

April - June 2018

RICHBARNEWS

Newsletter of the Richland County Bar Association



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SAVE THE DATE

Mark your calendar for these great upcoming events!

Night with the Fireflies - Thursday, June 21st at 7:05 pm
Spirit Communications Park

Memorial Service - Friday, June 22nd at 12:00 noon
Richland County Courthouse

Judicial Reception - Thursday, August 16th at 5:30 pm
The Palmetto Club

Farm to Table Dinner - Tuesday, September 25th at 6:00 pm
City Roots

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On the Cover

Photo by Lucas Brown of Kickstand Studio



From the Editors

by Mike Polk & Van Horger

Although it felt like spring would never get here (or stay here), by the time this newsletter is in your mailbox, we should all be enjoying that brief period of South Carolina weather in which no one is complaining that it's too hot or too cold. As you plan the ways in which you take advantage of the warmer temperatures, please take a moment to mark your calendars with the dates of the many upcoming RCBA events. Summer is one of our busiest times of the year!

This year we honored our local judiciary with a Lowcountry Boil at the Hunter-Gatherer Brewery at the Curtis-Wright Hangar on May 17, 2018. This event retained all of your favorite elements

from the past, but at a new venue. If you couldn't make it, you should check out the Hangar - it features a taproom, a brewhouse, a bottling and kegging line, and an observation deck overlooking the airport.



Our annual Memorial Service will be held at noon on June 22, 2018, at the Richland County Judicial Center. Always a moving service in which we honor the memory of Richland County Bar Association members who passed away the prior year, the memorial service also serves as a gathering for fellowship with their colleagues, friends, and family.

Don't forget about our annual Night with the Fireflies on June 21, 2018. This event always

receives some of the most positive feedback from our attendees. It's a great opportunity to bring the entire family to one of our events. We are also inviting USC Law School students to join us, so please encourage your summer law clerks to attend!

When it finally gets too hot to be outside, join us for an Afternoon at Trustus Theater on Sunday, July 8th for a screening of "Memphis" and a talk-back with cast and panelists following the show.



As the summer wraps up, we are holding our annual Judicial Reception at the Palmetto Club on August 16, 2018. Held in conjunction with the South Carolina Judicial Conference, it is a fantastic time to greet and mingle with the judiciary from all over the state. It's also a great time to catch up with your colleagues on how everyone spent their summers.

Finally, mark your calendar for our newest event, a Farm-to-Table Dinner at City Roots on September 25, 2018. The dinner will feature limited seating to foster greater connection among our members. More details will follow as this event draws closer.

We are excited about all of these events and hope to see each of you there!

From the President

Ballets & Book Sales

Disrespect in Need of Correction

by Jack McKenzie

Stop for a second and take a look at a typical banner that hangs between the South Carolina Statehouse and the South Carolina Supreme Court. There is never anything offensive in its messages - announcing ballet performances and book sales, etc. - but I would argue that there is something in the underlying message that should disturb all of us who hold South Carolina law licenses.

It is difficult to imagine a big sign advertising a guitar festival in front of the U.S. Supreme Court. Hard to picture a gigantic advertisement for a blood drive hanging in front of the White House. Impossible to think of a billboard hawking wares in front of the gates of the Capitol. Society respects these places, so much that not only would it be improper to place signs there, it would be offensive.



Most of us dress much more formally for court appearances than for the office. We are taught to stand up when we shake someone's hand; to say yes sir and no ma'am in certain situations; to remove our hats indoors. Every day each of us practices multiple forms of civility, where appropriate, to convey deference and respect.



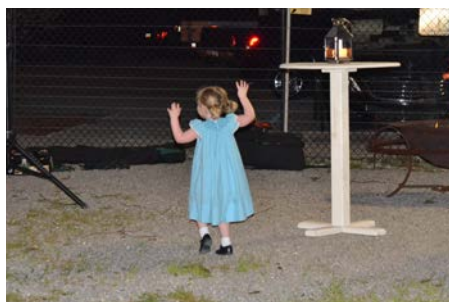
I believe that the placement of the banners in front of our South Carolina Supreme Court is a glaring, if unintentional, show of disrespect and one that needs to be corrected. Such displays are fine elsewhere, but not in front of the highest court of our state and the seat of our state government.

The City of Columbia owns the wires and the poles on Gervais Street and its rents out the banner space. The executive committee of the RCBA has requested that the City remove or relocate the banners to a more appropriate place, but the request has not been granted. Two members of our Bar sit on City Council, and one is the City Manager. I hope they will reconsider their position and advocate for our position.

Jack McKenzie practices at McDonald, McKenzie, Rubin, Miller & Lybrand. He can be reached at jackm@mml.com.

Annual Oyster Roast

Thursday, February 22, 2018 at Hay Hill



Want to Be a Better Writer & Oral Advocate?

Make More Arguments Outside Your Own Head

by Jack Pringle

Most of us do a whole bunch of writing and talking on our feet (arguing, presenting, etc.) for our clients and in hopes of getting more clients. However, rarely do we get (or take) the chance to step back and consider how to hone and further cultivate those skills (I understand - you are so busy).



Be honest: how many of you write or edit a document, or prepare for a hearing or presentation, in a different way than you did last year (or when you started in practice)?

If you are ready to peek out of your silo and consider some new tools and a different way to use your current tools, then by all means read on. (The catch-22, of course, is that you have to leave the silo to read this article). Here are several ways you can improve your arguments and writing, mainly by subjecting more of your spoken and written product to the light of day:

Read Your Writing and Arguments Out Loud

Reading your presentation or brief aloud is much more effective for learning and remembering content than passively reading. As described in a recent post on *Persuasive Litigator*, reading aloud creates “the production effect,” where actively producing content leads to better recall than passively reading that content silently.

Listen to Your Writing and Your Arguments

Reading aloud is the best, but hearing your own voice via recording is also more effective than passive reading. Why? You like hearing your own voice, and are more likely to remember what you say as a result. (It won’t surprise you to learn that hearing your own voice is memorable to you. Not to me or anyone else, mind you, but I know you never get tired of hearing yourself talk).

And listening to your work (in your own voice or otherwise) is also a great way to edit. If it reads well, then it usually sounds pretty good, too. As the incomparable Jennifer Romig writes over at her website *Listen Like a Lawyer*, listening to your writing on an app like Voice Dream Reader can give you the “distance” you might need to evaluate and revise your work somewhat objectively. Hearing the way the “brilliant argument” you have in your head or on paper comes across when actually spoken will, at the very least, provide some additional perspective, if only because the spoken word is generally read more slowly than you’d do silently.

As I have written in these pages before, if you are going to have your digital device on your person at all times, why not put it to good use by recording and playing back your arguments, or by listening to the things you are in the process of writing? By the way, apps like Voice Dream Reader can be used to read all kinds of documents, which make



them useful for car trips (not so much for family members or other passengers with less passion for the law).

Accept Some Coaching (A More Palatable Word Than “Criticism”)

There are a great many accomplished writers out there, some probably a brief’s throw from your office. And mooting arguments always is a learning experience. But the willingness to hear some constructive criticism requires the recognition that you’ve got room to improve. And that means working toward adopting a growth mindset. If you don’t know what I am talking about, go buy *Mindset: The New Psychology of Success* by Carol Dweck right now. Or contact me and I will buy you a copy. I am not kidding.

Write and Present As Much as You Can

In addition to what you produce professionally, explore other ways to practice. Consider keeping a journal, which will not only improve your writing, but help remove the clutter that gets in the way of good writing. As Julia Cameron, a proponent of “morning pages” (a daily writing habit) put it in *The Artist’s Way*: “Once we get those muddy, maddening, confusing thoughts [nebulous worries, jitters, and preoccupations] on the page, we face our day with clearer eyes.” Try 750 Words if you are interested in

establishing a daily writing habit.

Publish (Share Your Writing)

There are so many ways to play to an audience these days. And as I have written previously, knowing that you have any audience (of one or of a thousand) makes you write more effectively, because you are creating a written argument to be considered by someone other than yourself. And don’t let the idea that what you’ve created is not good enough for an audience prevent you from shipping your work. After all, perfect is the enemy of the good, and the benefits of gradual improvement and potential collaboration that come from sharing your writing far outweigh whatever flaws you perceive in what you’ve created.

Conclusion

Of course, very little of the above is earth-shattering. But sharing what you create is the best way to make it better. As one fairly accomplished writer put it: “Write with the door closed, edit with the door open.” - Stephen King

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.

Microsoft Teams

What is it and Why Should I Care?

by Bill Booth

How do you communicate, either in or out of the office, with other lawyers in your firm, your support team, or clients? The choices for communicating are many and varied starting with shouting or walking down the hall to using electronic means for communication. Microsoft Teams ("Teams") offers a new system for communication and collaboration. It is more secure than email and prevents email overload. It also has great notification features. The depth of use will depend upon you and how you use it. Think of Teams as a chat-based workspace that



lets you bring together other users and collaborate with conversations and content. You can easily integrate it with other Microsoft Office applications. If you are familiar with Slack, there are many similarities between the two applications. At the end of this article, you will find the name of a site for learning more about Teams.

Teams is automatically included within certain licenses for Office 365. Microsoft initially announced it in November of 2016 and released it in the first quarter of 2017. If you are using an Office 365 business plan with email hosting, you have this feature at no additional cost. Recently, the addition of the guest access feature allows collaboration with almost anyone with an email address. There is speculation that a freemium tier may be offered for using Teams without an Office

365 subscription, but it will probably be limited to a certain number of people until paid features are required. Slack now has a freemium tier.

Here's why you should consider using Teams:

- It makes communicating one on one and with groups a snap.
- Collaboration happens in real time.
- Everything your team cares about (all your files, docs, contact info, and more) is in one place.

Teams is not a legal specific application, but allows you to increase productivity by creating teams - collections of people, content, and tools that center around different projects and jobs within an organization. Team members can have conversations and share files, notes, and more. Team conversations are organized by channels. Members can also communicate in private chats only visible to those people in the chat.

Each channel's tabs represent conversations, files, and notes. Channels can be created within a team to place focused conversations about different topics. One law firm reports they have channels for their different areas of practice: criminal law, personal injury, traffic law, and real estate. A new case dealing with easement law can be mentioned in the channel for real estate with a link to, or copy of, the decision. Each member of the real estate channel could then read the case and post comments or helpful tips from the case.

The discussion can be preserved in the channel for future reference.

Channel name
Smith v, Jones Lawsuit
Description (optional)
Used for preparation of pleadings, discovery, request to admit, motions for the case among responsible attorney, assigned associate and paralegal

Channels can also be used by attorneys to collaborate on documents drafts, such as a draft answer to a complaint. An associate can upload a draft of the answer in a MS Word file to a channel. Everyone who needs to contribute to or edit the draft can work on the same version and see real-time changes, rather than having multiple versions floating around that must be combined.

Eric and Bill > Smith v, Jones Lawsuit	
This team has guests	
Conversations Files Wiki	
Smith v, Jones Lawsuit	
New Upload Get link Open in SharePoint Add cloud storage	
Type	Name
✓	Answer Draft 1.docx

Teams can also be used to communicate when you find yourself in a hearing that is running long, and need to reschedule another meeting during the same time. You can create a chat message with your paralegal to reschedule the meeting and then receive a chat message with a new meeting time, all on your smartphone, laptop, or tablet.

A tab can be created for a OneNote file to be used for digital note-taking, free-form information gathering, and multi-user collaboration. The tab will contain a descriptive name and all users' notes, drawings, screen clippings, and audio commentaries, which will all be accessible from

Teams.

Richbar Newsletter Drafting Work	
Home Insert Draw View Open In OneNote	
Teams Article - Booth	
Thursday, March 22, 2018 8:22 AM	
Working on my next article to discuss Microsoft teams. Here is a link to a YouTube that is about 30 minutes long and provides a great overall discussion of the Microsoft teams. One key factor is that if you have a subscription for office 365 you may already have the ability to use Microsoft teams.	
https://youtu.be/AirD0zgUwhc?t=2m37s	

Another cool feature is channel meetings. This can be a recurring team status meeting on a legal case. To schedule the meeting, click on the meetings button on the far-left side of the main navigation area. Then at the bottom of your agenda view, click the Schedule a Meeting button. Give the meeting a title, a description (agenda), and specify the channel you want to meet in. Then click Schedule a Meeting, and the meeting will appear in the channel. Other members of that channel will get instant notification of the channel meeting. The meeting place can be in an office or can be online at your computer using audio and video features of your setup.

Teams allows up to 80 users in a meeting. You can even share a desktop during the meeting - you can choose to present your entire desktop, a specific app, or a file.

The best way to see Microsoft Teams in action is by visiting a site called "Microsoft Teams Documentation and Practical Guides." Try it and have fun communicating as you work and do not forget to add an animated emoji occasionally.

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

Bar Bites

Hot Fun in the Summertime

by Jess Gooding

We are BACK with Bar Bites and gearing up for summer! Summers in the Midlands seem to go from nice and warm to scorching hot in about three days, so we need to know (1) how

to capitalize on the nice days, and

(2) what to do with our time

once air conditioning is

required! I'm recently back

from maternity leave, so I

am (personally) especially

interested in kid-friendly

activities. Anyone have any ideas?



I spent my birthday this year at River Rat Brewery. I had been before, but never on a Sunday (Funday), and I was surprised to see the outdoor space was packed with people, dogs, and babies! River Rat sets up an extra outdoor bar for faster service, and the food is pretty good. They also just opened a new rooftop space this spring, so even if you have checked this spot off your list, it might be time to circle back.

Another thing I'd like to find for this summer is a list of good podcasts. I've been a fan of audio books for a long time because they provide entertainment while cleaning the house, going for a walk/jog, or making a road trip, but I'd like to mix it up! What are some really entertaining podcasts? Have you found any so interesting that they push you to run an extra mile, so you can hear more? I'd love your suggestions! (Just for

the record, I will not be running any extra miles. I might do an extra load of laundry. Or sit in my car for a few extra minutes before going inside).

As always, please send your recommendations for books, movies, television, restaurants, vacation spots, music, Columbia activities, or anything else to JGooding@goingslawfirm.com.

Also, Jamie Smith with Mike Kelly Law Group has volunteered to help gather some Bar Bites, so you can also send them to her at JSmith@mklawgroup.com. Thank you, Jamie!

What we're watching

Have you seen the new *American Crime Story*? We've been really enjoying *The Assassination of Gianni Versace* on FX. It is based on Maureen Orth's book, *Vulgar Favors: Andrew Cunanan, Gianni Versace, and the Largest Failed Manhunt in U.S. History* and provides a fascinating look into the mid-nineties tragedy.

– Kali Dawson, SC Court of Appeals

For all the Amazon Prime subscribers out there, take a look at Amazon Video. Right now, Amazon is featuring two great movies, and they're free for Prime members! *The Dressmaker*, starring Kate Winslet and Liam Hemsworth, is a story of revenge with some comedy and romance thrown in. And *Miss Sloane*, a drama starring Jessica



Chastain, is about a lobbyist in Washington with an Olivia Pope-type reputation. Both are worth the time to watch!

– Ashley Kirkham, Collins and Lacy

Where we're heading this summer

My family recently took a quick day trip to Bee City Zoo in Cottageville, SC. We were expecting a working apiary, and we found that plus a really amazing little zoo where we could hand feed a host of lemurs, exotic deer, and birds. We were blown away, and we are looking forward to going back now that spring is in the air! www.beecityzoo.com

– Rebecca Creel, Creel Family Law, LLC

What we're eating

Thank you to the New York Butcher Shop on Gervais for making Valentine's Day dinner easy for my husband! He was able to pick up a meal that included garden salad, steak, twice baked potatoes, chocolate cake, and a great bottle of red wine. All very delicious. It is a great place to pick up dinner on the way home from work.

–Marshall Minton, South State Bank

Duke's Pad Thai is a great Thai noodle place on Knox Abbott that flies under the radar. The ambiance is kind of strange, but the food is really good.

–Dave Maxfield, Consumer Protection Law

Kathleen McDaniel

On the Practice of Law, the Peace Corps, & Cakes

by Amy Hill

For years it seems, I have heard people talk about Kathleen McDaniel. I have heard her described as a smart lawyer, a “Civic Star” (she is a past recipient of the Richland County Bar Civic Star award), and an amazing baker for her cake-making abilities. This column allows me to reach out to lawyers in Richland County that I have not had the chance to get to know as well as I would like. Kathleen McDaniel is one of those people. So, when I heard that she, Malissa Burnette, and Nekki Shutt started their own all female-owned law firm last June, I thought it was the perfect time to give Kathleen a call. I was expecting a typical interview, guessing she had a

liberal arts degree and likely volunteered around town (not that there is anything wrong with a liberal arts degree or volunteering in our community). However, I was pleasantly surprised by

her diverse background. While reading this article, keep in mind that I don’t think I have ever seen Kathleen without a string of pearls on.

Kathleen grew up on a farm in Dillon County, South Carolina, on the banks of the Little Pee Dee River. Her family had a swimming club on the river called Parrish’s Mill, and this is where Kathleen spent much of her free time as a child. She learned to swim there, but more importantly she developed a love of the river and anything that

was a part of the river. Her curiosity was fostered by her parents. Her mother, Mary McDaniel, is a retired middle school English teacher who started the Humane Society in Dillon County, along with Kathleen’s aunt. Kathleen’s father, Tommy McDaniel, who Kathleen describes as a true Renaissance man, retired from the Department of Natural Resources. Kathleen describes her parents and sister, Emily Stonerock, who is an OB/GYN physician in Florence, as people that she would want to hang out with even if they were not family.

Kathleen left Dillon County to attend Clemson University, where she earned a degree in Aquaculture, Fisheries, and Wildlife. She is quick to tell you that she does not fish, at least not for sport or food. Rather, she would prefer to catch a fish to dissect it. Not that she has anything against anyone who fishes for the more traditional reasons; that is just not where her interest lies.

After graduating from Clemson, and earning a degree from the University of Georgia in stream ecology, Kathleen joined the Peace Corps and was stationed in a remote portion of Luzon Island in the Philippines. The village she worked in was a three-day journey from Manila, which is also located on Luzon. Kathleen worked with local fishermen to develop ways to curb the declining population of *Placuna placenta*, also known as the windowpane oyster, whose translucent shell is used in many home decorations. The problem was that shrimp trawlers came into the area illegally



at night disrupting the oyster beds. In an effort to curb this illegal activity, Kathleen decided that she would deputize the local oyster fisherman so that they could arrest the illegal shrimpers. The oyster fisherman began arresting the illegal shrimpers, which did not sit well with the local politicians, who may have had an interest in the shrimp boats. Kathleen was “extracted” from the village by Peace Corps management when they received word from the American Embassy that she was about to be kidnapped or killed. She was whisked back to the Embassy and had to live there “in hiding” for three weeks. Eventually, she was permitted to live with a friend in Manila, and she spent the rest of her Peace Corps time conducting scientific analysis of the window pane oysters her fisherman would send to her.



After the Peach Corps, Kathleen worked for Keep America Beautiful in Charleston. It was a little less exciting than the Philippines, but she enjoyed her job. However, she found herself wanting to do something more fulfilling. She decided on a whim, one New Year’s Eve at Moe’s Crosstown Tavern in Charleston, to apply to law school.

Kathleen graduated from the University of South Carolina School of Law in 2007 and began working for the firm Callison Tighe. Attorney Reece Williams was her supervising attorney and quickly became her mentor and dear friend.

Kathleen describes Reece, who is a former Richland County Bar President, as someone who has had an important impact on her career and development as a lawyer. When Kathleen asked a question, Reece would help guide her up to a point, but then encourage her to figure it out herself. He often pointed to his legal diploma and told her that she had one too and should use it. Kathleen describes Reece as one of those mentors that instilled confidence in young lawyers so that they were not intimidated by the legal process. She also said Reece developed Kathleen’s litigation skills because he would cross examine her in any conversation they had. Kathleen also met her current partners, Malissa and Nekki, at Callison Tighe. She considers it a stroke of luck that she ended up at such a good firm straight out of law school.

Kathleen also talked about the excitement of starting her new firm Burnette, Shutt and McDaniel. She said she is fortunate to have such organized partners who keep everyone on task. The firm is an all-female firm at this point, which is rare, at least in Richland County (and probably South Carolina for that matter).

continued on page 13...

Kathleen McDaniel (...continued from page 12)

Kathleen's practice is a mixture of administrative law and traditional litigation. She particularly enjoys land use and zoning cases and environmental matters, which let her put her scientific background to good use. She also believes that her circuitous route to law school and living in different parts of the world have trained her to look at challenging legal issues from multiple perspectives and with creativity. Those experiences have also prepared her to take on some rather unique cases, whether it be a neighborhood fight over invasive bamboo, fighting AND defending sexually-oriented businesses, or representing clients before the little-known South Carolina Funeral Services Board.

Finally, I couldn't let my interview end without asking about her favorite cake recipe. Kathleen is famous for her cakes and will whip one up for just about any occasion. She was willing to share with us her caramel cake recipe. We have included it with this article for your baking pleasure.

My conversation with Kathleen is just another example of the great and diverse lawyers we have in the Richland County Bar. I encourage each of you to reach out and get to know your fellow Richland County Bar members.

Kathleen McDaniel's Caramel Cake Recipe

Here's the caramel icing recipe. The key is the maple flavoring. Use the best quality vanilla you can find, too. Enjoy!

INGREDIENTS

- 2 sticks unsalted butter
- 1 and 3/4 cups light brown sugar
- 1/4 cup dark brown sugar
- 2/3 cup evaporated milk
- 6 cups confectioners sugar
- 1 teaspoon maple flavoring
- 1 tablespoon vanilla extract

DIRECTIONS

Melt butter, light brown sugar, and dark brown sugar. Bring to a boil, stirring constantly. Add evaporated milk. Bring back to a boil, stirring constantly. Let it boil for 2 minutes without stirring. Take off heat. Stir in confectioners sugar, maple and vanilla. Beat with electric beater until smooth. Use immediately! Can be reheated if it cools too much to spread. If you have extra, just drop it by the teaspoon on parchment Paper, and it will firm up into caramel bites.

Here's the cake part of the caramel cake recipe:

INGREDIENTS

- 3 cups sugar
- 2 sticks unsalted butter
- 1/2 vegetable oil
- 5 eggs
- 3 cups cake flour
- 1/2 teaspoon baking powder
- 1 cup whole milk
- 2 teaspoons vanilla

DIRECTIONS

Cream butter, sugar, and oil until light and fluffy. Helps to have butter at room temp. Add in eggs one at a time. Beat til smooth. Sift cake flour with baking powder. Combine milk and vanilla. Add flour and milk in alternating portions to the butter and egg mixture, beginning and ending with flour. I usually add milk a quarter cup at the time. Pour into three greased 9 inch round pans or 6 six inch pans. Put into oven. Turn oven on and set to 325 degrees. Bake about 45 minutes or until cake pulls away from side of pan. Less time for smaller cakes.

Low Country Boil Honoring Local Judiciary

Thursday, May 17, 2018 at the Hunter-Gatherer Brewery at the Curtiss-Wright Hangar



Breath & Breathing

Sometimes Easier Said than Done

by John Hearn



The Mystery:

Let go into the mystery

Let yourself go

You've got to open up your heart

That's all I know

- Van Morrison

Sometimes I get calls from folks trying to help me in my old age. One of those came yesterday from a good friend (and for my money, one of the great lawyers in his field). We've been pals since law school, and he comes over to our office on Monday evenings for yoga. I was on my third extension for this column and he sensed another overpromise coming from my production sector. He's good like that.

So the call — "hey, John, you are fine, [other Richbar slacker] is late too," a few pleasantries, and then "how about this for a topic: breath?"

"I like it. But I've got a good one going about Lake Domini - Murray already. But I like it. Maybe next time?" And then we rang off: "see you Monday." And then I went back to the swimming hole piece. With fierce resolve, I took a deep breath.

Wait. Wut? Flashlight. Red light. Neon light. I guess the story about the half-inflated inner tubes and slimy Styrofoam will have to wait. Let it breathe a minute while I shift gears. Breath. Breathing. Hmmm.

Well, first things first. Two words. Breath and breathe. Please, get those right. You take a breath. You breathe through your nose. Capisce? Thanks. The thing about breathing is that everyone talks about it, but no one does anything about it.

We've all read the occasional health and fitness item, right? Durn near every one mentions using the breath, channeling the breath, relying on the breath, taking the breath to the park for a walk. And for five years or so now, I've been hitting the yoga mat a fair amount — and every one of those classes required focus on the breath. Heck, it's one of the eight limbs and all. (I actually think it's in the Yogic Code of Laws, 1976, as amended, but I forgot how to use Lexis about four years ago and I'm moving on.)

We constrict our breath in Victorious Breath. We flail our arms for the occasional Breath of Joy exercise. We alternate nostrils. We do our best Gene Simmons imitation while crossing our eyes and roaring like lions. (Fortunately, not in every class.)

Five years of all that breath work and the number of times I've taken that training off the mat and into my workplace? Let's just say that I was in a slump here early in the season. I needed bucking up, some good coaching, a healthy dash of encouragement. And it came in the form of a phone call from my yoga buddy.



Volumes have been written on breathing. It's been a thing for a while, apparently. I will thus limit myself to a single breathing tip: belly breathing. Most of us don't breathe deeply into the belly. Instead, we tend to take shallower breaths and fill mostly the upper part of our lungs.

The trick is letting the abs chill for a minute. Breathe slowly through the nose deep into the belly, allowing it to expand. Become Homer Simpson-like. Allow the breath to rise into the ribcage, expanding it sideways. Complete the inhale allowing the shoulders to soften down and back, opening up the collarbones — and more importantly, the heart.

And then practice. Whether in a yoga class, while

walking your lungdogs at lunch, or [especially] when reviewing another document late in the day, squinting at that screen, practice. Do it now. Do it again. Repeat at length. One of the great yogi masters, Sri K. Pattabhi Jois, had it right: "99% practice, 1% theory."

Go forth then, and deep belly breaths to you, comrade. Practice and all is coming.

John does highly technical law stuff with computer thingies when he is not making those oatmeal chocolate chip cookies that he really shouldn't eat. He kinda sorta teaches yoga at work most weeks; sometimes the occasional RCBA lawyer shows up. More information at john.hearn@rtt-law.com.

Noteworthy News & Announcements

Brian Autry of **Kenison, Dudley & Crawford** was named the 2018 G. Dewey Oxner, Jr. Mentor of the Year by the South Carolina Bar. The award was presented by Supreme Court Justice John W. Kittredge at the Mentor of the Year luncheon.

M. Malissa Burnette, a co-founder of **Burnette Shutt & McDaniel**, was among 10 trailblazers honored at this year's International Women's Day luncheon organized by the Women's Rights and Empowerment Network. Burnette was recognized for her work in social justice, including two landmark cases that expanded opportunities for women and girls. The first, a case that went to the U.S. Supreme Court, cleared the way for women to attend state-supported military schools. The second allowed girls to play contact sports at South Carolina high schools.

Burnette Shutt & McDaniel co-founder **Nekki Shutt** joined state and national historians and legal scholars at an April symposium on the Fourteenth Amendment organized by Historic Columbia and the University of South Carolina. The two-day event, "Reconstruction's Legacy: The History and Contemporary Significance of the Fourteenth Amendment" was part of a commemoration of the 150th anniversary of Reconstruction. Shutt, co-counsel in a landmark 14th Amendment case in South Carolina, served on a panel including discussions of the Fourteenth Amendment's historic and contemporary significance. The Fourteenth Amendment was among the three Reconstruction Amendments. Its goal was granting citizenship to former slaves, but its guarantee of equal protection under the law has

made it one of the most litigated parts of the Constitution.

Bruner, Powell, Wall & Mullins, LLC is pleased to announce the addition of **Steven R. Spreeuwiers** as Associate Attorney in the firm located at 1735 St. Julian Place, Suite 200, Columbia 29204.

Jennie Elizabeth Clark announces the opening of **Jennie Elizabeth Clark Attorney at Law, LLC** located at 1720 Main St., Ste. 301, Columbia 29201.

Clarkson & Hale, LLC announces that **Kevin K. Corley** has joined the firm located at 1044 Wildwood Centre Dr., Columbia 29229.

The **Columbia City Attorney's Office** is pleased to congratulate **Jessica Mangum** on being chosen to receive the second annual Barry Barnette DUI Prosecutor of the Year Award for 2017. The award was presented by MADD as part of the South Carolina Department of Public Safety's Annual SC DUI Enforcement Recognition and 2017 Law Enforcement DUI Challenge Ceremonies in Columbia. Ms. Mangum has many years of experience in prosecuting DUI cases in Columbia's Municipal Court. Ms. Mangum was honored for her outstanding work ethic, her tenacious pursuit of justice on behalf of victims and her tireless assistance to law enforcement.

Collins & Lacy, P.C. is pleased to announce that attorney **Ellen Adams** has been inducted into the South Carolina chapter of the National Academy of Distinguished Neutrals (NADN), America's

largest professional association of top-tier neutrals. Adams is the first female from the state to be selected for membership into this prestigious association. NADN members are distinguished by their hands-on experience in the field of civil and commercial conflict resolution, and by their commitment to the practice of alternative dispute resolution. A certified circuit court mediator since 2005, Adams mediates pre-trial issues involving workers' compensation, legal and medical malpractice, professional negligence, premises liability, and other matters.

For the third year in a row, **Collins & Lacy, P.C.** has teamed up with the South Carolina Youth Advocate Program (SCYAP), a provider of foster care and community-based services, to host a statewide collection drive for the organization's Precious Cargo program. The non-profit organization is a child-placing and family serving entity that provides treatment, advocacy, and services to children and families dealing with serious emotional, behavioral, psychological, and/or development issues. Precious Cargo is a program developed by SCYAP to provide stuffed duffle bags, containing new toiletries and comfort items, to foster children the day they enter the organization's care. This is an important gesture of caring and support for a vulnerable child at a traumatic time in their life. The firm hopes items collected during National Foster Care Month will not only help to ease a child's experience, but also spread awareness of foster care needs in our state and the important work of SCYAP.

Erin A. Cook announces that **Estate Planning of SC, LLC** has relocated to 2222 Devine St., Columbia 29205.

Matthew E. Cox, LLC announces that **John E. Menechino, Jr.** has become a member of the firm and it has been renamed **Cox & Menechino, LLC**. The firm is located at 1325 Park St., Ste. 200, Columbia 29201.

Rebecca P. Creel announces the opening of **Creel Family Law, LLC** located at 1822 Bull St., Columbia 29201.

Crowe LaFave, LLC announces **Robert D. Garfield** has joined the firm as a Partner located at Post Office Box 1149, Columbia, South Carolina 29202.

Davidson & Lindemann, P.A. announces that the firm name has changed to **Davidson, Wren & Plyler, P.A.** The firm will remain located at 1611 Devonshire Drive, Second Floor, Columbia 29204.

Dubose-Robinson, PC announces that it has elected **H. Thomas Morgan, Jr.** as a named shareholder. The firm will now be called **DuBose | Robinson | Morgan**. The firm also announces that **J. Alexander Hooks** has joined the firm's Columbia office.

Lawrence Flynn, a public finance attorney with **Pope Flynn, LLC**, has received a Leadership in Law award from *SC Lawyers Weekly*. The 2018 Leadership in Law award recognizes the work of 30 attorneys in South Carolina who "represent the most influential leaders within our state's legal community." Flynn graduated with a degree in history from Duke University and received his JD from the University of South Carolina School of Law. He serves as a board member and vice president of the board of directors of SC Thrive, as well as a member of the Duke University Alumni

Noteworthy News & Announcements

Admissions Advisory Committee, a member of the Governmental Law Section of the South Carolina Bar, and a member of the National Association of Bond Lawyers. He is past treasurer and board member of the City of Columbia Parks and Recreation Foundation.

Haynsworth Sinkler Boyd associate **John Langford** has been recognized by the South Carolina Bar Young Lawyers Division (YLD) as “Star of the Quarter.” John has served on the YLD Special Olympics Committee since 2015 and Professional Development Committee from 2014 – 2017. John is also active in the community, serving on the United Way of the Midlands Young Leaders Society and is an assistant adjunct professor for the University of South Carolina School of Law Small Business Organizations Capstone class. John’s practice focuses on a broad array of corporate law matters, as well as commercial real estate and real estate financing, commercial transactions, and economic development. John especially enjoys working with start-up and early stage companies to provide practical and effective solutions to legal obstacles.

Haynsworth Sinkler Boyd is pleased to announce that **Costa M. Pleicones**, former Chief Justice of the South Carolina Supreme Court, has joined the firm as Special Counsel. Pleicones will advise clients on complex litigation and appellate issues, in addition to providing mediation and arbitration services. Pleicones served as Chief Justice of the South Carolina Supreme Court from January 2016 to December 2016 and as Associate Justice for 15 years. Prior to his election to the South

Carolina Supreme Court, he served as Resident Circuit Court Judge for the 5th Judicial Circuit for nine years. While in private practice, he also served as a part-time municipal judge for the City of Columbia and as County Attorney for Richland County. Pleicones is a graduate of Wofford College and the University of South Carolina School of Law and is a Certified Circuit Court Arbitrator and Mediator. He is a frequent presenter for CLE programs and currently serves on the Wofford College Board of Trustees.

Holder Padgett Littlejohn + Prickett, LLC

announces the relocation of its Columbia office to 1201 Main St., Ste. 1430, Columbia 29201.

The **McKay Firm** is pleased to announce that **Tem Miles** has been named as a Partner in the law firm. A Citadel and Thomas M. Cooley School of Law Graduate, Tem’s law practice focuses primarily on government defense, general insurance defense, trucking and transportation law, workers’ compensation, civil litigation defense, and subrogation. He is a member of the West Columbia City Council as Mayor Pro-Tem.

McNair Law Firm is pleased to announce that **Michael Weaver** has been elected President of the South Carolina Bankruptcy Law Association (SCBLA), which has more than 200 members across the state.

McNair Law Firm is pleased to announce that **Erik Doerring** has been named a Top Author in the area of Tax by JD Supra, a premier news service for the legal industry. These awards acknowledge

the published work of top authors from law firms throughout the world and are based on an in-depth analysis of reader data. Doerring was one of 252 authors selected from nearly 50,000 who publish articles on JD Supra and is the Tax Practice Group Leader at McNair. With over 30 years of experience, Erik advises McNair's individual, corporate, and international clients on federal, state, and local tax issues. Prior to joining McNair, Erik was an attorney with the IRS Office of Chief Counsel and the U.S. Department of Justice, Tax Division.

McAngus Goudelock & Courie is pleased to announce the addition of **Barnwell Marks** to the firm's real estate law group. Marks' practice focuses primarily on residential and commercial closings. Prior to joining MGC, she practiced in the areas of real estate and wireless communications law. Marks earned her JD from the University of Louisville and her BA from the University of South Carolina.

McCabe Trotter & Beverly, PC announces the relocation of its Columbia office to 4500 Fort Jackson Blvd., Ste. 250, 29209.

Kathleen McDaniel, a co-founder of **Burnette Shutt & McDaniel**, has received a Leadership in Law Award from *South Carolina Lawyers Weekly*. The program, now in its 10th year, recognized 30 attorneys in its current class of honorees. They were selected based on professional and personal accomplishment as well as community involvement. McDaniel has a long history of civic involvement. She's a former member of the Richland County Planning Commission and has also served as president of the Rotary Club of Vista Night. McDaniel focuses her practice on

environmental law. She also assists clients with planning and zoning issues as well as permitting. Condemnation and eminent domain are key parts of her practice as well.

McDougall, Self, Currence & McLeod, LLP

announces that **Jessica Kinard** has joined the firm's Columbia office as an associate located at 791 Greenlawn Dr., Columbia.

The McKay Firm is pleased to announce the addition of **Melissa J. Arnold** and **Kyle McGann**.

Ms. Arnold practices in the areas of governmental litigation, civil rights defense, Section 1983, and in the Court of Appeals. She graduated with Honors from the University of California, Davis, with a degree in International Relations and worked in the financial services industry before continuing her education at California Western School of Law in San Diego where she obtained her J.D. She served as CFO of the Moot Court Honors Board and was a Clinical Intern for the California Innocence Project. Prior to joining The McKay Firm, Ms. Arnold was the Executive Director of Lowcountry Legal Volunteers and an Attorney in the South Carolina Department of Corrections Office of General Counsel. Mr. McGann practices in the areas of general insurance defense litigation, employment defense, and civil litigation defense. He graduated from Furman University with a degree in Political Science and continued his education at the University of South Carolina School of Law. Mr. McGann clerked for a local plaintiff's firm, focusing on employment litigation, real estate litigation, and workers' compensation cases. Additionally, he earned the CALI Award for his work in the Liberty Seminar.

E. Wade Mullins III, managing partner with **Bruner**

Noteworthy News & Announcements

Powell Wall & Mullins, LLC, has been sworn in as president of the John Belton O’Neill American Inn of Court, an organization dedicated to promoting legal skills and professionalism, which include ethics, civility and excellence. 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 on moral conduct, civility and legal skills. Membership is by invitation only. Mullins is a graduate of Vanderbilt University and the University of South Carolina School of Law in Columbia. His practice at Bruner Powell encompasses all aspects of construction law, business litigation, healthcare as well as state and local procurement matters.

Fielding Pringle has been appointed Fifth Circuit Public Defender by the South Carolina Commission on Indigent Defense. She was sworn in on April 19, 2018. Ms. Pringle has appointed **Jennifer Davis** Chief Public Defender for Richland County.

Protection and Advocacy for People with Disabilities, Inc. announces that **Kathleen Warthen** and **Rebecca Fulmer** have joined the organization. The mailing address is 3710 Landmark Dr., Ste. 208, Columbia 29204.

Richardson, Plowden & Robinson, P.A. is pleased to announce that attorney **Franklin J. Smith, Jr.**, was recognized with a 2018 Leadership in Law Award, given by *South Carolina Lawyers Weekly*. Each year, *South Carolina Lawyers Weekly* bestows this prestigious award to a handful of attorneys throughout South Carolina who have

demonstrated excellence in leadership within the legal profession and their community. The winners were nominated by their peers and colleagues and selected by the publisher and staff of *South Carolina Lawyers Weekly*. As Richardson Plowden’s managing shareholder for four years, Smith was selected for his ability to lead the firm to exceptional growth while maintaining an extremely successful legal practice.

Sowell Gray Robinson member **Nick Haigler** has been named by *The State* newspaper to its “20 under 40” class for 2018. Nick is the leader of the firm’s workers’ compensation team. He is a 2002 graduate of Presbyterian College, and graduated from Mississippi College School of Law in 2007. Nick was also a nominee for this year’s Leadership in Law Awards based on professional accomplishment, personal accomplishment, and community involvement within the Palmetto State.

Sowell Gray Robinson member **Rob Tyson** has been named Lawyer of the Year for 2018 by *South Carolina Lawyers Weekly*. The Leadership in Law Awards honor outstanding members of South Carolina’s legal community who have excelled in their law practice, made significant contributions to society, and had an impact on the practice of law. Tyson practices in the areas of business litigation, administrative law, and election law. He has been certified as a South Carolina mediator and has an active government law practice in which he has represented clients in redistricting matters and in numerous ethics’ disputes. He has litigated numerous election disputes, ranging from challenges to candidate qualifications to election

protests. As part of his service to the community, Tyson served on the Richland One School Board and the Leukemia Society Light the Night Executive Committee. He also volunteers for the Midlands Mediation Center and works with the youth of his church, Shandon United Methodist Church.

Five **Sowell Gray Robinson** attorneys have collaborated to write a new book on legal malpractice in the Palmetto State. The authors of *The Law of Legal Malpractice in South Carolina* are **Betsy Gray, Will Jordan, Alexis Lindsay, Bobby Stepp** and **Cal Watson**. South Carolina courts have recognized a client's right to bring a malpractice charge against his attorney since at least the mid-19th century. Since then, there have been many significant developments in this area in the state – with a lot of those changes occurring in the last 20 years. The book is intended to serve as a useful and accessible resource for attorneys and insurance professionals in South Carolina.

Sowell Gray Robinson member **Michael Montgomery** has been invited to join the International Association of Defense Counsel. The IADC is an invitation-only global legal organization for attorneys who represent corporate and insurance interests. The core purposes of the IADC are to enhance the development of skills, promote professionalism, and facilitate camaraderie among its members and their clients, as well as within the broader civil justice community. Michael joins Cal Watson and Becky Laffitte as members of IADC from Sowell Gray Robinson. Michael serves as the leader of the firm's insurance defense team, and focuses his litigation practice in areas involving premises liability, automobile and trucking torts, insurance coverage, and products liability.

The **S.C. Office of the Attorney General** announces that **Jordan A. Cox** has joined the agency as an assistant attorney general located at 1000 Assembly St., Rembert C. Dennis Bldg., Columbia 29201.

The SC Vocational Rehabilitation Department announces that **Jeanne J. Lisowski** has joined the department as general counsel located at 1410 Boston Ave., W. Columbia 29170.

Sweeny, Wingate & Barrow, PA announces that **Ryan Patane** has joined the firm as an associate located at 1515 Lady St., Columbia 29201.

White & Story, LLC announces that **J. Alexander Sherard** has joined the firm as an associate located at 3614 Landmark Dr., Ste. EF, Columbia 29204.

Willoughby & Hoefer, P.A. is pleased to announce that **Chad N. Johnston** has become a Shareholder of the firm. Chad practices primarily in the areas of business and administrative litigation, though his practice encompasses an array of areas including environmental permitting and compliance, public utilities, infrastructure and economic development, securities mismanagement and fraud, and post-litigation appeals. Chad holds a B.A. from Wofford College in French and Intercultural Studies for Business with German. Following Wofford, he completed the joint JD/IMBA program at the University of South Carolina School of Law and the Darla Moore School of Business. Prior to joining Willoughby & Hoefer, Chad served as law clerk to the Honorable Kaye G. Hearn, Justice of the Supreme Court of South Carolina.

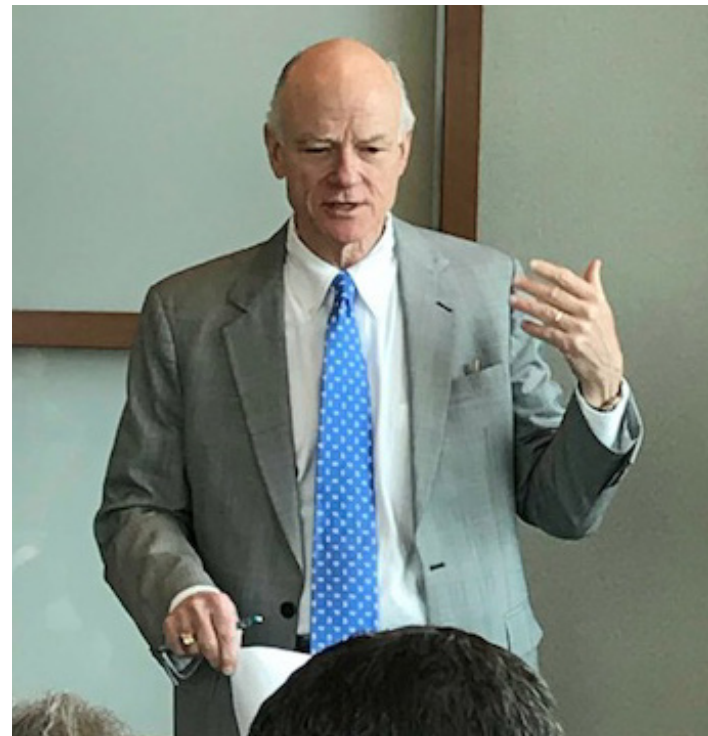
Bigg Doggs Luncheon

On May 16th, current Richland County Bar President Jack McKenzie and former ABA president William Hubbard led an informative Bigg Doggs luncheon about the Supreme Court beautification project.

Under the leadership of the Richland County Bar, the project is a statewide effort of county bars and private attorneys to increase the safety of the Court and its staff; preserve the high standards of integrity and honor in the legal profession by honoring the Court with a beautiful workspace; reduce the amount of stormwater shed by the parking lot; eliminate the pooling of stormwater in the parking lot; stop the stormwater from entering the basement of the Supreme Court building; remove the heat island next to the Supreme Court building; and transform a spot that is objectively ugly into a place that is objectively attractive. The landscape architect for the project, Charles Howell of the LandPlan Group was also in attendance. In addition, the three discussed recent projects undertaken by the University of South Carolina and the City of Columbia to beautify our community and why they are important.

The lunch included design plans and how members of the Bar can get involved. Bigg Doggs Chair Alexis Lindsay noted the luncheon was informative and thought-provoking. She encouraged RCBA members to take advantage of upcoming Bigg Doggs opportunities later this summer and in the fall.

To learn more about the Supreme Court Beautification Project, visit <http://richbar.org/community-service/supreme-court-grounds-beautification>.



Family Night at the Zoo

Thursday, April 26, 2018 at Riverbanks Zoo



Richland County Common Pleas Jury Verdicts

15-CP-40-7142

Chad Johnson, et al. v. American Residential Services, Inc. et al.

Attorneys:

Plaintiff: Richard C. Detwiler, George A. Taylor

Defendant: David S. Cobb

Cause of Action: Other, Construction

Verdict: For Plaintiff

Actual Damages: \$148,733

16-CP-40-4267

Vickie L. Smith v. CSL Plasma, Inc.

Attorneys:

Plaintiff: M. LeFave, Will Hodge

Defendant: Richard Jones

Cause of Action: Personal Injury, Emotional Distress

Verdict: For Defendant

17-CP-40-0329

Keith L. Montgomery v. Richland County

Attorneys:

Plaintiff: Mary Miles

Defendant: Robert Garfield

Cause of Action: Personal Injury, Gross Negligence

Verdict: For Plaintiff

Actual Damages: \$48,000



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RCBA Memorial Service

Friday, June 22, 2018

12:00 noon – Richland County Courthouse

Please join us as we honor the memory of the following Richland County Bar Association members that passed away in 2017. The Honorable Robert E. Hood will be presiding. We will have a reception immediately following the services. Special thanks to Catherine Mubarak for Chairing the Memorial Committee.

Ronald "Ronnie" Gene Aaron

John Ulysse Bell III

The Hon. Benjamin "Ben" Thomas DeBerry

Retired Chief Justice Ernest A. Finney, Jr.

Richard M. Kennedy, Jr.

Robert John "RJ" Kobylak

Theodore "Ted" Wannamaker Law III

James "Jim" Leventis

Arthur Camden Lewis

Sarah Graydon McCrory

G. Raymond McElveen, Jr.

James "Jim" Almond Merritt, Jr.

Julian M. Sellers

Kevin Hayne Sitnik