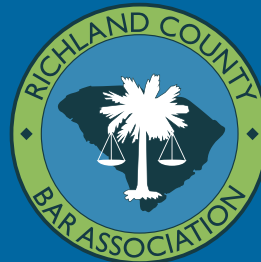


RICHBARNEWS

Newsletter of the Richland County Bar Association



JODY A. BEDENBAUGH
Treasurer

JOHN HEARN
President

IAN McVEY
President-Elect

UPCOMING EVENTS

Annual Free Ethics CLE

Friday, November 9, 2012
USC School of Law
Auditorium
8 AM - 12PM
(page 4)

Holiday Party/ Annual Meeting

Thursday, Dec. 13, 2012
Columbia Museum of Art
5:30 PM
(page 3)



FROM THE PRESIDENT

Uncommonly Good

"Love may fail, but courtesy will prevail." – John Figler, circa 1978

I have I have been extraordinarily lucky to live in the same house in the Deaswood subdivision for 17 years. Actually, the neighborhood just banded together to call itself the Cross Hill neighborhood, but since no one knows what or where Deaswood or Cross Hill is, I choose to be a rebel in that regard. Suffice it to say that my three children, all now grown and fledged, grew up as Brennen Elementary Bulldogs over the years.



Most mornings – with “most” defined as at least twice a month – you will find me out perambulating the Woods o’ Deas perimeter. At 4:45 a.m., it’s just me and the newspaper delivery man, who inexplicably drives a Cadillac Seville against all carbon credit logic. Part of my route takes me past Brennen Elementary’s old-school plastic-lettered information sign. It’s not fancy, but it does its job well, warning me of looming PTO gift wrap sales and soon, the “Fall Festival.” Apparently, Halloween has been banned, along with other fun things like allowing fifth-graders to smoke on the playground.

Come January or so, the sign editor’s cupboard starts to look as bare as my story idea archive, and the focus of the sign shifts to something called “Lifeskills.” (Be still, Edwin Newman. They know not what they amalgamate.) So, for example, the Big Board might read: “Lifeskill – Manners” or “Lifeskill – Shutting Your Yap, Mister.” I guess my three Hearnspawn were out sick when “Clean The Toxic Waste Dump That is Your Room” Lifeskill train rolled ‘round the bend.

It’s fair to say the morning skills drill does not generally inspire me, laudable as their intent may be. Occasionally, though, one of the posted platitudes hits home. A few months ago, just before “Hav a n ce summ r” had its extended tour, we were graced with “LifeSkill – Courtesy.” I chewed on that courtesy cue (or cud, take your pick) regularly over the summer.

Now, courtesy has fallen out of favor in some contexts. I have yet to find the “Courtesy Network” on my cable channel lineup. My earnest pitch to the Oxygen network--a sitcom with the

continued on page 5...

FROM THE EDITOR, DAVE MAXFIELD



Unless you just started practicing in the post-Lady Gaga era, you likely know my partner, Gene Trotter. I still remember the day that Gene interviewed me. It was 1995 and the highlight of my resume was “graduated in top 65% of class.” But he hired me anyway. Besides being lucky enough to have great parents and finding the right girl to marry, getting hired by Gene was the biggest break I’ve ever caught.

In the last 17 years, I’ve learned more from Gene about being a lawyer -- and life in general -- than I could possibly put into words. Nevertheless, in an effort to honor Gene (and save you new, post-Gaga baby lawyers a few hard knocks) allow me to present...

Seven Things I Learned from Gene:

1. *Being a Lawyer is Easy.* As Gene told me my first day, “You only have to do three things: meet the client, solve the problem, and get the money.” See? Easy.
2. *How to “solve the problem.”* That’s easy too. Legal problems are resolved by “talking people into doing stuff **.” Juries, opposing counsel, judges. Sometimes our own client. A single skill from which all else follows. ** Ed. note: He didn’t actually use the word “stuff.”
3. *How to get clients.* Get really good at 2, above. Eventually the word gets out.
4. *How to select cases.* Which cases do you take? Wrong question. As Gene taught me, it’s really about which ones you DON’T take. The best case-selection heuristic of all time is contained in the Gene commandment: “The Juice Must be Worth the Squeeze.”
5. *How to Act.* TV lawyers are pensive. They struggle for control over their firms while wearing dark suits. They don’t remove their jackets unless sleeping, which they never actually do because they are always working. That’s what I expected as a 26 year old lawyer anyway, and for the first month of my employment I rotated the only two suits I owned. Then deer season started. Gene showed up in Carhartts and Mossy Oak camouflouge. I didn’t expect a lawyer to do that. And later, just when I thought I had him pegged as the typical S.C. lawyer/hunter, I find a Flo Rida CD in his truck. Go figure. So, how to act? Like yourself.
6. *How Not to Act.* Growing up in suburban Atlanta, I had little sense of the connections between people. Gene seemed to know everyone in Columbia and they all loved him. He reminded me early on that “we live in a small state, in a small town.” In other words, don’t be a jerk to opposing counsel, because you are going to meet him again (plus you might discover he’s your cousin).
7. *Take your client’s problems seriously, but don’t take yourself too seriously.* Another lawyer once told me a story once about a case where Gene represented an individual plaintiff against

continued on page 8...



SLED License 1586

Stillinger Investigations

Specializing in - <ul style="list-style-type: none">▪ Adultery▪ Child Custody▪ Alimony Termination▪ Criminal Defense▪ Litigation Investigations	Brian L. Stillinger, MBA, LPI <i>President</i> Elizabeth L. Cook, JD, MPA, RPI <i>Sr. Investigator/General Counsel</i> Our staff includes three additional experienced Private Investigators.	1416 Park Street Columbia, SC 29201 Phone: 803.400.1974 Toll Free: 888-699-3350 E-mail: pi@investigatesc.com Web: www.investigatesc.com
--	---	--

- PAGE 2 -

NOMINATIONS DUE FOR ANNUAL AWARDS

It is again 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 13th 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@ctrlawfirm.com.

"Tootie" Williams Award

The John W. Williams Distinguished Service Award, affectionately known as the "Tootie" Williams 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 it 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, and William C. Boyd.

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, Michelle Childs, Rosalyn Frierson, Jane Trinkley, Amy Hill, Steve Benjamin, James E. Smith, Gray Culbreath, Steve Morrison, and James H. Harrison.

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, and Cravens Ravenel.



MEDIATION DEFINED BY SUCCESS

F. BARRON GRIER III

*Certified Mediator and Arbitrator
in South Carolina and Federal
Courts with 40 Years Experience
in all types of litigation*

AREAS OF EMPHASIS:

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

CONTACT:

F. Barron Grier III
Grier, Cox & Cranshaw LLC
P.O. Box 2823
Columbia, SC 29202

PHYSICAL ADDRESS:

2999 Sunset Boulevard #200
West Columbia, SC 29169

Ph: 803-731-0030

www.griercoxandcranshaw.com

Fx: 803-731-4059

email: grier@griercoxandcranshaw.com

ANNUAL RCBA FREE ETHICS SEMINAR

The RCBA's annual free ethics seminar will be held on Friday, November 9, 2012 at the University of South Carolina School of Law's auditorium.

This year's program agenda is as follows:

- 8:30 -9:30: Fees, Files, and Fired Lawyers by Dean Robert Wilcox
- 9:30-10:30: The Lawyer Epidemic and an Invitation to Well Being presented by Beth Padgett, Robert Turnbull, and Brian Dumas
- 10:30-10:45: Break

10:45-11:15 Tips for avoiding and dealing with the Office Disciplinary Counsel by Sabrina Todd

11:15-11:45: Ethics, Snares, and Trips Good Lawyers Need to Know by Professor John Freeman

Please remember that parking is limited. If you can carpool from your office it is helpful. It is even easier to have someone drop you off and pick you up. Registration is done via email at the bar office (rcba@scbar.org) **PLEASE INCLUDE YOUR BAR NUMBER IN YOUR EMAIL.** When possible, it is helpful to register in groups from your firms.

HELP MAKE MOCK TRIAL ROCK!

The Law Related Education (LRE) Division is seeking attorney volunteers for its growing Mock Trial programs, which teach middle and high school students about the legal system through trial role playing. Mock Trial volunteers enjoy the thrill of competition while scoring and presiding over trials. LRE needs attorney volunteers to score the competitions, attorney coaches to help prepare the teams and law student volunteers to help behind the scenes. Competition dates and locations are as follows: Nov. 3, Middle

School Mock Trial Regional Competitions (Charleston, Conway, Greenville and Lexington); Dec. 7-8, Middle School Mock Trial State Competition (Lexington); Feb. 23, High School Mock Trial Regional Competitions (Charleston, Conway, Greenville and Lexington); and March 8-9, High School Mock Trial State Competition (Columbia). All attorney volunteers earn pro bono credit for their hours dedicated to the Mock Trial program.



ALPS has always prided ourselves on our accessibility. Nearly 25 years ago, we provided a stable option for lawyers' professional liability insurance at a time when lawyers simply could not find one. We continue to be here for the legal community today. When you call, we answer. Our policy protects your practice. Our people provide you peace of mind. Let's connect.

(800) 367-2577 • www.alpsnet.com



FROM THE PRESIDENT

(...continued from page 1)

working title of “Be Swell”—fell flat. In pop culture today, snarky is what sells, and scripted reality show catfights are the cheap, filling main course of our TV dinners.

Fortunately, real life is still here, and so is courtesy—right here amongst us RCBA lawyers. That’s not mere pap; it is a statement of fact. I can honestly say that most lawyers I work with bring more than their fair share of common courtesy to the work we all do. It makes all of our lives so much easier.

Examples abound: may I have an extension? Sure. Will you return my call? Less sure, but still better than a .500, despite my own lifetime .217 batting average in that regard. Whatever my request, I can count on one hand the times I thought an RCBA member has been uncivil or unsavory. It’s a remarkable record. It is the best part of us taking care of each other.

John Figler’s quote above actually appears in the first few pages of Kurt Vonnegut’s wonderful book, *Jailbird*. Figler, an Indiana high school student, wrote his fellow Hoosier to offer up his seven-word summary of all things Vonnegut. On his receipt of Figler’s letter, Vonnegut was crushed. He realized that Figler had success-

fully and completely reduced his decades of work to “[l]ove may fail, but courtesy will prevail.”

I think Figler is right, too. Like his hero, Vonnegut, and his contemporary, Ernest “Ernie” Keebler, Figler came to realize that sometimes love does not necessarily conquer all. For example, I love my Civic, but your Acura TSX will probably eke out a win as we battle for merging rights at Malfunction Junction. But courtesy, that’s something else again. And EK takes the notion a good bit higher, with his watchwords “Uncommonly Good.” Easy for him, seeing how he lives in a tree with free cookies and all, but still.

As this year hurtles to a close, I’m mindful of so many uncommonly good attorneys in the RCBA ranks, past and present, who play nice. It never fails.

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



SERVE-ONE, INC.

Nationwide Process Serving

Offices in
Greenville and Columbia

Honest ♦ Loyal ♦ Thick-skinned

800-786-3938

NEW MICROSOFT WINDOWS 8 TABLETS ARE SERIOUS COMPETITION TO IPAD FOR LAWYER WORK

By Bill Latham (Bill@hytechlawyer.com)



Let me begin by saying that I love my iPad -- I love all the magical things that it does. It is truly a wonderful media consumption device. However, from the beginning, I have not been satisfied with just those things that the iPad does well -- I want more. Frankly, I want the functionality of a laptop in the iPad package. By cobbling together a collection of several dozen applications, I have essentially managed to achieve this objective,

however, to do so I have spent hundreds of hours (and dollars) experimenting with applications and hardware -- precious hours I will never get back. Oh sure, it's been fun teaching my fellow lawyers how to make this magical device function in their legal practice. However, most lawyers will never spend the time that it takes to master the iPad for efficient legal work -- nor should they.

The naked truth is that the iPad is a forced fit for most lawyer work and it has serious limitations, *e.g.*, its word processing capabilities are quite rudimentary, lacking in functions that lawyers demand such as the ability to create redline comparisons, track changes, view multiple documents at the same time, sophisticated editing capabilities, etc. In addition, the inability to access external storage or import files via USB is a significant drawback. The general inability of iPad applications to communicate with one another also limits the iPad's functionality for lawyers. Perhaps most significantly, the iPad does not play well with the PC-based infrastructure at most law firms.

Finally, there has appeared on the horizon a tablet computer that most lawyers will be able to just pick up and use with minimal new training required -- this is the Microsoft Surface that was unveiled on June 19, 2012. The Surface is an elegant tablet with a 10.6 inch display. See photo gallery at <http://www.microsoft.com/surface/en/us/gallery.aspx>.

The Surface comes in two operating system versions, one running Windows RT on the ARM platform used by most iPad competitor tablets today. In serious contrast, the "Pro" version runs Windows 8 (Pro), on an Intel processor. Both versions come with an almost paper thin external keyboard built into the cover. Both versions also sport front and rear cameras and stereo speakers.

The Windows RT version will run the full mobile version of Win-

dows. Apps will be purchased from the Microsoft Apps store. The RT version of the Surface will come in 32 GB and 64 GB models. This version will be powered by a NVIDIA ARM processor. The RT surface comes equipped with a microSD slot and a USB 2.0 port. At the time of writing, the price target for the Surface RT is unclear. Initial reports suggested that the RT was expected to be marketed at the iPad price points (\$599-699). However, recent speculation is that the prices will be set close to the Nexus 7 and Kindle Fire (est. \$249-\$300). It is widely believed that this price level is below the price of manufacture. However, such pricing models are not uncommon, *e.g.*, dirt cheap printers but expensive ink. Clearly, pricing will be a crucial factor in whether the RT takes off. The anticipated release date for the RT model is October 26, 2012.



It is not the Surface RT version, however, that I'm excited about. The higher-priced version of the Surface, will run Windows 8 (Pro), and will utilize an Intel Core i5 Ivy Bridge processor. The beauty of this version is that not only will it run Windows 8 Apps, it will also be compatible with legacy Microsoft software, although how programs designed for a mouse will function in a touch-screen environment remains to be seen. As for connectivity, the Pro supports microSDXC and USB 3.0.

It also has a mini display port video output. The Pro will be available in 64GB and 120GB models. It is expected to be priced competitively with ultra notebooks although at the time this article was written pricing had not been announced. The anticipated release date for the Surface Pro is in the first quarter of 2013.

continued on page 7...

WINDOWS 8 TABLETS

(...continued from page 6)

The Microsoft surface Pro should be a much better fit for lawyers than the iPad. First, it will utilize a Windows based system that most lawyers are thoroughly familiar with, although the Metro touch screen interface for Windows 8 may take a couple of hours to master (I have test driven the Beta versions of Windows 8 and it seems to me that behind the initial Metro presentation, it is essentially a dressed up Windows 7). Second, MS Word, the entire MS Office suite, and most PC based software applications will work on the Pro, although Windows 8 specific version of these popular programs will be released with the Pro. The Pro will also be compatible with existing systems and security infrastructure at most law firms. *In other words, the Surface Pro is basically a full capability PC laptop in tablet form.*

I will be at the head of the line for a Surface Pro 128GB model and you can rest assured I will write about it here. BTW – I do still love my iPad.

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.

There are 20 umbrellas in the RCBA office that were left at the Judicial Reception. If you are one of the owners, please come by the office and claim yours.



ROGERS TOWNSEND
ATTORNEYS AT LAW

Dispute Resolution Practice

Arbitration | Mediation | Customized Conflict Resolution Training | Dispute Review Panels

Areas of Emphasis

Personal Injury	Premises Liability
Product Liability	Environmental
Professional Negligence	Labor & Employment
Probate	Contracts

For additional information regarding our available services, please contact
Darra James Coleman: 803.744.1865 or Darra.Coleman@rtt-law.com

ROGERS TOWNSEND & THOMAS, PC
SYNERGY BUSINESS PARK
220 EXECUTIVE CENTER DRIVE
COLUMBIA, SOUTH CAROLINA 29210

P 803.771.7900
F 803.343.7017
RTT-LAW.COM

COLUMBIA | CHARLOTTE | CHARLESTON | ST. THOMAS U.S. VIRGIN ISLANDS



BAKER RAVENEL BENDER
ATTORNEYS AT LAW



DUVAL CRAVENS RAVENEL

Certified Circuit Court & Family Court Mediator
Serving South Carolina for 40 Years

Extensive Litigation and Dispute Resolution Experience

BAKER, RAVENEL & BENDER, LLP

www.brglegal.com

cravenel@brblegal.com

PO BOX 8057 | COLUMBIA, SC 29202

3710 LANDMARK DRIVE, suite 400
COLUMBIA, SC 29204

Phone : 803.799.9091 | fax : 803.779.3423

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)

multiple corporate defendants. Each defendant was represented by big firm lawyers from big cities. Gene cared deeply about doing a good job for his client, but it was a difficult case. On the day of trial, Gene walked into the courtroom to find eight or ten lawyers staring across the aisle at him. Gene paused, looked them up and down and said, "You must have me figured for a dangerous man."

Gene was (and is) a dangerous man because he's an exceptional lawyer. But he's been much more than that to me, a teacher, a mentor, a peer and most of all a friend.

As some of you know (or will if you read the firm announcements section of this newsletter), Gene and I are parting company after 17 great years together. One of the best things about working with Gene was that, as a young lawyer, he allowed me the freedom to develop my own practice in consumer law. That practice grew into something I became very passionate about, and ultimately compelled to focus on exclusively.

While our practices have grown apart, we have not. We're eating lunch together later this week, which I hope we'll continue to do for 17 more years. As for the last 17 years, the juice has definitely been worth the squeeze.

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

**LIKE THE RCBA
ON FACEBOOK**



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

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 will also be republished in our next 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, (1) 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

continued on page 10...

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

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.
- 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

continued on page 11...

BYLAWS OF THE RCBA (...continued from page 10)

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.

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

continued on page 12...

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

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 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

continued on page 13...

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

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.



**RICHARD G.
WHITING**
CERTIFIED
FAMILY COURT
MEDIATOR
JD, MBA,
B.S. BUSINESS ADMINISTRATION

**EXTENSIVE LITIGATION &
DISPUTE RESOLUTION EXPERIENCE**
MEDIATION
ARBITRATION
Law Offices of Richard G. Whiting
1515 Lady Street (29201)
Post Office Box 7877
Columbia, SC 29202
(803) 256-9067
dick.whiting@whitinglawsc.com

NOTEWORTHY NEWS & ANNOUNCEMENTS



Sowell Gray announces that **Alexis K. Lindsay** has joined the Leadership Columbia class of 2013.

Mike Kelly Law Group expands Legal Services to

Military Vets with the addition of a new attorney in an of counsel role, **Douglas Rosinski**, who is experienced in veterans affairs and complex federal litigation and legal rights of veterans benefits claimants.

Richardson Plowden announces that **Jared Garraux** has joined the Leadership Columbia class of 2013. The firm also announces that **Michelle P. Kelley** was recently selected to serve as the 2012-2013 Chair of the SC Commission on Women.

McNair Law Firm announces that **Michael Weaver** has been elected a shareholder with the firm.

Nexsen Pruet announces that **Darrious Baker, Rachel Nicholas and Cameron Tanner** have earned the firm's 2012 Diversity Scholarships. The awards are given annually to exceptional minority law students planning legal careers in the Carolinas.

The SC Bar Young Lawyers Division earned 5 prestigious Awards of Achievement at the ABA Annual Meeting in August. Robinson McFadden & Moore announces that two of its attorneys received Awards of Achievement: **Rebecca Roser**, president of YLD and **Marshall Coleman Newton** as co-chair of the YLD Newsletter.

Turner Padgett announces that **Lanneau Lambert, Jr.** has been selected Secretary of the National Conference of Bar Presidents.

McKay Cauthen Settana & Stublely an-

nounces that **Kelli Sullivan** has joined the Leadership Columbia class of 2013. The firm also announces that **David M. Bornemann** has joined of the firm located at 1303 Blanding St. 29201. Phone: 256-4645.

The SC Bar Foundation's executive director, **Shannon Willis Scruggs** has recently been elected President of the National Association or IOLTA Programs.

Barnes Alford Stork & Johnson announces that **Emily Collins Brown** has become an associate of the firm located at 1613 Main St. 29201. Phone: 799-1111.

McAngus Goudelock & Courie announces that **Christopher Gibbs and Brett H. Bayne** have become associates in the firm located at 700 Gervais St. 29201. Phone: 779-2300.

Attorneys **Donald Ryan McCabe, Stephanie Carol Trotter, Brian Carroll Gambrell and Hal LaVaughn Beverly Jr.** announce that they have formed a new firm called McCabe Trotter Gambrell and Beverly PC. The offices are located at 140 Stoneridge Dr. #650, Columbia, 29210. The mailing address will be PO Box 212069, Columbia 29210. Phone: 724 5000. Mr. Beverly will head the Myrtle Beach office.

Sweeney Wingate & Barrow announces that **Richard McLawhorn** has joined the firm and will be located in the Hartsville SC Office.

Nexsen Pruet announces that **Molly Hughes Cherry and Susi McWilliams** have been named as two of the Top 250 Women in Litigation by legal publishers Benchmark Litigation.

The McKay Firm announces that **M. Stephen Stublely**, a partner with the firm, has

been awarded the AV Preeminent Rating by Martindale-Hubbell Peer Review Ratings. This designation signifies that he has received that highest possible rating for his legal abilities and ethical standards.

Collins & Lacy announces that **Kristian Cross** has been appointed by the Governor of South Carolina to the Board of Accountancy which is responsible for the administration and enforcement of the rules and regulations governing the practice of accounting in the state.

Stacy Elizabeth Thompson of Bluestein Nichols Thompson & Delgado received the Katharine Heath Manning Perry award from the Junior League of Columbia, which recognizes a member who has excelled in community voluntarism and activism through her JLC placement and through extensions of her JLC work and training.

Gallivan White & Boyd shareholder **John T. Lay** was elected as a new member to the International Association of Defense Counsel (IADC) Board of directors, an invitation-only professional association for corporate and insurance defense lawyers around the world.

After 17 great years together, **Dave Maxfield** and **Gene Trotter** announce the separation of their practices into two firms: Dave Maxfield, Attorney, LLC will relocate his practice to 5217 N. Treholml Road, Suite B, Columbia, 29206, phone 803-509-6800; Gene Trotter's practice will remain at 1701 Richland Street, Columbia, 29201, phone 803-799-6000.

Kelly A. Seabrook announces that her office address changed at the end of Sep-

continued on page 15...

NOTEWORTHY NEWS & ANNOUNCEMENTS

(...continued from page 14)

tember to 1803 Hampton St., Columbia, SC 29201. All other contact information is the same.

2013 Best Lawyers in America recognizes legal excellence in different practice areas:

Collins & Lacy: **L. Henry McKeller, Ellen M. Adams, Joel W. Collins Jr. Peter H. Dworjanyn, Stanford E. Lacy.**

Callison Tighe: **Michael W. Tighe, Ralph C. Robinson Jr., Nekki Shutt, M. Mallissa Burnette.**

Richardson Plowden: **Leslie A. Cotter Jr., Frederick A. Crawford, Steven W. Hamm, Francis M. Mack, Frank E. Robinson II, Franklin J. Smith Jr. Robinson McFadden: Kevin K. Bell, Daniel T. Brailsford, Frank R. Ellerbe, M. Kevin Garrison, Wilson W. McDonald, R. William Metzger Jr. and J. Kershaw Spong.**

Moses & Brackett: **William Bert Brannon**

Sowell Gray: **Grady Beard, Betsy Gray, Becky Lafitte, Biff Sowell, Bobby Stepp, Monty Todd and Cal Watson.**

Ellis Lawhorne: **F. Earl Ellis Jr., Ernest G. Lawhorne, Mary Sowell League, Lana H. Sims Jr., Rita Bragg Cullum, David G. Sojourner Jr., Karen Hudson Thomas, William O. Higgins, William P. McElveen, Robert P. Bethea Jr., John L. McCants, W. Cliff Moore III, Kirby D. Shealy III, John F. Beach and Tom Runge Jr.**

Lewis Babcock: **A. Camden Lewis and Keith M. Babcock.**

Turner Padgett: **J. Kenneth Carter Jr., Michael E. Chase, Danny C. Crowe, John Cuttino, Cynthia C. Dooley, Charles E. Hill, Catherine H. Kennedy and Lanneau W. Lambert Jr.**

The McKay Firm: **Marcy J. Lamar**

BANK OWNED OFFICE BUILDING

FOR SALE



2027 TAYLOR STREET, COLUMBIA

PROPERTY INFORMATION

- > 5 offices, 2 baths, and a kitchen
- > Approximately 2,400 square feet
- > Great location near intersection of Taylor Street and Harden Street
- > Traffic Counts: Taylor Street: 17,800 VPD/Harden Street: 19,800 VPD
- > Seller financing available (restrictions apply)
- > **Price: \$169,000**

For more information, please contact:

JORDAN HAMMOND
803 401 4318 DIRECT
jordan.hammond@colliers.com

COLLIERS INTERNATIONAL
1301 Gervais Street
Suite 600
Columbia, South Carolina 29201



www.colliers.com/columbia

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

CLASSIFIEDS

FURNISHED OFFICE SPACE

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

OFFICE SPACE AVAILABLE: 1415

Richland St. \$450.00 per month rent includes utilities and parking. Call 256-2398.

ATTORNEY NEEDED: Culp Elliott

& Carpenter, a Charlotte law firm, seeks to add an experienced Associate Attorney to its team of talented professionals. Ideal candidate will have completed LLM program in Taxation or Estate Planning and possess 3-5 years of Estate Planning/Corporate/Tax experience including corporate and partnership tax planning. Attorney will practice in the following areas: estate planning, partnership and corporate planning, asset protection planning and income tax planning. Outstanding and challenging opportunity for a highly skilled,

self-motivated, detail-oriented attorney to contribute to a Firm with proven record of solving the most challenging legal and tax problems. Please send resume and salary requirements to slm@ceclaw.com.

WANTED FOR LEASE OR PURCHASE:

Three person law firm looking to lease or purchase 3000sf office building in or near downtown Columbia. Need the following: Office space for three attorneys, three paralegals, reception area, large conference room, break area/copy room, with on site parking for 6-8 cars. Attorney practice area is workers compensation so need first floor space or space with elevator access. Availability immediate. Please contact Jim Daniel, Catawba Properties LLC, 803-799-5811 or jdaniel@sc.rr.com with available properties.

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 SPACE AVAILABLE: Down-

town Columbia. Newly renovated throughout, 5 Offices, 2 Full Bathrooms, Conference Room & Break Area, Approximately 2,000 Square Feet. Call Kelly Seabrook at (803) 251-2288 to schedule appointment.

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.