

RICHBARNEWS

Newsletter of the Richland County Bar Association



MIKE POLK
Treasurer

JODY BEDENBAUGH
President

DAVE MAXFIELD
President-Elect

UPCOMING EVENTS

Annual Free Ethics CLE

Brookland Baptist Church
Friday, October 28, 2016
8:00 AM

Lunch & Learns

Nexsen Pruet Law Firm
Wednesday, November 2, 2016
Thursday, December 15, 2016

Annual Meeting/Holiday Party

Columbia Museum of Art
Thursday, December 8, 2016
5:30 PM

From the President, Jody Bedenbaugh

As I write this, summer is changing to fall and, though it is still too hot, I am looking forward to football season. The summer was a particularly busy time for the RCBA - with family events at the zoo and a Fireflies baseball game, our annual BBQ, our Annual Memorial Service, and the Annual Judicial Reception. We also had three very special events honoring individuals who have contributed much to our Court and our Bar - Judge Barber's portrait unveiling, and the dedication ceremonies for the naming of the Jury Assembly Room after Anne Garrison Kelly, the late Chief Deputy Clerk of Court, and the naming of Courtroom 2B after Ada Harper James, Judge Manning's longtime administrative assistant. As I mentioned at Ms. James's dedication ceremony, although we all acknowledge that our courthouse lacks some of the modern conveniences and technology that other counties enjoy, the Court is comprised of its people, and Judge Barber, Anne Garrison Kelley, and Ada Harper James are among the reasons why our Court is so special. Thanks to our Executive Director, Mandy Wren, and various committee chairs for all of their work in planning these successful events.



In early August, I had the privilege of representing our Bar at the annual meeting of the National Conference of Bar Presidents, which is chaired by Richland County Bar member Lanny Lambert. The meeting coincided with the ABA annual meeting in San Francisco. The plenary sessions centered around the theme of "the future of the legal profession." During these sessions, I noted three key trends raised by the keynote speakers. First, several speakers discussed increased non-lawyer and technology-based competition, which in turn has led to the increased focus by clients on "high value" services (advocacy, counseling) as opposed to perceived "low value" services (process and content, such as document review, due diligence, and form documents).¹ Second, several speakers noted the downward pressure on legal fees that has continued since

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¹ See *The Future of the Legal Profession: A Snapshot*, available at http://ncbp.org/page/2016_AM_Handouts.



From the Editors, Mike Polk and Van Horger



*Then you better start swimmin'
Or you'll sink like a stone
For the times they are a-changin'.
- Bob Dylan*

Times are changing here at the RCBA Newsletter. Dave Maxfield mentioned in the last issue that he is stepping down as editor of the newsletter in anticipation of his ~~reign of terror~~ upcoming term as RCBA President. It became apparent after his announcement that filling Dave's literary and editorial shoes requires two people.

Although it was not finalized at the time of his announcement, Van Horger and I now have the honor and privilege of being the new co-editors of the newsletter. Van is a law clerk for the Honorable Shiva Hodges. Before that, she spent several years in private practice at Nelson Mullins. (For those of you scoring at home, she pronounces it Herger, with a hard G.) I practice at Belser & Belser, mostly in probate court as part of a general civil practice. I am the legal equivalent of a utility infielder.

The newsletter is a team effort, and we are very excited about our team.

- **Mandy Wren**, the not so new executive director, continues her many contributions, roundups, recaps, and announcements.
- **Helen Johnson** assembles the newsletter and keeps it from running off the rails.
- **Bill Latham** and **John Hearn** are long time contributors and reader favorites. They write about technology and wellness, respectively.
- After a short hiatus, and back by popular demand, **Ellen Cleary** continues her interview series.
- **Derrick Jackson** writes about technology that you can use. (He has never steered me wrong about tech matters.)
- **Lisa Long Cotten**, **Yvonne Murray-Boyles**, and **Jack Pringle** pretty much have free reign to pick their topics, as long as they don't get Van and me fired. We think you will enjoy their takes on life and our profession.
- **Jess Gooding** keeps up with what RCBA members are doing, where we are going, what we are reading, what we are watching, and what music we are digging. Don't be surprised if she or another contributor hits you up for your suggestions and input.

We welcome your comments and suggestions. Do you have an idea for content? Do you want to contribute? Please let Van and me know. Many hands make light work, as they say. Already asking yourself how you can help? First, we can always use pictures from RCBA events for the newsletter (and our Facebook page, for that matter). Second, the announcement section is important for many reasons, but you don't get to know much about the people listed. We would like add a personal touch to our announcements. If you have something that you are proud of, or you know a friend or colleague who is excited about but too shy to brag (non-legal accomplishments like the finishing a marathon, getting your black belt, guiding your child's team to a little league championship, or appearing in a play). I know some of you are saying, "But Van and Mike, don't we have Facebook/Twitter/Instagram/Snapchat for that?" To the contrary, anecdotal evidence suggests that most attorneys not only don't use Facebook/Twitter/Instagram/Snapchat, they don't know what those things are, they don't understand why anyone would use them, they don't have any desire to learn, and they think the internet is a passing fad anyway.

Speaking of the internet and staying connected, if you haven't in a while, please check out our website at richbar.org. The website is

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From the Editors (...continued from page 2)

constantly involving. Please like us on Facebook and follow us on Twitter @Richland_Co_Bar. In many ways this newsletter is the face of the association. It is your newsletter, too. We hope you will be proud of it and look forward to reading it as much as we enjoy putting it together.

Well, time to start swimmin'.

Mike Polk can be reached at mike@belserpa.com and 929-0096. Follow him on twitter @polkzilla
Van Horger can be reached at van_horger@scd.uscourts.gov and 253-6431.

The editors welcome your inquiries, comments and contributions. Please email your feedback to rcba@scbar.org.

RICHBARNEWS

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From the President (...continued from page 1)

the Great Recession in 2009.¹ Third, a number of speakers addressed the growing access to justice gap and the potential ways in which the technological innovations in law practice management may potentially bridge some of this divide. If you are interested in any of these topics, the materials are available at http://ncbp.org/page/2016_AM_Handouts.

While in San Francisco, it was impossible not to notice the amazing amount of growth in the city and Silicon Valley. Seemingly every conversation centered around the technology sector. I started thinking about the “startup” culture and what lessons could be applied to a law practice. Nearly every article about a successful startup begins with a discussion of its creativity, which can certainly be applied equally to any successful law practice. Often, “creative” in the context of law practice management gets reduced to a debate about pricing and the “old norms” of the billable hour.² While alternative fee arrangements can be beneficial (some of which may be a function of the increased non-lawyer competition discussed above, while others may help bridge the access to justice gap), I choose to believe that innovation can refer to the product, not just the price.

Also, any good startup story involves taking risks, which goes hand in hand with creativity. In startups, failure is often seen as a positive, facilitating growth by allowing you to move to the next ideas.³ This reminds me of a saying that one of our esteemed members, Reece Williams, told me as a very young lawyer: “If you are not losing, you are not trying hard enough.” I have remembered that quote not because it made me feel better about losing (which it did and still does), but because it is a reminder that good advocates take chances - they take risks.

In addition, startups are client-centric.⁴ Steve Jobs famously said that, “A lot of times people don’t know what they want until you show it to them.” To me, that quote is about knowing your customer, which allows innovation to flourish. The best lawyers I know understand their clients’ businesses as well as, if not better than, their clients.

While I was happy to return home from San Francisco, I plan to keep these lessons from the startup culture in mind as I build my own practice.

Jody can be reached at jody.bedenbaugh@nelsonmullins.com.

1 See Jim Calloway, *Lawyers and Change – How to Serve Clients and Prosper in the Future You Didn’t Expect*, available at http://c.ymcdn.com/sites/ncbp.org/resource/resmgr/2016_Annual_Meeting/2016_AM_Handouts/Lawyers_and_Change.pdf.

2 Aimee Groth, *How to Run a Law Firm Like a Startup*, available at <http://www.businessinsider.com/how-to-run-a-law-firm-like-a-startup-2013-2>.

3 Lachlan McKnight, *4 Reasons to Run Your Legal Team Like a Startup*, available at <http://techfestconf.com/legal/aus/blog/change-innovation/4-reasons-to-run-your-legal-team-like-a-startup>.

4 *Id.*; see also Alan Hall, *Forbes, 12 Characteristics of Wildly Successful Startups*, available at <http://www.forbes.com/sites/alanhall/2013/05/03/12-characteristics-of-wildly-successful-entrepreneurs/#504bde016c02>.



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Faith, Family, and Football *by Lisa Long Cotten*



Fall is upon us, and in my house that means Faith, Family, and Football. Thanks to NFL Sunday Ticket, ESPN, and the SEC Network, we hardly ever miss a game. If we are not parked in front of a television watching a game, you can find us in the stands or on the sidelines at a youth, middle school, high school, or college game. We are blessed

to have a family full of athletic kids, so we try to support them whenever possible.

Although injuries can occur in any sport, serious injuries tend to be more prevalent on the football field. The recent acknowledgement of the connection between chronic traumatic encephalopathy (CTE), a brain disease found in patients with a history of repetitive hits to the head, and football has caused much debate on how early a child should begin playing the sport. Several high profile NFL players have vowed to refrain from allowing their children to play the sport until at least high school, if at all.

I believe that all youth sports, including football, serve important roles in our communities. Sports can help build a child's confidence, as well as teach him or her lessons about good sportsmanship, teamwork, and perseverance.

I volunteer on the board of a South Carolina Midlands Pop Warner Football organization. As a board member, I attended a pre-season training session that highlighted some of the initiatives and 2016 rule changes implemented to enhance player safety. Several years ago, Pop Warner adopted an initiative called Heads Up Football. Heads Up Football educates coaches, parents, and players on four key elements: Concussion Recognition and Response; Heat Preparedness and Hydration; Equipment Fitting; and Heads Up Tackling. All head coaches and rostered football staff are required to complete online Heads Up Football training annually. In addition to proper equipment fitting, Pop Warner also enforces the use of safe equipment. All youth football helmets must bear a current National Operating Committee on Standards for Athletic

Equipment (NOCSAE) Seal of Certification. The NOCSAE is a non-profit organization, whose mission is to reduce athletic injuries and death through standards and certification for athletic equipment. The NOCSAE label indicates that the helmet was furnished by helmet manufacturers and re-conditioners which adhere to the committee's safety standards. The most notable safety rule change is the elimination of the kick-off return for the younger age categories. In lieu of kick-off return, the ball will be placed on the 35 yard line to begin play. The goal is to avoid high speed collisions often associated with kick-off returns.

My son began playing flag football when he was four years old. At the age of five, he graduated to tackle football. In August, he survived his first try-out to make the roster at his middle school. He plays other sports as well, but his first love is football. I often feel conflicted between my love of football and my desire to keep my son out of harm's way. I also endure condemnation from some moms about my decision to allow him to play at such a young age. As a parent, I am pleased with the steps being taken to ensure the safety of youth football players.

I am well aware that football is still an inherently dangerous sport, but gone are the days when players are encouraged to play through injuries without receiving medical attention. The bottom line is youth football is not going anywhere. My decision to support my child in his desire to play football is a personal one, and it may not be right for every child.

I take some comfort in the organized leagues' efforts to improve players' safety; but the ultimate responsibility for my young player's safety rests with my husband and me. If the sport ever stops being fun for him or we do not believe that a coach has his best interest at heart, my son will no longer play. Until then, we will be there for every game, every down, every time.

Lisa Long Cotten is an attorney at the Mike Kelly Law Group in downtown Columbia, South Carolina. Affectionately referred to by her co-workers as "the voice of reason," Lisa believes that it is imperative to maintain a healthy work/life balance.

The Universal Translator is Here (Almost). *by Bill Latham*



Even at age 53, I'm still a Star Trek nerd. No, I have never actually attended a Star Trek convention, but my entire world view has been influenced by the tech driven utopian optimism of the original series. Thanks to Hulu (not Sulu) I still enjoy watching these 50-year-old episodes today.

Time and time again, we have seen many of the fictional devices predicted by Star Trek's 1960 era writers come to fruition and even be surpassed. Take for example the amazing tricorder from the original series – that relative behemoth of an all-in-one portable computer has nothing on the latest iPhone that is one tenth the size and doubles as a communicator as well. It was simply beyond the experience and imagination of Star Trek's original creators that such a powerful computer, with access to much of human knowledge, could be contained in such a small package.

One of my favorite Star Trek devices is the universal translator. In the original series, it resembled a silver-colored microphone and allowed back and forth conversation and simultaneous translation between humanoids and alien species (it is not needed for routine communications because, apparently, most of the human and non-human members of the Federation speak English - how convenient).

Even as a child watching the show, I realized the importance of a universal translator. Think of the wars, strife, and misunderstandings that might be avoided if all of humanity could readily communicate with one another without language barriers. My vision was all humanity standing on a hill singing in one translated electronic voice (in English): "I'd like to buy the world a Coke..." Well, you get the idea. Here's the good news: we are almost there.

There are several translation applications available for your mobile device that allow for, albeit stilted, back-and-forth communication between persons speaking different languages (Skype Translate, Microsoft Translate, Google Translate). In my informal and unscientific testing, Google Translate is the best. Simply download the free application to your mobile device (iOS and Android), and you are ready to speak and understand one of 102 major languages. There is also an online desktop version that also allows you to translate (very literally) text to and from the world's major languages. I have used this in my law practice for rudimentary document translation - simply cut and paste and, voila, a literal translation is yours.

To use the mobile apps, first, select the two languages to be translated, for example, English and Spanish. Push the microphone icon, speak in English, and your mobile device displays your spoken word in English, and Spanish, and translates what you say into spoken Spanish with an artificial voice. Your mobile device then listens for Spanish and English, and translates accordingly when someone speaks. It is possible, with some practice, to have somewhat natural back-and-forth communication. True, the translation is literal, and nuances are lost, but this is a great leap forward (unless the missed nuances result in a big fight).

On a recent trip to Mexico, and to the mortification of my wife and children, I used the mobile version of Google Translate to communicate with the caretaker of the property where we were staying. She spoke almost no English, and I speak even less Spanish. The practical difficulty presented was talking one at a time, without interruptions from the other speaker, or in my case, the peanut gallery. We were able to communicate, sort of:

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The Universal Translator (continued from page 6)

Me: "La cena fue excelente, gracias."

Her: "You're welcome."

Ok, given the state of the art, a complex real back-and-forth conversation is difficult, unless you are in a quiet place, with every speaker taking turns, not talking over the other, and clearly **ENUNCIATING**. Not very practical in noisy crowd situations, but science is making progress and we will get there.

The Google Translate mobile app also has a feature that uses your phone's camera to translate typewritten text. Just pick your translation "to-from" languages and point the phone's camera at the text you want to translate. Almost magically the text changes to the translated language. This feature actually works pretty well, but again the translations are very literal.

Now, if I could only find a translator to help me communicate with my teenagers. Even Star Trek missed the boat on that one.

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









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Noteworthy News & Announcements



Congratulations to all members of the RCBA named as Best Lawyers in 2017. A complete listing and more information may be found at www.bestlawyers.com.

Adams and Reese announces that **Anthony M. Quattrone** has joined the firm's Columbia office as an associate located at 1501 Main St., 5th Floor, 29201. (803) 254-4190.

Bonnie G. Anzelmo has joined **Injured Workers' Advocates of South Carolina** as the organization's new Executive Director. Anzelmo has extensive public service experience, previously serving as staff attorney on the House and Senate Judiciary committees before working as a consultant, developing strategic planning on legislative issues for her clients. Prior to joining IWA, Anzelmo served as the Government Relations State Legislative Director for the Electric Cooperatives of South Carolina, Inc.

Bowman and Brooke is proud to announce that Columbia Associate **Ashleigh Wilson** has been named the Columbia Chamber's 2016 Young Professional of the Year. This award is given to an individual nominated by his or her peers who demonstrates a commitment to making the greater Columbia region an even better environment for young professionals to flourish professionally and personally. An active member in the local community and beyond, Ashleigh is involved in a multitude of leadership roles. She currently serves as the Secretary-Treasurer to the South Carolina Bar Young Lawyers Division, is an active member of the Junior League of Columbia and is a tennis partner and Board member for the Special Olympics South Carolina.

Chadwick S. Devlin has joined **Nelson Mullins Riley & Scarborough LLP** in the Columbia office as an associate where he focuses his practice in the areas of commercial, appellate, consumer, and employment litigation.

Collins & Lacy co-founder **Stan Lacy** is now an author of a national workers' compensation professors blog, which includes posts from university professors from around the country. The purpose of this new resource is to provide clients and followers

with analysis of timely topics from an academic perspective. Weekly posts are set to be produced, and a number of professors have already posted articles discussing current issues. The site is aptly named the *Workers' Compensation Law Prof Blog*. Lacy has been practicing law for over 40 years and is entering into his 35th year teaching workers' compensation as an adjunct professor at the USC School of Law.

Davidson & Lindemann, PA announces that **Brandon Briggs** and **Jasmine Wyman** have joined the firm as associates located at 1611 Devonshire Dr., 2nd Floor, Columbia 29204. (803) 806-8222.

Gallivan, White & Boyd, P.A. is pleased to announce that attorneys **Ashley B. Stratton** and **Jordan Crapps** have joined the firm and will be serving clients out of the Columbia office.

Vordman Carlisle "Lisle" Traywick III has joined **Sowell Gray Stepp & Laffitte, LLC** as an associate in the Columbia office located at 1310 Gadsden Street.

Will Johnson, a Shareholder in **Haynsworth Sinkler Boyd's** Columbia office, has received the 2016 American Bar Association "On the Rise - Top 40 Young Lawyers Award" and has been named one of six ABA Young Lawyers Division 2016 "Stars of the Year." The Top 40 Young Lawyers Award, in its inaugural year, recognizes ABA young lawyer members who exemplify a broad range of high achievement, innovation, vision, leadership, and legal and community service. The ABA received more than 1,200 nominations, and Mr. Johnson is the only honoree from South Carolina.

McAngus Goudelock & Courie was recently named as one of the *Best Places to Work in South Carolina*. The firm was ranked #21 in the large employer category (250 or more US employees). MGC has offices in Charleston, Columbia, Florence, Greenville and Myrtle Beach. This eleventh annual program was created by SC Biz News in partnership with the South Carolina Chamber of Commerce and Best Companies Group. This survey and awards program was designed to identify, recognize and honor the best employers in

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Noteworthy News & Announcements (...continued from page 8)

the state of South Carolina, benefiting the state's economy, workforce and businesses. The ranked companies were recognized at a reception and dinner, presented by Colonial Life, and the rankings have been published in the August 2016 issue of *SCBIZ magazine*.

The following attorneys are being honored among *Columbia Business Monthly's 2016 Best and Brightest*. The award, which recognizes 35 people ages 35 and younger, is in its first year. Honorees are selected based on professional achievements and community contributions. The awards will be officially presented at a gala celebration and honorees were featured in the magazine's September 2016 issue.

Callison Tighe attorney **Jacqueline "Jax" Pavlicek**

Rogers Townsend attorney **Joshua A. Bennett**

Haynsworth Sinkler Boyd attorney **Mary M. Caskey**

Pope Flynn attorney **Lawrence Flynn**

Barnes Alford Stork & Johnson attorney **Matthew G. Gerrald**

Collins & Lacy attorney **Meghan Hall**

LawyerLisa, LLC attorney **Lisa Hostetler**

Richardson Plowden attorney **Michelle Kelley**

Barnes Alford Stork & Johnson attorney **Catherine Ava Kopiec**

Parker Poe Adams & Bernstein attorney **Emily Luther**

Collins & Lacy attorney **Claude Prevost**

Adams and Reese LLP attorney **Lyndey Ritz Zwing**

Martha K. McConnell has been awarded a National Title Professional (NTP) designation from the American Land Title Association (ALTA), the national trade association of the land title insurance industry. McConnell is the second NTP designee from South Carolina and joins 65 other industry leaders from around the United States who have earned the professional designation. McConnell is Vice President and State Counsel at Chicago Title Insurance Company and has served the industry for more than 30 years.

The Milling Law Firm, LLC has relocated its offices to 2910 Devine Street, Columbia, SC 29205. (803) 451-7700 or www.millinglaw.net.

Ogletree Deakins announces that **Michael Henthorne** has joined the firm's Columbia, SC office as a shareholder located at 2142 Boyce St., Ste. 401, 29201.

Robinson McFadden is pleased to announce that shareholder **Paul H. Hoefer** received the 2015-2016 President's Award from the Young Lawyers Division (YLD) of the South Carolina Bar, an award given annually to recognize individuals for their dedication to outstanding service and leadership in the organization.

Gallivan, White & Boyd, P.A. announces attorneys **Gray T. Culbreath** and **John T. Lay, Jr.** have been chosen as "2017 Litigation Stars" by Benchmark Litigation. "Litigation Stars" are selected after a six-month research period where Benchmark Litigation researchers examine recent casework handled by attorneys, interview clients, and ask individual litigators to offer their professional opinions on peers. Gray T. Culbreath concentrates his law practice on products liability, business and commercial litigation, transportation, class actions, and professional negligence practice areas. John T. Lay, Jr. focuses his law practice on business litigation, professional malpractice, insurance bad faith and coverage, financial services litigation, product liability, and environmental law.

John Sowards, partner at **Nexsen Pruet**, has been elected as Chairman of the Board of Directors for the South Carolina Public Employee Benefit Authority (PEBA). The authority manages retirement plans and pension trusts for more than a half-million state workers as well as the State Health Plan. Sowards, immediate past chairman of Nexsen Pruet, was originally appointed chairman of PEBA in February 2016 following the resignation of the Board's charter chairman. This new election is for a two-year term that ends June 30, 2018.

Sowell Gray would like to recognize **Betsy Gray** for being selected for Lifetime Achievement Membership to America's Top 100

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Attorneys in South Carolina. Membership is invitation-only after a multi-phase selection process including a detailed analysis of a candidate's professional experience, achievements, community impact and peer reputation. Membership is limited to 100 attorneys from each state. Betsy is a past president of the South Carolina Bar and was most recently awarded the 2016 Fellows Award presented by the National Conference of Bar Presidents.

Turner Padgett Graham & Laney, PA announces that **Bettis Rainsford, Jr.** and **Hannah D. Stetson** have joined the firm's Columbia office.

Sowell Gray Stepp & Laffitte, LLC and **Robinson, McFadden and Moore, PC**, two law firms with established reputations for excellence and commitment to corporate, insurance and business clients, will merge on January 1, 2017. Sowell, Gray, Robinson, Stepp

& Laffitte, LLC, will combine the strengths of the individual firms in focusing on litigation, counseling, regulatory, corporate, financial services and bankruptcy law. The merger creates a firm of 30 attorneys, many with long histories of recognition from their peers and established reputations in the legal and business communities. The group includes experienced litigators as well as trusted advisors to businesses, both large and small, local and global, in regulatory and transactional matters.

WANT TO GET INVOLVED?

To get more involved in YOUR Richland County Bar, you can contact Mandy Wren at rcba@scbar.org.

Richland County Common Pleas Jury Verdicts

15-CP-400-5144

Reginald Howell v. Tyriek Thompson
Attorneys:

Plaintiff: Chris Davis

Defendant: Patrick Quinn

Cause of Action: Personal Injury

Verdict: For Plaintiff

Actual Damages: \$6,911

Punitive Damages: 0

15-CP-400-5143

Kenya D. Howell v. Tyriek Thompson

Attorneys:

Plaintiff: Chris Davis

Defendant: Patrick Quinn

Cause of Action: Personal Injury

Verdict: For Plaintiff

Actual Damages: \$5,929

Punitive Damages: 0

14-CP-400-2339

Lawrence Terry v. Raymond Hall, Veronica Hall

Attorneys:

Plaintiff: Rachel Gottleib Peavy

Defendant: Tameika Isaac Devine

Cause of Action: Personal Injury, Defamation

Verdict: For Plaintiff

Actual Damages: \$1500

Punitive Damages: \$15,000

15-CP-400-3382

Tina Horne v. Dennis Jackson

Attorneys:

Plaintiff: Jerry Reardon

Defendant: Pete Farr

Cause of Action: Automobile, Personal Injury

Verdict: For Defendant

15-CP-400-0770

State of SC v. Charles Sullivan
Attorneys:

Plaintiff: Christopher Morrow

Defendant: James Falk

Cause of Action:

Other, Sexually Violent Predator

Committal Case

Verdict: For Plaintiff



Annual Award Nominations

It's time to discuss the RCBA's important annual awards with your colleagues. We encourage you to submit your nominations for the Executive Committee to consider. The awards will be presented at the Annual Meeting of the RCBA on Thursday, December 8th at the Columbia Museum of Art. Members who wish to submit nominations must do so in writing to the Recognition Committee chair, Reece Williams, at reecewilliams@callisontighe.com.

The John W. Williams Distinguished Service Award,

Affectionately known as the "Tootie" Williams Award, this award is based upon distinguished and meritorious service to the legal profession or to the public in professional related activities. The Williams Distinguished Service Award is the highest recognition given by our association and is determined by the Executive Committee based upon written nominations from members of our association. Past recipients of the award include Chief Justice Jean H. Toal, the Honorable Matthew J. Perry, the Honorable Carol Connor, the Honorable Robert Burnside, Tom McCutchen, Julian Nexsen, David Robinson, John Gregg McMaster, Alex Sanders, Ed Mullins, Jr., I.S. Leevy Johnson, Terrell Glenn, Julius McKay, Heyward McDonald, Jeter Rhoads, Lester Bates, Jr., Henry Hammer, the Honorable Jasper Cureton, Claude Scarborough, D. Reece Williams, Joe Berry, Jr., Luther Batiste, William C. Hubbard, Ken Suggs, the Honorable Bob Coble, William C. Boyd, Elizabeth "Betsy" Bradley and most recently, Beth E. Bernstein.

Civic Star Award

The Executive Committee of the RCBA also selects an attorney to receive the Civic Star Award from among the nominees submitted by the membership. The Civic Star Award is based upon exceptional and meritorious service to the Richland County community by a member of the RCBA for activities outside of the legal profession. Commitment to community service is important to the members of RCBA. Most members volunteer in the community and some give many hours of their time and talents. Sometimes only their friends and co-workers know the depth of their giving. Recent recipients of this award have been Matt Hill, Anthony Hayes, George Cauthen, Cravens Ravenel, David Belton, Mike Kelly, the Honorable J. Michelle Childs, Rosalyn Frierson, Jane Trinkley, Amy Hill, Steve Benjamin, James E. Smith, Gray Culbreath, Steve Morrison, James H. Harrison, Kathleen McDaniel, and most recently Cliff Moore III.

Matthew J. Perry, Jr. Civility Award

The Civility Award of the RCBA is named after the US District Judge Matthew J. Perry, Jr. It is awarded to the judge and to the lawyer who, in the opinion of the Executive Committee of the RCBA, best exemplifies the word "civility." The Executive Committee recognizes that it is a high honor to be nominated or selected for this recognition as attorneys perform their responsibilities in various capacities of the legal profession. The past recipients of the award include the Honorable G. Thomas Cooper, Danny Crowe, the Honorable Casey Manning, the Honorable Bratton Davis, Jim Leventis, Susi McWilliams, the Honorable Marvin "Buddy" Kittrell, Bobby Fuller, the Honorable George James, the Honorable Joseph Strickland, Rebecca Lafitte, the Honorable Costa Pleicones, Cravens Ravenel, William H. "Bo" Bowman, and The Honorable H. Bruce Williams. Last year's honorees were Rick Mendoza and the Honorable John E. Waites.

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to see the last eight
years of Richbar News
publications? They
are all available as PDF
downloads...

Upcoming Legal IT Seminars

The School of Law Information Technology Department, along with the Technology Law Students Association (TLSA) and the University of South Carolina School of Law's Student Bar Association (SBA) have announced the following seminars. RCBA members are welcome to attend. You can find more information at <http://law.sc.edu/it/seminars>. Signup at <http://www.eventbrite.com/e/legal-it-seminar-series-august-25-october-20-2016-registration-27079024090>.

POLICE BODY-CAMS: PRACTICAL, POLICY, AND LEGAL IMPLICATIONS

October 27, 2016 @ 7:45 AM–8:45 AM

Faculty: Seth Stoughton, Assistant Professor of Law

Approved for 1.0 hours — CLE Course #166582

Body-worn camera systems are quickly becoming an essential piece of policing equipment at agencies across the country. In this seminar, Professor Seth Stoughton will identify the potential advantages that police body-cams offer to law enforcement and to police/community relations. He will discuss the practical, policy, and legal implications that must be kept in mind as lawyers, police executives, policymakers, and communities adopt and evaluate this promising new technology.

PRACTICE MANAGEMENT — WHY IT IS “SANITY SOFTWARE” FOR LAWYERS

November 3, 2016 @ 7:45 AM–8:45 AM

Faculty: Steve Best, Partner for the Affinity Consulting Group and chair of the 2016 ABA Techshow

Approved for 1.0 hours Ethics — CLE Course #167429

It's impossible to manage any law practice if you don't have a good handle on the status of every matter. The Model Rules require that a lawyer act with reasonable diligence and promptness when representing a client and knowing how to harness the power of practice management is key. Our presenter will cover both cloud-based and traditional software offerings for practice management and highlight the differences & similarities so you can make an informed decision on what system will work best for you and your practice.

DEFENSE AND OFFENSE ON THE INTERNET: THE TERMINOLOGY OF ‘ATTACKS’

November 17, 2016 @ 7:45 AM–8:45 AM

Faculty: Marcos Vieyra, Chief Information Security Officer for the State of South Carolina

CLE — COMP, TECH, MSC

What is defense and offense in the context of the Internet? Do offensive activities always constitute an attack? Could some defensive actions, such as “hunting” within one's own organizational boundaries, constitute an attack by a defender? Is accurate attribution of an attack within reach of average organizations, and if not, where does that leave us? As an attorney, how would you advise a client with regard to these questions, either from an offensive-capability perspective or from a what-to-do-as-a-defender perspective? How might you help a client develop effective information security policy and governance given this state of affairs? Join us for a brief overview of these topics, and a defense-oriented approach to life on the Internet.



Choosing (and Sharpening) the Right Tools For Your Practice, Part I: Processes, People, (and Computer Technology) *by Jack Pringle*

Introduction: Fear of a Brave New World

The Bar is all atwitter (pun intended) about the ways in which computer technology is affecting the profession. Some observers suggest that emerging technologies are throwing out not only the bathwater of the legal practice, but also the baby, the bathtub, and the plumbing.

For attorneys not riding this wave, the discussion of AI, ESI, Big Data, and the “urgent” need for change is disconcerting at best, and downright terrifying at worst. Fear may be an effective motivator, but only if you know where you are going and what you are going to do. Fear without a plan results in paralysis (head in the sand), denial (rapid technological change doesn’t affect what I do), and/or substance abuse (no explanation necessary).

And lawyers often respond to fear in that quintessential American way: by buying something that we presume everyone else is buying, in the hope it will address our anxieties and solve our problems. We buy without a thought to how a product or service will benefit our practices. Let me ask you this: when you bought the device you are checking right now, did you give even a second’s thought to how it would help you become a better lawyer?

“You can’t get what you want, ‘til you know what you want.” - Joe Jackson

As a result, when we don’t know what we want (or how we intend to use it), we end up with a lot we don’t want (and don’t use).

Don’t Let Computers Distract You From Your Essential Tools

Consider a different approach. Forget about computers. Computers are a distraction (and not just for the usual reasons) when it comes to getting better at what you do.

Lawyers use technology tools every day even if they never turn on a computer.

Here’s why: “technology” in every law office is much more than computers. Technology is the application of knowledge for practical purposes (look it up). Technology is the *collection* of tools we use to apply our knowledge to information. Computers are just one such tool, albeit a powerful one.

And no decision to buy shiny new tools (especially expensive ones) should take place without 1) taking stock of what you actually do; 2) figuring out how you are currently doing it; and then (and only then) 3) considering how you might do it better, using the appropriate tools.

This piece will look at the first part of this process, and future articles will consider the second and third.

Information and Knowledge is All There Is

Information is the raw material for the practice of law. We collect, process, store, protect, and present information. We identify, seek, and exchange information in discovery or in the due diligence process.

Knowledge (legal mostly) is the **value** attorneys add to information. We take the information we learn (think facts), discern how best to use it, and present it in an appropriate form or forum. Pleadings, motions, and briefs are nothing but information and legal knowledge. Information and legal knowledge are the form and substance of transactions, wills, and whatever it is bond lawyers do.



continued on page 15...

Taming the Email Monster *by Derrick Jackson*

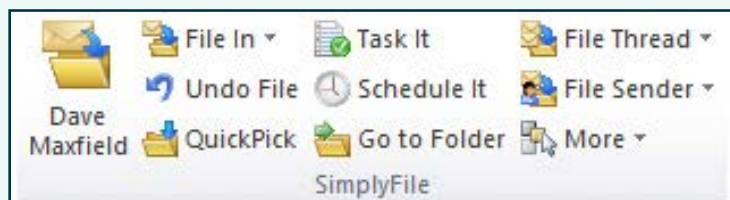


A Review of SimplyFile by TechHit

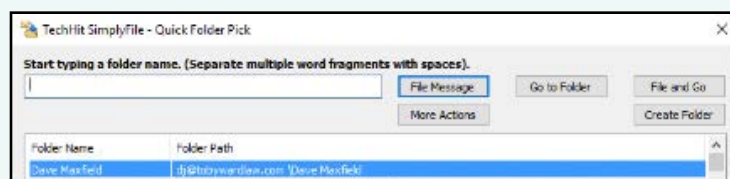
It happens every day. Your Outlook inbox is flooded with new emails from clients, fellow lawyers, the court, newsletters, your family, and junk email. You dutifully review the emails and delete the junk, but what do you do with the emails you

don't delete? Do you leave them in your inbox creating an ever increasing file with thousands of emails accumulating over the years? If so, then SimplyFile may be your solution. It is mine.

SimplyFile by TechHit software (www.techhit.com) is an Outlook Add-In. It adds a tab to your Outlook Ribbon. See figure below.

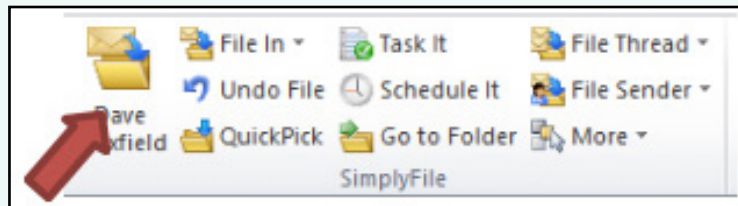


To use SimplyFile, you first need to create folders in Outlook. Outlook typically comes with folders like Inbox, Outbox, Sent Items, etc. To create a new folder you can either right click with your mouse on your Outlook email account (above the inbox) and click (New Folder) or using the SimplyFile Tab click QuickPick (see picture below.)



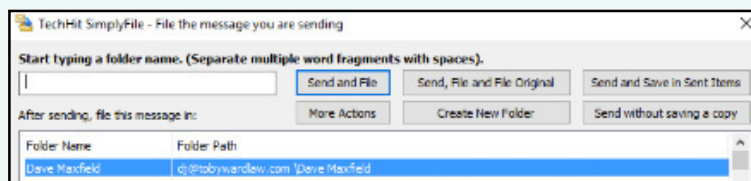
This is useful for creating subfolders. In the example above, a folder would be created in Outlook as a subfolder for Dave Maxfield. Be creative in creating folders. I typically create a client folder and subfolders for specific cases for that client.

Once you have the folders in place, the magic happens. Whenever you get an email, SimplyFile will suggest a filing location. In figure one, an email from Dave not related to a specific case, so it accurately suggested the Dave Maxfield folder. To file, you simply click on the icon.



SimplyFile learns quickly and usually suggests the right folder. If SimplyFile doesn't get it right, you can click on the "QuickPick" icon and start typing the first few letters of the folder and it will list the appropriate folders. Another useful filing feature is the ability to batch file emails, found under "Actions" in the "More" icon. This feature allows you to highlight a range of emails in your inbox and it will then process the batch and create a table suggesting the right folder for each one. You can change the appropriate entries and batch files multiple emails this way.

In your quest to get to inbox zero, you may forget about the email going out. SimplyFile has this covered as well. After typing an email to Dave and hitting "send" in Outlook I get the following pop-up (not fully shown) noting that after sending the email will be filed in the Dave Maxfield folder. If this was not right, I could start typing a folder name, and SimplyFile would suggest alternatives.



SimplyFile has several other features worth trying like one-click tasking and scheduling for an email. Perhaps the one I use the most is "Go to Folder." Once you start creating several folders and subfolders, it becomes more difficult to just scroll to the right email folder. With "Go to Folder" you get a screen similar to the

continued on page 15...

Taming the Email Monster (...continued from page 14)

QuickPick and just type the first few letters and access the folder quickly.

I use version 3.10. The current version, 4.0, adds improvements like multiple suggested filing locations (three instead of one) so your chances of getting one click filing are improved. It also adds a daily counter to motivate you to get the filing done: a frowny face with a negative number when you have more emails than you started with and a happy face with a positive number for fewer emails.

SimplyFile costs \$49.99 for a single user license. (No subscription,

hooray!) It requires Outlook and Windows (Sorry Mac lovers). TechHit offers a 30 day free trial so you can download and try it out without obligation. While you are there, you may also want to try out the free trial for “Quick Jump.” It uses the same technology as “Go to Folder” but applies it to the non-outlook folders on your computer so you can quickly jump to client folders by entering a shortcut (Ctrl-shift-j) and typing the first few letters of the folder. Windows 10 search bar offers some of this capability but is not as easy to use.

Derrick practices with Toby Ward in their office in Five Points.

You can reach him at dj@tobywardlaw.com.

The Right Tools For Your Practice (...continued from page 5)

The Tools: Processes, People, (And Computer Technology).

In representation and advocacy, lawyers use various technologies (tools) to organize and present information and legal knowledge: processes, people, and computer technology.

Processes

“If you can’t describe what you are doing as a process, you don’t know what you are doing.” - W. Edwards Deming

The practice of law is in large part performing various processes. A process is a series of steps (tasks) involved in organizing and using information and knowledge. Processes are accumulated knowledge performed over and over again to information. Every law office performs many processes: drafting documents, calendaring, running conflict checks, creating and maintaining files, protecting confidential information, etc. Getting a document into evidence is a process, as is qualifying an expert.

People

The effective use of processes requires people to perform them. A process that is not communicated, understood, and implemented

where appropriate throughout an organization is more commonly known as a “missed opportunity” (bad) or a “problem” (worse). More bluntly, knowledge that is not “known” is not “knowledge.”

Conclusion: Let’s Talk About Computer Technology... Later

“The Internet? Is that thing still around?” – Homer J .Simpson

Of course computer tools are an important part of your practice. But understanding the roles of processes and people in coordination with computer tools is essential. To put a finer point on it: computers can only do what people tell them to do, and a bad process will only be made worse by a powerful computer. Recognizing the interplay between these three tools will help you develop a game plan rather than being overwhelmed by the pace of change.

Next up: evaluating your current tools.

Jack Pringle, an attorney at Adams and Reese, LLP in Columbia, helps businesses and individuals manage information. He can be reached at jack.pringle@arlaw.com or at [@jjpringle](https://twitter.com/jjpringle) on Twitter.

Health & Fitness: Namaste and Work Late *by John Hearn*



Bad idea. No. No. No, you are not going to stay late.

You are going to yoga. Because you like going to yoga, and it makes you feel better. You need that exercise. And by need, I mean it is a job requirement. Just this week, another study - sitting people are sitting ducks. Or better, sitting frogs. Why frogs?

Because we sedentary folk croak a lot more than average. Like a gigalot more. And dead lawyers are generally less productive than live ones.

Yoga not happening? That's fine. It can be anything as long as you ready steady go **on the regular**. My thing is yoga, but I grant leave of my personal kangaroo court for you to substitute in your preferred exercise plaintiff. (You may e-sign the order for me.) And **on the regular** means five times a week for 45 minutes a pop. Get over it. (Heck, I broke my own rule against using bold fonts for this piece. Show a little respect and get moving.)

My yoga life actually started at work, when my firm brought in a local yoga teacher. One of our own staffers then got trained to teach, and she led the class. Both were terrific teachers and I was hooked. By Fall 2013, I was adding in classes at a local studio where my staffer taught. (My eldest's wedding was coming up the following summer, and I hate running.) By Christmas that year, I was taking three or four classes a week. Along the way, serendipity gifted me an email from another RCBA yogi encouraging me to keep it up. (I will call her Tina Cundari to protect her anonymity.) It was one of many karmic boosts along the way, often when I most needed them. Funny how that works.

The rest of the story is really a blur of sweat, lather, rinse, repeat. The wedding was a blast. The suit fit. I lost a little weight - not a lot, really - but my body does look and feel different. One of our future RCBA presidents recently told me that I didn't look as bad as most lawyers my age. Bless his heart.

Don't get me wrong - I'm still rocking the Pillsbury Manmuffin. But for some reason, yoga has been the one thing that has really stuck. You know how it is arguing with yourself over whether to go to the gym? I know that drill, but I've never thought twice about going to yoga. I just go. I spent nine long weekends in 2015 getting my own teaching certificate - and now I teach our little band of two or three at work once a week. How cool is that?

Enough about me. Here's the thing: everyone, every single person, regardless of size, ability, disability, every single one of you has the ability to do yoga, and thus, to be a yogi. There are literally scores of places in the Midlands Metroplex™ to practice. Just find a beginner class and go. Go again. Go lawyer go. And don't be surprised if, sooner or later, you have a whole bunch of new friends - real friends - who actually want you to be happy. Having a good teacher and that community of friends - well, let's just say it is the best money I spend all year, easy.

Yoga is a continuum, OK? It's a galaxy of a million pieces, many of which are already inside you. The poses, or asanas [ah'-sahn-ahs], are just a part - but they are the start of yoga for most of us. And misconceptions about the work required are common:

"Yoga, huh? I guess all that stretching feels good?" he asks, nursing his Bud Light.

continued on page 17...



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Namaste and Work Late (continued from page 16)

Well, yes. Yes it does. But my yoga mat is a straight-up swamp long before I'm halfway through class. Just today I was moving through a forward fold when a stream - not drops, a solid stream - of sweat (or as I prefer, my fat's tears) started forming Lake Persperation on my long-suffering mat. So sure, there's stretching aplenty - but trust me, you will know tomorrow morning where you were after work yesterday.

OK. Recap. Sitting people die more. Exercising regularly, preferably daily, keeps Reaper, G. away. Yoga is good, early and often. And if Ed McMahon were here, I guarantee he would encourage you to find a nearby studio. "Won't you call...right now?"

Me? Namaste on my mat for a while. I feel a savasana coming on.

John can often be found at fancy organic grocery stores eating samples, and he doesn't think it is fair when they put that food out there and then get mad at him for eating all of it. Comments or leads on free snacks welcome at john.hearn@rtt-law.com.

EMPLOYMENT OPPORTUNITIES

The RCBA posts legal-related South Carolina employment opportunities on our website in the order they are received.

Visit <http://richbar.org/employment-listings> to view all of them.

If you have a job opportunity you'd like for us to post, you can email it to rcba@scbar.org.

Bar Bites



The RCBA Newsletter Editorial Board was looking for some fun and easy-to-read content, and thus, Bar Bites was born! Bar Bites is a forum for sharing what lawyers are reading, watching, listening to, and doing in Richland County when they're not practicing law. Much gratitude is owed to Josh Shaw and Ashley Wheeling-Goodson for their help in gathering submissions for the inaugural column! If you have recently enjoyed a book, blog, podcast, movie, television show, music record, Columbia restaurant, or other Midlands attraction, we want to know about it! Please email your submission to JGooding@GoingsLawFirm.com. We hope you enjoy.

- Jess Gooding | Bar Bites Editor

What We're Watching

Stranger Things

"Netflix original show: ET-Close Encounters-Goonies-style 80s nostalgia filtered through an analog synth theme. Binge worthy."

- Anthony Charles | Finkel Law Firm

"This newly-minted Netflix serial kisses the ring of many awesomely-80s cultural icons in the most satisfying way, all while building a suspenseful and just-scary-enough narrative to keep you bingeing. When monsters from another dimension and nefarious government scientists threaten unsuspecting Americana, it's the kids that steal the show in a world where grown-ups can't quite do it without them."

- Ryan Judd | Turner Padgett

BrainDead

"My wife and I were huge fans of the CBS hit show "The Good Wife." The series recently ended and its producers created this new show. "BrainDead" is an American political satire/science fiction/comedy-drama centered on the Capitol in Washington, D.C., where alien bugs infect influential Senators' brains. Sounds crazy! But it's just the right mix of serious and funny after a long day practicing law."

- Tyler Bailey | Bailey Law Firm

What We're Doing Around the Midlands

Jamie Scott Fitness

"Finding the motivation to stay active during the summer in a city that is known for being Famously Hot can be extremely difficult. However, while Michael Phelps swam his way into winning the most Olympic medals for individual events in history, as Simone Biles tumbled effortlessly through the air to help the "Final Five" capture another team all-around gold, and as Usain Bolt ran to crush another 200m in under 20 seconds, I was able to escape the summer heat and train at Jamie Scott Fitness. JSF's group fitness classes (including "Sweat") and top-notch instructors push you to reach your maximum potential each time you step into a class and leave you feeling more fit than when you walked in."

- Emily B. McMillan | Sweeny, Wingate & Barrow, P.A.

Motor Supply Bar

"Josh is the best bartender in Columbia. He focuses on classic cocktails, usually with a local twist. You'll never have to dig shards of ice out of your martini again."

- Anthony Charles | Finkel Law Firm

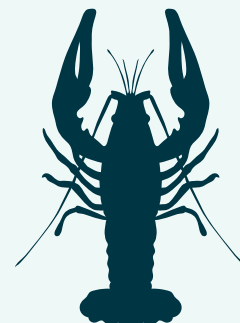
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The Lost Cajun

"As a bayou belle implanted into South Carolina by marriage, my Louisiana taste buds mourned a bit over the last couple of years- until I found The Lost Cajun! The Lost Cajun is an AUTHENTIC Cajun restaurant serving lunch and dinner daily. If you're in the area and looking for a tasty lunch for under seven bucks or want to attend a crawfish boil other than Rosewood Crawfish Festival, give The Lost Cajun on Sunset Boulevard a try!"

- Allyce Bailey | Turner Padgett



Columbia Art Museum

"My girlfriends and I like to meet for a quick sandwich at Hampton Street Café then head over to the Columbia Art Museum to take in the show. It's always fun to catch up and to see some art - good for the soul. And it can easily be done in a lunch hour!"

- Shannon Bobertz | SC Department of Natural Resources

What We're Listening To

Serial/Undisclosed

"I have been listening to the podcast Serial and now Undisclosed, which reexamined the investigation and trial of Adnan Syed, who was convicted of the 1999 murder of his high school ex-girlfriend at the age of 17. Syed was granted a new trial just a couple months ago because of the evidence uncovered by these podcasts. I am completely addicted, and think every litigator - civil or criminal - would be. What is more, Colin Miller, Professor at USC's Law School, is one of the main contributors to Undisclosed."

- Beth Richardson | Sowell Gray



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The Battle for a Healthy Heart *by Yvonne Murray-Boyles*



When I began to practice law, I quickly learned of the stress involved in pursuing this fine career. The countless hours of research as a newly hired associate, the fear of making a mistake, the desire to outshine every other new associate, and the constant struggle to meet the firm's requirements all came rushing in like a ton of bricks. I tried everything: allocating my time between tasks, balancing life as a mother of three boys, a wife, and trying to figure out how I was going to make it to the next day. After several months of practice, my eyesight got worse and I began to have constant headaches. "It's just stress" was the constant response to my ailments and I figured I could just handle it without doing anything that required taking time away from everything else I was already doing.

The reality is that stress affects the heart in ways that can be damaging. An increased level of stress can increase blood pressure, raise high cholesterol, or increase the chance of heart disease. So with all of

this looming in the back of my head, which had been pounding for weeks, I stopped self-diagnosing myself and learned that I had high blood pressure and high cholesterol, both of which were elevated to a point that it was dangerous for my well-being. At that point, I realized that without my health, I could not be a mother or a lawyer, especially if I had to lie in a bed with severe heart disease.

The answer to all of this was quite simple - relax, eat better, exercise and of course, take my medicine! Most of the issues that we as attorneys stress out about are eventually resolved and the law affords a remedy to every legal issue under the sun. Our innate desire to win creates more stress than anything else. I decided that I would be honest in my approach to determining what was important in every case and to be more efficient in dealing with the cases. Leaving work meant leaving my files there as well, instead of sitting at home jotting notes about clients that were randomly coming to mind. You know - that question of whether you missed a deadline, etc. We need down time to unwind and truly allow ourselves a period of rejuvenation on a daily basis so we can come to work the next day without the stress of the previous day.

I decided to change my diet and began exercising on a regular basis to become more heart healthy. Now I will be the first person to admit that I love to eat all of the things that I should not, but there is a skill to doing so. Most meals should combine proteins, a complex carbohydrate and some sort of green leafy vegetable. But be mindful that although a salad with baked chicken is a great meal for lunch, the salad dressing, eggs, bacon, and croutons will quickly turn this meal unhealthy after counting calories and fat grams.

Eating for health takes planning, but it results in better eating and less overindulging. Take some time out on your weekend to prepare meals in advance and take them with you to work so that everything you eat in any given day is the right portion and contains what works best for you. In the beginning it is time consuming, but after a while, you will definitely get the swing of it and the fear of deciding what to grab for lunch between hearings or clients will be resolved.

continued on page 21...



The Battle for a Healthy Heart (...continued from page 20)

Out of eating right and exercising, I believe exercising is the most difficult. Late nights and early mornings are not conducive to any exercise regimen that requires you to get up hours earlier than normal or to spend time after work at some gym. I want to sleep until the last second and get on the couch as soon as I leave work, but if I do that, I can't get my blood pumping through my veins. It requires the one thing you don't have: TIME. Exercising takes a real commitment (as we all know from past New Year's resolutions). After buying a gym membership the first of the year, most people retire their membership within a few short months. The key is to determine an exercise regimen you can adhere to. Is it something that you can enjoy on a long time basis? It may take months to figure it out, and you will probably try out many things, but once you find something that works for you, stick with it. The process worked for me. I started just walking, then speed walking, and one day, a colleague said "let's run." I've been at it ever since.

Once you find your favorite exercise, formulate a schedule and stick to it. Make it as important as anything else because, after all, it is all about your health. I also advise finding someone who is interested in it as well to keep you on task and accountable. Nothing is better than having a friend to encourage you when you want to quit.

Yvonne Murray-Boyles, "The Traveling Lawyer," can be reached at yvonne@murrayboyleslaw.com.



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Judge Amy McCulloch - Richland County Probate Court *by Ellen Cleary*



Some elected officials are show horses, who snatch the limelight at every opportunity and enjoy boasting of their accomplishments. Others are workhorses, who reveal their abilities by the high quality of the results of their dedication. Fortunately for the citizens of Richland County, probate judge Amy McCulloch is a workhorse. Since first being elected in 1998, Judge McCulloch's exceptional administrative skills, legal knowledge, and judicial temperament have created an office where people going through a difficult time in their life find both compassion and efficiency.

The Richland County Probate Court handles estates of decedents and hears and decides trust and estate litigation. The probate court also appoints guardians and conservators for minors and incapacitated persons and orders involuntary commitments of mentally ill or chemically dependent persons. With the help of 27 employees, Judge McCulloch handles thousands of cases, such as the 1700 new estates opened each year, and hears 25 emergency commitment hearings per week.

The adult and juvenile mental health courts were started in the Richland County Probate Court. Judge McCulloch has a deep understanding of, and speaks passionately about, the needs and problems facing the mentally ill and their families.

Like all good leaders, Judge McCulloch recognizes and enthusiastically praises the assistance of her staff. She notes that associate judges Jackie Belton and Nancy Moody, who have been with her since the beginning, are indispensable to the success of the probate court. Judge McCulloch also makes a point of choosing wise young lawyers as law clerks and takes time to mentor them. In addition, she credits her probate clerks for providing exemplary service to personal representatives dealing with estates.

The probate court also issues marriage licenses, which was a pretty boring ministerial function until the summer of 2014 when the Fourth Circuit Court of Appeals paved the way for the issuance of licenses to same sex partners. When the United States denied certiorari in early October 2014, Judge McCulloch's office began accepting applications for marriage licenses from same-sex couples. With no press releases or fanfare, the Richland County Probate Court was one of only two counties that allowed these applications. "It's a fundamental right to be with who you want to be with," McCulloch told the The State newspaper when asked for comment. By late November 2014, the district court ruled in favor of same-sex marriages and the South Carolina Supreme Court lifted the ban, requiring all counties to issue marriage licenses to same-sex couples. Almost two years later, over 400 same-sex marriage licenses have been issued in Richland County.

Judge McCulloch went to law school because she believed it was the best way to accomplish her goal of helping people. She loves listening to people's problems and then being able craft concrete solutions for them. Combining her legal training with her math and science background has enabled her to be an outstanding probate judge. In addition to updating the probate courts' computer system, she has created an office that is both efficient and empathetic.

The probate court provides workshops, for which lawyers interested in probate court cases can receive CLE credit. She recommends this half-day, inexpensive training as a good first step for lawyers seeking to practice in probate court. The next workshop is December 9, 2016, and additional information is available at <http://www.rcgov.us/Government/Courts/ProbateCourt/Workshops.aspx>.



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Judge Amy McCulloch (...continued from page 22)

Columbia lawyer Beth Bernstein notes that Judge McCulloch “makes the experience less stressful for personal representatives because she cares and shows compassion.” Probate lawyer Mike Polk agrees: “She and her staff constantly deal with people in crisis. These people come to the probate court at the worst time in their lives, usually after losing a loved one and not understanding the system or the law. I feel like she and her staff are as compassionate as any court in the state.”

Despite the demands of her position, Judge McCulloch also has served as an instructor for the South Carolina Court Administration, the Mandatory School for Magistrates, and the South Carolina Bar Bridge the Gap program for new lawyers. She also serves on the Board for Midlands Technical College Legal Division.

Born in a small town in Texas, Judge McCulloch moved to Richland County when she was in second grade. A graduate of Dreher High School, she received her biology degree from the University of South Carolina in 1987. After graduation from the University of South Carolina School of Law in 1990, she clerked for Circuit Court Judge Tom Ervin and Federal Magistrate Judge William Catoe. In 1991, she began working in the Fifth Circuit Solicitor’s office prosecuting a wide variety of cases. She loved that work and enjoyed trying to help victims, although she expressed frustration at never being able to make them whole.

In 1996, Judge McCulloch went into private practice with her husband, Columbia attorney Joe McCulloch. She also taught in Midlands Tech’s paralegal program and at the College of Criminal Justice at USC. In 1998, she reluctantly entered politics to run for probate judge. It turns out that while politics may not be her calling, public service clearly is. She would be happy to continue with the honor of serving Richland County as probate judge and believes it is her calling. She does not want to move to a higher position, and instead wants to continue to improve the experience for the people her office serves.

That would be fine with one Richland County probate litigator, Amy Hill. She explains that Judge McCulloch’s experience as a litigator makes her an excellent judge. Hill notes that she has “always been impressed with Judge McCulloch’s attempts to simplify the issues. She is conscious of the cost of litigation to the clients and the need for there to be finality.”

Judge McCulloch declares, “I love this job and feel so passionately about the things our office is doing.” Her passion shows through the accomplishments of the court she has presided over for 18 years.

Eleanor “Ellen” Duffy Cleary is a solo practitioner in Columbia. You can contact her at ellen@clearylawnllc.com.



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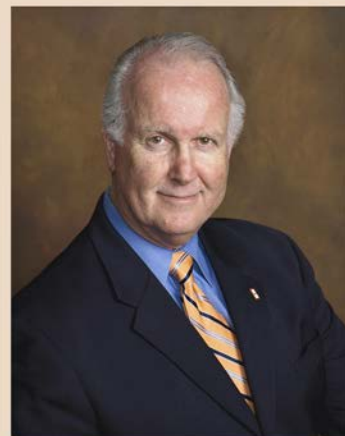
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