

January - March 2018

RICHBARNEWS

Newsletter of the Richland County Bar Association

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Mental Health: The Most Important 2018 Trends for Lawyers

Emotional Intelligence: Your Firm, Your Family and You

Technology: A Scanner in Your Pocket

and more!

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On the Cover

Photo of the South Carolina Supreme Court
by Ashby Howard





From the Editors

by Mike Polk & Van Horger

It is our honor and privilege to introduce you to the next step in the evolution of the newsletter. In many ways, the newsletter is the voice of the RCBA, and it needs to remain current and relevant. Helen Johnson has done her usual phenomenal job freshening up the newsletter and the RCBA logo. Van and I hope you enjoy the new format and will be as proud of it as we are.

We welcome our new president, Jack McKenzie, to the newsletter. He writes about the beautification of the Supreme Court grounds – a long overdue project. We hope you enjoy the articles about mental health, technology, fitness, and observations about the practice of law in this issue, and that you can take some things from the newsletter to make 2018 great.

I would like to take the opportunity to mention the recent passing of Judge Kenny Goode. Kenny hired me out of law school while he was in private practice in Winnsboro. He was a master of emotional intelligence (see the article by Henry Deneen on page 13) before people used that term.



He taught me that the way you treat people and the way you make people feel can sometimes be just as important as the legal analysis of a case. It still amazes me that he could deliver bad news during a client meeting and the client would leave the meeting laughing and cutting up.



A friend of mine told me this story. Kenny was trying a case in Fairfield County against an attorney from Columbia. During voir dire, the presiding judge asked whether anyone in the jury pool knew Kenny. It seemed like two-thirds of the potential jurors raised their hands. The judge asked the potential jurors to describe how they knew Kenny. The first person said something like, "Kenny sponsors my son's baseball team." A second said something like, "I taught Kenny in grade school and he would always come over and help me with my yardwork." And on and on it went. My friend said that after all the potential jurors talked about Kenny, the one-third that did not know him previously were ready to elect him mayor. That about sums Kenny up.

From the President

The Supreme Court Parking Lot

Transforming an Eyesore

by Jack McKenzie

Two years ago, a friend and fellow member of the RCBA mentioned to me how much he hated looking out his window at the ugly Supreme Court parking lot. He asked if the Bar could do something about it. I had driven past that parking lot a million times on my way to work, but had never paid much attention to it. So the next day I slowed down on Sumter Street and studied it a bit.

An unattractive, unshaded gray slab of asphalt, last poured in the 1990s, it reminds me of the parking lot in an abandoned strip mall. It sits at the nerve center of state government on the Five Points/Main Street/Vista corridor, and it casts a negative reflection. The parking lot needs attention. I read through our RCBA by-laws to see if refurbishing the area would fit within our Purpose as an organization, and I think it does.

Our charge is to:

- (d) To preserve the high standards of integrity and honor in the legal profession.
- (h) To coordinate the efforts of the Bar with those of the judiciary for the purpose of facilitating matters of common interests.
- (i) To promote such activities as are within the objectives and purposes in the interest of the legal profession and of the public good.

We cannot expect others to treat our Judiciary with honor and dignity if we members of the Bar don't set an example. In my view courthouses

should be held in similar esteem as places of worship. Our judges make decisions that affect the lives of thousands, and as a society we need to provide them with a safe, attractive, and dignified place to work. When it comes to our Supreme Court, we are not doing that now, and we need to fix it.

Last year a group of us from the Executive Committee of the RCBA met with Justice Beatty and received his approval to explore beautification of the parking lot. At the meeting we learned that the Supreme Court building had continuing problems with storm water, and that in the past there had been flooding due, at least in part, to storm water hitting the asphalt parking lot and draining into the basement of the structure.

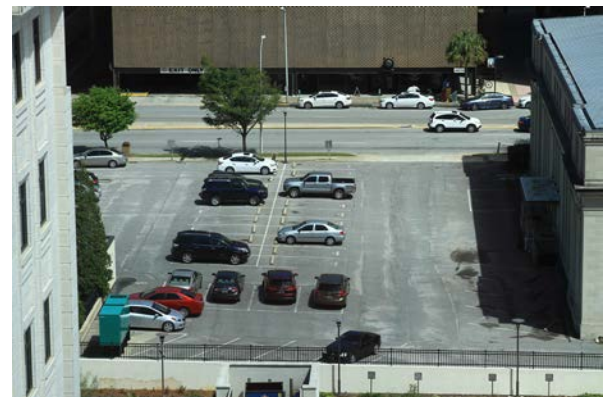


Your Executive Committee hired a landscape architect. We met with representatives from the South Carolina Department of Administration and came up with the following plan.

The plan will:

1. Provide several trees in the parking lot. The trees will provide shade, reduce storm water runoff, and make the area more attractive.

continued on page 6

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CURRENT SUPREME COURT PARKING LOT

Listen to Teddy Roosevelt:

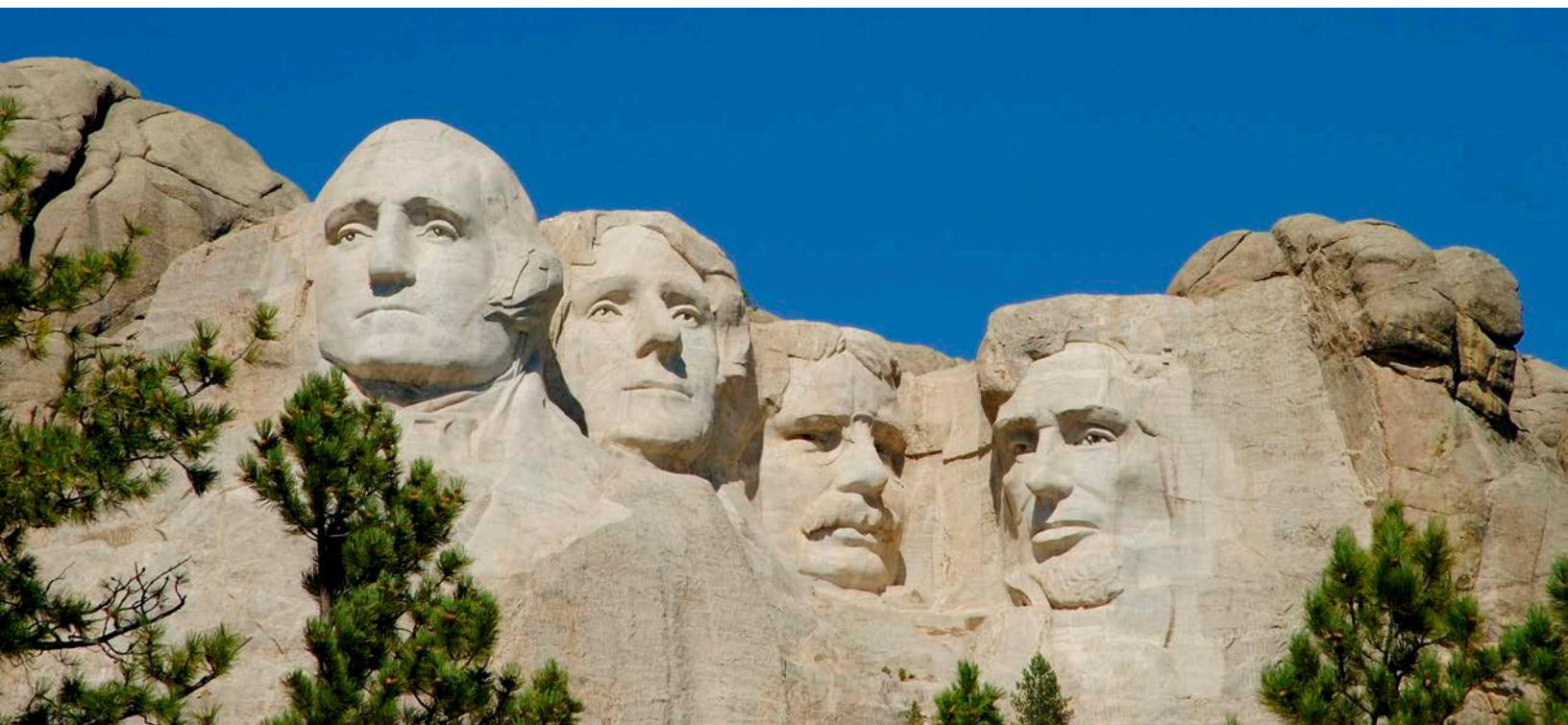
Marred by Dust and Sweat and Blood

by Mark Chappell

Recently my family traveled on a hunting trip to South Dakota and took a photo with George, Tom, Abe, and Teddy at Mount Rushmore. I reflected on each of these epic men chiseled in stone. What wisdom or characteristics do trial lawyers take from them? Washington's leadership? Jefferson's intellect? Lincoln's steadiness? Or Roosevelt's audacity? For me it's TR. Mr. Rough and Ready, try anything once, charge the hill, get knocked down, get up, shoot a lion in Africa, save a bear and the great forests of the west. Although I have grown weary of the political climate in America and hesitate to quote a President, TR in his verbosity and zest for life has always spoken to me as a trial lawyer who has felt the thrill of victory and the agony of defeat. My favorite quote not only

applies to the life of a courtroom lawyer, but to all endeavors in life:

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails



Listen to Teddy Roosevelt (continued)

while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

If you have heard the knock...knock...knock on the jury room door and heard the bailiff declare "We have a verdict," then you know that rush of adrenaline, cold sweat, and steely stare of the jurors as they return to the court room. You have done your all, and it may, or may not, have been enough. You have ridden the roller coaster of emotions. You take the result personally because you care! You always believe the "verdict" is a reflection on you. You have lost the unlosable and won the unwinnable and you can't explain either. If

you love it, you can't wait for that next opportunity to go toe to toe with your worthy adversary. To hopefully taste victory, but even in defeat, know that you, like TR stepped into the ring and fought your heart out and win or lose, look forward to the next opportunity to prove your mettle. The pursuit of justice demands a warrior mentality and whether you represent Plaintiffs or Defendants, when you step into the legal arena its "Game On!" Fight on my friends, but if necessary..." *Speak softly and carry a big stick."*

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

Supreme Court Parking Lot (continued)

2. Reduce, if not eliminate, storm water runoff by using permeable concrete pavers. The water will soak back into the ground rather than running into the building or polluting our rivers and creeks. These pavers will save the State of South Carolina approximately \$1,000.00 a year in storm water fees and enhance the appearance of the space.
3. Rid this area of a sweltering heat island in the summer. Trees and concrete (as opposed to a patch of asphalt) will significantly reduce the temperature of the area.
4. Make something that is objectively ugly, objectively attractive.
5. Provide additional cameras, lighting, and fencing, affording increased safety to the Judiciary and Court employees.
6. Serve as a template for future parking lot projects in Richland County.

We are not going at it alone - this is a state-wide project - but we are leading it. So what do we ask of you? Money, of course. But not much. If everyone who is a member of the RCBA would chip in, then we could make this happen. We will be bothering you in the coming months, asking you to contribute and add to the quality of your community, the honor of your profession, and my friend's view from his office window.

Please feel free to e-mail me with any questions. If you would like to volunteer to help make this a reality, then let me know as well. We would love to have you on board.

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The Trial of the Future:

What is a Digital Trial & Why Should I Care?

by Bill Booth

The new Richland County Magistrate Central Court building on Decker Boulevard has nine courtrooms. Each courtroom has computer monitors for each juror, the witness, the judge, and for attorneys, as well as a monitor on a podium, for use during a trial. The new Sumter County Judicial Center has courtrooms equipped with computer monitors for use including software that allows a witness or counsel to annotate or draw on any digital documents being shown on the monitors. The Lexington County



Master-in-Equity courtroom has a 65-inch TV mounted on the wall that can be seen from the witness chair.

So, are you ready to bring your laptop or tablet to

one of these courtrooms and conduct a digital trial? Judge Spence, the Master-in-Equity for Lexington County, is recommending (and may require) that attorneys pre-file their trial exhibits using the South Carolina Courts E-Filing Portal. He considers the electronically-filed exhibits as the official exhibits and does not require that the court reporter maintain them (attorneys must hire and pay a court reporter for trials). Any additional exhibits added during the trial need to be e-filed after the trial is completed.

How do you learn or practice how to present using monitors for the viewing of exhibits?

First, you must determine the hardware and applications to present exhibits digitally to the judge and jury. Second, you must contact the judge or the clerk to ask for time in the courtroom for practice. One courtroom in Sumter County is often used by attorneys on Friday afternoons to learn how to connect and practice using technology for presentation. Judge Spence has advertised that he will keep a laptop in his courtroom and make his courtroom available on Friday afternoons (unless court is scheduled) for practicing. There is also a long HDMI cable that can be plugged into your own laptop or tablet. An attorney desiring to use the courtroom laptop and TV can bring documents for viewing on a standard thumb drive that can be placed in a USB port on the side of the laptop.

So, here is how a digital trial will be conducted in Judge Spence's courtroom. You will pre-file the trial exhibits by e-filing a letter to Judge Spence and adding exhibits as attachments to the letter. Because the current E-Filing Portal system has no designation for filing of exhibits, filing a letter with attachments is the method recommended by court personnel.

Next, before trial, you will create a PowerPoint presentation with slides for each exhibit, but you will first convert the exhibits from PDF to JPEG format so they can be inserted into the presentation as pictures. Then, you will put the presentation file on your Surface Pro tablet that



will be connected to the TV. Start the PowerPoint slideshow using presenter view, so the exhibit slide only would be shown on the TV.

In a digital trial, you will not need to show the witness the paper document and, at the same time, furnish a copy to the judge and opposing counsel. Each exhibit will be displayed on the TV for authentication and introduction into evidence. You can add the exhibit sticker to the exhibit electronically for identification or add a separation page with the exhibit number shown.

The examination of the witness will then begin immediately to discuss the trial exhibit. It's a timesaver for you and your witness, and the judge is sure he has the right exhibit to view as the witness is testifying.

The challenge to a successful digital trial is the same as a paper trial - preparation and practice.

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

Mental Health:

The Most Important 2018 Trends for Lawyers

by Lindsay Joyner

Each year by mid-December, the “New Year, New You” articles and blog posts flood the internet. From turmeric to moringa, boutique studios to at-home streaming fitness classes, or gluten-free to low-FODMAP diets, annual wellness trends change before you can even get used to drinking apple cider vinegar in your water each morning. However, one trend that has stayed on the list is focusing on mental health. And this trend is something that lawyers need to focus on more than most other groups.

Have you ever woken up in a cold sweat in the middle of the night thinking about an email you forgot to send, an argument you forgot to make, a revision to a brief you are working on, or dreaming about what your client may say during a deposition? Or maybe the more appropriate question is how many times in the last three months have you woken up thinking about one of those things? I do not keep count, but I know the feeling well. Some people say it is because I am too busy, moving too fast, or too sensitive. Others simply laugh and say that middle-of-the-night panic is “just part of the job.” After all, lawyers have been consistently told throughout history they can handle everything, including their own mental health, on their own. Unfortunately, all too often, in handling everything, lawyers wear the “I’m too busy to focus on my health” excuse like a badge of honor.

In 2016, the ABA and the Hazelden Betty Ford Foundation funded a study regarding lawyer

health, entitled *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*. The results were (for lack of a better term) disappointing. Of the over 14,000 participants, over two-thirds (67.2%) reported working more than 41 hours per week. The number of hours worked alone tends to hamper attorneys’ efforts at self-care. Then almost two-thirds (61.1%) gave answers consistent with having anxiety, and 28%, 19%, and 23% experienced mild or higher levels of depression, anxiety, and stress, respectively, making these issues significant and often what leads lawyers to leave the practice of law.



So let’s make 2018 the year we stop glorifying busyness and start focusing on minimizing these statistics. While mental health is affected by many variables, every person is different, and I cannot diagnose anyone, here are five ways to improve your mental health in 2018.

Get Outside

In general, physical activity has a positive effect on mental health. But there is always something freeing about being active outdoors. In 2015, a Stanford study found quantifiable evidence that walking in nature could lead to a lower risk of depression. If you’ve ever taken a hike or gone on a beach run, you likely have experienced the

positive effect on mood and aspects of cognitive function as well as a reduction in anxiety.

Yoga

Personally, I am a power vinyasa flow girl, but there are so many types of yoga for you to explore, all of which force you to focus on your breathing and being present in the moment. You will leave calmer, walking taller, and ready to tackle the problems you gently set aside during your practice. For those who are not looking to practice in a crowded room of yogis, there are streaming options for all levels: google yoga streaming, Gaia.com, or Jillian Michaels. For a more local influence, search for Cortney Ostrosky, a teacher in Charleston with her own video series.

Meditation

Everyone is talking about it, and a few brave lawyers (not only female lawyers either) even tried it at the Bar Convention last year. Meditation does not have to be a long, drawn-out practice. It can be as quick as a three-minute breathing exercise and as easy as a click over to an app like HeadSpace, Calm, or Mindfulness Daily. If you google any of these apps, you will be able to decide what fits your needs. The best part is, you do not have to have special clothes or gear to meditate. You can be sitting at your desk and be on the way to better mental health.



Don't believe everything you think

This is a mantra a wise person once told me to incorporate into my daily life. It is for those moments when you fall like Alice down the rabbit hole of things you cannot control, with your mind screaming crazy things about yourself, your work product, your coworkers, etc. Just because you think something does not make it true. While we are trained to anticipate negative outcomes, potential traps and evidence, do not let your mind turn that training against yourself. Instead, say this mantra and visualize yourself throwing your hands out and stopping your downward trajectory in the rabbit hole. As you keep reminding yourself of this, the thoughts sending you down that rabbit hole will subside.

Counseling

If you cannot make those gnawing feelings go away, utilize the South Carolina Bar's five free hours of intervention counseling for attorneys experiencing emotional or stress-related issues. (Bonus tip: many law firms offer the same type of service, so you could potentially rack up more free hours). No one at the Bar or your law firm will know that you utilized the services, unless you tell them (which is okay). Don't let this free benefit go to waste. (Another pro tip: if you do not like the first counselor you see, keep trying different counselors until you find someone you connect with).

Lindsay Joyner is a partner at Gallivan, White & Boyd, P.A., focusing on business and commercial litigation. Lindsay is currently the co-chair of the S.C. Bar's Wellness Committee. As part of her wellness routine, she enjoys volunteering, running, studio cycling, group fitness, yoga, and Pilates.

A Scanner in Your Pocket:

Maximizing the Use of Your Phone in Your Practice

by Derrick Jackson

We all are trying to go paperless in our offices and in the courts. Many multifunction printers (including the Brother L6700DW I reviewed in a previous column) scan very well. Desktop Scanners like the Fujitsu ScanSnap iX500 (highly recommended) or Epson ES-400

(listed along with the Fujitsu at the SC Bar Technology CLE) provide desktop convenience for our scanning needs. But what about when you're not in your office or don't have access to a printer? What if

you just need a quick scan of the document while at the courthouse or your client's office or on a discovery trip? Your phone serves as a capable scanner with the right app. Phone scanner apps have matured from their early days of just being dim photos of documents.

So what should you look for or expect from a modern phone scanning app?

First on my list is what is often labeled as "automatic scanning." What that means in practice is that you don't have to tap the photo button on your phone each time you scan. After opening your app, you can just point your phone at the document and a blue shaded box will try to detect the edges of the document and will take the picture/scan automatically without pressing the photo button on the phone. This may not seem like a big deal, but trust me, it is,

especially when scanning a multipage document. It makes scanning much faster and efficient. Also, if you are like my dad, and have trouble keeping your phone still because your hand shakes, this makes scanning easier. When scanning, it is best, if possible, to place the document on a high contrast, dark background where the edges are clearly defined and other documents, which confuse the scanner, are not nearby. Adequate lighting is also important.

Second, the scanner should be able to save a document in .pdf format. Scanning a document in picture format (.jpg) is just not very useful. With a .pdf format it's easy to share, manipulate and convert, edit, and redact with a good .pdf program like Nuance PDF Advanced or Adobe Acrobat.

Third, the scanner should be able to scan multiple pages as a single document. On my app (Scanner Pro 7 by Readdle) after the first page scan, a number and arrow appear in the lower right and if I want to continue, I just flip to the next page and continue to scan. When I am finished, I tap the number with the right arrow (showing how many pages I scanned) and it processes all the pages as a single, multiple-page document.

Fourth, the scanner should have good image-processing capabilities to process and improve the scan after the image is taken. If the image is askew it should straighten, and if it's too dark it can increase the light. It should also let



you manually edit the scan by dragging corners to straighten the image or increasing the light, although I rarely have to do that now.

Fifth, a scanner app should be able to perform OCR (optical character recognition) on documents. That will allow a program to search for characters instead of just an image to find a document. It will also allow you to cut and paste from the document into a word document: for example, a legal description in a deed. However, you can still achieve OCR on documents saved as .pdf by using your .pdf program.

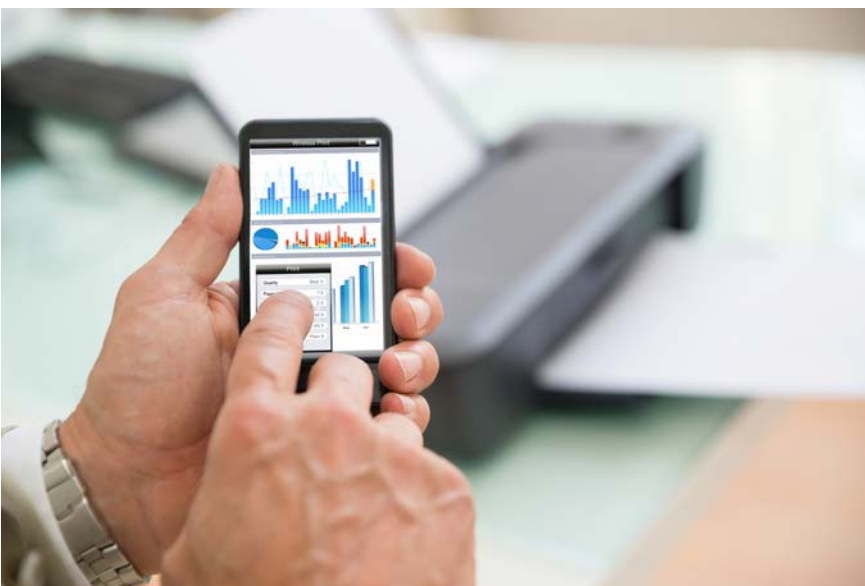
Sixth, and this is almost as important to me as automatic scanning, the scanner app should have robust sharing and filing capabilities. It does not do much good to scan a document that stays on your phone. Many apps now allow you to share your scanned documents with cloud based storage systems like Dropbox, OneDrive iCloud, Google Drive, etc, so you can scan a document and place it directly in a client folder, for example. Also, some scanner apps now include something called “workflow” or the equivalent. Basically, these are

shortcuts to upload documents to a specific folder. For example, I have a workflow for tax-related documents. When I scan such a document, I can hit the share button and then choose taxes, and it will automatically upload that document to my tax folder on OneDrive. This makes it really easy to get the document off your phone and into the right folders.

Finally, some scanner apps now include the ability to “fax” the document right from the phone, although I have not tried this as filing or emailing usually gets the job done.

I hope this provides some insight to the capabilities of using your phone as a pocket scanner. I use Scanner Pro 7 by Readdle which performs all the tasks discussed in this article. However, I believe its limited to Apple/iOS. A panel at a SC bar CLE also mentioned Scanbot in its tips panel, which I believe does all these tasks as well, and its available for Android, although I have not used that app.

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



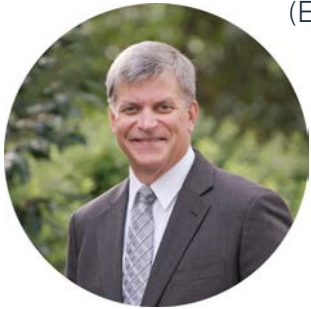
Emotional Intelligence:

Your Firm, Your Family and You

by Henry Deneen

Is it possible to improve relationships with the most important people in our lives - family, friends, fellow attorneys, and staff? Are we capable of managing conflicts that could potentially derail us and plunge us into difficulties that consume much more time and energy than we could have imagined?

These questions can be troubling and seemingly unresolvable. Possible answers center on the principle of Emotional Intelligence

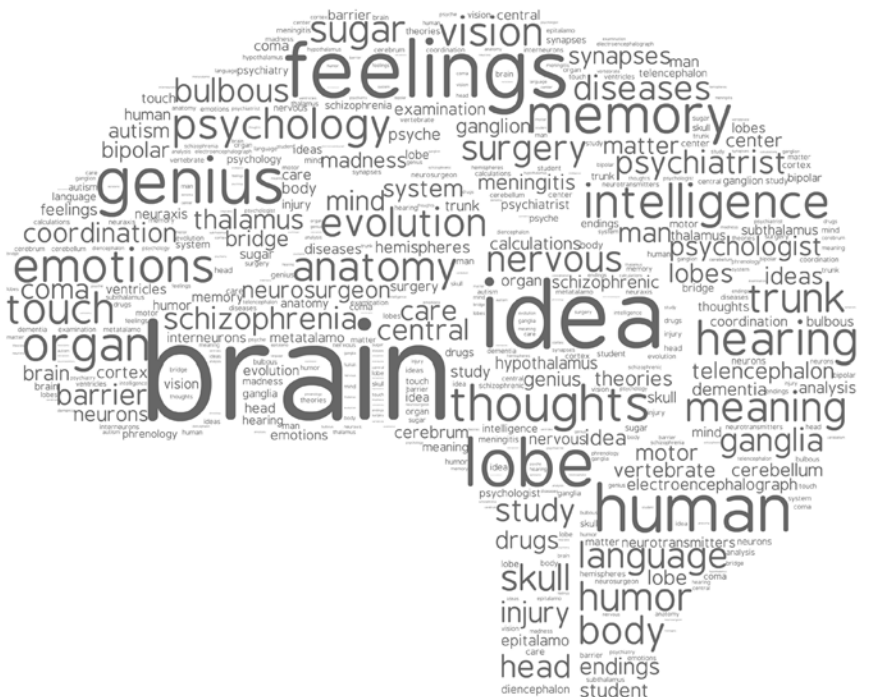


(EI) and its impact on our personal and professional lives.” To quote a 2008 *American Psychologist* article, Emotional Intelligence includes the ability to engage in sophisticated

information processing about one's own and others' emotions..." In addition to some basic ideas about EI, I will share a training module our firm has started to learn how these issues can apply to the practice of law and initial steps we can take to see positive results in our lives. Of primary importance is helping us understand and appreciate ways these concepts can be applied in our law firms and with our fellow attorneys, our support staff, our families, and our circles of friends. Without practical application, these ideas become just principles without real teeth.

Self-Awareness

EI is divided into two categories - Personal Competence and Social Competence. Personal Competence is comprised of Self-Awareness and Self-Management, while Social Competence is comprised of Social Awareness and Relationship Management. (*Emotional Intelligence 2.0*, pp. 23–24). These descriptors enable us to focus on ourselves first, which is critical to this process. Self-understanding is often overlooked and unaddressed as we seek to improve relationships but can be one of the greatest hindrances to effective growth. My wife, Celia, who is a school counselor, has often told me over the years (I think she's only halfway joking!) that, as hard as it is for me to believe, everybody doesn't think the same way I do. While that's disconcerting for me to hear, it is a good reminder of the need for self-awareness in producing healthy relationships. I had an experience a couple of



years ago that illustrates this idea. After criticizing a fellow leader in a public setting, I immediately realized I had not treated him fairly. I called him into my office, apologized to him, and then reconvened the meeting to issue a public apology to him. Personal recognition of mistakes and the willingness to make immediate course corrections are both vital parts of EI growth.

In Our Firm

I am leading a group of attorneys in our firm through a leadership training module based on EI principles. We are committed to learning basic concepts; to openly discussing areas in our lives we would like to improve; and to focusing on conflict management, blind spots, and developing and maintaining healthier relationships. We are encouraging roundtable discussions, question generation and the exploration of ideas; introducing resources (such as “*Emotional Intelligence 2.0*”, Bradberry and Greaves); and bringing EI vernacular into our everyday lives. As an ultimate goal, we are moving toward identifying one area in our lives in which we see deficiencies and for which we are seeking improvement. As the facilitator, I am sharing ideas with the attorneys and giving them tools and tips to access the benefits of EI and understand all that it brings to their strategies for improving relationships.

From the Firm to the Family

A pertinent question is: “Can my EI actually improve?” Evidence has shown that two of the factors most critical to the improvement of EI are coachability and willingness to receive and give feedback. Personal buy-in in terms of dedication

to improvement, self-initiative, openness, transparency, and vulnerability are key. If we really want to improve and grow, it can happen! It is also critical that leaders demonstrate a willingness to be honest and transparent about the things they are learning and the shortcomings in their own lives. In our firm, the partners are all personally engaged in our training module and are eager to improve their own EI, as well as the EI of other lawyers and staff. Questions are being asked about the principles and specific issues with which we are all dealing. I encourage the lawyers to talk about EI in their homes. One of the best things Celia and I have done over the years is talk about and encourage learning of EI principles with our kids. Colleagues of mine have shared about their spouses and kids joining them on this journey and how their family’s awareness of EI principles has impacted the way they view life as a family. We have already begun talking about offering the training to spouses of lawyers.

Awareness of EI is the first step. As we learn EI principles, we will put them into practice and see the change that takes place in the way we react to others and others to us. This can be done - it won’t happen overnight, but we can make great strides in our relationships by being more self-aware, correcting harmful behaviors, and asking others to help us on this journey.

Henry Deneen (hdeneen@murphygrantland.com) practices with Murphy & Grantland, P.A. and lives in Greer with his wife, Celia. He handles cases for Murphy & Grantland in the upstate, while continuing to work among refugees and in the Emotional Intelligence arena. He is also expanding his Mediation practice, primarily in the Upstate and in the Columbia area.



Being the Ball

(Not Quite) 50 Ways to Take A Break

by John Hearn

"I'm going to give you a little advice. There's a force in the universe that makes things happen. And all you have to do is get in touch with it, stop thinking, let things happen, and be the ball." – Ty Webb

Oh, Ty. Where have you gone? All is lost. The ball is lost. The Force is elsewhere. I got nothing in the inkwell. Wowzers.

Sorry about that - I'm really rusty over here. The words are slap running away from me. I've tried five themes so far. The best of the lot involves a circa 1983 pizza delivery to the south steps of the State House. As to the remaining ideas, the yield curve drops sharply from that lofty Pizzagate summit. One might even say it drops precipitously. Fair enough.

So, you are now reading this dreck in what - February? March? Certainly long enough for all those 2018 goals to be done, anyway. Remember: the resolutions, the new you in 2018, your Total Body Upgrade - all are complete, yes? (Complete being a relative term, naturally. I prefer "largely complete," myself.) Well that's just dandy, and good for you, old bean. I'm betting that by the time ink hits the paper my Miami Beach Paleo vegan Makeover 3.0™ will be in the rear-view also.

Largely complete, you know.

Yet we cannot rest on this largely completed-ness, no - that would not do. We must press on. Fortunately, I have some tools for us to keep our game sharp. They come from a poster that hangs right next to my desk. I put it there so I would see it every day - and I have faithfully and fully ignored since some time in 2015. The poster is captioned "50 Ways to Take a Break." I'll share just a few of them:

- Examine an everyday object with fresh eyes. A poster, perhaps. See? It works.
- Climb a tree. Maybe in that old seersucker suit that never looked good on you in the first place. Great protection against sap runs and pileated woodpeckers.
- Take deep belly breaths. This one works, but you really have to do the baby belly thing, i.e., allow your gut to expand fully as though you were in your third trimester. You might want to loosen your belt first, there, sport. And please close your door.
- Go to a Farmers Market. It's pretty quiet now, but my go-to is the State Farmer's Market off I-26. Right now you will find plenty of red jewel

sweet taters, which make an easy and healthy microwave lunch. Take a couple extra for your co-workers. And if you really want to make some new best friends this August, go grab a couple of baskets of peaches at lunch and put them in the break room. You'll be golden for boss's day come October.

- Write a quick poem:

*The column was poorly
Conceived in desperation*

- Rest your legs up on a wall. OK, see those other tips above? Below? Forget those. Do this one. I mean do this one every day, five minutes, whenever you want. This alone will improve your life by 8%, plus it is good practice for being old and stuff. Start seated with one leg against the baseboard, then swing both legs up on the wall as you roll to your back. Keep your bum close to the wall. Chill and enjoy this welcome treat for your cardiovascular, lymphatic, and immune systems.
- Go to a body of water. When were you last at the Riverwalk? Glorious out there. Walking stimulates the mind and builds brain cells. They said so on the radio just today. I forget which station. If I remember after my walk down by the creek I'll circle back.
- Turn off all electronics. One of the most difficult suggestions for yours truly. I'm going to start small, deleting for just one day that one app - you know, that one - that too often sucks up my time and drives my screen behavior. I may put it back tomorrow, but it won't own me today.
- Color with crayons. This works better with kids. You may have to pay them to endure your presence, but rug rats work cheap. Don't skimp on the crayons, though - the big box with the sharpener.
- Let go of something. So, forget that legs up the wall thing. I mean, don't forget it, do it religiously,

let it change your life and all, but do this one, too. Heck, you can do it at the same time.

Maybe the something you are letting go is really a thing. You surely have too many things. You probably have too many nice things. Give away a couple of those nice things already. You will feel lighter because you will be lighter, especially if that thing happens to be an old Zippo. The real things, those are easy to jettison once you start the ball downhill.

Conversely, it is those other things, the things that exist solely in my noggin, that give me the most trouble. Such a paradox - those toxic things that take up so much space in my head despite lacking physical form. Resentments, irritants, petty jealousies, all wasting so much of my consciousness - now those, those are often tough to let go. I mean tough like a dachshund-with-a-Honeybaked-ham-bone tough, fighting tough, way down deep, deep, deep tough.



But today, I can choose - we can choose - to let those go of some of those, too. Right now.

They ain't doing us a bit of good, my friend. Maybe this would be a good time to take a minute, take stock, and let that shinola go. If not now, when? You can even sing the theme song from "Frozen" as part of your process, but again, please, close your door.

When John is not writing columns, doing yoga, or stuffing his huge gob with leftover Christmas tins of Danish butter cookies, he can be found behind his screens at john.hearn@rtt-law.com.

Gut Check Time:

Kicking Off Your Business in The New Year

by Richard Krenmayer

It seems like this morning we woke up and it was January 1st. Soon we'll go to sleep at the close of December 31st. Time moves quickly in life and in business. How did you do last year? Let's find out. It's gut check time.



We're not too different, you and me. Though I work in the technology sector and you work in the legal realm, the mechanics of our business operate off the same basic business science, as I like to call it. In our gut check, we'll stress

test your current goals, the metrics that you live and die by, and the tools to make life and business easier. Lastly, we will bring all three of those things into a system that can enable you to win in 2018.

First, Goals

What are your goals? What are your personal, professional, and legacy goals? Personally, I don't like goals because they're one and done. Milestones might be a more apt term to describe the things you'd like to get done while you're making your mark. What are they? Write them down. For the sake of simplicity, I will assume that the nexus of the milestones in your life, and especially next year, revolve around your legal practice being great.



Second, Metrics

You can't have something to manage towards unless you have something to measure. How do you know where you're going if you don't know where you are? What are your metrics? What is your effective hourly rate? What are your earnings per employee per year? What is your profit? Remember, even though we are all out to help people, we are creating value and that value should not be taken off the table. Don't be embarrassed by it. Know what your monetary drivers are, then create four thresholds of attainment: Worse, Good, Better, Best. Tie a celebration to the wins. Make it count for you and your team when you get to Better or Best. Like wine tastings? Do it. Like to get everyone together at 3 AM on a Saturday morning to watch reruns of M.A.S.H.? Great! Now you know what the Key Performance Indicators (KPIs) are for you, and you know what happens when you win. With these constants of the universe, you're ready to science things out.

Third, Tools

You may know your finish lines to cross (KPIs), but do you have the car that's going to get you

there? What tools do you have on your tool belt? What machines will make your practice run at top efficiency? In our business, we have a central piece of software that ties everything together. In the legal industry, that same analog exists for you in the form of Practice Management software.

WARNING: If you aren't using practice management software, you're dreadfully behind the times. Stop reading right now, pull out a piece of paper and write Practice Management on it and stick it to your monitor, forehead, bathroom mirror, etc. You simply can't compete without it, and other great lawyers wanting to work with you will pass you by more and more without it.

Now, back to the software. How is it running? Do you hate it? Does it simplify your life? Do you wish you could get more out of it? You should be constantly evolving your tools to get more out of them with more ease over time. Just like a set of kitchen knives, to keep them great, they need care and sharpening. It takes effort, and it isn't always fun. If you don't look at your tools and how they help your practice reach your milestones or goals, then you're standing still. The time your team spends getting to know your tools will make major positive differences in your practice.

Lastly, Systems

We have our goals and milestones, we have our metrics (KPIs), and we have our tools, but we're missing one last thing: a system. Goals, metrics and tools alone don't change things, but a winning system that is comprised of all three will change everything. It's time to design a unique system that will transform your practice. With the right mix of people, processes, and tools, your system will not

only enable you to exceed goals, but also help you reach beyond the upper limits of your KPIs into a space where only the best thrive.

This isn't accomplished without a lot of deliberate effort and focus, but the valuable time you take away from working in the business to invest in working on and building the practice is the right move. It's so right that I can promise you that your competition doesn't do it, which is why it sets you apart. Set yourself up for success and start somewhere, but make sure that you get used to the rhythm of creating success when working on your system: create, edit, finalize, train, review, update, finalize, train, review, update, finalize, train, review, update, repeat, repeat, repeat.

As you can see, there isn't a secret to making a practice and a brand that's great. It just feels like a secret since we live in a world where the simple is thrown aside for the complex for complexity's sake. We see this all the time in firms. We transform the IT in law firms and in our own IT practice, but we're quick to jump back to the simple rhythm evolving our systems.

I would have loved to give you some tips on neat little apps to play with for the New Year, but the gift of a real system that can change your life and your practice is the gift that will keep on giving. Have fun with it and don't stop evolving. It's time for your Law Firm Transformation.

Richard Krenmayer is the CEO & Co-Founder of Stasmayer, Inc. Stasmayer, Inc. is an IT support company with offices in Columbia and Charleston, South Carolina. To find out more about Stasmayer, visit www.stasmayer.com or call 803-602-0784.

USC Law School

Resources you can use from the USC Law School

Legal IT Seminar Series

The School of Law Information Technology Department, along with the Technology Law Students Association (TLSA) and the University of South Carolina School of Law's Student Bar Association (SBA) have joined together to present a regularly scheduled seminar series on Thursday mornings from 8:00 to 9:00 AM on how technology affects the law.

The series features guest lecturers who are prominent experts in various legal technology fields. These free seminars are held in the Judge Karen J. Williams Courtroom in the School of Law, and are open to law students, to members of the legal community, and to the general public.

Spring 2018 Legal IT Seminar Series

The Spring 2018 Legal IT Seminar Series will focus on Law Firm Office Technology and how lawyers need to address ever-changing issues in their daily practice - check the USC School of Law, Legal IT Seminar Series website for CLE eligibility.

Seminars in the series include:

January 25, 2018

"Technology for a Paperless Small Law Firm" by Thomas Pendarvis, Esq.

February 22, 2018

"Law Firm Compliance with HIPAA" by Emily Suski, Assistant Professor of Law, University of South Carolina School of Law and Craig Stanley, Director of Legal Affairs, University of South Carolina School of Medicine

March 8, 2018

"Cloud Computing Practice Management for Lawyers" by William Booth, Esq.

March 22, 2018:

"Pro Bono Software" by Justice John Cannon Few, Supreme Court of South Carolina

April 5, 2018:

"Knowledge Management" by Dave Maxfield, Esq.

Surviving the A.I. Surge: Artificial Intelligence and the Practice and Law

"Technology is as important as ethics for lawyers to understand," says Bryant Walker Smith.

"Understanding the opportunities and challenges that artificial intelligence will present for your clients, your practice, and the very profession will be essential to being a competent lawyer. In fact, in many ways this is an ethical obligation because failing to use the legal tools available to you - or using them without thinking - could be an abdication of your professional responsibility."

Smith, an internationally recognized expert on the law of the newly possible and a professor at the University of South Carolina School of Law, is also the faculty advisor for the 2018 South Carolina Law Review symposium, "Surviving the A.I. Surge: Artificial Intelligence and the Practice of Law." The symposium, held on February 9, will focus on the implications A.I. has had - and will continue to have - on the legal industry, and how lawyers can adopt and even embrace A.I. in their practices.

The potential for new ways to use A.I. will grow exponentially in the near future. And that's a big reason why the Law Review chose this topic, according to third-year student and symposium co-editor Anthony D'Elia.

"A.I. is relevant to all lawyers because we are both threatened by it, and also given the opportunity to grow from it in new and exciting ways," says D'Elia. "But either way, if we don't meet it head on, we'll be left behind." Learn more at <http://sclawreview.org/symposium>, and register today at <http://uofsclaw.us/aisurge>

National Legal Mentoring Symposium

Join the National Legal Mentoring Consortium this spring for a national conference focusing on recent changes, trends, and culture of the legal profession affecting mentoring programs. Keynote speakers include David B. Wilkins, with the Center on the Legal Profession at Harvard Law School, and William C. Hubbard, past ABA president and partner at Nelson Mullins Riley and Scarborough.

The conference will be held April 12-14, 2018 at the University of South Carolina School of Law. More information available at: <http://legalmentoring.org>



John Nichols:

Disciplinary Counsel for the South Carolina Supreme Court

by Amy Hill

Being located in South Carolina's capital city provides the Richland County Bar with the unique privilege to have many of its members serve in prestigious positions in state government, the Supreme Court, and the Court of Appeals. One such member is John Nichols, who assumed the position of Disciplinary Counsel for the South Carolina Supreme Court on January 1, 2018. John takes over this position from another Richland County Bar member, Lee Coggiola. While Ms. Coggiola's wisdom and practical approach to disciplinary matters will be missed, the Bar and the people of South Carolina will be well served by John. He brings years of experience in many different practice areas to the position.

I got to know John while serving with him on the SC Bar's Professional Responsibility Committee. I have always appreciated John's knowledge of the Rules of Professional Conduct. He enjoyed the intellectual exercise of researching questions discussed at the PR Committee, and he did not hesitate to debate the application of the Rules to the practice of law. While he is very familiar with the Rules, John recognizes that there will be a learning curve to managing the ODC. He is looking forward to working with ODC staff to continue to make the disciplinary office effective and efficient. I asked John if there is one area that he will concentrate on, and he responded that his goal is to make sure cases are handled consistently. John's blend of both private practice and state employment are no doubt a benefit to the ODC, the Bar, and the public.

John is a native of Florence, South Carolina, where



he was part of a large Catholic family of which he and his twin sister were the youngest of six children. He excelled in the classroom from a young age and skipped two years in school, ultimately graduating from high school at the age of 16. John attended Francis Marion College and graduated with a degree in mathematics.

When asked about his family, John said he could not have picked better parents. They encouraged each of their children to follow their interests. His father was a director of the local Office of the Department of Social Security, and his mother worked as a receptionist at a local dentist's office. After John graduated from Francis Marion he began working for DSS as an investigator. While he was employed at DSS, he took notice of the attorneys and the work that they pursued and gained interest in becoming a lawyer himself. He graduated from the University of South Carolina School of Law in 1985 and his love of all things Gamecock was cemented.

John briefly worked in private practice after law school but quickly went on to work as a staff attorney and, eventually, as the Chief Staff Attorney for the Supreme Court. During that time he had the chance to clerk for various appellate judges while they were between law clerks. John said that his chance to clerk for Justice Littlejohn stands out as an amazing learning experience.

John left the Supreme Court in 1996 to work at Suggs & Kelly, where he concentrated his practice on products liability cases. In that position, he had the opportunity to travel around the country handling motions and trying cases with Ken Suggs. John says that his work on large pharmaceutical cases taught him many lessons of trial practice and large case management.

After a few years John left Suggs & Kelly with Marti Bluestein to form Bluestein and Nichols. He enjoyed working with Marti and the other lawyers that eventually joined them, and the camaraderie at the office is something John valued; he genuinely enjoyed going to work every day (even on Mondays).

I asked John what was the biggest surprise to him while establishing his own firm, and he said it was the amount of time and effort that the administrative work required. He quickly noted that having a supportive spouse with a regular paycheck was a good thing. But the challenges were well worth it for him. It is no surprise that John describes the decision to leave his firm for the Disciplinary Counsel position as very tough. He loved the work and the hectic pace of a litigation practice.

When John is not working, he enjoys spending time with his wife of 24 years Michelle, his daughter Beth, and his six-year-old grandson Max. John and his wife Michelle, who works in human resources at Blue Cross Blue Shield, love to attend USC sporting events. John loves baseball, Michelle loves basketball (both the women and men's teams), and they attend football games. He and Michelle started going to the women's games when there were so few people in attendance that you could yell across the gym to friends across the court. They love the recent success of Coach Staley's team and the atmosphere that the sold-out crowds now provide.

When John and Michelle are not attending USC sporting events, they are challenging themselves to hiking trips and artistic pursuits. Last year for Christmas John and Michelle gave each other the gift of spending one day a month to explore Asheville and the surrounding areas. He recalls one day hiking in DuPont Forest as his favorite (the waterfalls are amazing and worth the trip). John also enjoys painting in recent years after Michelle gave him the gift of art classes (he painted a picture for outgoing Disciplinary Counsel Lee Coggiola for Christmas).

When asked what fact about him would surprise his fellow lawyers, he thought a moment, and told me that he used to play the guitar and sing in bars and restaurants around Florence during college and before going to law school. His specialty was a tune by Hank Williams that included yodeling, for which the crowds would join in (he didn't mention how large the crowds were). With this knowledge, perhaps it's not hard to believe that he also said that his black curly hair was rather long at that point in his life. So, there it is. If you have learned nothing about John you now know that in the late seventies you could find him with long curly black hair, in a bar, in Florence, yodeling.

In all seriousness, I hope that each of you will get to know John at our events if you do not know him already. He is a smart, talented lawyer that will help ODC continue to pursue its mission to investigate grievances against lawyers and protect the public and the dignity of this noble profession. We are fortunate to have someone like John serve in this role, and we are grateful for his willingness to serve.



Amy L.B. Hill is a litigation attorney at Gallivan, White & Boyd. She can be reached at ahill@gwblawfirm.com.

Annual Meeting and Awards

The following awards were presented at the Richland County Bar Association's Annual Meeting in December 2017.

Matthew Perry Civility Award (Judicial)



The Matthew Perry Civility Award (Judicial) was given to **the Honorable Alison Renee Lee**. Judge Lee served as law clerk to the Hon. Israel M. Augustine, Jr. of the Louisiana Fourth Circuit Court of Appeals before moving to South Carolina where she was a clerk for the Hon. C. Tolbert Goolsby, Jr. of the South Carolina Court of Appeals. She later practiced at the McNair Law Firm in the Litigation Section. During that time, she was a member of the Richland County Department of Social Services Board; an Associate Commissioner of the Board of Grievances and Discipline of the South Carolina Bar; and a member of the Planning Committee of the United Way of the Midlands.

In December 1989, she was employed at the South Carolina Legislative Council drafting legislation for members of the General Assembly. After government restructuring, she was one of the first Administrative Law Judges elected by

the General Assembly to the Administrative Law Judge Division taking office in spring 1994. She was reelected to a five year term the following year and in February 1999, was elected by the General Assembly to the position of Circuit Court Judge, At Large. She is a member of the Texas, Louisiana, and South Carolina Bars.

Judge Lee is active in a variety of civic and philanthropic endeavors, including the Columbia Chapter of The Links, Inc., where she has served as President. She is also a member of St. Peter's Catholic Church and has previously served on the Parish Council and St. Peter's Catholic School Board. According to one of her colleagues, Judge Lee is not only a fair and impartial judge, but a public servant in the truest sense of the word offering her time and talents to underserved communities in the Midlands. It is a privilege for the Bar to recognize Judge Lee for her outstanding leadership and service.

Matthew Perry Civility Award (Attorney)



The Matthew Perry Civility Award (Attorney) was given to **John S. Nichols**. John, a founding partner

at Bluestein, Nichols, Thompson, and Delgado and now at the SC Supreme Court as the Chief Disciplinary Council, has spent his career going above and beyond in the service of others and advocating for fairness under the law. In 2015, the Supreme Court of South Carolina Chief Justice's Commission on the Profession recognized John as one of five recipients of the inaugural G. Dewey Oxner, Jr. Mentor of the Year Award recognizing attorneys who represent the highest standards of civility, integrity and professionalism. He has received the Trial and Appellate Advocacy Award from the South Carolina Bar recognizing lawyers who have demonstrated an outstanding commitment and dedication to trial and appellate advocacy. *SC Lawyers Weekly* named John the 2013 "Lawyer of the Year" the first-ever recipient of this esteemed honor. These are but a few of his many recognitions.

John has served as a commissioner for the SC Commission on Indigent Defense, a member of the SC Board of Law Examiners and the SC Bar Professional Responsibility Committee. He is past president and board member of the South Carolina Association for Justice and chaired the association's President's Council.

Widely recognized as a "Lawyer's Lawyer," John is respected by all sides, including the judiciary. One of his colleagues noted that "he has never been anything but a straightforward gentleman - across the board he is known for being bright, well-prepared and respectful." His "pay it forward" attitude has substantially impacted South Carolina's legal profession for the better and the RCBA is proud to recognize him for his great work.

The Civic Star Award



The Civic Star was awarded to **Kirby Shealy III**. Kirby joined Adams and Reese as a Partner in 2013. He has a wealth of jury trial and appellate experience in personal injury actions and commercial contract disputes. Kirby's professional and community involvement is extensive. He is an active member of several professional organizations, including the South Carolina chapter of the American Board of Trial Advocates, of which he is the treasurer. He is a past-president of the John Belton O'Neall Inn of Court and serves as the Chair of the South Carolina Supreme Court's Committee on Character and Fitness. He has also served as a mentor to USC law students.

In the community, Kirby is currently the Secretary of Thompson Child and Family Focus. He also serves as a trustee of Heathwood Hall Episcopal School and is the chancellor of the Episcopal Diocese of Upper South Carolina. He is also the Scoutmaster for Troop 8 of the Indian Waters Council, BSA and has served on the Boards of the Richland Library and Growing Home Southeast. Kirby's heart for helping others is big - one of his colleagues noted that whenever there is an office-wide fundraiser or service project, if Kirby is not leading it, he is the

Annual Meeting and Awards

first to contribute and offer support. These are just a few examples from a lifetime of public service and the Bar is pleased to recognize Kirby for his service to our community.

The Tootie Williams Distinguished Service Award



The Tootie Williams Distinguished Service Award was given to the **Honorable Costa M. Pleicones**. Justice Pleicones grew up in Columbia and graduated from Wofford College, later receiving a law degree from the University of South Carolina School of Law. After law school, Justice Pleicones entered the United States Army, serving both as an enlisted member and as an officer in the Judge Advocate's General Corps, until his release from

active duty. He continued his membership in the military until retirement from the United States Army Reserve in March 1999 after more than thirty years of active and reserve service.

Upon leaving active military service, Justice Pleicones entered practice as a public defender for Richland County. Later, while in private practice with Lewis, Babcock, Pleicones and Hawkins, he also served as a part-time municipal judge for the City of Columbia, and as County Attorney for Richland County. He served as a circuit judge from 1991 until 2000, when he was elected as an associate justice of the South Carolina Supreme Court. In May 2015, Justice Pleicones was elected as Chief Justice of the South Carolina Supreme Court. Passionate about his alma mater, Justice Pleicones currently serves on the Wofford Board of Trustees. Justice Pleicones has been a dedicated, longtime member of the Richland County Bar Association. His outstanding service to Richland County and the state of South Carolina is unparalleled and it is an honor for the Richland County Bar Association to award Justice Pleicones with the prestigious Tootie Williams Award.

2018 Executive Committee

From Left to Right: Jody Bedenbaugh, Dave Maxfield, Charlie Moore, Walt Cartin, Mike Polk, Kristen Horne, Ashley Story, and Jack McKenzie



Annual Meeting Moments



New RCBA Leadership

New President, John F. “Jack” McKenzie



RCBA President Jack McKenzie is partner in the law firm of McDonald, McKenzie, Rubin, Miller & Lybrand, LLP. His father Bob McKenzie was a past president of the Richland County Bar. Jack’s practice is varied and primarily consists of bringing claims on behalf of individual and corporate clients. He speaks Spanish and has been recognized by the Mexican government for his work performed on behalf of its citizens. Jack is a past president of the John Belton O’Neill Inn of Court, and currently serves as the board chair of both the City of Columbia Tree and Appearance Commission and South Carolina Hispanic Outreach.

Jack and his wife DoraAnn have two daughters, Caroline (5.5) and Frances (almost 4), as well as two beagles, Hank and Lily. The six of them try to make it down to Edisto Beach during the summer more weekends than not.

New President-Elect, Kristen M. Horne



Kristen Horne is an Assistant Vice President and Senior Counsel at Colonial Life. She previously practiced primarily in the areas of life and disability bad faith claims and coverage disputes, FINRA broker-dealer arbitrations, and securities litigation. She also served as a law clerk for the Honorable Cameron McGowan Currie at the United States District Court for the District of South Carolina. She is a Gamecock by way of law school, and proudly wears the orange and blue of her alma mater, the University of Virginia. Don’t hold it against her that both she and Jack McKenzie are double Cavaliers (Through good and bad we’ll bear the name of Richland Northeast High!).

After graduating from college she and her husband Chad joined the Peace Corps, serving in Morocco and Ghana. She thought she was heading for a life far from her hometown, but has surprised everyone, herself most of all, in coming right back. She even bought the house she grew up in from her parents, Debbie and Steve Hamm, where she

and Chad live with their four young daughters and elderly springer spaniel - yes, also a girl.

Kristen is an interior design and architecture enthusiast and often can't help but chime in with unsolicited design ideas. Forgive her if inspiration images and paint or furniture suggestions arrive in your inbox after you mention a home or office project.

Kristen is a proud past chair and current member of the board of directors of MIRCI, the Mental Illness Recovery Center, Inc., which assists individuals with mental illness by providing access to housing, behavioral healthcare, and other support so they can live independently in our community. She is also a leader in DRI's Life, Health, and Disability Insurance committee. Kristen became active in the RCBA right out of law school, serving for several years as chair of the Public Service Committee and helping launch Project HELP in 2008. If you're looking for a pro bono opportunity, sign up to give an hour or two of your time with the HELP clinic soon.

New Executive Committee Member, Walt H. Cartin



Walt Cartin, a partner at Parker Poe Adams & Bernstein, LLP, is the Richland County Bar Association's newest Executive Committee member. Walt practices in the area of health care law. He represents a diverse range of health care providers, including health systems (for-profit, not-for-profit and governmental), nursing homes, physician groups, pharmaceutical companies, insurance companies and a variety of other entities focused on the provision of health care supplies and services. In addition to providing general corporate and operations counsel, he routinely represents clients in both litigation and transactional matters.

Walt graduated from the Citadel and the University of South Carolina School of Law. While in law school, Walt served as the senior articles editor of the South Carolina Law Review and as a member of the Honor Council. He received the Joseph O. Rogers Jr. Scholarship and, upon graduation, was awarded the Compleat Lawyer Award by the University of South Carolina School of Law Alumni Association.

Before joining Parker Poe, Walt served as a Captain in the United States Army Infantry. During his time in the military, he spent more than a year in Iraq, leading combat and nation-building operations. He also served as a special assistant to United States Congressman Joe Wilson of South Carolina's 2nd Congressional District. He earned his MBA from the University of North Carolina at Chapel Hill in 2017. Walt is married to Marianna and they have three children, Hammond (7), Darby (5) and Page (1).

Noteworthy News & Announcements

Baker, Ravenel & Bender announces that **Briggs Tucker** and **Michael Trask** have joined the firm as associates. Briggs Tucker focuses his practice in the areas of appellate advocacy, insurance defense and coverage and construction litigation. He graduated from the University of South Carolina School of Law and earned his bachelor's degree in history from The Citadel. Before joining the firm, Briggs served as a law clerk to the Honorable Paula H. Thomas of the South Carolina Court of Appeals. Michael Trask focuses his practice in the areas of appellate advocacy, automobile liability, general litigation, premises liability and product liability. He graduated from the University of South Carolina School of Law. Before law school, he was a social studies teacher, having graduated from Kennesaw State University with BA in history education.

Luther J. Battiste III, a founding shareholder of **Johnson, Toal & Battiste**, has been elected national vice president of the American Board of Trial Advocates (ABOTA) for 2018. He will automatically become president-elect of the organization for 2019, and then president in 2020. He will be the third South Carolinian to lead the group, and the first African-American to do so in ABOTA's 60-year history. He will follow two other South Carolinians who have led ABOTA. **D. Reece Williams III** of Callison Tighe & Robinson was president in 2000, and **Joel W. Collins Jr.** of Collins & Lacy held the post in 2015. Battiste is a graduate of the University of South Carolina and Emory University Law School. Admitted to ABOTA in 2000, he currently serves as treasurer of the national organization.

Jay Bender was honored by the South Carolina Broadcasters Association with the Honorary Life Membership Award during the annual Awards of Distinction ceremony. Bender, a former partner who serves as of counsel with **Baker Ravenel & Bender**, has represented the SCBA since 1995, and has built a national reputation as a lawyer for broadcasters. Since beginning his media law practice in 1975, he has appeared in a multitude of trial and appellate courts, both federal and state, to advocate media-related cases. The Honorary Life Membership Award salutes those who have made significant contributions to the broadcasting industry.

Bluestein Attorneys announces that partner **Allison Sullivan** is the new president of Injured Workers Advocates, a nonprofit association of attorneys dedicated to advancing the interests of injured workers in South Carolina. She was installed as president at the group's annual conference in November. Injured Workers' Advocates works to protect and advance the rights and legal remedies for South Carolina workers who are victims of occupational injury or disease.

Boykin & Davis, LLC announces that **Kierra N. Brown** has joined the firm as an associate located at 220 Stoneridge Dr., Ste. 100.

Brown and Brehmer announces that **Connor E. Johnson** has joined the firm as an associate located at 1720 Main St., Ste. 203.

Bruner, Powell, Wall & Mullins, LLC is pleased



to announce the addition of **Chelsea J. Clark** as Associate Attorney. Prior to joining the firm, she served as Staff Counsel at the South Carolina Administrative Law Court for two years where she was involved in several complex tax, environmental, and constitutional cases. Chelsea graduated from the University of South Carolina School of Law and earned her degree in Russian from the University of South Carolina, magna cum laude.

M. Malissa Burnette, a co-founder of **Burnette Shutt & McDaniel**, has been honored with the Stephen G. Morrison/Nelson Mullins Social Justice Award from the Columbia Urban League. The award was presented during the League's 50th Anniversary Celebration and annual Equal Opportunity Day dinner. Burnette was chosen in recognition of her pioneering leadership in fighting

for social justice and gender rights in South Carolina. Her work includes the landmark federal case that opened The Citadel to women and a successful battle to allow girls to play contact sports in public schools. She and co-founder Nekki Shutt were lead counsel in the case that paved the way for same-sex couples to legally wed in SC. The award is named in honor of attorney Stephen G. Morrison, a former chairman of the Columbia Urban League.

Callison Tighe announces that **Ian T. Duggan** and **Celeste Rogers** have joined the firm as associates. Duggan's practice will focus on representing individuals, organizations, and businesses in litigation matters. Prior to joining the firm, Duggan served more than six years in the U.S. Air Force, rising to the rank of major and remains a member of the U.S. Air Force reserve. While on active duty,

Noteworthy News & Announcements

Duggan served as lead counsel in criminal cases on military installations throughout the United States, the Pacific, Europe and the Middle East. He earned his degree in History from Furman University and a JD at the USC School of Law in 2010. Rodgers earned her JD at the University of South Carolina School of Law. She completed an International Master of Business Administration at the Darla Moore School of Business at the same time, studying abroad in Chile and Mexico. Rogers has practiced for nearly five years in Columbia, gaining experience in real estate closings, title insurance and contract negotiation and has also helped clients with estate planning documents, including powers of attorney and living wills.

Continuing a commitment dating to 2009, the law firm of **Callison Tighe** has contributed \$10,000 to Harvest Hope, a non-profit organization that helps feed millions of South Carolinians every year. Over the better part of the last decade, Callison Tighe has donated \$97,500 to Harvest Hope, helping South Carolina's families in times of need.

Caskey & Imgrund, LLC announces that **James E. Knight Jr.** has joined the firm as special counsel located at 1116 Blanding St., Ste. 2A.

The American Bar Foundation has elected **Sarah T. Eibling**, a partner at **Nelson Mullins Riley & Scarborough** to the Fellowship, a global honorary society of attorneys, judges, law faculty, and legal scholars whose careers have demonstrated outstanding dedication to the highest principles of the legal profession. Members are nominated by their peers and elected by the Board of the

American Bar Foundation. Eibling practices in the areas of product liability, premises liability, lodging and leisure, and litigation. She serves on the steering committee for the Hospitality Practice Group of ALFA International and on the Products Liability Committee for both DRI – The Voice of the Defense Bar and the International Association of Defense Counsel.

Elizabeth Van Doren Gray, member of **Sowell Gray Robinson Stepp and Laffitte, LLC**, has been selected as the 2017 DuRant Distinguished Public Service Award recipient by the **South Carolina Bar Foundation**. The award was established in 1980 in memory of Charlton DuRant and is one of the most prestigious statewide honors that members of the Bar can bestow on a fellow attorney. Recipients are nominated by their peers and selected by the South Carolina Bar Foundation Board. Gray is an accomplished litigator at Sowell Gray Robinson; her practice includes commercial litigation, probate and estate litigation, professional liability and ethics, and securities and FINRA. She earned her JD and BA from the University of South Carolina and was selected to be the second woman president of the South Carolina Bar. She received the 2016 Fellows Award presented by the National Conference of Bar Presidents.

Haynsworth Sinkler Boyd announces that **Clay Walker** and **Rob Reibold** have joined the firm as Shareholders. Clay Walker is a litigator with more than 35 years of experience representing clients in products liability, employment, real estate and personal injury litigation. He has spent the past 20

years representing automobile dealers in matters involving unfair trade practice, Dealers Act defense claims, business practice disputes, consumer complaints and personal injury. He received a J.D. from Vanderbilt University and a B.A. from Duke University. Rob Reibold represents automobile dealers, businesses, individuals and insurance companies in a variety of litigation and consulting matters, both at the trial and appellate level. He handles complex matters, such as business contracts, products liability, unfair trade practices, employment discrimination, and insurance and has decades of experience working with automobile dealers in all phases of their business. Rob has a J.D. from the University of South Carolina School of Law, a B.A. from Duke University, and a B.S. from Penn State University.

Haynsworth Sinkler Boyd is pleased to announce that **Kaitlin T. Beck** and **Clara Elizabeth “Lizzie” Weston** have joined the firm. Kaitlin focuses her practice on a broad array of healthcare matters and general corporate law. She received her J.D., cum laude, from the University of South Carolina School of Law and is also a graduate of the University of North Carolina at Wilmington. Prior to law school, she served as Office Manager and Legislative Aide for United States Congressman Bill Johnson. Lizzie focuses her practice on financial services litigation, representing lenders and banks in connection with consumer and commercial loan disputes. Prior to joining the firm, Lizzie worked as an intern for the Honorable John W. Kittredge of the South Carolina Supreme Court as well as the Conservation Voters of South Carolina. Lizzie received her J.D., magna cum laude, from the University of South Carolina School of Law and her B.A. from Washington and Lee University.

Lisa Hostetler announces the opening of another location of **LawyerLisa, LLC** located at 5175 Sunset Blvd., Ste. 1, Lexington 29072.

Lee, Eadon, Isgett, Popwell and Owens announce that **Zachary D. Linowski** has joined the firm as an associate. Zachary is a graduate of the University of South Carolina with a B.A. in Arts and History and received his JD from the University of South Carolina School of Law.

Lott & Searcy, LLP is pleased to announce **Louis T. Runge, Jr. (Tom)** has joined the firm located at 3022 Millwood Avenue, Columbia 29205.

Mickle & Bass, LLC announces that **Tina N. Herbert** has joined the firm located at 1519 Richland St., Columbia 29201.

Murphy & Grantland announces shareholder **Anthony Livoti** as the newly installed President of the South Carolina Defense Trial Attorneys Association (SCDTAA). The installation came at the group’s 50th Annual meeting. Since its inception in 1968, SCDTAA has grown from a group of six lawyers to approximately 1000 members across the Palmetto State. Attorneys who are members of SCDTAA offer multiple services that fall under the civil litigation defense umbrella, including personal injury, products liability, medical malpractice, insurance coverage as well as governmental and municipal liability.

Murphy & Grantland was presented with an Award of Excellence by the South Carolina Chapter of the International Association of Business Communicators (IABSC/SC) for its “Erasing Risk” campaign in early 2017 conveying the firm’s commitment to helping clients reduce the risk of

Noteworthy News & Announcements

being sued initially and ultimately the risk of an adverse settlement.

Nelson Mullins Riley & Scarborough announces that partner **Robert W. “Robbie” Foster, Jr.**, has become a Fellow of the American College of Trial Lawyers. Foster practices in the areas of product liability, business litigation, and premises liability. He is a former Chapter President of the American Board of Trial Advocates (ABOTA) and is a member and former board member of the Federation of Defense and Corporate Counsel. Foster is an alumnus of the USC School of Law and the USC Honors College.

The partners of **Nelson Mullins Riley & Scarborough LLP** have elected **Miles E. Coleman** to the partnership. Coleman joined the firm in 2011 and practices in the areas of appellate law, business litigation, and First Amendment law.

Parker Poe announces that **John Tamasitis** has joined the firm as an associate. Tamasitis practices in the areas of commercial contracts, construction, and business disputes. John earned his law degree at the University of South Carolina School of Law. Prior to practicing law, John served as a captain in the U.S. Air Force with the Air Force Office of Special Investigations. He served as a counterintelligence branch chief directing anti-terrorism and counterintelligence investigations and services with the FBI and other government agencies. He also led a counterintelligence and counterinsurgency team in Afghanistan and was awarded a Bronze Star for his service. He received his bachelor’s degree at the U.S. Air Force

Academy.

Congratulations to the following Richland County Bar members who were selected for the 2018 SC Bar Leadership Academy: **Kinli Abee, S.C. Attorney General’s Office; Allyce Bailey, Turner Padgett; Dare Bailey, MAXIMUS, Inc.; Cheslyne Brighthop, Richland County Public Defender’s Office; William “Grayson” Lambert, McNair; David Paavola, Lewis Babcock; Justine Tate, Adams and Reese; Elizabeth “Beth” Warren, U.S. Attorney’s Office** and **Lyndey Zwing, Adams and Reese**. Participants will be equipped with networking opportunities, professionalism training, community awareness and other skills necessary to give back to the profession and position themselves as leaders in our communities.

Richardson Plowden & Robinson, P.A. is pleased to announce that **Jasmine D. Wyman** has joined the Firm as associate attorney. Wyman will focus her practice in General Litigation and Construction Law. She earned her JD from the Charleston School of Law and her BS in Human Resource Management from Clemson University. Prior to joining Richardson Plowden, Ms. Wyman worked with another Columbia-area firm and has also served as law clerk to the Honorable DeAndrea G. Benjamin and to the Honorable Clifton B. Newman.

Sowell Gray Robinson Stepp & Laffitte, LLC, is pleased to announce that attorneys **Will Jordan** and **Beth Richardson** have become the firm’s newest members. Will focuses his practice in the areas of professional negligence, employment,

and business and commercial litigation. He also defends employers against claims for violations of federal and state anti-discrimination laws and other employment-related claims. Will graduated from the University of South Carolina School of Law. Beth's clients include publicly traded and private companies and their officers and employees operating in a wide array of industries. Before joining the firm in 2013, she served as an adjunct professor in advanced legal writing at the University of South Carolina School of Law and was an associate for five years at another firm. She received her law degree from Washington University School of Law in St. Louis.

The **South Carolina Workers' Compensation Educational Association (SCWCEA)** is pleased to announce the elected 2018 officers to the Board of Directors. **Lana H. Sims, Jr.**, partner at **Adams and Reese, LLP**, has been elected as President and **Grady L. Beard**, founding member with **Sowell Gray Robinson Stepp and Laffitte, LLC** has been elected as Treasurer.

The **S.C. Office of the Attorney General** announces that **Kelly Oppenheimer** have joined the agency as assistant attorney general.

Sweeny, Wingate & Barrow PA announces that **Davis Love** has joined the firm. The firm also announces that **Ryan C. Holt** has become a member and **William O. Sweeny III** has become of counsel. Davis joined the firm upon completing four years of active duty service with the United States Marine Corps. He practiced law as a Judge Advocate in the Marine Corps. Davis is a 2013 graduate of the University of South Carolina School of Law and received a Bachelor of Arts in Political Science from the University of South Carolina.

Ryan maintains a general litigation practice with an emphasis on retail claims. His clients have included grocers, hotels, restaurants and retailers. He has also handled cases in the areas of transportation, product liability and construction defect litigation.

Turner Padgett Graham & Laney, PA announces that **Catherine Cunningham** has joined the firm. Her practice focuses on general business litigation with an emphasis on labor and employment matters. She received her Bachelor's degree from Clemson University. After graduating, Catherine worked for nearly three years as a litigation paralegal where she developed a strong interest and passion for the law. The skills she acquired as a paralegal proved to be invaluable throughout law school and in her practice now. Catherine also graduated from the University of South Carolina School of Law.

Vernis & Bowling announces that **Joseph Bias** has joined the firm's Columbia office located at 1401 Main St., Ste. 655.

Willson Jones Carter & Baxley, PA announces that **Deidre Smallwood** and **Erica Loudin** have joined the firm's Columbia office. Deidre earned her BS in Business Administration from Presbyterian College and her J.D. from the University of South Carolina School of Law. Her practice focuses on liability litigation. Erica graduated from the University of South Carolina with a degree in Political Science and received her J.D. from the University of South Carolina School of Law. She practices exclusively in the area of workers' compensation defense.

Richland County Common Pleas Jury Verdicts

16-CP-40-6675

Donna Gore v. Margaret Mathis

Attorneys:

Plaintiff: Dietrick Lake

Defense: Richard Jones

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$4,500

16-CP-40-5279

Binlani Kinlaw v. Kwesi Ansah

Attorneys:

Plaintiff: R. Anthony Russo

Defense: Carl D. Hiller

Cause of Action: Automobile, Personal Injury

Verdict: For Defendant

16-CP-40-4743

Cordiela Holmes v. Cori Lewis

Attorneys:

Plaintiff: Gary Popwell

Defense: Rogers Harrell

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$4,779

15-CP-40-4794

Adolph F. Bannister, Jr. v. Columbia Urological Associates, P.A., et al

Attorneys:

Plaintiff: Ed Bell

Defense: Jay McKay and Kelli Sullivan

Cause of Action: Personal Injury, Medical Malpractice

Verdict: For Plaintiff

Actual Damages: \$10,000,000

16-CP-40-2426

D. Douglas v. E.J. Woehl

Attorneys:

Plaintiff: S.J. Hayes

Defense: K.S. Brehmer

Cause of Action: Automobile, Personal Injury

Verdict: For Defense

16-CP-40-2393

Miriam H. Samuel v. Lynne N. Johnson

Attorneys:

Plaintiff: William M. Saltzman

Defense: E. Dale Lang, Jr. and Jescelyn Spitz

Cause of Action: Automobile

Verdict: For Defendant

16-CP-40-1790

Ward Johnson & Deborah Johnson v. Robert Lee Knight, Jr.

Attorneys:

Plaintiff: Tony Russo and Charnell Peak

Defense: Brett Bayne and Andy Delaney

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiffs

Actual Damages: \$129,000 to Ward Johnson

Punitive Damages: \$62,500 to Ward Johnson

As to Deborah Johnson - \$3,500 - loss of consortium

16-CP-40-1478

Chaqui Manigault v. Nan Hasty

Attorneys:

Plaintiff: B. George

Defense: Carrie H. O'Brian

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$41,689

16-CP-40-1395

Irma Jaimes v. Allstate Fire & Casualty Insurance Company

Attorneys:

Plaintiff: Rachel Peavy and Jeff Goodwyn

Defense: Doc Morgan

Cause of Action: Contract, Insurance

Verdict: For Plaintiff

Actual Damages: \$16,078

16-CP-40-4748

Tammy R. Edlund v. Danielle L. Williams

Attorneys:

Plaintiff: John J. McCauley

Defense: Trey Jones

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$10,000

16-CP-40-3411

Wayne E. Gilmore, Jr. v. Kahlil L. Graham & Tyrisha M. Hannah

Attorneys:

Plaintiff: Barry George and Paige George

Defense: Elliott Bishop Daniels

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$5,142.33

14-CP-40-3116

Willa McCants v. Jessica Burton

Attorneys:

Plaintiff: David Truitt

Defense: Elliott Daniels

Cause of Action: Automobile, Personal Injury

Verdict: For Defendant

DAVID T. DUFF
MEDIATOR & ARBITRATOR

Attorney At Law

CERTIFIED MEDIATOR
& ARBITRATOR
SINCE 2004
IN STATE & FEDERAL
COURTS

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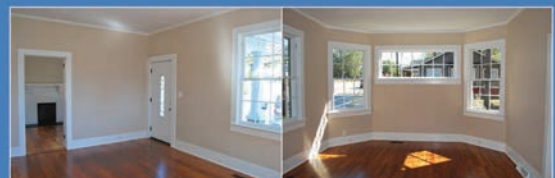
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Special Recognition

RCBA would like to recognize and remember a special Past President. Thomas E. McCutchen, Jr. passed away January 2018 at the age of 99.

Mr. McCutchen graduated from the University of South Carolina with an AB degree in 1940 and an LLB in 1946. He was admitted to practice law in June 1941 by special examination after one year in law school. He practiced law from January 1946 until June 2012 with a primary focus on civil litigation. He was President of the Richland County Bar in 1970 and was selected by Attorney General Daniel McLeod to be head counsel in the boundary dispute instituted by the state of Georgia against the state of SC. He successfully argued the case in the US Supreme Court.



He received a Compleat Lawyer Award from the USC School of Law in 1987 and was presented with the first Richland County Bar Association Lifetime Achievement Award in 2008. Mr. McCutchen faithfully supported RCBA attending social events as recently as 2016. Mr. McCutchen was a formidable attorney and longtime leader in the legal community, and he will be missed.