

RICHBARNEWS

Newsletter of the Richland County Bar Association



JODY A. BEDENBAUGH
Treasurer

JOHN HEARN
President

IAN McVEY
President-Elect

UPCOMING EVENTS

Annual Meeting/ Holiday Party

Columbia Museum of Art
Thursday, December 13

Save The Date 2013

Oyster Roast
Thursday, February 21

Judicial BBQ
Thursday, May 16

Family Night at Zoo
Thursday, May 30

Memorial Service
Friday, June 14

Judicial Reception
Thursday, August 15

Free Ethics CLE
Friday, November 1

Holiday Party
Thursday, December 12



FROM THE PRESIDENT

Dem Bones

It is not possible that this year is gone. What happened? The months flutter away like the cascading calendar in an old Frank Capra flick. I guess it wouldn't be so bad if I had not just checked my annual to-do list, which is unchanged since 2007 (and if I could find it, the same as it ever was dating back to 1987.)

I'm not proud. Let me share it with you.

1. Lose 30- 50 pounds
2. Exercise daily
3. Catch up on all my work
4. Be a better person
5. ...

OK, so maybe I am proud, as the list contains other impossibilities too embarrassing to share here. I claim partial success with only item #9:

9. Floss

Fortunately, I did not specify any minimum weekly requirement on that particular goal. As I pondered (read: desperately dictated 90 minutes before my deadline) my options for this, my final column as RCBA president, I was reminded of an anecdote recently shared by my friend Nargaret (a pseudonym, her real name cleverly disguised to protect me from her wrath should she read this.) Narg was recounting her own troubles with that pesky number 4, above – that whole “be good” thing—and more specifically, her trouble with letting go of resentments.

Now, in this happy-go-lucky law business, I suppose few us can relate to this issue. Rarely does anyone do anything to make us mad, or to nurse a grudge for say, decades. It's hard to say exactly why. I suppose it is possible we are secretly vaccinated *en masse* as we sit for the Bar exam. Or perhaps it is the ritual of holding hands and singing of *Kum Ba Ya* we so

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FROM THE EDITOR, DAVE MAXFIELD

Will the Real You Please Stand Up?



Saturday mornings as a kid in the 70's were the best. I'd wake up early, pour myself a giant bowl of Count Chocula and sit down in front of the TV to watch Super Friends. In case you missed it, Super Friends was a cartoon about a team of superheroes (Batman, Superman, etc.) who banded together to fight evil as The Justice League.

An oft-repeated scenario was this one: Super Villain X captures Aquaman. He then pretends to be Aquaman in order to wreak havoc and maybe learn the Justice League's secret handshake. Just when you think all is lost, the real Aquaman escapes to confront fake Aquaman. The twin Aquamen grapple until someone, say Green Arrow, has to decide which one to shoot. His fingers tense on the bowstring as his aim swings from one Aquaman to the other. At the last possible second, one finally says something that only the Real Aquaman would know ("I'm allergic to anchovies!"). Green Arrow then aims and looses his arrow upon the masquerading Super Villain X, who disintegrates bloodlessly into gales of shrieking laughter, no doubt to return.

Great ending, right? But one that depends on Super Villain X not knowing that Aquaman is allergic to anchovies. What would have happened if Super Villain X knew EVERYTHING about Aquaman? Who does Green Arrow target then? Neither? Or, maybe, both (just to be on the safe side)?

Which takes us to the recent SCDOR data breach. What information did DOR have stored about you (or your firm)? Unencrypted social security numbers, EIN numbers, most likely your personal identifying information, and possibly your bank account routing and credit card numbers. All now potentially stolen.

Well, that's bad enough. But let's go deeper. What else about you is in government databases? I wrote in a prior article about the National Data Center that the federal government is building in Utah to collect and store private e-mails, cell

phone calls, Google searches, etc. There is currently a dispute about whether such information is being gathered about us "regular Americans." The government says no but some of its former employees say yes.

Which brings up some scenarios much more chilling than anything on Super Friends. Here's one: what if some really bad guys break into a government database and find out EVERYTHING about you? Enough to essentially become you (at least virtually) while doing some really bad things? [As a lawyer handling check fraud and credit reporting cases, I've seen innocent people arrested and average Americans show up on terrorist watch lists. Such things do happen].

Scary. But here's something scarier: what happens when the definition of terror "threat" itself starts to blur? Recently, a Senate subcommittee issued a report criticizing the law enforcement "Fusion Centers" established by the Department of Homeland Security. The

Senate found that, instead of collecting information on terror threats, these centers had collected a wealth of information on (to name a few) environmental activists, Tea Party groups, anti-death penalty and anti-war activists, pro-choice groups, pro-life groups, and Ron Paul supporters. One report by a Missouri Fusion Center reportedly described approximately half of the American political spectrum as "extremist." So, apparently, a whole lot of us (and maybe all of us) are worthy of having our information collected and our activities monitored.

The current National Defense Authorization Act, which is the annual military funding bill, provides for indefinite military arrest and detention without trial of terror suspects, including American citizens on American soil. But that's just for people who are really "threats," right?



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FROM THE PRESIDENT

(...continued from page 1)

often see after roster meetings. I cannot say for sure, but one must admit we lawyers lead charmed lives largely free of stress, fear, or irritable bowel disorders.

Every once in a while, however, our blissful barristerian lives encounter a small speed bump of a resentment--a gnat of angst stuck to the generally pristine flystrip of our respective workplaces and headspaces. Even more rarely, I am sure, we cannot seem to release that pesky gnat from our consciousness. Instead, the buzz of the tiny wings remains long after any reasonable person would let it tarry.

My friend Narg knows this phenomenon well. She is aware of it chiefly because her spouse points it out to her on occasion. (Said spouse has not yet grown tired of sleeping on the ground in the shed out back., apparently.) Anyway, this brave and stupid man has a little phrase he trots out for Naggie when she just cannot let go of whatever it is that is eating her breakfast, lunch, and dinner:

“Nargaret. Put down the bone.”

Surprisingly, my friend sometimes does not immediately appreciate the wisdom of this well-intentioned bromide. The replies that flow from her upon hearing those four little words are sometimes less than genteel. But hear them she does, and after a time (sometimes as soon as a week afterward), she embraces the concept.

You see, Neggy is continually learning that no matter how vigorously she gnaws on that resentment with her mighty molars, there is precious little marrow to be had therein. Revenge, she has found, is not a bone best served cold. Instead, she finds, it is best not served at all.

More turkey, please. And cranberry sauce, but hold the side of resentment. I'm on a diet.

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The *Richbar News* editors welcome your inquiries, comments and contributions: RCBA, P.O. Box 7632, Columbia, SC 29202 or rcba@scbar.org.



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RICHLAND COUNTY COMMON PLEAS JURY VERDICTS

11-CP-40-6156

Joseph Williams, Shawn Delaine vs.
Marie Wilson

Attorneys:

Plaintiff: Dietrick Lake, Frank Swagard

Defendant: Andrew L. Richardson

Cause of Action: Auto/Personal
Injury

Verdict: Plaintiff

Actual Damages: \$50,000 and
\$10,000

11-CP-40-6843

James Jenkins et al vs. Deborah Berley

Attorneys:

Plaintiff: Dietrick Lake

Defendant: Darby Plexico

Cause of Action: Auto/Personal
Injury

Verdict: For Plaintiffs

Actual Damages: James Jenkins
\$7207.19, Aviance Jenkins \$6379.57,
Rashawna Jenkins \$6356.81, Raysean
Jenkins \$6125.13

2010-CP-40-5705

Doris F. Atkinson, William E. Adkins vs. James A. Williams Jr, MD,

SC Oncology Associates

Cause of Action: Medical Malpractice/ loss of consortium for spouse

Verdict: For Defendant

10-CP-40-7405

D. D. Bookman vs. R. R. Mikens

Attorneys:

Plaintiff: W. H. McAngus Jr.

Defendant: K. S. Brehmer

Cause of Action: Auto/Personal
Injury

Verdict: For Defendant

11-CP-40-3652

Ronnie Sellers vs. Cynthia Elders

Attorneys:

Plaintiff: Anthony Russo

Defendant: Ron Alexander

Cause of Action: Auto

Verdict: For Plaintiff

Actual Damages: \$5708.33

11-CP-40-3775

Samuel Seawright vs. A1 Engine &
Transmission and City of Columbia,
et al

Attorneys:

Plaintiff: Yvonne Murray-Boyles

Defendant: Hammond Beale

Cause of Action: Contract

Verdict: For Plaintiff

Actual Damages: \$5847.21

11-CP-40-5809

Leroy H. Chambers vs. Eleanor
Clark

Attorneys:

Plaintiff: Mary P. Miles

Defendant: John Austin Hood

Cause of Action: Auto/Personal
Injury

Verdict: For Defendant

11-CP-40-3928

Brookhaven Community Assoc. vs.
Nikki Fleming

Attorneys:

Plaintiff: B. Gambrell

Defendant: B. Boger

Cause of Action: Unfair Trade

Verdict for Defendant



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FUN PHOTO AND CREATIVITY APPS FOR THE IPAD

By Bill Latham (Bill@hytechlawyer.com)



Whether for fun or for work, there are many of iPad applications that allow the creative minded attorney to produce high quality photographs, videos, audio, slide presentations and art work that only a few years ago would have required sophisticated equipment and help from experienced engineers and/or graphic artists. Just in time for Holiday photo fun, here are ten of my current favorites:

Pinnacle Studio (App Store

- \$9.99) - Pinnacle Studio is a surprisingly intuitive video/audio App for the iPad. The app allows editing of audio and sound capture on your iPhone, iPad or other sources, plus transitions, titles and special effects. You can share your completed project directly to YouTube, Facebook and Dropbox. For video editing two separate audio tracks are available allowing for a music track and a voiceover track. I have used the App in my litigation practice to create quick and dirty deposition highlight reels.

Haiku Deck (App Store-Free with optional in app purchases)

- This App allows you to create stunning slide-show presentations similar to PowerPoint and Keynote without all the frills. What makes Haiku Deck special is its ability to retrieve beautiful high resolution images based upon the key words in your slides. The App by its nature does not allow lots of bullet points or excessive text, so it forces the user to conform to what are considered slide presentation best practices.

Video Downloader Pro (App Store- \$ 3.99)

- Allows you to capture download videos from the web and save in your iPad or iPhone photos folder. Once downloaded the video files can be edited in iMovie or Pinnacle Studio. I use the App to download copies of offending advertisements in my false advertising practice.

360 Panorama (App Store \$.99)

-- This amazing App allows you to create an amazing interactive 360 degree photograph with your iPhone or iPad. This could be an invaluable tool for mapping out an accident site or crime scene. You can see an example photograph of the cul-de-sac in front of my house that I created in about five minutes using my iPhone

see <http://360.io/zhGf4K>.

AremaC (App Store- free with option to purchase additional filters) - Allows the creation and application of photo filters on the iPad. In other words, you can create amazing works of art from your photographs.

Snapseed (App. Store \$ 4.99) - My favorite photo editing suite for iPhone and iPad. Allows the basic editing and enhancement of photographs as well as the application of limited special effects. Easy to use and great for basic photo touch-up.

Lapse It (App Store – Free) - “Lapse It” is an award-winning full featured app for capturing amazing time lapse and stop motion videos (Available for iPhone, iPad and Android). It is easy, fast and intuitive. I have had lots of fun with this App, capturing cloud movements, traffic patterns, an ice cube melting, etc. Could be useful for a litigator seeking to demonstrate movement patterns over time.

Slo-Pro (App Store – Free) - SloPro captures footage at 720p 60fps, giving you twice as many HD frames to work with. You can toggle slow motion on and off while shooting for engaging fast/slow effects. You can also edit the fast/slow points after shooting. The app allows sharing directly to Facebook and YouTube. Upgrade to export to your camera roll and email. Pro users can also export raw 60fps footage via iTunes. This is great for capturing sporting events, analyzing golf swings and studying batting posture.

Pocket WavePad HD (App Store - Free) - A sophisticated sound editor for recording, editing, adding effects, and sharing audio files. Pocket WavePad allows you to record voice or music, then edit the recording and add effects to achieve high quality audio recordings. Work within audio waveforms to make selections for quick editing, such as inserting recordings from other files, or apply effects like the high pass filter to clarify audio quality. Pocket WavePad makes it easy to store or send recordings so they are readily available wherever they are needed. Great for witness interviews and on scene

Explain Everything (App Store-\$2.99)

Originally designed for educators, “Explain Everything” is an

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APPS FOR THE IPAD (...continued from page 6)

easy-to-use design tool that lets you annotate, animate, and narrate explanations and presentations. You can also use Explain Everything as an interactive whiteboard using the iPad2 and new iPad video display.

Explain Everything records on-screen drawing, annotation, object movement and captures audio via the iPad microphone. Import Photos, PDF, PPT, and Keynote from Dropbox, Evernote, Email, iPad photo roll and iPad2 camera. Export MP4 movie files, PNG image files, and share the .XPL project file with others for collaboration.

The potential uses for this app are only limited by your imagination. For example, you can create an animation showing the direction of travel of an automobile involved in an accident. You can import and crop photographs, and graphics such as arrows, shapes, etc. You can also introduce typewritten text or handwriting. In a nutshell, with the app, you can put most anything on the screen and manipulate it in real-time, while the same time recording it for later presentation in movie format. The animations can be displayed from the app, or uploaded into Keynote or PowerPoint.

I hope you are productive and/or have fun with these Apps. As always your questions, comments or recommendations are welcomed.

ANNUAL MEETING & HOLIDAY PARTY



On Thursday, December 13th, the RCBA will host its Annual Meeting at the Columbia Museum of Art. The 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.

RICHBARNEWS

Classified Ad Policy

Classified Ads - \$1.00 per word

Quarter Page Ads - \$75.00

Half Page Ads - \$150.00

Business Cards - \$50.00

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

If you go to the Member Directory on www.richbar.org and see that your headshot is missing, please email it in jpeg format to rcba@sc-bar.org so that we can add it to the website.



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2012 ADVISORY COMMITTEE

Committee	Chair(s)	Telephone
Bigg Doggs	Billy McGee	255-9431
Circuit Court Liaison	Daryl Hawkins - Chair Jack McKenzie Matthew Richardson Reece Williams Thomas Kennaday DeAndrea Benjamin	733-3531 252-0500 254-6542 256-2371 227-4290 771-8007
CLE Seminars	Steedley Bogan	256-6747
Family Court Liaison	Ashlin Potterfield	376-2001
Master-in-Equity Liaison	Betsy Polk	252-3340
Membership Committee	Wes Few Jay Elliott	212-4963 252-9236
Memorials	Susie Campbell Ward Bradley	256-6152 796-9160
Probate Court Liaison	Mike Polk	929-0096
RichBar News	Dave Maxfield Eleanor Duffy Cleary	509-6800 376-0075
Programs	Betsy Bradley John Bradley Ian McVey	296-3140 231-7825 256-2371
Lunch-n-Learns	Thomas Kennaday Ronald Cox	227-4290 540-2034
Public Service	Will Dillard - Chair Dan Leonardi Carmen Thomas Elizabeth Cook Olivia Jones	799-9993 799-2000 771-8900 400-1975 799-9668
Recognition	Reece Williams Joe Berry	256-2371 779-2650
Young Lawyers	Walt Cartin Breon Walker Rebecca Roser Jay Bressler	253-6840 254-4190 779-8900 779-3080
Members who wish to offer assistance or ideas are welcome to call the committee chair. Many things are being planned by your association and the RCBA welcomes your input.		

FROM THE EDITOR

(...continued from page 2)

And unless you have something to hide you have nothing to fear, as the saying goes. That is, unless someone uses your information to make you look like a threat. Or, unless what you're doing gets redefined as a threat. So, who gets targeted when all the lines blur? No one? Or, maybe everyone (just to be on the safe side).

God, I miss the 70's. By the way, Aquaman: worst superhero costume ever.

Dave Maxfield is the editor of the Richbar News, and can be reached at dave@consumerlawsc.com.

8 ITEMS YOU CAN NOW RECYCLE IN YOUR BLUE CURBSIDE RECYCLING BIN

The City of Columbia Solid Waste Division has added these items to the City's curbside recycling program:

1. Plastic food tubs, such as yogurt, butter, whipped topping containers
2. Envelopes with plastic windows
3. Disposable aluminum pie pans, cookie/baking sheets
4. Milk, juice and other beverage cartons
5. Frozen meal trays
6. Plastic produce baskets
7. Paper bags
8. Pizza boxes

The following items are also accepted for recycling in the City's blue recycling bins:

- Aerosol cans (completely empty)
- Aluminum cans and bottles
- Corrugated cardboard
- Magazines
- Newspapers, newspaper inserts
- Office paper and junk mail
- Paperboard boxes, i.e. cereal and cracker boxes
- Plastic bottles, jugs and jars
- Steel cans, lids

BYLAWS OF THE RICHLAND COUNTY BAR ASSOCIATION

The following proposed revised bylaws have been approved by the Executive Committee of the Richland County Bar Association, and will be voted on by our membership at the annual meeting of the RCBA on December 13, 2012. They were also published in the September/October 2012 issue.

ARTICLE I. ORGANIZATION

Section 1. Name. The name of this corporation is Richland County Bar Association (hereinafter referred to as the "Association").

Section 2. Organization. The Association is a non-profit organization (i) established and operating in accordance with the provisions of Section 501(c)(6) of the Internal Revenue Code of 1986, as amended (the "Code"), and the federal income tax regulations (the "Regulations") there under and (ii) existing under Chapter 31 of Title 33 of the South Carolina Code of Laws, as amended.

Section 3. Year and Duration. The Association shall operate on a calendar year basis. Its period of duration shall be perpetual unless terminated in accordance with Article XIV.

Section 4. Non-Profit Status. Notwithstanding any other provision of these By-Laws, no part of the net earnings of the Association shall inure to the benefit of any member or other private person, and no expenditure shall be made in any manner or for any purpose whatsoever which may jeopardize the status of the Association as an organization described in Code Section 501(c)(6) and the Regulations there under.

ARTICLE II. PURPOSES

The purposes of the Association shall be to promote the common business and professional interests of lawyers practicing or residing in Richland County in the State of South Carolina and to promote and achieve the following objectives and purposes:

- a. To uphold and defend the Constitutions of the United States and of the State of South Carolina;
- b. To advance the science of jurisprudence;
- c. To facilitate the administration of justice;
- d. To preserve the high standards of integrity and honor in the legal profession;
- e. To apply its knowledge and experience in the field of law to the promotion of the public good;
- f. To establish a closer relationship and cooperation with the South Carolina Bar and through it with the American Bar Association;
- g. To encourage cordial intercourse among its members;
- h. To coordinate the efforts of the Bar with those of the judiciary for the purpose of facilitating matters of common interest; and
- i. To promote such activities as are within these objectives and purposes in the interest of the legal profession and of the public good.

ARTICLE III. MEMBERSHIP

Section 1. Membership Classes. Members of this organization shall be divided into the following seven classes: (a) active members, (b) judicial members, (c) academic members, (d) associate members, (e) military members, (f) retired members, (g) senior members, and (h) government members.

- a. **ACTIVE MEMBERS:** The active members shall be all persons who practice law or reside in Richland County who are members in good standing of the South Carolina Bar, licensed to practice law in the State of South Carolina, and who have paid the membership dues of the Association
- b. **JUDICIAL MEMBERS:** All judges of courts of record in this State who have been admitted to practice law in this State and judges of the District Courts of the United States and of the Circuit Court of Appeals residing in South Carolina, and retired judges and justices who are eligible for temporary judicial assignment and are not engaged in the practice of law, shall be classified as judicial members with the privileges and rights set forth in Section 2(b), infra. All judicial members shall report their current address and status to the Secretary-Treasurer of the Association by January 31 of each year. Any judicial member who is no longer a judge of a court of record may change member classification to that of an active member by filing with the Secretary-Treasurer of the Association a written request for transfer to the class of active member and by paying the current membership dues required of an active member.
- c. **ACADEMIC MEMBERS:** All full-time members of the University of South Carolina Law School Faculty who are not admitted to practice law in South Carolina but have been admitted before the highest court of one or more states of the United States or the District of Columbia and are in good standing therewith, may be academic members of the Association with the same privileges and rights as set forth in Section 2(b), infra, upon written request to become an academic member filed with the Secretary-Treasurer of the Association and approved by the Executive Committee and payment of the membership dues of the Association.
- d. **ASSOCIATE MEMBERS:** Any officers of the Judge Advocate General's Corps or Departments of one of the United States armed forces serving on active duty and stationed in South Carolina, and corporate in-house counsel employed in a full-time capacity as in-house counsel in South Carolina, who are not admitted to practice in South Carolina but have been admitted before the highest court of one or more states of the United States and are in good standing therewith, may become associate members of the Association with the same privileges and rights as set forth in Section 2(b), infra, upon written request to become an associate member filed with the Secretary-Treasurer of the Association and approved by the Executive Committee and payment of the membership dues of the Association.
- e. **MILITARY MEMBERS:** Those persons who have been admitted to practice law in the State of South Carolina and who are in the active military service of the United States shall be classified as military members with the same privileges and rights as set forth in Section 2(b), infra, upon written request to become a military member filed with the Secretary-Treasurer of the Association and approved by the Executive Committee and payment of the membership dues of the Association.
- f. **INACTIVE MEMBERS:** Those persons who have received inactive status with the South Carolina Bar shall be classified as inactive members with the privileges and rights as set forth in Section 2(b), infra. All inactive members shall report their current address and status to the Secretary-Treasurer of the Association by January 31 of each year.

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BYLAWS OF THE RCBA (...continued from page 9)

- g. **SENIOR MEMBERS:** Senior members are those active or inactive members of the South Carolina Bar, 65 years of age or older who have filed before January 31 of each year, with the Secretary-Treasurer of the Association, written notice requesting enrollment as a senior member.
- h. **GOVERNMENT MEMBERS:** Those persons who have been admitted to practice law in the State of South Carolina and who are in the active service of the local, state and federal government shall be classified as government members with the same rights and privileges as set forth in Section 2(b), infra, upon written request to become a government member filed with the Secretary Treasurer of the Association and approved by the Executive Committee and payment of membership dues of the Association.

Section 2. Voting.

- a. Only Active and Senior members of the Association shall be entitled to vote at any meeting or election of the Association, hold office in the Association, serve on the Executive Committee or serve on the Board of Directors of Defender Corporation of Richland County. There shall be no voting by proxy.
- b. Judicial, Associate, Inactive, and Academic members of the Association shall not vote at any meeting or election of the Association or hold office in the Association. Such members may attend meetings of the Association, participate in the debates of such meetings and become members of any section and committee of the Association, other than the Executive Committee. Such members and the Senior members shall be entitled to receive any official publication of the Association and such notices and publications as are communicated to the Active members.
- c. Voting for the election of officers, the election of persons to serve on the Executive Committee, and the election of persons to serve on the Board of Directors of Defender Corporation of Richland County shall be by secret ballot unless no nominations are made in addition to the nominations of the Nominating Committee. Voting with respect to all other matters shall be by voice vote unless five Active or Senior members request a written, secret ballot by providing the Secretary-Treasurer of the Association with written notice of such a request at least two days prior to the meeting of the Association.

ARTICLE IV. OFFICERS

Section 1. Officers and Terms. The President, President-Elect and Secretary-Treasurer shall be the officers of the Association and shall serve for terms of one year following election at the annual meeting. The President-Elect shall succeed the President. The President of the Association shall be ineligible to succeed himself or herself and shall be forever ineligible to hold the office of President of the Association except that if a vacancy shall occur in the office of President and such vacancy is filled by the President-Elect for the remainder of the term, the President-Elect so serving as President for the unexpired term shall not thereby be disqualified from serving as the President for the full term following the unexpired term of the predecessor.

Section 2. Vacancies. If for any reason an officer does not serve the full term, the vacancy shall be filled by a special election at the next meeting of the Association.

Section 3. President. The President shall preside at all meetings of the Association and meetings of the Executive Committee when present. The President shall perform such duties as are incident to the office or as may be required by the Executive Committee, and shall recommend such action as he or she deems proper. In all cases in which there shall be a tie vote of the membership, either upon questions or upon elections, the President shall cast the deciding vote.

Section 4. President-Elect. In the absence or disability of the President, the President-Elect shall exercise all of the duties of the President. The President-Elect shall also perform such other duties as may be assigned by the President.

Section 5. Secretary-Treasurer. The Secretary-Treasurer shall issue all notices, shall keep all minutes and shall sign with the President all such instruments as require their signatures. The Secretary-Treasurer shall prepare an annual budget for the Association, shall have charge of the finances of the Association and shall keep accurate accounts of the same. The Secretary-Treasurer shall make such reports and perform such other duties as are incident to this office, or as are properly required by the Executive Committee.

ARTICLE V. EXECUTIVE COMMITTEE

Section 1. Members. There shall be an executive committee of the Association consisting of the immediate past president, the President, the President-Elect, and three members of the Association duly elected by the Association's membership. One member of the Association shall be elected each year at the annual meeting of the Association to serve on the Executive Committee for a term of three years. The Executive Committee shall meet at the call of the President and the President shall preside at all such meetings. The duties of the Executive Committee shall be to plan the Association's activities, to represent the Association and to manage its affairs during intervals between meetings. No action may be taken by the Executive Committee unless there is a quorum of at least three (3) members of the Executive Committee. A quorum of the Executive Committee may take any action allowed in these bylaws at such meetings or by email (or by any other form of written electronic communication) between such meetings.

Section 2. Committees. The Executive Committee shall establish such standing or special committees as it may deem necessary or desirable for the transaction of the business of the Association, and the President, with the advice of the Executive Committee, shall appoint the chairperson of all such committees. Members of all such committees shall be appointed by the President, with the advice and consent of the Executive Committee, unless the President delegates this responsibility to the respective committee chairperson.

Section 3. Vacancies. If for any reason a member of the Executive Committee does not serve the full term, the vacancy shall be filled by special election at the next meeting of the Association.

Section 4. Advisory Council. The chairpersons of all standing and special committees, excluding the Nominating Committee, shall comprise the Advisory Council of the Association which shall meet with the Executive Committee at its request.

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BYLAWS OF THE RCBA

(...continued from page 10)

ARTICLE VI. NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE

Section 1. Nominations.

- a. Prior to the annual meeting, the President shall appoint a Nominating Committee which, after appropriate inquiry and investigation, shall nominate officers and a person to serve as serve on the Executive Committee with the advice and consent of the Executive Committee. The Nominating Committee shall be composed of three past presidents of the Association, including the immediate past president.
- b. Nominations for officers and members of the Executive Committee shall include the nominations of the Nominating Committee and nominations from the floor. The Chair shall declare out of order any motion to close the nominations until he or she has twice asked whether there are any further nominations following the last nomination. Nominations by the Nominating Committee shall not preclude other members from making nominations from the floor.

Section 2. Election. The majority vote of the members present shall be necessary for the election of each officer and for the election of a person to serve on the Executive Committee. If, on the first ballot, no individual receives a majority of the votes cast, the two candidates receiving the highest number of votes shall be voted upon again and the one receiving a majority vote of the members present shall be declared elected.

ARTICLE VII. MEETINGS

Section 1. Annual Meeting. The annual meeting of the Association shall be held at a place and on a date to be selected by the President, always to be the last scheduled meeting in the calendar year. The time and place of the annual meeting shall be announced at least two weeks in advance by mail. At that annual meeting, annual reports of officers and committees shall be delivered and officers, members of the Executive Committee and the Board of Directors for Defender Corporation of Richland County shall be elected.

Section 2. Special Meetings. Special meetings shall be held at the call of the President at a place and on a date to be selected by the President. It shall be the duty of the President to call a special meeting whenever requested in writing so to do by twenty-five or more voting members of the Association. In the absence of the President, or upon the failure of the President to act in accordance with the foregoing provision, the President-Elect, or any member of the Executive Committee, may call a meeting.

Section 3. Quorum. A quorum for the transaction of business at any meeting shall be twenty-five voting members of the Association in good standing.

Section 4. Notice. At least five days written notice of the time, place and

purpose of each meeting shall be given to the membership by the Secretary-Treasurer.

Section 5. Rules of Order. The latest edition of Robert's Rules of Order shall govern all meetings.

ARTICLE VIII. DUES

Section 1. Dues. The annual dues for Active, Associate, Inactive, Academic, Military and Government members of the Association shall be in such

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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
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BYLAWS OF THE RCBA (...continued from page 12)

amount as fixed by the Executive Committee and shall be due and payable not later than January 31. Judicial and Senior members of the Association shall not be required to pay dues but shall be required to report to the Secretary-Treasurer of the Association their current address and status by January 31 of each year.

Section 2. Good Standing. A member of the Association shall be deemed in good standing upon the payment of all current and, if any, past due membership dues of the Association, unless such member shall have been suspended or expelled from the Association in accordance with Article IX next following.

ARTICLE IX. SUSPENSION AND EXPULSION OF MEMBERS

Section 1. Suspension. Any attorney who has not paid the membership dues by January 31 shall be notified of the delinquency by the Secretary-Treasurer of the Association no later than February 28 of the respective year by mail at the member's last recorded business address. Any member who remains in default in the payment of the membership dues for thirty days after the mailing of such notice shall be automatically suspended from the Association. Suspended members shall not be entitled to attend social or other functions of the Association nor to exercise any of the rights and privileges of membership in the Association. Any member who is suspended for non-payment of dues may be reinstated to membership upon the payment of all back dues. Failure of any Judicial, Retired or Senior member to report to the Secretary-Treasurer of the Association his or her current address and status by January 31 of each year shall constitute grounds for suspension of membership.

Section 2 Expulsion. Any member of the Association who has been suspended or barred from the practice of law by disciplinary action of the Supreme Court of the State of South Carolina shall be immediately expelled from membership in the Association. Such an expelled member may be reinstated in the Association only after being readmitted to practice law by the Supreme Court of the State of South Carolina and upon payment of the membership dues.

ARTICLE X. CANONS OF ETHICS

The canons of ethics in force in the Supreme Court of the State of South Carolina from time to time shall constitute the canons of ethics of this Association.

ARTICLE XI. PORTRAIT FUND

[This section is hereby deleted in its entirety effective December 13, 2012.]

ARTICLE XII. AMENDMENTS

The By-Laws may be amended or restated by a majority vote of the members of the Association present at a regular or special meeting of the Association; provided, however, that at least ten days written notice of the proposed amendment and meeting be given to the members. Such notice may be by mail, by email, or by publication in the *Richbar News*.

ARTICLE XIII. DEFENDER CORPORATION OF RICHLAND COUNTY BOARD OF DIRECTORS

Section 1. Term. The Board of Directors of Defender Corporation of

Richland County ("Defender") shall consist of seven persons, including six persons elected by the membership of the Association (the "Elected Members") and the President of the Association. The President shall serve as an ex officio voting member of the Board of Directors during his or her term as President of the Association. The Elected Members shall serve for a three year term. The terms shall be staggered such that two of the elected board positions shall be filled at each annual meeting of the Association. Elected Members of the Board of Directors of Defender may serve no more than two consecutive three-year terms.

Section 2. Nominations. The Nominating Committee of the Association, as appointed by the President, shall have the additional duty of nominating one candidate for each of the two elected positions on the Board of Directors of Defender to be elected at the annual meeting. Additional nominations from the floor by other members of the Association shall also be accepted.

Section 3. Election. The election of members to the Board of Directors of Defender shall be held at the annual meeting of the Association. The majority vote of the members present shall be necessary for the election of a member to serve on the Board of Directors of Defender. Each board position to be filled at an annual meeting shall be elected by separate vote, with separate nominations and separate elections of each board position. With respect to the election of each board position, if no individual receives a majority of the votes cast on the first ballot, the two candidates receiving the highest number of votes shall be voted upon again and the one receiving a majority vote of the members present shall be declared elected.

Section 4. Vacancies. If for any reason an Elected Member does not serve the entire term, the Board of Directors of Defender shall appoint an Active or Senior member of the Association to fill the vacancy for the unexpired term of the vacating member.

ARTICLE XIV. DISSOLUTION

In the event the Association should ever be dissolved, the net assets remaining after all debts and expenses have been paid shall pass to the South Carolina Bar, provided that it is at that time an organization described in §501(c)(6) of the Code, or if not, then to some organization which is described in such section.

Effective upon adoption at the annual meeting of the Association on December 13, 2012.

FOLLOW THE RCBA ON FACEBOOK

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



CLASSIFIEDS

OFFICE SPACE AVAILABLE: 1415 Richland St. \$450.00 per month rent includes utilities and parking. Call 256-2398.

OFFICE FOR LEASE: 2019 Park Street. Designed for attorneys; 6,000 square feet; 15 offices; conference room; conference room/library; break area; support staff space; parking lot. Call (803) 779-6365.

OFFICE FOR RENT: 1911 Barnwell Street. Reception area; two offices; conference room; file room; direct parking; \$625 per month, plus utilities. Call (803) 779-6365.

OFFICE FOR RENT: Class A beautiful office space in Columbia's Vista with plenty of dedicated off street parking. Two blocks to Statehouse and courthouses. 2 offices and reception area. Very reasonable price and terms. Price includes power, water, parking, janitorial, and internet. Call Robert at 803-348-0043 or email robert@bolchoz.com.



HELPFUL INFORMATION

**Legal Staff Professionals/
Midlands Meeting:
2nd Tuesday 1:00**

Call Laura Foster at 803-799-9800 ext 338
or e-mail lfoster@mcnair.net

**Palmetto Paralegal
Association**

Call Adrith D. Schrauger
at 803-217-7557

**S.C. Women Lawyers
Association**

Call Angel Warren
at 803-788-4114



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(803) 256-9067
dick.whiting@whitinglawsc.com

NOTEWORTHY NEWS & ANNOUNCEMENTS



Collins & Lacy announces that **Joel Collins** has been elected as National Vice President of the American Board of Trial Advocates.

Murphy & Grantland announces that **Jason P. Luther** and **Chad E. Poteat** have joined the firm located at 4406-B Forest Dr. 29206. Phone: 782-4100.

The McKay Firm announces that **Marcy J. Lamar** recently co-authored *The Law of Workers' Compensation in South Carolina, Sixth Edition 2012*.

Sowell Gray Stepp & Laffitte announces that **Biff Sowell, Betsy Gray, Bobby Stepp and Cal Watson** have been recognized in the newest edition of Litigation Special Report, as Top Rated Lawyers in commercial Litigation.

Bowman & Brooke law firm announces that **Matthew Brooks Miller** has become an associate of the firm located at 1441 Main St., 12th floor, 29201. Phone: 726-0020

Turner Padgett announces that **Laneau W. Lambert Jr.** has been elected to serve as the Chair-Elect of the Board of Directors for Junior Achievement of Central South Carolina, Inc.

Chappell Smith & Arden announces that **Mark Chappell** has been elected to the American Association for Justice Board of Governors representing South Carolina in that organization. The firm also announces that **Jason Born** has passed the Georgia Bar and now adds another state to the firm's growth in the region which is already

licensed to practice in NC, Tennessee and the District of Columbia.

Rogers Townsend & Thomas announces that **Samuel C. Waters** has been elected Associate Director of the Mortgage Bankers of the Carolinas.

The McKay Firm announces that **Mark D. Cauthen** has been awarded the AV Preeminent Rating by Martindale -Hubbell Peer Review Ratings. The firm also announces that **Janet Brooks Holmes** has been elected as a Board Member for the South Carolina Chapter of the Federal Bar Association.

Turner Padgett announces that **J. Kenneth Carter Jr.** has been chosen to serve as Chairman of the Board of Directors for Business Counsel, Inc. McAngus Goudelock & Courie announces that **Jason A. Pittman** has become an associate of the firm located at 700 Gervais St. 29201. Phone: 779-2300.

Nelson Mullins announces that **Renee Dankner** has become of counsel with the firm located at 1320 Main St. 17th floor. Phone: 799-2000.

Riley Pope & Laney announces that **Heidi Brown Carey** has received the AV Preeminent Martindale-Hubbell Peer Review Rating.

Ariail B. Kirk has been selected to the 2013 class of Leadership South Carolina.

Turner Padgett has been named one of five "highly recommended" local litigation firms in South Carolina. Nine shareholders have been named "Local

Litigation Stars": **Wayne Byrd, Kenny Carter, Eddie Laney, Steve Ouzts, Thom Salane, Duvall Spruill, Tim St. Clair, John Wilkerson and Drew Williams.**

Pope Zeigler Law Firm announces that **Belton Zeigler** has joined the Transportation Distribution Logistics (TDL) Council, an initiative of New Carolina, whose purpose is to increase South Carolina's competitive strength by comprehensively addressing transportation infrastructure needs.

Bluestein Nichols Thompson & Delgado announces that **Stacy Thompson** has been selected to Leadership South Carolina's 2013 class.

Parker Poe Law Firm announces that **Felicia S. Preston** has joined the firm located at 1201 Main St. #1450 as an associate. Phone: 255-8000.

Harrison & Radeker announces that **F. Casey D. Cornwell** has become an associate of the firm located at 923 Calhoun St., 29201. Phone: 779-2211.

McNair Law Firm announces that **Michael Weaver** has been elected shareholder in the Columbia office.

Turner Padgett announces that **Laneau W. Lambert Jr.** has been elected to serve as the Chair-Elect of the Board of Directors for Junior Achievement of Central South Carolina, Inc.

Richardson Plowden announces the opening of a new office in the low-country at 40 Calhoun St. in Charleston.

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Kiosha Dickey announces that she has joined Littler Employment & Labor Law Solutions Worldwide located at 1201 Main St. #1930, 29201. Phone: 231-2417. Fax:753-0157.

The South Carolina Workers' Compensation Educational Association announces the two newest recipients of the Lifetime Service Award: **Rusty Goudelock II** and **Wallace G. Holland**.

The South Carolina Women Lawyers Association announces that **Vickie Eslinger** is the 2012 recipient of the Jean Galloway Bissell Award.

Janet Jenner & Suggs announces that **Gerald D. Jowers** has been made partner in the firm.

Callison Tighe announces that **Brian Lysell** has become an associate of the firm located at 1830 Lincoln St., Columbia 29202. Phone: 256-2371.

Womble Carlyle announces that its Columbia office has received the Historic Preservation Award from the Historic Columbia foundation.

Michael W. Burkett and **Shannon T. Poteat** have been certified as civil court mediators.

Pennington Law Firm announces that **Rachel M. Hutchens** and **Cara G. Cochran** have become associates of the firm located at 1501 Main St. Phone: 929-1070.

Michelle Parsons Kelley has been selected chair of the S.C. Commission on Women.

Turner Padgett announces that **John E. Cuttino** has been elected to the position of Secretary-Treasurer of DRI-The Voice of the Defense Bar.

Collins & Lacy announces that the International Society of Primerus Law Firms has awarded Collins & Lacy this year's firm-wide Community Service Award as well as a Lifetime Achievement Award for founding partner **Joel Collins**.

2013 Best Firms in America: McKay Cauthen Settana & Stublely, Turner Padgett, Gaffney Lewis & Edwards, Sowell Gray, Callison Tighe, Nexsen Pruet, Richardson Plowden, Barton Law Firm

Best Lawyers in America for 2013 edition:

Sowell Gray: **Becky Laffitte, Biff Sowell**

Finkel Law Firm: **Gerald Finkel, Harry Goldberg**

Gaffney Lewis & Edwards: **Amy L. Gaffney**

Bruner Powell Wall & Mullins: **Warren C. Powell, Jr., Henry P. Wall**

Turner Padgett: **J. Kenneth Carter, Jr., Michael E. Chase, Danny C. Crowe, John E. Cuttino, Cynthia C. Dooley, Charles E. Hill, Catherine H. Kennedy, Lanneau W. Lambert Jr., Edward W. Laney, Steven W. Ouzts, Thomas C. Salane, Franklin G. Shuler, Jr., W. Duvall Spruill, D. Andrew Williams**

Nelson Mullins: **George Cauthen,**

David Dukes, James C. Gray Jr., Kenneth A. Janik, Craig Killen, John F. Kuppens, B. Rush Smith

Barton Law Firm: **Barbara Barton**

Legal Elite

(Greater Columbia Business Monthly selections)

Criminal Law: **Jack Swerling, John Delgado, Leigh Leventis, Pete Strom, Sherri Lydon, Matt Bodman**

Banking & Finance: **Alan Lipsitz, John Sowards, John T. Moore, Teri Stomski, Margaret Pope**

Tax Law: **Fred Kingsmore, Margaret McGee, Alan Reyner**

Personal Injury: **Jake Moore, Jennifer Purdy, Ken Suggs, Michael Kelly, Pete Strom, Theile McVey, Chris Isgett**

Foreclosure: **Ian McVey, Reggie Corley, Sean Foerster, Suzanne Grigg**

Commercial Transportation: **Andrew Delaney, Daniel Settana, Scott Wallinger**

Real Estate: **Cynthia Blair, Dave Whitener, David Ross, Ed Menzie, Lisa Hostetler**

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NOTEWORTHY NEWS & ANNOUNCEMENTS (...continued from page 15)

Construction: **Bryan Barnes, Henry Brown, Josh Bennett, Sterling Davies**

Intellectual Property: **Michael Mann, Robert Williams, William Klett**

Insurance: **Aaron Hayes, Jim Koutrakos, Kelli Sullivan, Lee Floyd, Mathew Richardson, Pete Dworjanyn**

Workers Comp: **Ellen Adams, Mark Arden, David Bornemann, Earl Ellis, Hugh McAngus, Stephen Stuble**

International: **David Dubberly, Edward Kluiters, Paul Platte, Val Stieglitz**

Corporate Business: **Charles Appleby,**

Eric Bland, Mark Knight, Thomas Lydon

Labor & Employment: **David Dubberly, Hagood Tighe, Kris Cato, Nekki Shutt, Sue Erwin Harper**

Environmental: **Kathleen McDaniel, Roy Shelley, Tommy Lavender, Weston Adams III**

Family Law: **James McLaren, John McDougall, Pete Currence, Susan Edwards, Vance Stricklin Jr., Victoria Eslinger**

Governmental Affairs: **Bob Coble, George Wolfe, John Ozmint, Pete Strom**

Healthcare: **Betsy Bradley, Bob Coble, David Summer, Fred Crawford**

Estates & Trusts: **Amy May, Angela Kirby, Billy Newsome, David Sidons, David Sojourner, Hal Hanlin**

Bankruptcy & Creditor Rights: **Barbara Barton, Ian McVey, Jane Downey, Michael Beal, Rick Mendoza, Robert Wood**

EMPLOYMENT OPPORTUNITIES

The RCBA posts legal-related employment opportunities on our website, www.richbar.org. Additionally, we post the listings on the RCBA Facebook page. To submit a listing, please email it to rcba@richbar.org.