continuation of the same stressor, problem, vexation or bomb in the briefcase that occupied the first twelve hours of that day. Maybe, just maybe that makes me feel better, but it really doesn't do much for the old family spirit, in my experience.



Don't do it. Leave it downtown. Get a routine going when you leave the office. Decelerate. Turn on the radio. Play a CD. Wagner, perhaps, or DJ Shadow. Roll down the car windows. Breathe. Take a moment to look at the skyline, the trees.

It's tough out there. It's tough at home for many of us. But there's no reason to combine the stress of work and home. Go home, young woman. Sing in your car.

It will all be there when you get back tomorrow. Trust me.

---

As this issue went to press, I learned of the death of Lester Bates, Jr.

Lester was a retired chief judge of the Columbia Municipal Court, son of a former city mayor and the 1996 president of the RCBA. This organization has had no better friend than Lester; we cherish his memory and honor his service.

*Let children walk with Nature, let them see the beautiful blendings and communions of death and life, their joyous inseparable unity, as taught in woods and meadows, plains and mountains and streams of our blessed star, and they will learn that death is stingless indeed, and as beautiful as life. - John Muir*

# HEALTH & FITNESS

## Bike to the Future

Welcome to a brand New Year! Although this period entails (for many of us at least) the Sisyphean task of rebuilding our billable hour tally back up from zero, this is also a great time to make a fresh start for health and fitness. While some conventional folks may refer to this as a “resolution,” my experience is that resolutions are, like most things approached in terms of absolutes, made to be broken. Thus, for 2009, we should initiate ourselves to positive activities in the hopes that they become habits. Habits typically develop out of enjoyment. What healthy and fitness related activities will we enjoy for 2009? I propose you consider bicycling!

I'll venture out on a limb and posit that none of you missed the joy of your first bicycle, nor have you forgotten how to ride one. What may be missing, and what I'll endeavor to provide, is the reason why you should reconsider bicycling. Although bicycling may have seemed passé once we received a driver's license, what we forget is how refreshing and enjoyable a good ride can be. What other activity allows one to get outdoors and enjoy the scenery, to exercise with a breeze in your face, and provides transport, all while remaining seated? Importantly for those feeling the addition of yet another year, bicycling also provides a great low impact cardiovascular workout, which is easier on aging joints, tendons and ligaments. There are many sorts of bicycling, ranging from recreational, to mountain biking, to road cycling, to commuting.

Recreational bicycling is a fantastic way to re-introduce oneself to the joys inherent to a nice ride, and allows one to include families with children and folks who might be insufficiently prepared (at least presently) for the activities addressed below. Recreational riding typically involves a bicycle designed for comfort and a hard, mostly flat surface. Although single gear “beach cruisers” with big cushiony seats are the paradigm for this type of riding, any bicycle will do - even the old clunker in the garage/attic that may be desperately in need of a tune up. The paved trails along the river front parks (please refer to last edition's article for more information) provide prime terrain for recreational riding. Simple rides around

your neighborhood are also easy and effective ways to get back into the recreational riding groove.

Mountain biking may seem a bit of a misnomer for the Midlands. This essentially entails any form of off road bicycling, usually on a bike with multiple gears and knobby tires. Located on Broad River Road, Har-



bison State Park has the best local mountain biking trails. With 2200 acres in Columbia's city limits, Harbison provides one of the largest public greenspaces of a metropolitan area in the eastern United States! Harbison boasts over 16 miles of flat and hilly trails that weave through the pine and hardwood forest, crossing meandering streams, and descending through leafy glades to the Broad River. The trails vary from beginner, such the double track Firebreak Trail, to technical singletrack, such as Spiderwoman II. See [www.state.sc.us/forest/refhartg.htm](http://www.state.sc.us/forest/refhartg.htm). Located just off I-77 and Two Notch Road, Sesquicentennial State Park provides another local spot for mountain biking. Although the sand hills endemic to the northeast make Sesqui's trails and terrain not as diverse as Harbison's, Sequi's trails will be less muddy if it has been raining recently. See [www.southcarolinaparks.com/files/State%20Parks/Sesqui/SQ\\_trailbrochure.pdf](http://www.southcarolinaparks.com/files/State%20Parks/Sesqui/SQ_trailbrochure.pdf). For those craving yet more sweet singletrack relatively close by,

continued on page 4...

## RCBA Pictorial Directory

The long awaited picture directory has arrived. The books are in the RCBA office which is on the 3rd floor of the SC Bar Building on the corner of Park St. and Taylor St. Most firms have picked theirs up already. All you have to do to get your directory is to go to the Bar office and pick yours up. The directory is free to Bar members. It is a handy reference to have in your office. You can send a stamped (\$2.40) envelope (11 x 13) to Coleman Chambliss (RCBA, P.O. Box 7632, Columbia, SC 29202), and she will mail one to you.

# NEW PRESIDENT OF THE RCBA

**Beth E. Bernstein** is a partner in the Columbia law firm of Bernstein and Bernstein, LLC, practicing with her father, Isadore Bernstein, and her brother, Lowell Bernstein. She concentrates her practice in the areas of real estate, probate and estate administration, general civil litigation, and workers' compensation. She is a member of the South Carolina Bar, South Carolina Trial Lawyers Association, and currently serves as President of the Richland County Bar Association. She is admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals, U.S. District Court and all South Carolina state courts. She received her B.A. degree from the University of Georgia in 1991 and her J.D. degree from the University of South Carolina School of Law in 1994.

In 2006, Beth was selected as one of *The State* newspaper's "Top 20 under 40." She serves on the Cancer Center Board and Atrium Society of the Palmetto Health Foundation. She is an active member of the Junior League of Columbia, serving on several committees and councils. Formerly she served

on the Board of Directors of Beth Shalom Synagogue and Three Rivers Music and Heritage Foundation; was a founding board member and past president of the Overtures, South Carolina Philharmonic, and a 1998 graduate of Leadership Columbia.

Beth is married to Knowlton "Rip" Sanders who practices law with Ellis, Lawhorne, & Sims. They have two daughters, Caroline and Isabel.



**Past President Roy Laney and Beth Bernstein exchange gavel and leadership of the RCBA**

## HEALTH & FITNESS (continued from page 3)

you should check out Poinsett State Park's trails, see [www.state.sc.us/forest/08manchester.pdf](http://www.state.sc.us/forest/08manchester.pdf), and the Forks Area Trail System (FATS), see [www.sctrails.net/Trails/alltrails/MountainBike/FATS.html](http://www.sctrails.net/Trails/alltrails/MountainBike/FATS.html).

There are many road cycling devotees in Richland County. For folks who prefer not to ride alone (there is safety in numbers when on the road), and for folks unfamiliar with popular routes in and around Columbia, there are numerous groups who organize nightly and weekly rides. For more information regarding what groups and popular routes may be in your area, please contact your local bike shop. See, e.g. Outspokin, [www.outspokinbicycles.com](http://www.outspokinbicycles.com); the Cycle Center, [www.cyclecenter.com](http://www.cyclecenter.com); Summit Cycles, [www.summitcycles-bikeshop.com](http://www.summitcycles-bikeshop.com); and Harrell's Bicycle World, [www.harrells-bicycle.com](http://www.harrells-bicycle.com). These sites also provide a wealth of information about the health benefits associated with bicycling, the ins and outs of commuting by bicycle, upcoming races and events, and answers to many other bicycle related questions.

Additionally, there are "official" bicycling groups such as the Carolina Cyclers, see [www.carolinacyclers.org](http://www.carolinacyclers.org), and the Palmetto Cycling Coalition, see [www.pccsc.net](http://www.pccsc.net), whose members (some of which are local attorneys) helped to pass South Carolina's 2008 Bicycle Safety Act, which makes bicycling on South Carolina's roads more safe. For a summary of the new act, see [www.bikeleague.org/members/pdfs/american\\_bicyclist\\_july\\_august\\_08.pdf](http://www.bikeleague.org/members/pdfs/american_bicyclist_july_august_08.pdf), at 16. In addition to the health benefits of biking, those desiring to minimize their carbon footprint and reduce their fuel expenses should consider the increasingly popular method of commuting by bicycle.

Whatever your bicycling proclivity may be, get out there, enjoy the fresh air, and ride a bike. If you happen to get some good exercise in and develop a fitness habit in the process, all the better!

*"Health & Fitness" is written by Drayton Hastie, who can be reached at [dhastie@rtt-law.com](mailto:dhastie@rtt-law.com).*



## NEW PRESIDENT-ELECT OF THE RCBA

**Bob McKenzie** has served on the Executive Committee for the past three years and presently serves as President-Elect. He is a graduate of the University of South Carolina, both undergraduate and law. Since being admitted, he has practiced law in Columbia with the same firm and currently is senior partner of McDonald, McKenzie, Rubin, Miller and Lybrand, L.L.P.



His practice is a general civil practice with emphasis on trials and appeals.

He previously has served the RCBA as chair or co-chair of the Family Court, Circuit Court and Technology Committees. He has been a member of the South Carolina Bar House of Delegates, and he has served as chair of the SC Supreme

Court's Commission on Continuing Legal Education and Specialization. He is a fellow of the American College of Trial Lawyers, a diplomate of the American Board of Trial Advocates (ABOTA) and a Master of the Bench, John Belton O'Neill Inn of Court. He appears on the list of lawyers in the publication *South Carolina Super Lawyers*.

Currently he is a member of the ABA (Litigation Section), the Defense Research Institute, the South Carolina Defense Trial Attorneys Association and the South Carolina Association for Justice.

Bob is married to the former Sarah Harvley and they have three children and five grandchildren. His son, Jack, practices with him. He is active in Forest Lake Presbyterian Church and has just ended a two year term as Chair of its Childhood Enrichment Center Board. Over the years he has been actively involved in many civic and community activities. His hobbies include hunting, puttering around his farm in Blythewood and relaxing with his family at Edisto Beach.

## NEW TREASURER OF THE RCBA

RCBA welcomes **Jody A. Bedenbaugh** as new Treasurer of the association. Jody is an associate of Nelson Mullins who practices in the areas of banking, finance, and bankruptcy. Jody received his degrees from the University of South Carolina School of Law and the South Carolina Honors College at the University of South Carolina (1999) with a Bachelor of Science in Business Administration.

In 2003, he earned a Juris Doctor, magna cum laude, from the University of South Carolina School of Law where he was named to the Order of the Coif, the Order of Wig and Robe, and served as associate editor in chief of the *South Carolina Law Review*. He received CALI Awards in Contracts II, Professional Responsibility, Real Estate Transactions I, and Civil Procedure.

Jody is the author of "Comment: Liability of Design Professionals for Purely Economic Loss in South Carolina," 53 S.C. L. REV. 701 (2002) and co-author of "You Say You Want a Revolution: The Bankruptcy Reform Act," 17 SC Lawyer 40 (July 2005).

Jody grew up in Prosperity, SC with one brother. He is married to Emily Brady and lives in Shandon. Jody said his spare time is spent mostly enjoying sports, travel and reading.



## FROM THE PRESIDENT (continued from page 1)

community. The Richland County Bar Association is dedicated to service to our membership and our community, and I would encourage and request more involvement from each of you, now more than ever.

As exemplified in the quotation above, our goals can be reached more quickly and easily as a group rather than as individuals. As an association, we strive to be an effective resource for legal issues facing the community, and we work hard to improve the public's understanding of, and access to, our justice system.

This is the time for you to utilize all of the resources our Bar has to offer. For example, through our court liaison committee, we maintain a strong, positive partnership and communication between the bench and the bar. Our CLE Seminar committee organizes a free ethics seminar held in the Fall for up to 4 hours of CLE credit, and there are numerous

lunch-n-learns in which a member can obtain additional CLE credit. We have several social gatherings planned throughout the year to renew old friendships and establish new ones. We improve our community through law-related public service projects like Project HELP in which we provide pro bono legal clinics for the homeless in the Columbia area in partnership with St. Lawrence Place, among others. Find a committee that interests you and get involved.

I look forward to serving you in the upcoming year. Best wishes for a happy and prosperous New Year.

*... joy and sorrow are inseparable. . . together they come and when one sits alone with you . . . remember that the other is asleep upon your bed. - Kablil Gibran*



## SERVE-ONE, INC.

### Nationwide Process Serving

Offices in  
Greenville and Columbia

Honest ♦ Loyal ♦ Thick-skinned

800-786-3938

## JUDGE MATTHEW PERRY CIVILITY AWARD FOR A LAWYER GOES TO SUSI McWILLIAMS

Susi was recognized for her courteous and polite conduct while working in all areas of the legal profession. She has been practicing law for more than 25 years. Susi is an experienced trial lawyer and has defended individuals and corporations in business torts, employment, products liability, professional liability contract and many other commercial disputes.

Regina Lewis, who presented the plaque to Susi remarked, "It's too much to expect in an academic setting that we should all agree, but it not too much to expect discipline and unvarying civility. Those two characteristics describe Susi perfectly." She is a fellow in the prestigious American College of Trial Lawyers, a Certified Specialist in Labor and Employment Law by the SC Supreme Court and was appointed to

the SC Ethics Commission by Governor Sanford and serves as chair of that commission.

Lewis also said that "The great thing about Susi is that she has the ability to display civility and at the same time demonstrate tremendous advocacy skills even in difficult situations. It is easy to be nice when everyone is being nice, but it isn't so easy when they aren't. Susi does a remarkable job of displaying courtesy and politeness even under challenging circumstances."



## JUDGE MATTHEW PERRY CIVILITY AWARD FOR A JUDGE GOES TO MARVIN "BUDDY" KITTRELL

Honorable Marvin "Buddy" Kittrell is the Chief Administrative Law Judge for South Carolina and has served in that capacity for 15 years. He has been a member of the bar for 37 years and is a permanent member of the 4th Circuit Judicial Conference.

Judge Kittrell is the past President of the Newberry County Bar Association, the Newberry Rotary Club and the Columbia Rotary Club. He served four years as a SC Workers Compensation Commissioner. He also served in the US Navy in South Vietnam.

The Administrative Law Court is an active court that resolves 2500 to 3000 cases per year. Will Thomas in presenting the plaque to Judge Kittrell said, "With responsibilities having been added periodically to this court, Judge Kittrell has handled it with an elevated sense of decorum and fairness that both lawyers and the public can see."



## SPECIAL AWARD GOES TO BARBARA SCOTT



Bob McKenzie, president-elect of the RCBA, presented a special plaque to Barbara Scott on behalf of the RCBA to thank her for her 24 years as Clerk of Court during which time she provided exemplary service to her county, her state and to the administration of justice.

## SAVE THE DATE

**2009 ABA Section of Litigation Annual Conference  
April 29-May 1, 2009**

Choose from more than 60 outstanding programs and five networking events while enjoying all that Atlanta has to offer during the best time of year – spring – when the city will be blossoming literally and figuratively. Attorney General-Nominee Eric Holder will be our keynote luncheon speaker at the John Minor Wisdom Awards Luncheon on May 1, 2009. More details next issue and at [www.aba.org](http://www.aba.org).

## JOHN W. WILLIAM DISTINGUISHED SERVICE AWARD GOES TO WILLIAM C. HUBBARD

This highest annual award given by the RCBA was presented to William Hubbard this year. William is a member of the Nelson Mullins Riley & Scarborough Law Firm. The Williams Award is the highest recognition given by our association and the recipient is determined by the Executive Committee based upon written nominations from members of the association.

The Honorable Joseph F. Anderson spoke on his behalf, highlighting his career and extraordinary public service. The Williams Award is presented to the member of the Bar who has shown distinguished and meritorious service to the legal profession or to the public in professionally related activities. Mr. Hubbard's service fits both categories.

"Apart from his lawyering and professional skills, William has given unselfishly to many worthwhile civic endeavors. He has served as a member and former chair of the USC Board of Trustees, has held positions of leadership in the ABA and the ABA Endowment, and serves as Chair of the Steering

Committee for the World Justice Project, which seeks to advance the rule of law worldwide. We look forward to his new role as Chair of the ABA House of Delegates." Among many other contributions to the local community, William has been actively involved with his church, the Boy Scouts and Voices for South Carolina Children.



Judge Anderson expressed his admiration for William and said "He is a worthy adversary, a tireless ambassador for the legal community and a shining jewel in the crown of this State."

## LIFETIME ACHIEVEMENT AWARD GOES TO THOMAS E. MCCUTCHEN

Joe E. Berry presented Mr. McCutchen, his friend for over 50 years, the Lifetime Achievement Award, the first time the award has ever been presented by the RCBA to any attorney. Mr. Berry said, "The award honors the life and accomplishment of a lawyer who demonstrates an outstanding legal ability and has complied a distinguished service to our profession and our community. Mr. McCutchen is a man's man and a lawyer's lawyer."

He was born in Bishopville in 1919, excelled in school and received first place in a statewide declamation contest. He is an accomplished sailor and avid quail hunter. He served on the USC debate team for 4 years, was a member of the honorary fraternity Kappa sigma Kappa, ODK, Phi Beta Kappa, and received his degree Magna Cum Laude in 1940. He was admitted to the practice of law in 1941 after only one year of law school and then served in the Army Air Corps as a pilot. He returned to law school graduating in 1946, serving as a USC professor for a number of years. Among his many

accomplishments, he has served as president of the RCBA, was a recipient of the Tootie Williams Award, was a member of the 4th circuit Judicial Conference, was a member of the American College of Trial Lawyers and received the Complete Lawyer award. He



was a special counsel for the State of South Carolina in the boundary dispute of Georgia v. South Carolina and successfully argued that case before the Supreme Court of the United States.

Mr. Berry said "He always represented his clients with dignity and tenacity, as many of us on the other side could testify. This exceptional man continues the practice of law with his long time partner Hoover Blanton."



## CIVIC STAR AWARD GOES TO JAMES E. SMITH

The Civic Star award is presented to a member of the association who has made substantial contributions to our community through public service. In opening his remarks for the presentation of this award, Roy Laney said, "James Smith is what this award is all about."

James was admitted to the Bar in 1995 and there has hardly been a time when he hasn't been involved with our community in extraordinary ways. He was elected to the SC House in 1996, quickly rising in the ranks and soon became the House Minority Leader having an active voice in the affairs of our community as well as our state.

He was active in the JAG/Army Reserve program after law school, but resigned his commission in that program after 9/11. He reenlisted as a private in the army. James went through boot camp with the troops, rising in rank and then was selected to attend OCS. He served as an officer in Afghanistan, and was awarded the Combat Infantry Award, The Bronze Star and The Purple Heart. While working closely

with Special Forces in that country, his fellow infantrymen awarded him with a Special Forces Award created just for him in recognition of his special contributions to the unit.

James was a leading force with the RCBA's Adopt a Guardsman Project, raising money for our local Guardsmen by putting on a concert and playing in a band. He is also on the Board of the Alston Wilkes Society, a non-profit organization serving homeless veterans, served as Chair for the Public Policy Committee of the United Ways' Success By 6 initiative, and board member of SC First Steps and Prevent Child Abuse SC.

James is a native of Columbia, is married, has 4 children and focuses on community in his legal career.



## 2009 EXECUTIVE COMMITTEE



### First Row (left to right):

Daryl Hawkins (Past President), Bob McKenzie (President-Elect), Beth Bernstein (President), Roy Laney (Past President), Will Thomas (Executive Committee).

### Second Row (left to right):

Ian McVey (newest member of the Executive Committee) and John Hearn (*Richbar News* Editor).

**Not Pictured:** Jody A. Bedenbaugh (Treasurer)

## ANNUAL CHRISTMAS PARTY



## TEXT PARTE

### Judge Kirby Shealy, Jr.

A fourth generation Columbian, Richland County magistrate Judge Kirby Shealy, Jr., is serious on the bench, maintaining a quiet demeanor while listening to lawyers and witnesses in civil and criminal trials. He does not conceal his friendly, engaging manner or his dry humor.

South Carolina Supreme Court Associate Justice Costa Pleicones has been friends with Judge Shealy since high school at old Columbia High School. He describes the judge as “intellectually gifted” with a sardonic sense of humor. He is the only person who can make him laugh, he notes. As a child, Judge Shealy lived in a grand antebellum house off Main Street, which was later moved to the Heathwood area. Justice Pleicones has nothing but great memories of spending time playing pool in his basement. He adds, only half-joking, that Judge Shealy was responsible for every major decision in his life.

Justice Pleicones asked Judge Shealy where he was going to college. Judge Shealy replied he was going to Wofford, so Justice Pleicones said, “I think I’ll go there, too.” Four years later, sitting in the fraternity house at Wofford, Justice Pleicones asked him what he was going to do after graduation. Judge Shealy said, “I think I’m going to law school.” The future Justice replied, “Well, I think I’ll do that too.” They both got their law degrees from USC in 1968. Judge Shealy maintained an active general trial practice before being appointed as magistrate in 2001.

On the bench, he peers at witnesses over his reading glasses in a way that makes you feel like you had better tell the truth. His daughter says he used that technique raising her brother and her. “Dad never had to discipline us” with conventional punishment. He only had to give them “the look” and draw a long sigh to let them know he was disappointed by whatever misbehavior had occurred. That was strong enough deterrent.

His children are a testament to his great fathering skills. They exude enthusiasm, admiration, respect, and love when asked about their father. Daughter Emily Tinch is editor of *Columbia Metropolitan Magazine* and son Kirby Shealy III, is an attorney with Baker, Ravenel & Bender, L.L.P. Shealy III got interested in the law by watching his father hold bond hear-

ings at the Forest Acres Police Department.

Both children describe their father as one of the happier people they know. Shealy III notes that his grandmother observed that Judge Shealy had managed to pack more recreation into one lifetime than anyone else she knew. He’s an avid golfer, fisher, and hunter. He approaches his life and his hobbies with enthusiasm, and according to Tinch, was a fabulous golfer from the day he started.

He’s not one to care about what others think. He embarrassed his children with his unfashionable clothes, cars, and a rusty old bicycle with a gigantic furry seat. They were forced to carpool in a red and white Jeep Commando that regularly broke down. The air conditioning, when it worked, dripped water on their feet. Judge Shealy believes in comfort over style and substance over form. He wears golf sandals with spikes that are comfortable but give him a golf sandal tan that looks like leprosy, Tinch jokes.

Watching him conduct bench trials, one can see his preference for substance over form. He is patient with the attorney’s failure to follow the rules precisely as long as they are prepared and reach the substance of the issue. He is irked by attorneys who try to “wing it.” If you try to pull the wool over his eyes during trial, you are sure to get “the look.”

*“Text Parte” is written by Eleanor Duffy Cleary, a sole practitioner in Columbia. You can reach Ellen at [edcleary@att.net](mailto:edcleary@att.net).*

## LEAPP INTO THE NEW YEAR

The SC Bar, in conjunction with the Office of Disciplinary Counsel, will be offering a course called the Legal Ethics and Practice Program (LEAPP), an intensive comprehensive workshop on practice management issues and ethical compliance.

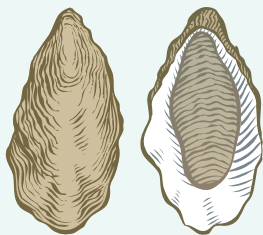
The innovative program is designed to be interactive in a small-group setting. The faculty are knowledgeable and experienced Bar members who deal with various aspects of attorney discipline cases and ethics matters. And while LEAPP is not a typical CLE, credit is available. The first session will be February 12, 2009, at the SC Bar building.

For more information, consult the CLE Division calendar at [SCBAR.org](http://SCBAR.org) or Jill Rothstein at [JRothstein@scbar.org](mailto:JRothstein@scbar.org).

# ANNUAL OYSTER ROAST

Are you willing to brave the elements again!?!

Richland County Bar members always look forward to the Annual Oyster Roast, a tradition of this organization for many decades. The function used to be held at the old Dixie Seafood Plant, which many of you may remember. Not only did we out-grow the facility, but it closed about 12 years ago. We searched for another perfect place to entertain our members. After trying a few places, we have settled on the University House and that venue has been very popular.



Regardless of location, the oysters have been consistently good every year. Seawells has provided the oysters and the food and drink for the last few years and our members have been very pleased with the arrangements. There will be special food for non-oyster eaters and plenty of diversity to suit all appetites. We will entertain you with good LIVE music, good spirits, a roaring fire and lots of camaraderie. We will also have hot coffee.

This year on Thursday, February 19, the event will take place from 5:30-8:00 PM at the University House on the corner of George Rogers Boulevard and Bluff Road (diagonally across from William Brice Stadium). We will brave the outdoor elements and hope for good weather and moderate temperatures. The site is covered and has a big fireplace and plenty of parking with easy access.

As in past years, we are inviting you to bring your children if you wish. Children under 5 are free and children 6-10 will be \$6.00. All others will be \$12. Reservations are necessary and should be accompanied with your check. This way we will know how many oysters to purchase. This is a very special event and we hope for great attendance.

Some years it has been bitterly cold and rainy, but oyster roast lovers are not deterred. Dress warmly!--and join us for another great Bar event.

*You can only protect your liberties in this world by protecting the other man's freedom. You can only be free if I am free. - Clarence Darrow*

# Technical Tip

If you spend more time reading computer screens than printed paper, did you know you can quickly enlarge fonts for easier reading? Just hold down the control key on your keyboard and use either the scroll wheel on your mouse or the + and - keys. This will instantly enlarge or shrink what you're viewing. - Courtney Kennaday

*Justice is conscience, not a personal conscience but the conscience of the whole of humanity. Those who clearly recognize the voice of their own conscience usually recognize also the voice of justice. - Alexander Solzhenitsyn*

## Hugging is Healthy

It helps our body's immune system, it keeps you healthier, it cures depression, it reduces stress, it induces sleep, it's invigorating, it's rejuvenating, it has no unpleasant side effects, and hugging is nothing less than a miracle drug.

Hugging is all-natural: it is organic, naturally sweet, no pesticides, no preservatives, no artificial ingredients, and 100 percent wholesome.

Hugging is practically perfect: hugs have no movable parts, have no batteries to wear out, have no periodic checkups, are low energy consumption, have a high energy yield, are inflation-proof, are non-fattening, have no monthly payments, have no insurance requirements, are theft proof, are non-taxable, are non-polluting and, of course, are fully returnable.

Valentine's Day is coming up and reminds us to always pay attention to those we like and love. - Author unknown

The editors welcome your inquiries, comments and contributions: RCBA, P.O. Box 7632, Columbia 29202 or [rcba@sbar.org](mailto:rcba@sbar.org).



# CLASSIFIEDS

OFFICE SPACE: 1911 Barnwell Street. Attractive, professional office suite; reception area; two offices, conference room; direct parking; \$600 per month, plus utilities. Call 803-779-6365.

OFFICE SPACE FOR LEASE: 1226 Pickens Street, individual offices for firms or sole practitioner, 500 to 5000 sq. ft. Ample parking. Call: 803-256-4500.

OFFICE BUILDING FOR SALE: 2810 sq.ft. Brick one story, great location for professional practice, excellent condition, nice layout for law firm, etc. 23 Surry Ct, St. Andrews/Irmo. Move-In Ready \$299,999. Russell Jeffcoat Realtors. Call Kay at 960-4856.

ATTORNEY POSITION AVAILABLE: Five attorney Columbia firm, general and litigation practice, seeks attorney for partnership and/or office sharing.

Flexibility w/ firm atmosphere and assistance. Experience helpful but open to any area. Great location with parking three blocks from courthouses. Roomy offices, attractive building w/library, conference room, receptionist, runner, etc. used by all. Send resume to Partner C at P.O. Box 11006, Columbia, 29211.

PARALEGAL SERVICES: Freelance paralegal services offer extra office support without the cost of an additional full time employee. Research, editing, document prep services and more provided from home by Beth...Associate Paralegal Degree, 1992. References

available upon request. Let me know how I can help you at 803-865-892 or [bmershon@bellsouth.net](mailto:bmershon@bellsouth.net).

OFFICE SPACE FOR RENT: On Calhoun St., 2nd floor office, small library, conference room and full bath, with shared kitchen downstairs; off-street parking, one block from U.S. District Courthouse. \$550 plus 1/3 utilities per month. Call 256-7777.

OFFICE SPACE: 1407 Elmwood-at one time was SC Trial Lawyers. Approx. 1800 SF. Great set up for law office. Off street parking behind building. \$1500 per month. The Wolfe Co. 771-4567.

OFFICE SPACE: 1530 Richland St. \$2432 per month, 4 separate large offices, waiting room, reception area. The Wolfe Co. 771-4567.

OFFICE SPACES AVAILABLE: OWNER WILL PAY TENANTS MOVING COSTS Individual offices with utilities included from \$295 per office. Office suites with utilities, copier, fax, shared conference room and reception area from \$400 per office. Various locations throughout downtown Columbia: 1000 Washington Street, 2027 Taylor Street, 2800 North Main Street, 1527 Blanding Street. Contact Robert Lewis at 256-1268 or [Robert@Lewis-co.com](mailto:Robert@Lewis-co.com).

OFFICE BUILDING FOR SALE: Great Downtown Location - convenient to Courthouses and Interstate - Spacious open lobby & reception area - Several private offices - large storage/file room - Break room/Kitchen - Currently used

as attorney office, but adaptable for many uses. Call Kate Gene Dixon/Jim Boland with Russell & Jeffcoat 782-9171.



OFFICE SPACE: Wonderful space at 2908 Devine St. (at Maple), 1000 SF of newly-renovated office in the middle of the Doors of Devine. Large reception area, 2 offices, 1 conference room/3rd office, 2 baths, 1st floor easy access, plenty of free parking, \$1100 per month, available immediately. Office furniture also available, separately. Contact Bubba Cromer at 767-3333 or Iris A. Ball at 254-7900.

OFFICE SPACE: 2537 Gervais St. Fully restored historic home with state of the art wiring and networking, ample on-site parking, shared conference and break rooms. Space suited for sole practitioners or firm, 175 to 1250 SF. Call 446-2873.

## Classified Ad Policy

**1/3 or 1/4 page:**  
\$50.00/issue

**1/2 page:**  
\$100.00/issue

**Business Cards:**  
\$25.00/issue

**Want Ads:**  
\$0.50 per word

*All ads are to be prepaid.*



# NOTEWORTHY NEWS & ANNOUNCEMENTS



**Jane Downey**, of counsel in the West Columbia law firm of Moore Taylor & Thomas, was selected for inclusion of the 2009 list of Super Lawyers 2009 for the second consecutive year.

Mike Kelly Law Group announces that **Brad Hewett** has become an associate in the firm located at 500 Taylor St. 29201. Phone: 726-0123. Fax: 252-7145.

**John T. Lay** of Ellis Lawhorne & Sims has been named President of the South Carolina Defense Trial Attorneys' Association and has been selected to serve on the faculty of one of the most prominent national trial attorney educational programs in the country, the International Association of Defense Counsel Trial Academy.

**Kelly A. Seabrook** announces the opening of her law practice, Law Office of Kelly A. Seabrook, LLC, 5000 Thurmond Mall, Suite 103, Columbia 29201. Mailing address: P.O. Box 153, Columbia 29202. Phone: 251-2288, Fax: 251-3377, e-mail: Kelly@seabrooklaw.com.

Sowell Gray Stepp & Laffitte announce that **David Dick**, **Michael Montgomery** and **Tyler P. Winton** have become associates of the firm located at 1310 Gadsden St. 29201. Phone: 929-1400.

**Heather M. Cairns** announces the relocation of her office to 2537 Gervais St., Columbia 29204. Phone: 771-6979. Fax: 771-0987.

Parise Law Firm announces that **Carolyn M. Bone** has joined the firm located

at 1722 Main St., Suite 300, Columbia 29201. Phone: 252-8722. Fax: 252-5759.

The Department of Commerce announces that **Cynthia Smith Turnipseed** has been named Assistant to the Director of the South Carolina Coordinating Council for Economic Development with offices located at 1201 Main St., Suite 1600, Columbia 29201. Phone: 737-0095.

Ellis Lawhorne & Sims announces that **Michael H. Quinn, Jr.** has become of counsel with the firm.

**Barbara George Barton** has been selected for inclusion in *Super Lawyers 2009* and further recognized as one of the top 25 attorneys in the state in the Super Lawyers selection process.

Lewis & Babcock announces that **Brady R. Thomas** has become partner of the firm located at 1513 Hampton St.

The SC Medical Association announces that **Weyman Bowers** has joined the organization as Associate General Counsel with offices located at 132 Westpark Blvd., Columbia 29210. Phone: 798-6207.

McAngus Goudelock & Courie announces that **Hugh McAngus**, **Rusty Goudelock**, **Scott Garrett**, **Steve Benjamin**, **Doc Morgan**, **Tommy Lydon**, **Mark Davis**, **Amy Y. Jenkins** and **Jack Holmes** have been selected as The Best Lawyers in America.

Cromer & Mabry announces that **Tandi Denise Ross** has become an associate of the firm. The firm also announced its relocation to 1522 Lady St., Columbia 29201. Phone: 799-9530.

Gaffney Lewis & Edwards announces that **Lee Ellen Begley** has become an associate of the firm located at 3710 Landmark Dr. Suite 304, Columbia, SC 29204. Phone: 790-8838.

McKay Cauthen Settana & Stublely announces that **Marcy J. Lamar** has joined the firm as special counsel located at 1301 Gervais St. Suite 901, Columbia 29201. Phone: 256-4645.

McDonald McKenzie Rubin Miller & Lybrand announces that **Damond C. Wlodarczyk** has become a partner of the firm and **B. Reynolds Elliott** has become an associate of the firm located at 1704 Main St. Columbia 29201. Phone: 252-0500.

Harris & Gasser announces that **Gregory P. Harris** has been selected for inclusion in the 2990 edition of *The Best Lawyers in America*.

Baker Ravenel & Bender announces that **E. Brook Bristow** and **Danielle F. Payne** have become associates of the firm located at 3710 Landmark Dr. Suite 400, Columbia 29202. Phone: 799-9091.

Nexsen Pruet announces that **Larkin Elizey**, **Amy Jowers** and **Chris King** have become associates of the firm located at 1230 Main St. #700, Columbia 29201. Phone: 771-8900. Fax: 253-8277.

Ellis Lawhorne & Sims announces that **Lana H. Sims** has been named the SC membership chair for the American Bar Association. Ellis Lawhorne also announces that **Jake S. Barker** has become an associate with the firm located at 1501 Main St., Columbia 29201. Phone: 254-4190.

continued on page 14...

## NOTEWORTHY (continued from page 13)

Malone Thompson is a member of the Worklaw Network®, a network of independent management only labor and employment law firm that have formed an association for the professional exchange of information. Malone Thompson also announces the opening of a new office in Charlotte. **Michael K. Ott** originally in Columbia has become the managing partner. **Chuck Thompson** served as president of the South Carolina Hunter Jumper association in 2008. **Mike Malone** is presently serving as the branch board chair for the Jeep Rogers Family YMCA at Lake Carolina.

Robinson McFadden & Moore announces that **Paul H. Hoefler** has become an associate of the firm located at 1901 Main St. #1200, Columbia 29201. Phone: 779-8900.

Turner Padgett Graham & Laney announce that **Joshua D. Shaw** has become an associate of the firm located at 1901 Main St. #1700, Columbia 29201. Phone: 254-2200. The firm also announces that **Thomas Kennaday**, special counsel in Turner Padgett's Columbia office, has recently been approved by the SC Board of Arbitrator and Mediator Certification as a Circuit Court Mediator.

Columbia City Attorney Ken Gaines announces that **Constance D. Holloway** has joined the office as an Assistant City Attorney. Phone: 737-4242. Fax: 737-4250.

Warner Payne & Black and ElderLaw Services of South Carolina announce that **Max N. Pickelsimer** has become an associate of the firm located at 1122 Lady St., Columbia 29201. Phone: 799-0554.

Constangy Brooks & Smith announce that **George A. Harper** and **Henry S.**

**Knight, Jr.**, have been selected for inclusion in the 2009 edition of *The Best Lawyers in America*.

Collins & Lacy announces that **Christian Boesl**, **Suzanne Boulware Cole** and **Christopher M. Adams** have been shareholders in the firm and that **Jonathan McCoy** and **Claude T. Prevost** have become associates of the firm located at 1330 Lady St., Columbia 29201. Phone: 256-2660.

Nelson Mullins announces that **Paula M. Burlison**, **Yasamine Hilu Christopherson**, **K. Cameron Currie** and **James B. "Jase" Glenn** have become associates of the firm located at 1320 Main St., Columbia 29201. Phone: 799-2000.

**Grady Patterson** announces that his new office street address is Patterson Law Offices, LLC, 601 Devine St., Columbia 29201.

Moses Koon & Brackett announces that **William Bert Brannon** has been selected for inclusion in the 2009 edition of *The Best Lawyers in America*.

Carol Sanders announces that **Matthew J. Sutherland** has joined the firm located at 1819 Marion St. Columbia, 29201. Phone: 799-7666.

Duff White & Turner announces that **Bryn C. Sarvis** and **E. Michael Pini-lla** have become associates of the firm located at their new address, 3700 Forest Dr. Suite 404, Columbia 29204. Phone: 790-0603.

Turner Padgett Graham & Laney announces that ten attorneys in the Columbia office have been selected for inclusion in the 2009 edition of *The Best Lawyers in America*. They are **Michael E. Chase**,

**Danny C. Crowe**, **John E. Cuttino**, **Charles E. Hill**, **Lanneau W. Lambert, Jr.**, **Curtis L. Ott**, **Steven W. Ouzts**, **Thomas C. Salane**, **Franklin G. Shuler, Jr.** and **W. Duvall Spruill**.

Hedrick Gardner Kincheloe & Garofalo announces that **Adrienne L. Turner** has become an associate of the firm located at 1201 Main St., Suite 1200, Columbia 29201. Phone: 727-1200.

Burnette & Rothstein announces that **M. Malissa Burnette** has been selected for inclusion in the 2009 edition of *The Best Lawyers in America*.

Bruner Powell Robbins Wall & Mullins announces that **Leah Edwards Garland** has become an associate in the firm located at 1735 St. Julian Place. Suite 200, Columbia 29260. Phone: 252-7693.

**Charles E. Carpenter Jr.** of Carpenter Appeals & Trial Support has been elected as a member of the American Law Institute.

Bernstein and Bernstein, LLC announces that **Overture E. Walker** has become an associate of the firm located at 1019 Assembly Street, Columbia, SC 29201, phone : 803-799-7900, fax: 799-7996.

**Jason Peavy** announces the opening of the Law Office of Jason P. Peavy located at 1720 Main St. Suite 301. Columbia 29201. Phone: 779-4857.

**Bruner Powell Robbins Wall & Mullins** announces the new firm website at [www.brunerpowell.com](http://www.brunerpowell.com).

continued on page 15...



## NOTEWORTHY (continued from page 3)

Richardson Plowden and Robinson announces that **Emily R. Gifford** has been named to the editorial board of the ABA Tort Trial and Insurance Practice Section's *TortSource*, a national publication for attorneys. The firm also announces that **W. Allison Smith** has rejoined the firm located at 1900 Barnwell St. 29201. Phone: 771-4400

The American Heart Association has recognized **Nexsen Pruet Law Firm** as a Gold Level "Fit-Friendly Company," one of only eight companies in the midlands, and the only law firm.

McNair Law firm announces that 17 of their lawyers have been selected for the 2009 edition of *The Best Lawyers in America*: **Michael M. Beal, Robert T. Bockman, M. John Bowen, Jr., Carl B. Carruth, O. Wayne Corley, M. Elizabeth Crum, John W. Currie, Robert W.**

**Dibble, Jr., Erik P. Doerring, James P. Fields, Jr., M. Craig Garner, Jr., Celeste T. Jones, Richard J. Morgan, William M. Musser, Jonathan H. Nason, Sara S. "Sally" Rogers and Joseph D. Walker.**

Collins & Lacy announce that **Joel W. Collins, Gray T. Culbreath** and **Ellen M. Adams** have been selected for inclusion in the 2009 edition of *The Best Lawyers in America*.

The Stanley Law firm announces that **H. Ronald Stanley** has become a fellow of the American College of Trial Lawyers.

The law office of Boykin & Davis announces the relocation of its offices to 220 Stoneridge Dr., Suite 100, Columbia 29210. The firm also announces that **Stephanie N. Lawrence** has returned as an associate and **Tiffany N. Richardson**

and **Ralph J. Smiley** have become associates of the firm.

**Aun & McKay** announces that it has opened its third office located at 9367 Two Notch Rd. Columbia 29223. Phone: 744-0824.

Davidson Morrison & Lindemann announces that **David L. Morrison** has withdrawn from the firm and the firm will now be known as Davidson & Lindemann. The firm also announces that **Kristy M. Grafton** has become an associate of the firm located at 1611 Devonshire Dr., Columbia 29204. Phone: 806-8222.

Childs & Halligan announces that **Keith R. Powell** and **Connie P. Jackson** have become shareholders of the firm.



SLED License 1586

# Byrd, Stilling & Associates

## PRIVATE INVESTIGATIONS

<p><b>Brian L. Stilling, President</b> MBA Business Administration Bachelor of Science - Criminal Justice Military Fraud Investigator Military Security Specialist, Presidential Security 1989-1997 - USMC</p>	<p><b>Elizabeth L. Cook, Senior Investigator</b> Juris Doctor (Licensed in SC) Master of Public Administration Bachelor of Science - Criminal Justice Former certified law enforcement officer Former civil and criminal litigator</p>
--	--

**Our staff includes three additional experienced Private Investigators.**

<p><b>Private Investigations</b> Infidelity and Custody Disputes Criminal Defense Insurance Fraud Process Service Covert Video &amp; Photography Counter Surveillance Sweeps 24 Hour Surveillance</p>	<p><b>Database Research</b> Missing Persons Individual Background: - Current &amp; Previous Addresses - Date of Birth - Employment History - Asset Searches</p>	<p><b>Global Positioning Systems</b> System Sales Rental &amp; Monitoring Surveillance Fleet Vehicles Covert Installations Available</p>
---	---	--

**1416 Park Street | Columbia, SC 29201 | 803.400.1974 | pi@investigatesc.com | www.investigatesc.com**



MEDIATION DEFINED BY SUCCESS

**F. BARRON GRIER III**

*Certified Mediator and Arbitrator  
in South Carolina and Federal  
Courts with 37 Years Experience  
in all types of litigation*

**AREAS OF EMPHASIS:**

Personal Injury	Wrongful Death	Product Liability
Medical Negligence	Construction	Premises Liability
Contracts	Insurance Coverage	

**CONTACT:**

F. Barron Grier III  
Grier Law Firm, LLC  
P.O. Box 2823  
Columbia, SC 29202

**PHYSICAL ADDRESS:**

2999 Sunset Boulevard #200  
West Columbia, SC 29169

Phone: (803) 731-0030  
Fax: (803)-731-4059

[www.grierlawfirm.com](http://www.grierlawfirm.com)  
e-mail: [grier@grierlawfirm.com](mailto:grier@grierlawfirm.com)

## ASK-A-LAWYER

The South Carolina Bar Pro Bono Program will be sponsoring an Ask-A-Lawyer television telephone bank and web chat on March 10th from 5:00 pm - 7:45 pm. The television telephone bank will be held at WIS-TV, located at 1111 Bull St., Columbia S.C. Because of the generosity of the attorneys in Richland and Lexington County, we have enough volunteers for the telephone bank. We are still in need of attorneys for the web chat. To participate in the web chat, you can, from the comfort of your office or home, log onto the S.C. Bar's website at 5:00 pm. and begin chatting and answering questions from the public. As a volunteer, you will receive a copy of the AAL reference book, which contains excerpts of different areas of the law plus telephone numbers to state and private agencies, which will assist you in providing information to the public. Also, as a volunteer, you will be covered under the S.C. Bar Pro Bono Program's malpractice insurance policy while participating and will receive Pro Bono Program credit for your time. If you are willing to participate in the web chat, please contact Debbie Morris, at 803-799-4015 ext. 158 or [debbie.morris@scbar.org](mailto:debbie.morris@scbar.org)

## RICHBARNEWS

Newsletter of the Richland County Bar Association

Post Office Box 7632  
Columbia, South Carolina 29202

Presort Standard  
U.S. Postage  
PAID  
Columbia, SC  
Permit No. 535