

RICHBARNEWS

Newsletter of the Richland County Bar Association



MIKE POLK
Treasurer

DAVE MAXFIELD
President

JACK MCKENZIE
President-Elect

UPCOMING EVENT

**Annual Meeting/
Holiday Party**

Wednesday, December 6, 2017
(note date change!)

5:30 PM

Columbia Museum of Art

Visit <http://richbar.org/events>
for more information about all
of our upcoming events!



From the President, Dave Maxfield

The Lines that Aren't

A few weeks ago, I came close to dying. I wasn't lying in a hospital bed fading away with some mystery illness. I wasn't in a car crash. Nobody attacked or threatened me. And yet I was as close to the line that separates life from death as you can get and still come away unscathed whether by miracle, fate, or dumb luck. Let me explain.

It was Sunday at about 6:30 pm. I came home to find a pine tree had snapped in half midway up, falling on the roof of our house. The tree fell such that it overhung the powerline to our house. It was a fair-sized tree, but didn't seem to have damaged the roof as far as I could see through the tangle of its branches.

Our house is two-story. It sits on a hill that slopes down from right to left. If you looked at it from the street, you'd notice that the drop from roof to ground on the right side is less than 15 feet. But, as the ground falls away on the left, the distance from the peak of the roof to the ground grows to about 60 feet.

I called SCE&G. They arrived just as it was getting dark, graciously offering to drop the powerline to the ground temporarily. That would give me an opportunity to get on the roof with a chainsaw and cut. The idea of climbing the roof with a chainsaw (which was all mine) in the growing dark set off tiny alarm bells in my head. The bells were echoed by my wife's and son's concerns. But I knew what I was doing, right? Their concerns only gave me that much more opportunity to prove my ability.

Once on the roof, with running chainsaw in hand, I was a god. All that power dissecting the tree limb from trunk, problem-solving at its most primal. The flying sawdust and the screaming saw; intent on my work, I looked up from the tree for the briefest moment to see my wife and son in



continued on page 12...

From the Editors, Mike Polk and Van Horger

We are excited about this issue, which happily, though inadvertently, is focused on technology and our varying degrees of proficiency. While we do not hold ourselves out to be experts, we like to hear from those that are. For the highly efficient and the lazy, an easy way to stay abreast of legal and technological trends of all kinds is to listen to podcasts. As a reminder, listening to a podcast is like listening to a radio show on demand. If you have a smart phone or tablet, chances are you have the capability to listen to podcasts. All you have to do is click on the podcast icon, search for topics you are interested in, subscribe, and listen at your leisure. Mike listens to podcasts every day while walking dogs or driving to and from work. While many podcasts—such as *This American Life*, *Fresh Air*, and *Serial*—remain favorites for general interest, we thought we'd suggest a few more. Most are of the legal/business/management variety, but there are few more thrown in for variety:



- *More Perfect* – This podcast is designed for the general public, not just for lawyers. But it's a popular one that addresses how Supreme Court decisions affect our everyday lives.
- *How to be Awesome at Your Job* – This podcast appears to be aimed at millennials and is not legal-specific. It has a wide range of voices and "thought-leaders," who often have valuable insight. Not a bad way to spend your commute and get yourself ready for the day ahead.
- *WTF with Marc Maron* – Do not be put off by the name, which has nothing to do with the content of this podcast (although it is probably still is NSFW). This is an interview podcast hosted by comedian Marc Maron, who is perhaps more famous for his podcast than his comedy (though that may be changing). He interviews a variety of people in the entertainment industry—typically musicians, actors, or comedians—from the casual venue of his garage. Maron operates the recording equipment by himself, allowing for an intimate conversation without others in the room. He has interviewed everyone from Lorde to President Obama. What makes this a good podcast is that you feel like you are eavesdropping on a private conversation. There is no relation to the law, but most lawyers can find an in-depth interview of someone they find interesting on this one.
- *Apps in Law* – Brett Burney, who recently spoke at the LPM Tech convention, hosts this podcast in which he interviews attorneys about the apps they use in their practice.
- *Clockwise* – Four tech topics in thirty minutes.
- *Too Embarrassed to Ask* – The legendary Kara Swisher and Lauren Goode host this podcast about tech topics directed at beginners but enjoyable for everyone.
- *The Legal Talk Network* – If you search for the Legal Talk Network, you can find gems like the Kennedy-Mighell Report, Lawyerist, New Solo, and the Digital Edge.



continued on page 3...

From the Editors (...cont'd from page 2)

- *Slate's Amicus* – This podcast is heavy on analysis of U.S. Supreme Court cases.
- *The Resilient Lawyer* – Jeena Cho helps lawyers live a better life. Jack Pringle, frequent contributor to the newsletter, has been a guest twice.
- *NPR* – Most NPR shows are available on demand in podcast form.
- *On Being* – This podcast has in depth interviews with theologians, spiritual leaders, scientists, and artists. It is hard to describe, but it is something very peaceful to listen to, and I always feel better about humanity after listening to an episode or two.

This list barely scratches the surface of available podcasts. No matter what your interest—from Gamecock athletics to the Beatles to Game of Thrones to fantasy baseball to meditation to veganism to international politics, and everything in between—there is a podcast for you. Because they are free, you really have nothing to lose by lending an ear.

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

The RCBA Wants You!



First, are you interested in having your law related blog as part of our website? If so, please contact Mandy Wren at mandy.wren@sbar.org. If there is enough interest in a blog roll, we can make it happen.

Second, do you enjoy photography? We could use some help with chronicling our events so that we can share photos on social media, on our website, and in this newsletter. If you are interested, please contact Mandy. You can also find us on Facebook, Twitter, and LinkedIn (see page 12 for web addresses of our social media accounts).

Electronic Filing Coming to the Fifth Circuit

As of October 10, 2017, E-Filing will be live in more than half the counties in South Carolina. It is expected that E-Filing will be implemented in the Fifth Circuit beginning in mid-November, first in Richland County and then in Kershaw County. E-Filing is currently limited to the Court of Common Pleas, but is mandatory for attorneys, with some exceptions, including post-conviction relief, habeas corpus, and sexually violent predator cases. Exceptions and other information about document formatting, the use of electronic signatures, and procedures for technical problems are contained within the South Carolina Electronic Filing Policies and Guidelines, which were adopted by the Supreme Court on October 28, 2015.

Further instruction and training materials for attorneys and staff are available on the E-Filing Portal page at <http://www.sccourts.org/efiling>. Among other training materials are numerous E-Filing videos, which provide step-by-step filing instructions; Attorney Reference Guides, which may be saved or printed; Frequently Asked Questions; and a free webinar, which is offered most Fridays and qualifies for an hour of CLE credit.

Health Hacks: Is it Time to Stand Up to Your Desk? *by Jim Rogers*



Two friends of mine, whose opinions I respect, recently told me that I was crazy because I don't have a "stand up" or adjustable desk. "Sitting is the new smoking," they say, and more standing at work will improve long term heart and back health. One of them is convinced that the benefits of exercise can be wiped out by a day of sitting at work.

The cynic in me remained unconvinced, so I took the time to review the actual medical literature that has examined the consequences of sitting versus standing at work. Here is a summary in three big buckets:

1. A sedentary lifestyle is bad for you.

No surprises here. There are tons of high quality studies showing that no physical activity negatively impacts life expectancy and increases the risk of cardiac disease, cancer, diabetes, and obesity. Be aware when you read magazine or internet articles about stand up desks referring to studies that found "sitting will kill you," these are the types of studies the articles are citing, not studies that actually examined whether there are benefits to stand up desks.

2. There is no good data showing that standing more at work makes you healthier.

The studies on stand up desks so far don't really tell us much. They contain very few subjects and only collect data for short periods of time—usually just a few days or weeks. Even though the data on stand up desks is not robust, the studies to date generally do not show that stand up desks lead to any benefits in blood pressure, cholesterol, or weight—the typical risk factors for heart disease—although some studies have shown very small benefits in these areas. Not surprisingly, studies that have looked at treadmill desks or the incorporation of other routine physical activity into the workday have shown modest benefits in these areas.

There are occupational studies that have compared how often heart disease occurs in workers depending on how they spend most of their time at work. You should note these studies did not examine the use of any type of desk, but were focused on whether certain jobs require workers mostly to sit, stand, or move around. One large, long term occupational study from 2017 found that workers whose jobs required them to primarily stand at work were almost twice as likely to develop heart disease as workers who primarily sit at work, but that workers whose jobs require them primarily to walk around had a reduced incidence of heart disease compared to those that mostly just sit or stand. There are other large occupational studies that have not found a relationship between heart disease and jobs where workers mostly sit versus mostly standing.

The good news for stand up desks is that research has shown that workers who change position frequently subjectively report less back and lower body pain. Interestingly, as the amount of standing increases, many workers report discomfort in their arms and wrists, which may come from an awkward work station for computer use when they are standing. Workers also subjectively report that frequent positional changes improve their level of engagement and that they have less daytime drowsiness. Studies also fairly consistently show that stand up desks do not cause any reduction in work ability.

3. Sitting does not negate high levels of physical activity, but standing may be better than nothing.

I have not seen any evidence that sitting at work wipes out the benefits of exercise. A 2016 meta-analysis from *The Lancet* examined

Health Hacks (...cont'd from page 4)

data on over one million study subjects who were divided into four quartiles depending on how much they exercised. The researchers then looked at how much time the subjects spent sitting and what impact sitting time had on each quartile. In the quartile where the subjects exercised the most (60 to 75 minutes a day), there was no association between mortality and the amount those subjects spent sitting, even when they sat for more than 8 hours a day. By contrast, the subjects who sat the least (less than four hours a day) but engaged in the least amount of exercise had a 27% increase in the risk of mortality. Even worse, the subjects who exercised the least and sat for more than 8 hours a day had a 59% increase in mortality.

So, should you use a stand up desk? I think it comes down to personal preference. If you are physically active, using a stand up desk does not appear to add any cardiac or orthopedic benefit, although you might be more comfortable and need less coffee. If you exercise very little, some standing may be better than nothing. One thing is for sure, moving is better than sitting or standing for everyone. Regardless of the type of desk you have, consider adding movement to a day in the office. Do ten jumping jacks at the top of each hour. Every time you use the restroom, climb a few flights of stairs or walk the perimeter of your office. Use a Fitbit to count steps. Do curls or rows with low weights or resistance straps if you are on a long call. Intentionally walk an extra few blocks for lunch. Just try moving as opposed to sitting or standing.

By the way, the phrase “sitting is the new smoking” is generally attributed to Dr. James Levine, an endocrinologist and researcher at the Mayo Clinic, who is the “inventor” of—not the stand up desk—but the treadmill desk. “Move more, sit less” is a new catchphrase that is being touted as more appropriate for better health at the office.

Jim Rogers is a partner at Nelson Mullins Riley & Scarborough. Jim has never run a marathon or completed an Iron Man competition, and it is unlikely that he will do or could do either. However, Jim enjoys exercises of many varieties. You can reach him at jim.rogers@nelsonmullins.com.

Richland County Common Pleas Jury Verdicts

16-CP-40-0071

Maryann Gilmore v. Shederick Moulton, Jr.

Attorneys:

Plaintiff: Sherod H. Eadon, Jr.

Defense: Allyce Bailey

Cause of Action: Automobile

Verdict: For Plaintiff

Actual Damages: \$27,500

16-CP-40-3738

William Hubert Williams etc., et al v. Ardelia McDaniel

Attorneys:

Plaintiff: Stephen Cook

Defense: Karl S. Brehmer

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$23,000

16-CP-40-1595

Hope Jones v. Jasjuna Singleton

Attorneys:

Plaintiff: Barry George

Defense: Tami Ackerman

Cause of Action: Automobile, Personal Injury

Verdict: For Defendant



Mentoring? What if It Were Your Child! *By Mark Chappell*



In my mind, and hopefully yours, being a lawyer is a calling and part of a grand tradition of professionals helping others. As a profession, we are called on to be involved leaders and to give back. When I look around my church, in scouting, and in youth sports, I see my fellow attorneys in leadership roles, always ready to say, “How can I help?” In all honesty, most of our involvement arises from the needs of our children. We are often dragged into “helping out” kicking and screaming. I remember as a young lawyer trying to practice personal injury law state-wide with four children under the age of six. I was your typical young lawyer trying to prove myself with little thought of my other responsibilities as a husband and father. I remember like it was yesterday driving home from Conway and arriving late for my son’s fourth birthday. Most of the hoopla of the event was over. I don’t remember what was happening in Horry County that day, but I do remember April 25th, 1992. Something had to change.

Not long after that, Bill Smith and I started our own law firm with a commitment that our families came first. We willingly agreed to coach and sponsor our children’s teams and events. Those were great years, but when my last one went off to college, I felt like my obligation to coaching them up had ended. Likewise, on a professional level, having done my time as an officer of The South Carolina Trial Lawyers (SCATL), I thought that if I served on a few committees and attended a few conferences that was sufficient too. Then, several years ago, my son decided to go to law school and all of that changed. Who was going to coach him up? And what about his 210 classmates? I thought back on the attorneys who gave of their time to come to the law school to help me become a better lawyer, teaching trial advocacy classes and acting as judges in the mock trial competitions. They gave of their time and knowledge. What was I doing? It was my turn to pass on what little advice I had to the next generation of our profession. I contacted the law school, said “put me in coach,” and signed up to mentor first year law students.

It has been an eye-opening experience. It has provided me with a fresh look at a great profession, not looking through the weathered eyes of a 30-year-practitioner, but through those of a 1L who sees the wide range of possibilities that our profession allows. Some want to be litigators, some transactional lawyers, and still others want a career in politics. Few of them realize that during the next three years their idea of what they want to be “when they grow up” will change many times. And no matter what they choose, it will be those in our profession who give of their time who will aid them in that journey and in their future successes.

Several years ago I was moving my office and came across an article in the *Richbar News* I had saved since 1999 because my name was in it for some obscure reason. In it was a memorial to Jeter Rhodes, who had died at age 55, my age at the time. It was then that I remembered how wonderful my trial ad teacher (Jeter Rhodes) had been in shaping my path as a trial lawyer and thus, I also felt a need to give back to the *Richbar News*. We have a strong and collegial bar and I hope you consider mentoring either at the law school or a new admittee or writing something for the newsletter that has inspired you in life. I look forward to learning more from the members of MY PROFESSION.

P.S. That four-year-old, whose birthday party I missed that refocused my priorities, now practices law with me. Pass it Forward!!!!

Mark is a Trial Lawyer, husband and dad. He can be reached at mchappell@csa-law.com.



Annual Meeting/Holiday Party

Wednesday, December 6, 2017 at the Columbia Museum of Art - *NOTE THE CHANGE IN DATE*

Nominations are now being accepted for RCBA's annual awards. We encourage you to submit your nominations to the Recognition Committee chair, Reece Williams at reecewilliams@callisontighe.com. The awards will be presented at the RCBA Annual Meeting on Wednesday, December 6th at the Columbia Museum of Art.

The John W. Williams Distinguished Service Award

Affectionately known as the "Tootie" Williams Award, this award is based upon distinguished and meritorious service to the legal profession or to the public in professional related activities. The Williams Distinguished Award is the highest recognition given by 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, Jr., Lester Bates, Jr., Henry Hammer, the Honorable Jasper Cureton, Claude Scarborough, D. Reece Williams, Joe Berry, Jr., Luther Battiste, William C. Hubbard, Ken Suggs, the Honorable Bob Coble, William C. Boyd, Elizabeth "Betsy" Bradley, Representative Beth E. Bernstein, and most recently, Bob McKenzie.



Civic Star Award

Also given annually, the Civic Star Award is based upon exceptional and meritorious service to the Richland County community for activities outside the legal profession. Commitment to community service is important to members of the RCBA. Most members volunteer within the community and often only their friends or co-workers know the depth of their giving. Recent recipients of this award have been Matt Hill, Anthony Hayes, George Cauthen, Cravens Ravenel, David Belton, Mike Kelly, the Honorable J. Michelle Childs, Honorable Rosalyn Frierson-Smith, Jane Trinkley, Amy Hill, the Honorable Steve Benjamin, Representative James E. Smith, Gray Culbreath, Steve Morrison, James H. Harrison, Kathleen McDaniel, Cliff Moore, III and in 2016, Keith Babcock and Roy Shelly.

Matthew J. Perry, Jr. Civility Award

The Civility Award of the RCBA is named after US District Judge Matthew J. Perry, Jr. It is awarded to a judge and to a lawyer who, in the opinion of the Executive Committee of the RCBA, best exemplifies the word "civility." Past recipients of this 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 Laffitte, the Honorable Costa Pleicones, Cravens Ravenel, William H. "Bo" Bowman, the Honorable H. Bruce Williams, Rick Mendoza, and the Honorable John E. Waites. Last year's honorees were the Honorable Tanya Gee (posthumously) and John Grantland.

Keeping Up With the Competency Requirements *by Jamie Smith*



A few months ago, I spoke with a young man who was considering applying to law school to help him understand more fully what the JD program entails and what it really means to be a “lawyer.” One of the very first questions he asked me is whether I thought technology would, in time, eliminate the need for lawyers. Without hesitation, I confidently told him no. As technology advances, so does the fear that technology will eliminate the need for innumerable job positions; however, with limited exclusions, the services performed by attorneys are too nuanced and personalized to be delegated to artificial intelligence. Of course there are arguments to the contrary—another article for another day—but all in all, lawyers will not be replaced by an app any time soon.

Technology does, however, pose a separate threat of rendering attorneys obsolete. Software and online subscriptions have changed the practice of law immensely over the years. E-mails expedite

the formalities of written correspondence; Westlaw and LexisNexis permit attorneys to answer questions in a matter of minutes that may have taken days to find in reporters; e-discovery platforms whittle down enormous amounts of information into a manageable and navigable database; e-filing renders MS Word and Adobe a daily necessity. And while these advances undoubtedly allow lawyers to practice more efficiently and effectively, they are always changing, making it difficult to stay current with the latest and greatest legal technologies. More importantly, the transition of the legal practice to an electronic platform creates new security risks that lawyers must adequately protect against to ensure the safety of client data. So, even though technology may not be eliminating the need for attorneys, it creates a new set of challenges that lawyers must overcome in order to meet the very first requirement imposed upon members of the profession: providing clients with competent representation.

The South Carolina Rules of Professional Conduct, Rule 1.1 advises that competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for representation. Comment 6 to the rule further informs that maintaining competency means, in part, “keep[ing] abreast of changes in the law and its practice.” And, although South Carolina has not yet incorporated language specific to the issue of technological competence, trends suggest that the obligation to stay at least reasonably tech-savvy—if it doesn’t already—will eventually apply to our State Bar members. ABA Model Rule 1.1 was amended in 2012 to include in its comments that maintaining competency requires lawyers to keep up with changes in the profession “including the benefits and risks associated with relevant technology.” Since the introduction of the ABA amendment, twenty-eight states have officially adopted the revision to enforce a duty of technological competency upon their respective bar members.



The question raised by this additional requirement is two-fold: what “relevant technology” is covered by the requirement, and exactly how tech-savvy do we need to be to maintain competence? The good news is that you do not need to drop what you’re doing to drive to the closest Apple store to pick up an iPhone 8 and the latest Apple Watch. Although we don’t have case law or official publications listing precisely what software is relevant to the practice, commentators offer some guidelines that cover technology most firms already have in place, namely MS Word, e-mail capabilities, case management and billing software, document management software, and a PDF editor. Moreover, a firm should ensure that security safeguards are in place on their servers to protect client information from cyber threats like hackers and viruses. And, if you do not have these tools at your firm or personal experience with this type

continued on page 9...

Keeping Up With the Competency Requirements (...continued from page 8)

of software, it is not necessary to close your doors or take down your shingle. Rule 1.1 offers alternatives to meeting its standards: prepare and train to achieve the necessary level of competency, or associate with an attorney who is reasonably technologically competent. With the Bar's CLE offerings and the surge of young lawyers joining the Richland County Bar, meeting the technological standard of Model Rule 1.1 is not an especially daunting task, and many firms already integrate these tools into their practice.

There are, however, other legal technologies that fall into a gray area when considering whether a lawyer is maintaining technological competency, such as the ability to navigate legal databases such as Westlaw, LexisNexis, or FastCase, courtroom technology, and familiarity with e-discovery platforms. The opinions on such technologies vary, especially as matters requiring use of such technology can be delegated; the general consensus, though, seems to suggest that attorneys need to have a degree of proficiency in these areas, especially when taking on cases that may require the use of these tools.

At the end of the day, regardless of a statutory obligation to remain tech-savvy, attorneys must pay attention to and stay informed about changes in *all* legal technology to stay relevant in a competitive industry. Our profession is rapidly evolving with the introduction of new technology, and failure to keep up could eventually render your practice obsolete. For more information on new technology, visit the South Carolina Bar website at <https://www.scbar.org/lawyers/managing-your-law-practice/your-technology>.

Jamie practices law at Mike Kelly Law Group, where she concentrates primarily on civil litigation in the areas of personal injury, automobile accidents, consumer law, and insurance denials. She can be reached at jsmith@mklawgroup.com.

"Our name has changed.
Our commitment to
justice never will."



Introducing Bluestein Attorneys. Bluestein, Nichols, Thompson & Delgado is now Bluestein Thompson Sullivan, LLC and will be known as Bluestein Attorneys. We will continue to build upon the firm's seventeen year heritage of advocating for injured and disabled South Carolinians. We congratulate our former partners on their new positions:

John Nichols with the S.C. Supreme Court as Chief Disciplinary Counsel and

John Delgado, with the practice of former U.S. Attorney Bill Nettles.

Visit bluesteinattorneys.com to learn more.



Allison Sullivan is responsible for this content. 1614 TAYLOR STREET | COLUMBIA, SC | 877 524.4675 | BLUESTEINATTORNEYS.COM

Legal IT Seminar Series Fall 2017 Series Offerings

“Cybersecurity at Warp Speed for the Legal Profession”

Date: November 9, 2017 at 9:00 am (Approved for 1 hour Ethics CLE credit (178040))

Location: School of Law Auditorium

Presenters: Sharon D. Nelson, Esq., President and John Simek, Vice President, Sensei Enterprises, Inc.

Lawyers have an ethical duty to be competent and to keep their client data confidential. Clients too want to keep their confidential data protected. All too often, information security is not prioritized by law firms. It costs money to protect data and businesses frequently resist budgeting for security, even though an ounce of prevention is far less expensive than a pound of cure. Investigating and remediating data breaches is hideously expensive, not to mention the necessity of complying with state data breach notification laws. But there are a host of free and budget friendly tips. Our presenters will cover:

- Cybersecurity standards for small businesses
- How to prevent data breaches using a combination of technology, policies and training
- Secure computing when you're on the road
- Two factor authentication
- Intrusion detection systems
- Encryption
- The new rules for strong passwords and password management
- What you must do after a data breach and the components of an Incident Response Plan
- Defending against—and recovering from—ransomware



“Cybersecurity, It’s not always Cyber”

November 16 at 9:00 am (Approved for 1 hour CLE credit (178041))

Location: School of Law Auditorium

Presenter: Lieutenant Britt Dove, Supervisor, Computer Crime Unit, South Carolina Law Enforcement Division (SLED)

Many times when we hear the word cybersecurity, we wonder where to start; firewalls, strong passwords, malicious actors, ransomware, and encryption. As we attempt to protect our networks from the complex and changing technologies, we can easily overlook the physical aspect.

According to research by the National White Collar Crime Center (NW3C), after reviewing 1,800 instances of reported data breach from 2005 to 2016, 71.1% were not a result of hacking, but more attributed to personnel and organizational issues. “Unintentional Insider” leading the way with 33.5%.

This seminar will talk about cybersecurity and law enforcement, how the human element affects cybersecurity, no tech hacking, and what can be done to protect yourself.

Friendly Reminders from the Probate Court

Greetings from the Richland County Probate Court. Here are a few important reminders:

1. Richland County Probate Court requires that all signatures on Private Agreements be notarized. When the authenticity of a signature is challenged, this may be helpful.
2. In Guardianship/Conservatorship actions, approval for payment of the attorney's fees and costs from assets of the Ward, to include the fees of the Guardian ad litem [GAL] to represent the Ward, the Visitor, and the Examiners, is on a case by case basis, and many times the assets of the incapacitated person are insufficient even when appropriate. The Petitioner and other interested parties should not expect that the assets of the incapacitated person will reimburse them. For attorneys representing petitioners, please address the responsibility for payment of fees and costs by the petitioner in your retainer agreement or letter of engagement. The Probate Court will require a detailed bill from not only the GAL, but if an attorney is requesting payment from the incapacitated person's funds or the petitioner is requesting reimbursement for legal fees and costs from the incapacitated person's funds, he/she must also produce their itemized bill for services rendered.
3. When a GAL appointment is necessary, the Court appoints from an approved GAL list. If you are suggesting a certain attorney for appointment, it will be considered but if they are not on our list, they must sign their Agreement with the Court. The Agreement can be obtained from the Court. One of the main issues is the hourly fee they charge. In our agreement, the fee they are agreeing to is \$175.00 an hour (paralegals \$75.00). While in certain more complex cases a higher fee may be appropriate, this must be requested and approved. They also have to agree to serve on at least one pro-bono matter a year.

FOR SALE ► 339 Heyward Street, Columbia SC Olympia Mills Administrative Building



NEW REDUCED PRICE ► **\$950,000**

- Two Story, 9,000 Square Feet Historic Office Building
- 1st floor has 7 offices, vault, large conference room, & includes 2 reception areas. Three restrooms (one with shower).
- 2nd floor has 13 offices, conference room, 2 restrooms & vault.
- Dual entrances/lobbies on Heyward and Tryon Streets.
- 25 onsite parking spaces, plus on-street parking.
- Located across from Olympia & Granby Mills Apartments in quiet neighborhood close to downtown. USC Baseball Stadium, Granby Park & Congaree River are within walking distance.

OFFERED BY ►

CATAWBA
PROPERTIES

Jim Daniel

jdaniel@sc.rr.com
Cell: (803) 315-6223
Office: (803) 799-5811

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

the yard, mouths moving and arms waving. Aggravated, I killed the chainsaw and looked where they were pointing near my feet. I saw I was standing about 2 feet from the edge of the roof. The fall from that side (about 20 feet) would have hurt for sure, but it probably would not have killed me.

I better be more careful, I thought, understatedly. But the resuming alarms ringing distantly in my head were drowned out by the same ego-driven concept that put me on the roof in the first place: that **I knew** what I was doing, and my brains and intuition would never let me cross the line where roof's edge met thin air. I yanked the cord on the saw and got back to the cutting, moving toward the high side of the roof as I cut.

But damn, only a few minutes later, more shouts from the ground! What do they want now? I cut the chainsaw off again, frustrated. I looked down from the roof at my son, far below. He was pointing to my right foot. I looked down at it. It was less than an inch from the roof's edge. One more step in that direction – which is exactly where I was heading – would have meant a 60-foot fall. Certain death. Or, if I survived, a life I might not want to continue. I carefully put the saw down and backed away from the chasm. My hands shook on the rungs of the ladder as I slowly descended.

They're shaking now as I type this. But, as frightening and embarrassing as my story is to me, it's a human story. We all have this idea that lines – whether they come in the physical guise of walls, borders on a map that exist as concepts, or ultimatums delivered rhetorically – will protect us. Even more self-deceptively, in our hubris we think we know where all the lines are and can always stop before it's too late. But it's all just ego and delusion. The lines don't exist, personally or societally.

For example, some see no problem detaining a citizen who “looks like” an illegal immigrant. To think this is acceptable, however, one must also believe there is a line between the detained and themselves protecting them from similar treatment. As we lawyers know, however, there's no hard line between stopping someone today who looks “illegal” and stopping someone tomorrow who looks “Episcopal.” Such wispy dividers are the thinnest trail of vapor, easily moved by shifts in political winds. Whatever happens to the “others” from whom we divide ourselves today will, if we allow it, happen to us. As Martin Niemöller pointed out famously, it's always just a matter of time.

So, no lines. That's the bad news. But it's also the good news: if the lines we use to divide ourselves by race, religion—and even political affiliation—are imaginary, maybe we all need less protection from each other than we think we do. Maybe that means we can shut down our own noise long enough to hear the voices of others we perceive below us. As I learned, pausing long enough to listen may be the one thing that keeps us from going over the edge.

That's my story. Sorry if it's preachy. But a good near-death experience can do that to you.

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

FOLLOW US



facebook.com/richlandcountybar



linkedin.com/company/richland-county-bar-association



twitter.com/Richland_Co_Bar

What is a Cloud Computing Service and Why Should I Care? *by Bill Booth*



Do you need a better system for keeping track of your case management, time tracking, billing, and document management? Or do you just need to have a system for the business of practicing law?

Starting around 2008, an attorney seeking to purchase and implement a practice management system for keeping track of cases or matters had a choice along two divergent paths. Does the attorney choose a traditional packaged application and install it on local computers or does the attorney purchase the system from a vendor who owns the software and runs it on computers in its data center? Without IT support staff or budgets to manage expensive on-premises solutions, the cloud was a welcome alternative.

Let's think for a moment what exactly attorneys want in a practice management ("PM") solution in the cloud. It is not to have the data in a data center, it is not to have a reduced number of features

compared to what they are already enjoying with the PM software on their PCs, but it is an ability to access their client information and the ability to bill from devices anywhere. We all like a direct connection to our client information. We like to look at our calendar without worrying if all the information came over the Outlook link. We like to bill for that call we get when we are out of the office or that urgent email in the evening at home. We like to track and bill for everything we do.

For a PM solution in the cloud, several companies offer a solution—Clio, Amicus Online, Rocket Matter, MyCase, Zola Suite, CosmoLex, PracticePanther, CaseFleet, Thread, Smokeball, and Firm Central. Most offer a trial subscription and an online demonstration. Most offer unlimited storage as part of the subscription and a secure client portal. Most offer a link to document storage services such as Dropbox and OneDrive. Some offer discounts as a vendor partner with our Bar (25% to 10%). Some advertise as an All-In-One solution. The ABA website is a great source for learning about choices for a PM solution—features and pricing. The ABA has compiled information about the specific requirements or recommendations in opinions issued by several states on security and privacy concerns for a PM solution in the cloud. This information can be found in the ABA legal technology resource center.



Another type of cloud computing solution is email hosting. Most attorneys attending the technology tract of the recent LPM-Tech Small and Solo Conference (2017) told the speaker they are using cloud computing for emails—Microsoft Office 365 with the email hosting subscription—a great deal and good for adding contacts and calendar events on your smart phone and later seeing them on your Desktop. But find out if the PM solution offers bi-directional linking with Office 365—some solutions set up a separate calendar.

Some have remarked that attorneys can be more productive with a PM solution in the cloud and with Office 365 for email hosting. The comment to the Model Rule 1.1 being adopted around the country (not SC yet) says: "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology..."

So, the bottom line is that an attorney must consider these cloud computing services and their benefits. We owe this to our clients.

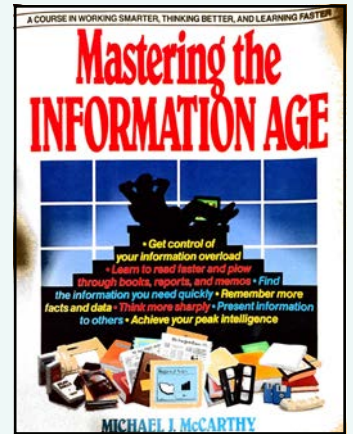
William E. Booth III can be reached at bill@boothlawfirm.com and 803-791-9211.

A Perfect Pairing: Pocket + Feedly or Flipboard by Derrick Jackson



I have a book entitled, *Mastering the Information Age* by Michael J. McCarthy. On the cover, the first bullet point is “Get control of information overload.”

The topic is current and relevant, but the interesting twist is that this book was published in 1991 (26 years ago for the mathematically challenged like me). The eagle-eyed reader will note on the cover the VHS-tapes, 3.5 floppy disks, and (gasp!) a wireless telephone handset (not smartphone). I wonder what the author would think about information overload today.



I attended the LPM-Tech seminar on September 15 and one of the sessions by Paul Unger was “Tame the Digital Chaos.” Some things never change. So the purpose of this article is to give you a few apps that help control information overload and tame the digital chaos, especially when used together.



The first and essential tool is “Pocket.” Pocket is a cross-platform app that allows you to save articles or content for later reading from a variety of sources. Pocket saves this content in a list (“My List”) that is easy to review later and articles are presented in an easy-to-read, customizable “Article View” without all the distractions and advertisements of a web page. You can easily switch to a “Web View” if needed with two simple taps. Swiping on the article (left or right) in your list gives you options to share, delete, archive, and more. Archiving allows you keep articles to read again that you find really useful. Pocket has extensions or add-ins for the major web browsers, a web app, and apps for the iPhone and android. The best part is it’s free.

That’s the peanut butter, now for the jelly. You have several choices here, but I will write about my two favorites: Feedly and Flipboard. I use them both, but differently. Feedly and Flipboard are “content aggregators.” Since you’re too busy to run down all the most recent articles on your favorite topic, these apps will do it for you and present the information in an easy to digest format.

When you sign up for a free account with either app, you are asked to select a few topics which interest you. For example in Feedly, if you select “News” you will be presented with a list of content providers sorted by the number of readers (*The New York Times* 673,000 readers) with several other choices, like NPR News. Tapping the plus button will add them to your feed. Feeds are sorted into collections like news, tech, etc. You can search for specific content providers to add to your collections.

Flipboard works a little differently. Flipboard uses a magazine style layout. So it opens with tiles for specific “magazines” for your chosen content plus specific ones provided by Flipboard. Rather than select individual content providers like Feedly, Flipboard fills

continued on page 15...

A Perfect Pairing (...continued from page 14)

each digital magazine with content from popular providers automatically. So the “News” magazine will include stories from CNN, AP, *The New York Times*, and others that you “flip” through like digital pages.

I use Feedly for skimming (quick) and Flipboard for browsing (slower). Feedly provides different ways to view your content. You can view your feeds in magazine format (similar to Flipboard) or my favorite “Title-view.” With this view, you can quickly skim hundreds of articles in a short amount of time. Feedly organizes the articles by age with the newest first and you can tap the check mark at the end to mark the content as read when you’re finished. Here is where the peanut butter and jelly come together for the perfect pairing. While skimming the titles, save to Pocket any interesting articles to read later so you are not distracted by reading a specific article. Paul Unger, in his “Taming the Digital Chaos” seminar, referred to a study by Microsoft finding that it takes a programmer 15 minutes to return back to the same task after an interruption. So the idea is to single task (skimming) and read later. Feedly makes it easy to save an article for later reading. Under settings you can choose Pocket as your “Favorite Saving Tool” and toggle on “Long Press to Save” then while skimming article titles just long press on the title to an article you want to read later and it will save it to Pocket. A notification will pop up indicating that it was “Saved to Pocket” so you know that it was done.

There is a danger here and I have fallen into this trap. You may find yourself a servant to the technology. Saving articles could become just another task to complete, constantly archiving but never reading. Repeat after me, “I don’t have to finish my Feedly list.” I tend to alternate between archiving and reading the articles saved to Pocket. Also: if I have not used Feedly for a few days, resulting in over a thousand article feeds, I will just tap on the “Today” tab and only read the articles in my feed for that day and mark the rest as read.

OFFICE BUILDING IN PRIVATE OFFICE PARK OFF ST. ANDREWS ROAD

~ for sale ~

2500 sq. ft. brick building with two office suites which can be combined or utilized separately. Ideal for attorneys. Has conference room. Can be sold with furniture or without.



E-mail inquiries to ritchie@grantmaster.org or call Ritchie Tidwell (803) 260-4412.

I use Flipboard for browsing. I tend to read articles in Flipboard right then, rather than saving to Pocket to read later. I treat Flipboard like any other magazine I would just flip through. You can save articles to Pocket from Flipboard by choosing Pocket as your “read later” option and then pressing the menu button in an article and selecting save to Pocket. In iOS you can add Pocket to your share menu and long press.

Whichever option you choose, you should start slowly with a few feeds and then add more until you’re comfortable with the information load. Choosing the right feeds is a continuous fine-tuning process. Hopefully using Pocket with either Feedly or Flipboard will help you start to manage the information overload.

Derrick practices with Toby Ward in their office in Five Points. You can reach him at dj@tobywardlaw.com

Conveying Your Message in a Digital Medium:

Advice from Judges on Creating Electronic Documents They Will Read *by Jack Pringle*



Judges use mobile devices (iPhones, iPads, tablets, etc.) to review electronic documents for the same reasons you do: ease and convenience (carry a paper record on appeal around some time), and increased productivity (including the power of search). But just because a document is digital doesn't mean it is easy to read and navigate. As a result, attorneys must name, format, and organize electronic documents with both the reader and the characteristics of digital documents in mind.

I spoke to several state and federal appellate and trial court judges (and their clerks) about how they access and read documents electronically. They offered some helpful suggestions.

Identify Documents and Communications. Documents filed and sent electronically do not always have visible identifiers (like a cover or title page, or a table of contents) that appear in an email message or the title of an attachment. And your document management system typically does not give your document a name its reader will recognize. Therefore, take care to signal the contents of documents and communications with appropriate names and descriptions.

- **Name Documents and Exhibits.** Consider a judge opening GoodReader or another software reader to review a motion and multiple exhibits. She does not want to open each exhibit in order to know its contents. Name a document by identifying its subject matter (e.g. "Exhibit A- Affidavit of John Smith").
- **Identify the Case in the Email Subject Line.** Make sure the subject line of an email to a judge/clerk lists the full case name and number, and, if possible, the reason for the communication. Judges and clerks have scores of cases, and certainly do not know your particular case the way you do. One judge with whom I spoke mentioned that when she reviews scores of emails, especially on a mobile device with more limited viewing space, a poorly drafted subject line forces her to devote unnecessary attention to that message. Translation: **don't waste a judge's time.**

Make Documents More Readable. Navigating on an electronic screen is different than flipping through a paper document.

- **Use footnotes sparingly.** As others have written, some courts convert all citations in filings (including legal citations and cites to the record) to hyperlinks so that judges can access authority directly by clicking on those case hyperlinks. Placing citations in footnotes forces the reader to scroll down a page in an electronic document in order to access that citation. This can interrupt the flow of reading a document.
- **Consider "Scientific Numbering" Rather than Hierarchical Organization.** Using "Part I, Section A, Subsection 1" to organize a brief may work in a paper document when the reader can discern that an "A" probably corresponds to "Part I" rather than "Part V." However, when navigating a smaller screen without the benefit of having that paper "feel," a judge may be better served by "scientific numbering," such as "Part 1, Section 1.1, Subsection 1.1.1."

Optimize Your Documents.

- **Make Documents Searchable.** Most jurisdictions not only require that a document be filed in Portable Document Format (PDF), but also that the filed document be text-searchable. Several judges and their clerks pointed out that despite the rule,

Conveying Your Message in a Digital Medium (...continued from page 16)

a number of filed documents were not text-searchable. Similarly, ensure that whenever possible documents are “text-based PDFs” (e.g. saved as or printed to a PDF directly from a word processing program) rather than “image-based PDFs” (created by scanning a document and then making it searchable). Although most court rules require text-based PDFs for all documents that can be saved electronically, judges report that some documents are still filed as image-based PDFs. An image-based PDF may have formatting problems, can be difficult to read, and typically requires additional processing (the application of optical character recognition or “OCR”) in order to be searchable.

- **Reduce File Size.** An unnecessarily large file can be unwieldy to manage on a mobile device, even if it is not too large to be accepted by an electronic court filing system. Creating text-based PDF documents as described above eliminates most, if not all, excessive PDF-size problems. However, if a document must be scanned, determine the lowest acceptable resolution for your scanner (typically 300 dpi), or utilize your PDF program’s “Reduce File Size” feature.
- **Connect Your Documents.** Moving within a document (from one section to another) or from one document to another (for example, from the body of a brief to a case cited therein) takes nothing more than a mouse click or the press of a finger or a stylus. Consider adding those features to your documents, subject to the applicable rules of your jurisdiction.
 - **Bookmarks.** Some court rules allow the body of a PDF document to contain bookmarks. Bookmarks, as the name suggests, organize a PDF document like exhibit dividers do in a paper document. By clicking on a bookmark in a PDF document, you can “jump” to that section. This feature is especially helpful in larger documents.
 - **Hyperlinks.** Placing hyperlinks in a document can allow a judge to “jump” to a case, other authority, an exhibit, or perhaps even a page in the record, with a single click.

Conclusion

Electronic documents offer many advantages over paper documents. However, lawyers must understand how to create and organize their court submissions and communications in order to enable those benefits. Judges will appreciate your efforts.

Additional Resources: Ward, Raymond P. “How U.S. 5th Circuit Judges Read Briefs” *Louisiana Civil Appeals*, October 8, 2013, last accessed August 2, 2017, and Volokh, Eugene, “Writing Briefs When Judges Read on iPads,” *The Volokh Conspiracy*, January 17, 2014, last accessed August 2, 2017.

Jack Pringle, an attorney at Adams and Reese, LLP in Columbia, helps businesses and individuals manage information. He can be reached at jack.pringle@arlaw.com or @jjpringle on Twitter. Editor’s Note: If you are interested in the links to the materials Jack mentioned, email me at mike@belserpa.com and I will send them to you.



F. BARRON GRIER III

WHERE TRIAL EXPERIENCE MEETS MEDIATION EXPERTISE

Certified Mediator & Arbitrator in State & Federal Court
Trial Attorney Representing Plaintiffs and Defense
For Over 40 Years
Over 90% Settlement Rate
Fast Track Jury Trials Available

Experience in all types of litigation and mediation
except domestic, intellectual property, and labor law

Recent President of ABOTA
Past President of the SC Defense Trial Attorneys Association
AV rated by Martindale-Hubbell
Two-time Chairman of Professional Responsibility Committee

GRIER, COX & CRANSHAW
griercocranshaw.com
grier@griercocranshaw.com

803.731.0030
2999 Sunset Blvd. #200
West Columbia, SC 29169

Lawyers and Their Tech Toys - A Selfie Drone by Bill Latham



For almost five years now, one of my hobbies has been playing with (and crashing/losing) inexpensive camera-equipped toy drones. Because of my questionable flying record, I was understandably reluctant to move up to more capable and expensive (\$1000+) quadcopters. Then in June of this year, DJI, a leading manufacturer of professional grade drones, introduced the DJI Spark. The Spark, which starts at \$500, is marketed as a small, easy-to-fly “selfie” drone for the masses. This looked to be the relatively inexpensive flying camera of my

dreams and I eagerly purchased one as soon as they were available. After flying it for three months, I can say that the Spark has exceeded my expectations (and I have only crashed it once!).

This soda can size quadcopter is easy for even a beginner to fly and can take professional quality HD 1080p video and photographs using its 2-axis stabilized gimbal mounted 12 MP camera. For \$500 you get the Spark quadcopter, one battery, battery charger, and two extra propellers. The Spark can be controlled for relatively short distances (a 300-foot geo fence) via WiFi just using an iPhone or Android smart phone with the DJI “Go 4” app. However, I recommend purchasing the optional remote controller (\$150) which extends the Spark’s range to over a mile and provides physical joystick control (as opposed to a virtual joystick using a smartphone). In this configuration, the smartphone fits in and connects with the RC controller (it serves as the video display), which connects with the Spark.

Flying the Spark in beginner mode is easy: simply tap the “take off” button and the Spark starts up and rises 4 feet in the air and then hovers. Vertical and horizontal movement is controlled by using the joy sticks. If you are not directing the Spark to move, it simply hovers in place allowing the opportunity for the novice pilot to learn to fly the aircraft without panicking. When you want to land, simply maneuver the Spark over a good landing spot and hit the landing button. The Spark is also equipped with a forward collision avoidance system to help prevent collisions with trees, people or other obstacles. There is also a “go home” feature that uses GPS to automatically fly the Spark back to its starting position if it loses contact with the controller or if the “go home” feature is manually activated from the controller.

The Spark has a removable battery. In my experience, you get about 10-14 minutes flying time per charge. To get more flight time, I have purchased two extra batteries (\$49 each) and a three-battery charger (\$69).



Lawyers and Their Tech Toys (...continued from page 18)

I have been impressed with the stable, almost professional-grade videos and photographs I have been able to take using the camera's default settings. These settings can be adjusted by the user if desired. The camera view is displayed and recorded in real time on your smartphone; photographs and HD video are saved on a separate SD card inserted in a slot on the aircraft. You can see some random examples of my Spark video footage at <https://youtu.be/0Zwiq3HHnEO>.

The Spark has several built-in set video shot routines—one of which the Spark circles the identified subject to record a 360-degree view. In another, the Spark hovers a few feet over the subject and then “rockets” straight up in the air until the subject is just a small speck below. The Spark also has an active track feature in which the Spark follows the subject. This seems to work best when the subject is traveling at slow speeds (i.e., less than 10 MPH).

Once you master the Spark in beginner mode, you can take off the training wheels and take full manual control by entering Sport Mode. In this mode the Spark's controls are more sensitive and the aircraft can reach speeds of over 30 MPH (versus 6 MPH in beginner mode). Suffice it to say that I still spend most of my time flying in beginner mode.

The Spark has a gimmick feature that is quite entertaining. You can put the Spark in “gesture” mode and can then launch the Spark from your outstretched hand and then command the aircraft to fly around and back and forth by using only hand and arm gestures like a Jedi knight. When done, you can command the Spark to land on your hand. This feature works most of the time and is lots of fun to use and to watch.

The Spark is small and stable enough to be flown indoors, although I would recommend a good sized room and using the optional propeller guards (\$19).

If you have been adding up the costs, you will see that with all the accessories, I have spent over \$800 on my \$500 drone. However, there is now a \$699 “Fly More” package that includes the Spark and the accessories mentioned minus one battery.

Bottom line—if you are looking for a fun, easy to fly beginner drone that takes great photos and videos, I highly recommend the DJI Spark.

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


DAVID T. DUFF
MEDIATOR & ARBITRATOR

Attorney At Law

CERTIFIED MEDIATOR
& ARBITRATOR
SINCE 2004
IN STATE & FEDERAL
COURTS

- **Employment & Labor Cases**
- **General Civil Cases**

P.O. Box 1486, Columbia, SC 29202
3700 Forest Drive, Suite 404
Columbia, SC 29204
Ph (803)790-0603
Fax (803)790-0605
dduff@duffchilds.com
www.duffchilds.com



D&C
DUFF & CHILDS, LLC
ATTORNEYS AND COUNSELORS AT LAW

Certified Specialist
In Employment & Labor Law
LL.M. in Labor Law

Noteworthy News & Announcements



Bell Carrington Price & Gregg announces that **Robert Blanchard** has joined the firm's Columbia office as an associate located at 508 Hampton St., Ste. 301, Columbia 29201. (803) 509-5078.

Bluestein, Nichols, Thompson, & Delgado is changing its formal name to **Bluestein Thompson Sullivan, LLC**, and will be known as **Bluestein Attorneys**. Founded in 2000 by Marti Bluestein and John Nichols, the firm has eight attorneys and offers professional services in appellate advocacy, criminal defense, personal injury/civil litigation, social security, veterans' disability, and workers' compensation. Led by partners Bluestein, Stacy Thompson, and Allison Sullivan, the firm name is changing because founding partner John Nichols has agreed to serve the Supreme Court of South Carolina as Chief Disciplinary Counsel. Also, partner John Delgado is joining the practice of former U.S. Attorney Bill Nettles. Among other honors and recognitions, the firm was named Solo and Small Firm Law Firm of the Year by the South Carolina Bar in 2015.

Elizabeth Herlong Brogdon has been named Executive Director of the **Wine & Spirits Wholesalers Association of SC (WSWA-SC)**. In this role, Elizabeth will lead the Association, to include overseeing legislative strategy, coordinating legislative efforts, working closely with state regulatory agencies (primarily SLED and SCDOR), and providing legal advice to the Association's member wholesalers. She previously served as Chief Counsel to the South Carolina Judicial Merit Selection Commission and Staff Attorney to the South Carolina Senate. Prior to her work with the State, Elizabeth spent more than 20 years in private practice at Nexsen Pruet (5 years) and then Nelson Mullins (14 years), where her practice focused primarily on appellate litigation. Following law school, Elizabeth clerked for the Honorable Robert F. Chapman on the United States Court of Appeals for the Fourth Circuit. Elizabeth received her BA from the University of South Carolina and her JD, cum laude, from the University of South Carolina School of Law.

Brett Stevens announces the relocation of **Stevens Law, LLC** to 1822 Bull St., Columbia 29201. (803) 587-8506.

Collins & Lacy, P.C. has announced its new Management Committee to lead the firm. These voting shareholders were strategically chosen to represent the talent and depth of the statewide law firm and combined have spent approximately 50 years defending SC businesses. **Christian Stegmaier** focuses his practice in retail and hospitality law and professional liability. He defends national and regional leaders doing business in South Carolina in claims involving premises liability, loss prevention, food adulteration, third-party torts, and alcohol liability. He is national alcohol liability counsel to one of the world's largest restaurant concepts. **Chris Adams** dedicates his practice to defending general contractors, developers, architects, engineers, manufacturers, and subcontractors in areas of construction defect litigation, mechanics liens, and design professional litigation, as well as cases involving catastrophic bodily injury that occur on construction sites. **Brian Comer** is experienced in representing medical providers, attorneys, actuaries, and other service providers in professional negligence litigation, as well as financial advisors in broker-dealer actions in state court and in arbitration before the Financial Industry Regulatory Authority (FINRA). He also has substantial past experience in defending pharmaceutical manufacturers and defends equipment and machinery manufacturers in claims arising from alleged product defects.

Collins & Lacy, P.C. is pleased to announce **Ashley Kirkham** has been promoted to shareholder and Workers' Compensation Practice Group Chair within the statewide law firm. As practice group chair, Ashley will lead the workers' compensation team in advancing marketing efforts, internal goals, and day-to-day operations. In her practice, Ashley represents employers and their carriers against claims and disputes throughout South Carolina. Her experience with defending claims against repetitive trauma injuries, jurisdiction-

continued on page 21...

Noteworthy News & Announcements (...continued from page 20)

al disputes, and fraud make Ashley a tremendous asset. She also volunteers her time through the South Carolina Bar Young Lawyers Division and is on the Board of Directors for Kids Chance of South Carolina.

Gallivan White Boyd is pleased to announce that shareholder **John T. Lay, Jr.** has been inducted into the Fellowship of the American College of Trial Lawyers (ACTL). Fellowship is extended only by invitation, after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of professionalism and collegiality. ACTL is composed of preeminent members of the Trial Bar from the U.S. and Canada and is recognized as the leading trial lawyer's organization in both countries. Although there are currently more than 5,700 Fellows across the U.S. and Canada, membership can never be more than 1% of the total lawyer population of any state or province. Lay focuses his law practice on business litigation, professional malpractice, insurance bad faith and coverage, financial services litigation, product liability, and environmental law. He is a member of the Board of Directors of the IADC, the Defense Research Institute (DRI), and Lawyers for Civil Justice (LCJ), and a Delegate of The American Civil Trial Bar Roundtable.

Haynsworth Sinkler Boyd is pleased to announce **Keegan B. Miller** has joined the firm and will be based in the Columbia office. Keegan represents clients in insurance and product liability matters. Prior to joining Haynsworth Sinkler Boyd, he served as a Judicial Clerk to the Hon. Joseph F. Anderson, Jr., Federal District Court for the District of South Carolina where he prepared briefs and memoranda

in preparation for judicial determination, provided research assistance, and drafted opinions and orders on a wide array of legal issues. He received his J.D. and Bachelor of Arts from the University of South Carolina School of Law. He is a member of the South Carolina Bar Young Lawyers Division and Special Olympics South Carolina.

Hedrick Gardner announces that **Joshua D. Shaw** has joined the firm's Columbia office as a partner located at 1301 Gervais St., Ste. 1900.

Paul Hoefer, an attorney with **Sowell Gray Robinson Stepp & Laffitte, LLC**, has been elected to the John Belton O'Neill American Inn of Court, an organization dedicated to fostering excellence in the legal profession and mentoring young lawyers. Hoefer's practice is focused primarily in the areas of financial services, creditor's rights, and title insurance. He represents local and regional banks, private equity groups, title insurance companies, and other financial entities in a variety of matters involving state and federal law. The John Belton O'Neill Inn of Court was formed in South Carolina in 1986 and meets monthly during the academic year for programs and discussions promoting the highest levels of professionalism in the practice of law. Membership is by invitation only. It is a subset of the American Inns of Court, which is the oldest and largest legal mentoring organization in the country.

OFFICES FOR RENT

Several offices, including space for an admin, are available in Jack Swerling's office suite. The offices are conveniently located directly across from the Richland County Courthouse. Rent includes parking, use of copier and fax, as well as a receptionist who will answer phones.

*Please call 803-765-2626
for more information.*

continued on page 22...

Noteworthy News & Announcements (...continued from page 21)

Johnson, Toal & Battiste, P.A. is pleased to announce that **Luther J. Battiste, III** has been elected National Vice President of ABOTA (American Board of Trial Advocates) for 2018. ABOTA is an invitation only organization of 7,000 plus Plaintiff and Defense lawyers. Three people are nominated each year to run to be elected National Vice President and in two years automatically become President. Voting is open to all members. Luther is a founding shareholder at Johnson, Toal & Battiste.

John F. Kuppens, a partner in **Nelson Mullins Riley & Scarborough LLP's** Columbia office, became president of DRI – The Voice of the Defense Bar. Kuppens has been a member of DRI for 25 years and is a past chair of DRI's Product Liability and Young Lawyers committees. Kuppens served on the DRI Board of Directors from 2011-14. He is a Fellow of the American Bar Foundation and a member of the International Association of Defense Counsel. He served on the Board of Directors of the South Carolina Defense Trial Attorneys Association from 2009-2014. Kuppens graduated from Clemson University with a Bachelor of Science degree and received his J.D. from the University of South Carolina School of Law. With 22,000 members, DRI is the leading organization of defense attorneys and in-house counsel.

Joe Lucas, managing member and public finance attorney at **Pope Flynn** was elected a Fellow of the American College of Bond Counsel in the College's class of 2016; Lucas was one of thirteen bond attorneys around the country who were selected for induction. A total of five attorneys from North Carolina and five from South Carolina have been inducted as Fellows since the ACBC's founding in 1995;

two Pope Flynn public finance lawyers are now Fellows. Fellows are elected by their peers as a recognition of accomplishments and legal expertise in the field of bond law. Lucas practices out of the Columbia and Charlotte offices. He graduated with a JD from Duke University School of Law and from the University of North Carolina at Chapel Hill with a BA in history.

A professional headshot of Tommy Lydon, a middle-aged man with short brown hair, wearing a dark suit, white shirt, and a red and blue striped tie. He is smiling slightly and looking towards the camera.

TOMMY LYDON

CERTIFIED MEDIATOR
FOR STATE AND FEDERAL COURTS

DISPUTES INVOLVING:
CONSUMER LAW
PROBATE MATTERS
COMMERCIAL LITIGATION
BANKRUPTCY
REAL ESTATE

**TO SCHEDULE A MEDIATION,
CONTACT TOMMY:**
P: 803.227.2292
TLYDON@MGCLAW.COM

MGCLAW.COM
1320 MAIN ST., 10TH FLOOR
COLUMBIA, SC 29201

The logo for MGCLAW.COM, featuring the letters 'mgc' in a stylized, lowercase, red font.

McNair is pleased to announce shareholder **Liz Crum** has been appointed by the South Carolina Bar's Board of Governors to a seat in the 5th Circuit of the House of Delegates. The House of Delegates includes representatives from each judicial circuit and establishes policy for the SC Bar. Crum practices extensively in the areas of healthcare and government procurement. She has experience in the federal and state regulatory areas of healthcare, Certificate of Need and related matters, and licensure matters. Crum also represents private and public clients in matters dealing with the state Consolidated Procurement Code and assists local government in conducting procurements. In addition to her newest role with the SC Bar, Crum previously served as Chair of the SC Bar Convention and of the Health Law Committee. She is currently a member of the Bar's Administrative and Regulatory Committee.

McNair Marketing Specialist, **Jessica Todd**, will be the President-elect of the Legal Marketing Association Southeast-

continued on page 23...

Noteworthy News & Announcements (...continued from page 22)

ern Region (LMASE), effective January 2018. She will serve one year in that position before becoming President in 2019. The Legal Marketing Association is a not-for-profit organization of over 4,000 members dedicated to serving the needs and maintaining the professionals standards of the men and women involved in marketing, business development, communication, and client services within the legal profession. The Southeast Region covers nine states and has more than 500 members. Currently, Todd serves on the Region's Board of Directors, Director of Local Steering Committees, and the Mentor Match Program.

Ryan Montgomery Attorney at Law, LLC announces that **Edwin Martin** will join the firm's new Columbia office located at 1316 Richland St., 29201. (803) 999-1111.

Thad L. Myers, P.A. announces the firm has relocated to the Preston C. Lorick House, 1727 Hampton Street, Columbia, SC 29201 as **Thad L. Myers, P.A. & Associates**. Thad L. Myers, P.A. & Associates also announces that **Dylan W. Goff** has joined the firm as Of Counsel at its new location.

Nelson Mullins announced that **Bart Daniel**, the former U.S. Attorney for South Carolina, has joined the firm as a litigation partner. He will split his time between the Charleston and Columbia offices. Mr. Daniel, who was nominated by President George H.W. Bush, was confirmed in 1989 and served as U.S. Attorney until 1992. Mr. Daniel is joining the firm's litigation group comprised of over 283 attorneys across 17 offices and will co-lead its White Collar Crime and Government Investigations Practice Group.

Pope Flynn is pleased to announce **Bill Musser** has joined the firm. Musser's practice includes municipal, corporate, securities and banking law, and he has regularly served as bond counsel, as well as counsel to underwriters, banks and issuers within an array of practice areas including healthcare, aviation, higher education, electric and other utilities, and government sectors. Musser graduated with both his JD and an MBA from Wake Forest University. He received a BA from the University of North Carolina at Chapel Hill. Musser will be resident in both the Columbia and Charleston offices.

The S.C. Office of the Attorney General announces that **W. Jeffrey Young** has joined the agency as chief deputy attorney general located at 1000 Assembly St., Rembert C. Dennis Bldg., Columbia 29201. (803) 734-3970.

Shipley Firm, PC announces that **Evans D. Poole** has joined the firm located at 1925 Gadsden St., Columbia 29201. (803) 794-7588.

Sowell Gray Robinson is pleased to announce that **Mary Helen Beard**, CPSM, has joined the firm as Marketing Manager. Mary Helen brings nearly 20 years of experience in marketing; her immediate past position included directing the marketing department at a construction company for six years. She graduated cum laude from the University of S.C. with a BA in English and received her CPSM (Certified Professional Services Marketer) certification in 2009. As Marketing Manager for Sowell Gray Robinson, she will help to develop the firm's marketing program and strategize new initiatives to focus the marketing efforts.

Sowell Gray Robinson is pleased to announce **Rachel M. Hutchens** has joined the firm as an associate. Rachel focuses her practice on litigation involving premises liability, automobile torts and insurance coverage, as well as personal injury defense. She also has experience in commercial leasing and transitions for corporate clients. Rachel graduated *magna*

continued on page 25...

- PAGE 23 -



CLE on Coastal Management

From new beach-front properties to deepening ports to offshore drilling, the development of America’s coasts has dramatically increased in recent years. But with sea levels rising at increased rates and hurricanes consistently threatening populous coastal communities, coastal management has never been as vital. Twenty-five years ago, a landmark case from South Carolina was decided by the United States Supreme Court, and it changed how courts handle takings cases.

This November, the **ABA Section of Real Property, Trust & Estate Law**, along with the University of South Carolina School of Law, will commemorate the 25th anniversary of this case with a symposium and CLE, “**Takings and Coastal Management a Quarter-Century after *Lucas v. South Carolina Coastal Council*.**”

The symposium will be held **November 2-4**, and will bring practicing attorneys, regulators, policy makers, and public interest advocates together with academic experts in real property, environmental, coastal, and administrative law.

Over the course of two days at the **School of Law**, these experts will explore the law *Lucas* established and how that law has affected the management of coastal property, both nationally and in the southeast.

The third day of the symposium is optional and offers participants the opportunity to travel to **Wild Dunes in Charleston, South Carolina**, where participants will visit the property at issue in *Lucas* and other nearby locations that provide interesting examples of legal issues associated with coastal development.

Registration and more information is available at law.sc.edu/takings.

This symposium has been approved for up to **10 CLE credits** in South Carolina, with **8 CLE credits** available for the first two days of the course, and an additional **2 CLE credits** available for the third day in Charleston. CLE approval for other states is pending.

Program sponsors include:

- ABA Real Property, Trust & Estate Law Journal
- University of South Carolina School of Law

Program co-sponsors include:

- ABA Section of Environment, Energy, and Resources
- ABA Section of State and Local Government Law
- ABA Section of Litigation
- South Carolina Bar

Firm Sponsors include:

- Nelson Mullins Riley & Scarborough
- Haynsworth Sinkler Boyd
- Richardson Plowden

RICHBARNEWS

Ad Policy

Rates are as follows:

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. Specific due dates for ads will be given at the time of purchase.

Noteworthy News & Announcements (...continued from page 23)

cum laude from Wofford College in 2006, receiving her bachelor's degree in English and History. She attended the University of South Carolina School of Law, where she served as a constitutional law tutor and was a member of the ABA Real Property Probate and Trust Law Journal, earning her JD in 2009. She also served as law clerk to the Honorable Dennis Shedd in the Fourth Circuit Court of Appeals.

Sowell Gray Robinson Stepp & Laffitte, LLC is pleased to announce **Molly McDonald** has joined the firm. Molly graduated from the University of South Carolina Honors College with a BA in political science and English. She earned her JD from Emory University School of Law, where she was the managing editor for the Emory Bankruptcy Developments Journal. She clerked for Robinson McFadden & Moore, where she researched business legal issues including real estate and bankruptcies and served as an extern for the US Department of Justice in their United States Trustee Program. She clerked for the Honorable Bill Hamrick in the Superior Court of Coweta County and was a legal intern at the Georgia Department of Banking and Finance. She served as law clerk to the Honorable John C. Few in both the South Carolina Court of Appeals and the Supreme Court of South Carolina. Molly's practice focuses on bankruptcy and creditor's rights, business transactions and real estate law.

Sweeny, Wingate & Barrow PA announces that **Matthew J. Myers** has become a member in the firm located at 1515 Lady St., Columbia 29201. (803) 256-2233.

The Law Offices of Jason E. Taylor, PC announces the relocation of its Columbia office to 810 Dutch Square Blvd., Ste. 112, Columbia 29210. (800) 351-3008.

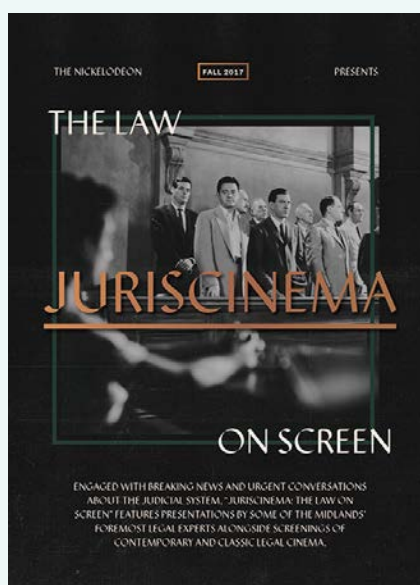
Todd & Johnson, LLP announces that **John F. McLeod IV** has joined the firm's Columbia office as an associate located at 609 Sims Ave., Columbia, 29205. (803) 252-1500.

Turner Padget Graham & Laney, PA announces that **James H. "Jamey" Goldin** has joined the firm's Columbia office as of counsel located at 1901 Main St. #17, 29201. (803) 254-2200.

JURISCINEMA: The Law on Screen

The Richland County Bar Association and the Nickelodeon commenced a unique collaboration this fall for the Nick's "JURISCINEMA: The Law on Screen" series. The film series featured contemporary and classic cinema followed by timely and thoughtful discussions guided by several of the Midlands' foremost legal experts.

The RCBA was pleased to sponsor the October 2nd showing of *12 Angry Men*, featuring our own President Dave Maxfield, who lead the conversation following the screening. The series received rave reviews from RCBA members and the community at large.



Judicial Reception Moments



Judicial Reception Moments (...continued from page 26)



We love including photos like these in the *Rich-Bar News*, on our website, and on our social media pages. If you have event photos you'd like to share with us, you can send them to mandy.wren@scbar.org. We will do our best to make sure they are shared and posted. Also, if you or someone you know is interested in helping take photos at our RCBA events, please let us know!

RICHBARNEWS

Newsletter of the Richland County Bar Association

Post Office Box 7632

Columbia, South Carolina 29202

Presort Standard

U.S. Postage

PAID

Columbia, SC

Permit No. 535

OFFICE-SHARING OPPORTUNITY FOR ATTORNEYS

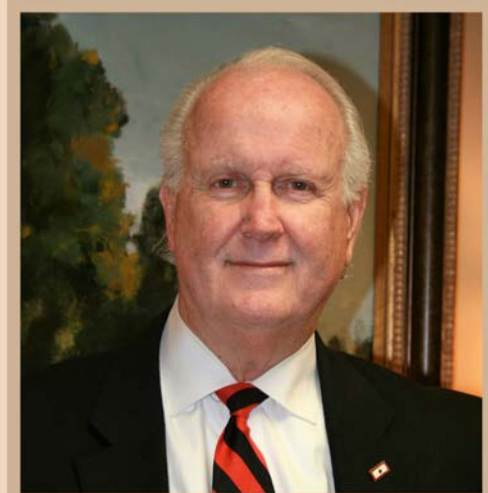
We are looking for an attorney or attorneys to share office space. Very nice one story office building, easily accessible from downtown, I-26 and I-20. May be interested in taking on a new partner(s). Please call Ormond/Dunn at (803) 933-9000.



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 / Columbia, SC 29201
PO Box 7877 / Columbia, SC 29202
Phone: 803.256.9067
dick.whiting@whitinglawsc.com