

RICHBARNEWS

Newsletter of the Richland County Bar Association



KRISTEN HORNE
Treasurer

IAN MCVEY
President

AMY HILL
President-Elect

UPCOMING EVENTS

Holiday Party/ Annual Meeting

Thursday, December 12
Columbia Museum of Art
5:30 PM

SAVE THE DATE 2014

Oyster Roast
Thursday, February 20

Judicial BBQ
Thursday, May 15

Family Night at Zoo
Thursday, May 29

Memorial Service
Friday, June 13

Judicial Reception
Thursday, August 14



From the President, Ian McVey

This is my final letter as President of the Richland County Bar. Soon I will be turning the reins over to Amy Hill at our annual holiday party on December 12th. Rest assured, the association will be in good hands, and Amy is ready to hit the ground running.

I think it has been a pretty good year overall. As you will recall, I set out with the idea of having some important conversations this year. One of those conversations involved our Association's involvement with pro bono work. Well, I am happy to report that our involvement has increased this year.



I have been blessed this past year by a very active and dedicated Public Service Committee. Will Dillard, its chair, has done a fantastic job in rounding up volunteers to staff the HELP project. In fact, the HELP project is now taking place twice a month at the Transitions Center, and is doing quite well. If you have not volunteered your time, I would highly recommend that you do so. It is an extremely rewarding experience during which you can do some tangible good for those who cannot afford your services.

Further, our Young Lawyers Division has embarked on a fairly ambitious project called Project Salute. If you don't know anything about this, the basic premise is attorneys volunteer their time to help veterans navigate the quagmire that is the Veterans Administration. This project is up and running, and I could not be more proud of Will Harter and Walt Cartin for shepherding this one along.

Also, thanks to Jody Bedenbaugh and George Cauthen, I believe the BUIDable Hours project was a great success. It was a fun project that I am sure we do again in the future. (see page xxx for photo)

There is a further project in the works which, unfortunately, I have been unable to complete this year - dealing with the logjam of self-represented family court matters. I am going to continue to work on this next year with hopes of getting it up and running sometime in 2014. Once it is up and running, I hope it will be a model for other counties in the state. Our family court judges desperately need our help with this problem, and I will be calling you for assistance.

This year, we also started having some conversations about a new Richland County Courthouse. As you know, this is a subject which is long overdue. While I do not claim any credit for getting this ball rolling, Mayor Benjamin, a faithful member of our Association, has established a commission to move forward with trying to procure the funds to build a new courthouse. This is not going to happen in the near future;

- PAGE 1 -

continued on page 3...

From the Editor, Dave Maxfield



Flight Risk

Have you heard about the FAA's recent decision to allow the use of "Personal Electronic Devices" during all "flight phases?" It's true. Used to be that we had to wait until we were "safely cruising." Now we can use our iPhones, Androids, Kindles, Nooks, and Laptops (simultaneously even) during takeoff and landing.

Whether or not you welcome this new rule likely depends on what kind of traveler you are. For me (and I suspect a lot of you) traveling is like driving – when we climb into that seat, our personality changes.

In everyday life, I enjoy talking to people at the gym, in line at Publix, or basically anywhere that doesn't have the letters "DMV" in the title. I get this from my mom who, after a five minute chat with you in the grocery checkout line, will know your blood type, shoe size and SAT scores.

In my "traveling life" though, I become a different person. I hate talking to people on planes. One reason is that once you start, you're trapped for the entire duration of the flight. It's like a bad blind date. You both know it's a horror, but you've already ordered appetizers and now you have to see it through to the mint-and-check phase.

Another reason I don't want to talk to people on airplanes is that (let's face it) TSA still lacks the technology to screen out CRAZY. I once sat next to a guy on a coast-to-coast flight who used his "Personal Electronic Device" to watch Saw I and Saw II back-to-back. (Yeah, that kind of crazy).

Unlike my mom, who would have engaged in conversation with this psychopassenger ("Don't you think an electric chainsaw could cut through that clavicle more cleanly?") my wife HATES to talk to people in grocery checkout lines. Which makes her an absolute magnet for people in such places. They approach her in the same way that cats, sensing your allergy, start rubbing against you. For Christmas I'm buying her a "No, I don't want to hear about your Pancreatitis" T-Shirt.

When it comes to Air Travel, I'm with my wife. So, to avoid talking to crazy such people, I would board a flight wearing dark sunglasses and headphones. But then there always came that moment when the flight attendant instructed me to turn off my device. And it really didn't matter to her if my Dre Beats headphones were actually plugged into a block of wood. They had to come off to "prove compliance." I could

have tried explaining that I was "just pretending to listen to music." But who looks crazy then?

Fortunately, all that awkwardness is behind us now. With the new rule, there'll be no need for deception. No more waiting for your co-passenger to pounce conversationally when you take off your headphones. And no more listening to "Contemporary Urban Hits" from the armrest using the airline headphones that felt like the stethoscope from "My First Doctor Bag."

Being lawyers, you might rightfully ask "but is it actually safe to use Personal Electronic Devices during take off and landing?" Well, that debate is still ongoing. There hasn't been any determinative study and many pilots and engineers point to incidents where Personal Electronic Devices have interfered with their instruments. And as reported in the Washington Post, the chair of the FAA technical subcommittee which recommended the change was an Amazon executive. Not exactly neutral. Both the Association of Flight Attendants and Air Line Pilots Association opposed the change. So, maybe Personal Electronic Devices are not totally safe for takeoffs and landings.

continued on page 3...

Thad H. Vincent
Certified Family Court Mediator
Guardian Ad Litem

Assisting attorneys of South Carolina and their clients to solve their domestic issues. Based in Sumter and will travel throughout the state to mediate cases or serve as Guardian ad Litem.

Bachelor of Arts, College of Charleston
Master of Administration, Business & Economics, Appalachian State
Juris Doctorate from the University of South Carolina

egvincent412@hotmail.com 843.343.8990

From the Editor

(...continued from page 2)

I therefore recommend a compromise rule to the FAA – allow us to use Personal Electronic Devices on take-offs but not landings. This way, you can be assured that the landings will be safe. And as for takeoffs, you will either a) wear your headphones, avoid conversation, and safely ascend to cruising altitude, or b) wear your headphones, avoid conversation, and be killed instantly when the aircraft turns into a giant fireball.

Either way, better than having to talk to Mr. Saw III.

Dave Maxfield can be reached at dave@consumerlawsc.com.

From the President

(...continued from page 1)

however, it is, I hope, the first step in the right direction.

Finally, I want to thank everyone for allowing me to serve as President of the Association this past year. I have thoroughly enjoyed my time. Perhaps my favorite duty was to host a reception at our house for the Past Presidents of this Association as well as the current committee members. We had a fantastic turnout and it reminded me once again of how lucky we are to practice with one another here in the Richland County Bar Association. I have handled matters in most of the counties in this state, and I can honestly say that one would be hard pressed to find a more collegial and active bar association in South Carolina. Though I will do this again (briefly, I hope) at the Annual Meeting, I want to thank my Committee Chairs and Executive Committee members for the support they have given me this year. I also want to thank Coleman Chambliss, our long serving and tireless Executive Director, for her service. Finally, thank you to Theile for putting up with the busy schedule and hosting duties this year. I am sure that, with some therapy, our children will get over my absences this past year...

With that, I turn things over to Amy and wish her the best of luck in the upcoming year. See you on December 12th.

Ian McVey can be reached at ianmcvey@callisontighe.com.



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Retired) is an Iraq War veteran. Gene and Kenny represent disabled veterans at all levels of the VA administrative process. Our nation's veterans fought for our country. Let BNTD fight for them! Call us at 877.524.4675 for a free consultation.

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2014 DUES REMINDER

Remember to pay your dues for 2014, by checking the Richland County Bar Box for County Dues and adding \$100 to your total on your SC Bar Fee Statement before the end of the year. You can also pay your dues by printing out the RCBA Member Application on www.richbar.org and mailing it to Post Office Box 7632, Columbia, SC 29202. Online membership registration is coming in 2014!

TECH TALK: Don't be that Luddite Lawyer

by Bill Latham



According to the Merriam-Webster online dictionary, the word Luddite describes “one of a group of early 19th century English workmen destroying laborsaving machinery as a protest [for fear of losing their jobs]; broadly: one who is opposed to especially technological change.” Being an out of the closet technophile, I frequently encounter self-described “luddite lawyers” who brag to me about their lack of technological prowess and that all they need to practice law is “their wits, a pen and a yellow legal pad.” When I hear such drivel, it brings to mind stories of 19th century doctors resisting hand washing protocols and basic operating room hygiene because they too were “old school.” Who wants to be a patient of a self-proclaimed luddite doctor? Likewise, how can technological ignorance be an asset for a lawyer?

In the most recent changes to the ABA Model Rules of Professional conduct, lawyers are advised that to be professionally competent it is necessary to keep current on the benefits and risks associated with technology. This guidance is found Comment 8 to Model Rule 1.1, which in turn addresses the duty to provide competent representation. Comment 8 states in pertinent part:

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. Id. (emphasis added).

What constitutes relevant technology is undefined and will no doubt vary depending up the practice area. Clearly, if you intend to represent clients in any sizable civil, criminal, bankruptcy or domestic litigation matter, an understanding of basic e-discovery principles is required to be an effective advocate. On the other hand, a small trusts and estates practice may have a lower technology bar to cross.

Savvy clients are also demanding their lawyers be technologically competent. One widely reported example is Casey Flaherty, in-house counsel at Kia Motors. Flaherty has developed a basic technology audit that he administers to lawyers doing Kia's work at outside law firms. He indicates that as a whole, his outside lawyers do not perform well on the initial test. This suggests to him that the lawyers are not using readily available technology to work efficiently. The take away: lawyers who fail to become technologically proficient are unlikely to get future

Kia work.

With competitors like Legal Zoom, document review software, and sophisticated document assembly programs taking ever larger shares of the legal service pie, lawyers will need to use technology advances just to hold their ground against tech heavy competitors. True, technology has and will displace some lawyers. Historically, however, advancements in technology have largely benefited the human condition and improved life. For example, in 1900, 50% of the US population lived on farms and were employed in farming or farming related work. Contrast that with today where less than 2% of the population lives on farms and less than 4% of the population is employed in farm related work. If you were a farm worker in 1900 and knew that so many farm jobs would be lost in the upcoming century, you might be very afraid for the ensuing generations-- “what will they do for a living?” As it turned out, such fear of widespread unemployment would have been unwarranted. As technology disrupts and destroys old economic systems, it creates new ones from the rubble. The trick is to recognize and adapt to the new normal.

Like farming in the 1900s, it is obvious that technology and economic efficiency pressures are transforming the way we practice law. Many legal futurists predict that in the near future there will likely be far fewer lawyers, working more efficiently and at a lower cost. All of this is probably a good thing for society and the profession, if not for us as individual lawyers living through the change. There will be winners and losers in the legal industry-- those that can adapt to technological advances and innovate will thrive. Those that cannot will find employment in a lower tech service field.

The good news is that things are changing so fast on the legal technology front that everyone is learning. A former luddite can jump into the deep end of the technology pool and with just a little effort- meaning an investment of quality time, can get up to swimming speed with the techies fairly quickly. So come on in, the water is fine. Start with really learning the useful features of your current software systems. For example, chances are that your practice uses the Microsoft Office suite of software. You would likely be amazed how much more you can do with Outlook, Word, Excel, PowerPoint, Publisher, OneNote, Access, etc., than you do now. Move from there to really learn your practice management software. Look for areas of repetition that can be automated. Look for interactive tutorials, CLEs, or even consider bringing in an outside consultant to teach a small group at your office. Hands on learning is most effective. Bottom line: Don't be that luddite lawyer. :)

Bill Latham can be reached at bill.latham@nelsonmullins.com



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Richland County Common Pleas Jury Verdicts

12-CP-40-7185

Robert E. Young vs. Kalimah H. Shareef
Attorneys:
Plaintiff: Barry George
Defendant: Robb Brown
Cause of Action: Auto/Personal injury
Verdict: For Plaintiff
Actual Damages: \$25,000.00

12-CP-40-6187

Brenda Jones vs. Rawquesha Williams
Attorneys:
Plaintiff: Barry George
Defendant: Charles Moore
Cause of Action: Auto/Personal injury
Verdict: For Plaintiff
Actual Damages: \$4867.58

12-CP-40-6058R

K. Davis vs. Natonya Mims
Attorneys:
Plaintiff: G. Wooten

Defendant: J. A. Hood
Cause of Action: Auto/Personal injury
Verdict: For Plaintiff
Actual Damages: \$7,500.00

10-CP-40-7858

B. Spriggs vs. J Walker
Attorneys:
Plaintiff: L. McPherson
Defendant: R. Alexander
Cause of Action: Auto/Personal injury
Verdict: For Defendant

12-CP-40-6675

Lloyd S. Garvin, Velda Garvin vs. AGCO Corp. et.al
Attorneys:
Plaintiff: Jessica Dean, Darren McDowell, Theile McVey
Defendants: Robert Meriweather, James Glenn, David Fusco, Madina Axelrod, Tim Bouche, Yancey McLeod, Jennifer

Techman
Cause of Action: Asbestos-Mesothelioma
Verdict: For Plaintiff
Actual Damages: \$11,000,000.00
Punitive damages: \$27,000,000.00

12-CP-40-3767

Colleen Jones vs. Donnell McLaughlin, et al
Attorneys:
Plaintiff: James Christopher Sproat
Defendant: G. Robin Alley
Cause of Action: Breach of Contract
Verdict: For Defendant

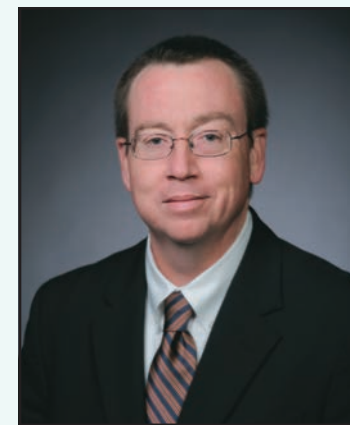
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Stay "in the know" & follow us on both!

by John Hearn



Space: the final frontier. These are the voyages of the Barship *Enterprise*. Its five-year mission: to explore strange new worlds (see, generally, Edisto Beach for a month], to seek out new life and new civilizations (preferably in a large town in southern Nevada), to boldly go where no man has gone before. (Like a weekend with one's Atlanta or something.)

[See if this column were interactive, there would be a big whooosh! right here, and then with the “dee-deee, duh dee dud dah; dee DEEEEEEE duh...]

Computer!

StarBarDate: 1804.

This is Immediate Past Captain John T. Khearnk of the Barship *Enterprise*. We are heading into Bar harbor for some drydock time. Soon enough comes the end of my tour of duty on the Richland County Bar Executive Committee. No more bantering with Scotty in the engine room. This will be my last column under the color of authority. I know you are all relieved.

I've written pretty much continuously for this space since 2002. As you read this, we are either looking forward to the annual meeting on December 12 or raving about what a fabulous party it was: "I didn't see that table dancing coming, did you?" The joy of the journey has made for a lovely ride. It was a lot of fun fun fun until that incident with her father and the T-bird, the details of which must remain murky for now.

But here's the thing. Yes, the goofy writing has been a blast. It's the gravy, though. The turkeys are my fellow RCBA members. (Wait. That doesn't sound right. Hmm. [Five minutes to deadline--ed.] I guess it's OK.)


Let me start over. My RCBA journey began when I came to a couple of Bigg Dogg breakfasts about fifteen years ago. I was hooked immediately—candid closed-door lawyer talk with cheddar biscuits works for me. Not long after, my good friend, mentor, and past and future employer Gene Rogers voluntold me onto the brand-new Health and Fitness committee, and oh-soon after, appointed me its chair. For this, I am ever grateful.

Thus began writing about things like floss. And then Frank “The Mind” Knowlton calls about editing this newsphaser (set for stun, of course), and I do that, and hang around, and worry Coleman, and then I’m on the EC, and then it’s over.

And of course, it's not. Our ex-presidents tend to hang around. We work the registration tables. We snag the occasional leftover shrimp. (Bob Thomas left one. Once.) We kill trees in an age where everything else just scrolls by and by golly, we like it. We are fast friends and we love our Barship. Especially the holodeck.

About that five-year mission—um, yeah. Yeah. So, here's the thing. Do you ever notice how fast time is passing these days? Seems we just get started and before you know it, we're quoting Carol Burnett in a desperate attempt to complete this project and move on to the next one. And the next one. Oh, and maybe just one more – what the heck, it's the holidays. Noms.

continued on page 7...




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(...continued from page 6)

As Loretta Lynn in *Coal Miner's Daughter*, Sissy Spacek said to her beloved Doolittle: "Doo, thangs is just moving. Too. Fast." As so it was, and is, here, in the instant case—in a decade-plus instant. Thanks for indulging me all this time. Thanks for the memories. Thanks for many nice EC breakfasts at the Clarion, and for the fact that what happens on Gervais stays on Gervais.

Oh, and for that O. Henry thing. Cause like

I'm going anywhere? Nah. When they pry this cold dead mouse out of my fingers. And I got fat fingers.

See in you January. Which really means February. By Valentine's at the very latest. We hope. Happy New Year!

John Hearn can be reached at john.hearn@rtt-law.com

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Please note that you can visit <http://richbar.org/EmploymentListings.aspx> to see legal-related job opportunities available.

- PAGE 7 -

Turner Padgett announces that **John E. Cuttino** has been inducted into membership of the American Board of Trial Advocates (AB-OTA) and was sworn in as a new member on January 31, 2013.

Richardson Plowden announces that **Benjamin P. Carlton** has become an associate attorney in the Columbia office located at 1900 Barnwell St. 29201. Phone: 576-3737.

Duff White & Turner announces that **Joseph P. Bias** has become an associate of the firm located at 3700 Forest Dr. #404, 29204. Phone: 790-0603.

Gallivan White & Boyd Law Firm has earned the Defense Research Institute's Prestigious Law Firm Diversity Award.

Columbia Business Monthly announces that **Susan Edwards** of Gaffney Lewis & Edwards, **Rocky Hughey** of McAngus Firm; **Mark D.**

Clawson & Staubes announces that **Robert L. Brown** has joined the Columbia office located at 1612 Marion St. #200, 29201. Phone: 800-774-8242.

McKay Cauthen Settana & Stubleby announces that **Meghan Hazelwood Hall and Richard E. "Rich" Marsh** have become associates of the firm located at 1303 Blanding St., 29201. Phone: 256-4645.

Wesley Few announces the opening of **Wesley D. Few LLC** located at 1527 Blanding St. Columbia, 29201: Phone: 667-0744.

The Finkel Law Firm announces that **Carl D. Hiller** has become an associate of the firm located at 1201 Main St. #1800, 29201. Phone: 765-2935.

The National Legal Aid and Defender Association has selected **Nelson Mullins** to receive its annual **Beacon of Justice Award** for providing pro bono representation to those unable to afford representation.

Collins & Lacy announces that **Blakely L. Molitor** has become an associate of the firm located at 1330 Lady St. 29201. Phone: 256-2660.

Edward W. Mullins Jr.
Of Counsel

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On Thursday, March 20, 2014, the Center for Heirs' Property Preservation will host the 2014 "Commitment to Justice" Award Reception at the Francis Marion Hotel in Charleston from 5:30-8:00 PM. The reception will be held to honor Retired Chief Justice Ernest A. Finney, Jr. for his many achievements as a standard bearer of justice throughout his life. Justice Finney's daughter, Nikky Finney (National Book Award-winning poet) will be the keynote speaker and will present the award to her father. We hope that you will join us and consider becoming a Sponsor and have your name/firm name included on the invitation and souvenir program.

Proceeds from this event will support the work of the Center to protect heirs' property and to promote its sustainable use through education and direct legal services to help families keep their family land. Justice Finney will be so proud to see your participation. To reserve tickets (\$100) or to become a Sponsor, call Tish Lynn at the Center (843) 745-7055

Gignilliat Savitz & Bettis announces that **R. Hayne Hodges III** has become special counsel to the firm located at 900 Elmwood Ave. #100, 29201. Phone: 799-9311.

McKay Cauthen Settana & Stubleby announces that **Kelli L. Sullivan** has been named a partner in the firm.

Nexsen Pruet announces that the firm remains on The National Law Journal's list of the 350 largest law firms in America, one of only 3 based in SC.

Eric Fosmire announces the opening of **The Fosmire Law Firm** located at 914 Richland St. #B201, Columbia 29201. Phone: 764-4405.

J. Lewis Cromer & Associates announces that **Ryan K. Hicks** has become an associate of the firm located at 1522 Lady St., 29201. Phone: 799-9530.

Murphy and Grantland announces that **Anthony W. Livoti** has been certified as a Circuit Court Mediator by the SC Board of Arbitrator and Mediator Certification.

Lisa Hostetler of Rogers Townsend & Thomas has received the Influential Women in Business Award from the *Columbia Regional Business Report*.

William L. Smith of Chappell Smith & Arden has been elected to the Limestone College Board of Trustees.

Rogers Lewis Jackson Mann & Quinn announces that **Jessica Clancy Crowson, L. Cody Smith and Drew B. Walker** have joined the firm as members in the offices located at 1330 Lady St. #400, Columbia 29201. Phone: 256-1268.

Simmons Law Firm announces that **Derek A. Shoemaker** has become an associate of the firm located at 1711 Pickens St. 29201. Phone: 779-4600.

Turner Padgett announces that **Andrew “Andy” Kunz** has been chosen to serve on the Board of Directors of the Ronald McDonald House Charities of Columbia.

South Carolina Bar Young Lawyers division, chaired by **Allison P. Sullivan** of Bluestein Nichols Thompson and Delgado won second place for Service to the Public in the prestigious Awards of Achievement at the ABA Annual Meeting.

The Pennington law Firm announces that Jenna V. Hendricks, Suzie J. Kiser, Kori Brett McKeithan, Roger Hall, and Alanna B. Herman have become an associates of the

firm located at 1501 Main St. 29201. Phone: 929-1070.

Best Lawyers in America® has named members of RCBA law firms in their latest release from Chambers USA:

Collins & Lacy: Ellen M. Adams, Joel W. Collins, Jr., Peter Dworjany, Rebecca Halberg, Stanford Lacy, Henry McKeller

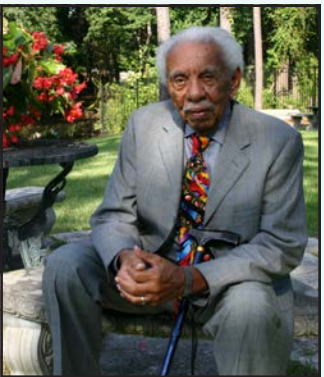
Lewis Babcock & Griffin: Keith M. Babcock, A.
Camden Lewis

Nexsen Pruet: Michael Brittingham, Mark Knight, Alan Lipsitz

Bluestein Nichols Thompson & Delgado:
Marti Bluestein, John Delgado

Gallivan White & Boyd: A. Johnston Cox,
Gray T. Culbreath, Will Harbison, John T.
Lay, Curtis Ott.

U.S. News and World Report Best Law Firms®:
Sowell Gray Stepp & Laffitte, Bluestein
Nichols Thompson & Delgado, McAngus
Goudelock & Courie, Callison Tighe &
Robinson, Nexsen Pruet, Gallivan White &
Boyd, Nelson Mullins Riley & Scarborough,
Richardson Plowden, Turner Padgett



Chief Justice Ernest A. Finney, Jr.

Annual Meeting and Holiday Party



On Thursday, December 12th, the RCBA will host its Annual Meeting at the Columbia Museum of Art.

The Annual Meeting will start at 5:30, and the party will go from 6:00-8:00. At the meeting, the new officers will be elected, announced and recognized. The RCBA will also present the John W. Williams Award, the Civic Star Award and the Matthew Perry Civility awards. It is one of the highlights of our Bar year to celebrate with the persons receiving these honors. Award recipients will be featured in our next issue.

Immediately following the meeting, the Bar will entertain the association members with a favorite party to celebrate the season. Each year, you are invited to this event to gather at the museum for wonderful food and good “cheer” catered by Aberdeen Catery of Camden.

To see previous issues and get pricing for advertising in the Richbar News, please visit www.richbar.org/Newsletters.aspx.

“Buildable Hours” Project

At the November 16, 2013 home dedication ceremony, The Williams family showed their gratitude for making their house a reality. This project was a joint effort between the RCBA and Central South Carolina Habitat for Humanity. We raised \$60,000 to build the house for this deserving family.





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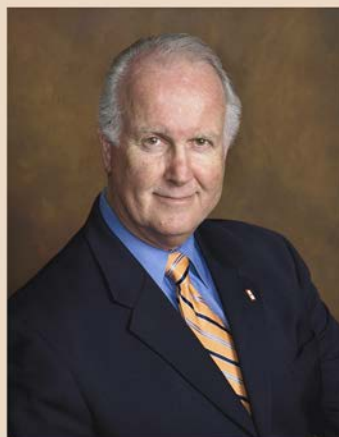
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