

August - September 2018

# RICHBARNEWS

*Newsletter of the Richland County Bar Association*

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# **RICHBARNEWS**

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### **Executive Committee**

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### **On the Cover**

Photo by Lucas Brown of Kickstand Studio



# From the Editors

by Mike Polk & Van Horger

## John Hearn, Jimi Hendrix, and Fashionably Late Submissions

Van and I hope you enjoy this edition of the RCBA Newsletter. We bid adieu to John Hearn, one of the longest tenured contributors here. John is taking a well-earned break from writing his column, and we look forward to his return sooner rather than later. John is one of the pioneers in the RCBA with his recognition of the importance of mental and physical well-being to the practice of law. His writing reminds me of what someone told me about the Jimi Hendrix album *Band of*

*Gypsies*: It always seems like it is going to go off the rails, but it never does, and it turns out awesome. If you miss John, you can always attend one of his classes at Pink Lotus Yoga Center in Lexington.



Now for some items that did not make the deadline but we felt should be mentioned:

### Legaltech Seminar Series

First, USC Law School hosts the Legaltech Seminar Series. Gary Moore, the Assistant Dean for Academic Technology, asked us to announce the first two seminars, both of which are free and qualify for CLE credit (contact [gmoore@law.sc.edu](mailto:gmoore@law.sc.edu) for more details).

*continued on page 4...*

## “The Malpractice of Hunches: Data Analytics, AI, and Legal Ethics” | September 6, 2018 - Ed Walters, CEO of Fastcase

Fastcase CEO Ed Walters will examine the frontiers of AI and data analytics, as well as the obligations of lawyers under the Model Rules of Professional Responsibility to employ and supervise artificial intelligence and data analytics tools at the frontiers of legal tech. 1 hour Ethics CLE credit (186576)



## “Make Sure the Tool Isn’t You: Managing Attention in the Information Age” | September 27, 2018 - Jack Pringle, Adams and Reese, LLP

Accordingly, the presentation will also consider the importance of attention, the nature of the distractions we face, explore ways to navigate them and get needed space from technology tools when appropriate, and discuss how to pay attention to the important stuff. 1 hour Ethics/Mental Health/Substance Abuse CLE credit (186600)

### Project HELP

George Cauthen asked us to announce that Project HELP has been selected as this year’s Partner in Excellence, and this group will be honored at the Transitions Volunteer Leader Awards Luncheon on September 11, 2018, at Washington Street United Methodist Church.

From the President

# Update on RCBA Projects: How the Bar is Serving You

by Jack McKenzie

I want to thank the Bar for its support throughout the discussion of the newly-proposed Richland County Courthouse. People were willing to express their opinions—both pro and con—and it was good to have a healthy debate. The Executive Committee's position was simply that the Richland County Bar should be front and center of any planning of a future courthouse. We appreciate the attention of our fellow Bar members—Dalhi Myers and Seth Rose—as well as the other members of County Council.

## Supreme Court Grounds Beautification

Over the past year we have made tremendous progress. We have pitched our proposal to the Court, received its approval, hired a landscape architect, and created a wonderful plan that will provide increased safety measures for the Court and its staff, reduce (and hopefully eliminate) the stormwater problems that have plagued the building for the past several decades, and provide a workspace for our judiciary that is as healthy as it is beautiful.

Our goal is to raise \$250,000.00, and as of today we are nearly one fourth of the way there. We still have a long way to go, but with the help of you and our fellow Bar members across the state, we will accomplish our objective. We are grateful to those of you who have already contributed, but we need everyone's support. If you have

not already done so, please consider making a donation. You will be joining an effort that will benefit the South Carolina legal profession for decades to come.



Several of you have asked me why the private Bar should pay for improvements to the Supreme Court grounds that should be funded by our taxes. It is a valid question, and I won't argue the logic of it. But reality is not always logical. The state of South Carolina currently has obligations for over \$100 million in deferred maintenance for its buildings. It is most unlikely that they will prioritize our project without matching funds from the Bar. That is the unfortunate reality.

In the next week or so, we will begin placing planters with Cryptomeria trees on the property of First Citizens Bank. James Bennett, Chris Byrd, and others at First Citizens have been most supportive of this project. We needed their help (and their empty tree beds) because there isn't enough room to plant on the western side of the Court property. These conifers will grow to be fifteen to twenty feet tall and provide much-needed shade to the Court grounds in the afternoon. The Richland County Bar applauds the cordiality and generosity of First Citizens. They are good neighbors.

## ***From the President (...continued from page 2)***

### **Banners in front of the Supreme Court**

Mayor Benjamin kindly responded to my last article and informed us that in October the City will begin removing the banners from the Gervais Street corridor in front of the Supreme Court and the Capitol. We are grateful for his willingness to consider our concerns. The removal/relocation will be good for the Court, good for the Bar, and good for the City of Columbia.

Come to our get-togethers. Lots of folks are working very hard to improve them—new venues, better food and drinks, better entertainment. Tell us what you want from your Bar. Complain to us about what you don't like, about what we can do better. We are here to serve and we are working hard to make your Bar work for you.

*Jack McKenzie practices at McDonald, McKenzie, Rubin, Miller & Lybrand. He can be reached at [jackm@mml.com](mailto:jackm@mml.com).*

## ***From the Editors (...continued from page 2)***

Congratulations to Project HELP on a great 10 years and on this accomplishment! If you would like to learn more about Project HELP and how you can get involved, please contact Mindy Taylor, Chair of the Public Service Committee at [melindataylor@sclegal.org](mailto:melindataylor@sclegal.org).

### **Fighting Human Trafficking**

From Murphy and Grantland: South Carolina Family Court Judges are taking steps to help in the fight against human trafficking in South Carolina. Judges Michelle M. Hurley (5th Circuit, Columbia), Michèle Patrão Forsythe (9th Circuit, Charleston), Melissa J. Buckhannon (15th Circuit, Conway), and Jan B. Bromell Holmes (15th Circuit, Georgetown) participated in the National Council of Juvenile and Family Court Judge's National Judicial Institute on Domestic Child Sex Trafficking (NJIDCST) in Asheville, N.C. in February alongside 34 judges from 19 states. Since the event, the S.C. jurists have developed a set of lessons learned and considerations to better equip the state's judiciary to respond to the growing challenge

that human trafficking presents in our state's courtrooms.

"In many ways, our family courts are the front line in this work," said Murphy & Grantland attorney Elliott Daniels who co-founded Legal Assistance for Survivors of Trafficking." Our state should applaud the leadership of these judges. When our courts know what to look for, our state becomes a safer place for survivors and a more dangerous place for traffickers to operate."

The participation of Judges Hurley, Forsythe, Buckhannon, and Holmes was secured with cooperation from the S.C. Human Trafficking Task Force Legal Innovation Subcommittee, the S.C. Attorney General's Office, the South Carolina Bar and Legal Assistance for Survivors of Trafficking.

Learn more at the upcoming RCBA Lunch & Learn (Civil and Criminal Approaches to Human Trafficking) on August 28th led by Elliott Daniels and Kinli Abee, Assistant Attorney General.

# Why *The Lean Law Firm* Infuriates Me (and reminds me of *Wedding Crashers*)

by Jack Pringle

As the two of you who read my stuff are aware, I have been trying to write about using computer technology and other tools to be a better lawyer for years. A blog post here, a presentation there. A jumble of ideas sprayed out intermittently with no real through-line. And certainly no will

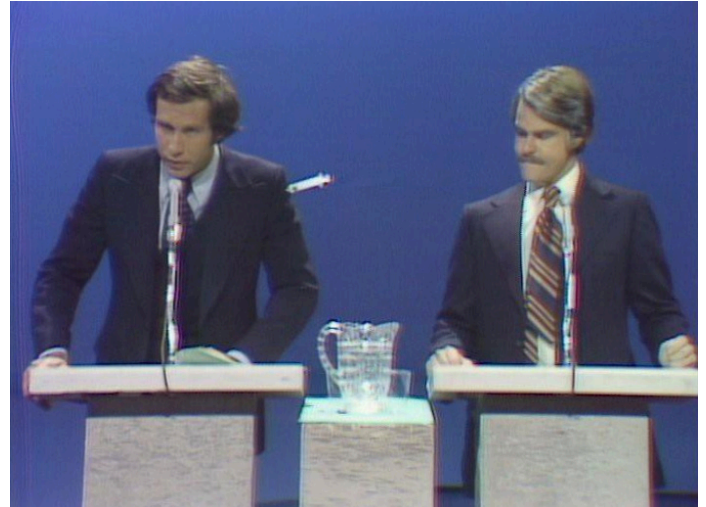
or willingness to put anything together and ship for others to read.

And then *The Lean Law Firm* arrives. This book is exactly what I have been trying to articulate for a long time, only so much better and so much more.

Not only did Dave (the RCBA's own Dave Maxfield) and Larry (Larry Port, founder of *RocketMatter*) pull it off, they did so in a much more comprehensive and practical way than I could have ever conceived.

The importance of Standards, Written Procedures, and Checklists? Covered. Marketing in the online world? Done. Managing computer technology and its distractions? Check. Explanation of how various business principles apply to law firms, without excessive jargon or complexity ("It was my understanding there would be no math." - Chevy Chase as Gerald Ford, *Saturday Night Live* circa 1975). Mission accomplished.

As I read this book, I got increasingly angry reading example after example of straightforward advice and insight.



*Whom Among Us Does Not Believe Medication is Necessary to Understand the Economics of Our Firms?*

And it was anger borne of envy.

## Why *The Lean Law Firm* Matters in This Moment

I firmly believe this book is an important resource for addressing many of the challenges facing the legal profession. I hear almost every week from attorneys who are overwhelmed, bewildered, and distracted: by computer technologies, client demands, new and evolving competitors, information security challenges, price pressures. And the refrain, by and large, is a lament of helplessness:

*"I just want to retire before things get any more complicated."*

*"I just want to practice law."*



"I don't do technology."

"This is all so scary. I don't know how to get started."

I am not going to tell you the world is getting any simpler. It's not. And there is no silver bullet (technological or otherwise) that will make all the complexity vanish. And anyone who tells you otherwise is selling something. (Shout-out to *The Princess Bride*).



*Software Vendors (not Rocket Matter, of course), Drug Dealers, You Get the Idea...*

What I can tell you is that you can get a better handle on what is within your *control*, what *The Lean Law Firm* calls your "internal constraints." And by exercising some degree of agency over your law office, you can identify those areas where you can get better at what you do.

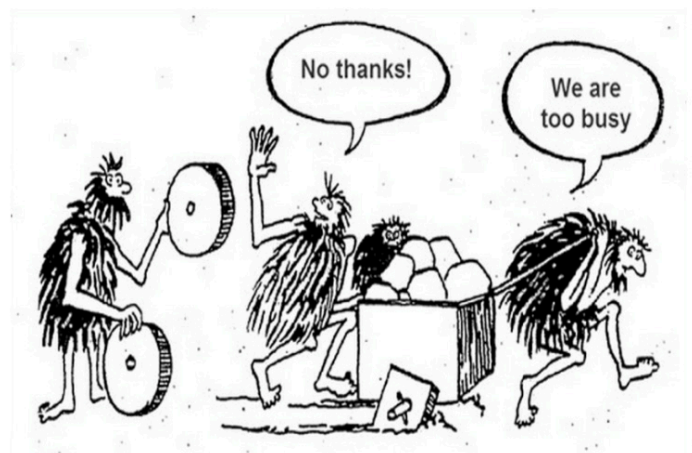
I won't repeat what's in the book, because its value lies in the extent to which YOU gain some insight from it by doing the work of soberly evaluating your practice and the tools at your disposal. Put another way, if you meet the consultant in the road, kill him (metaphorically).

But I do want to emphasize one broad theme that is absolutely critical for the place in which we find ourselves:

"[T]he fundamental mindset you need before you embark on this journey is one of awareness. If you are willing to take a step back and contemplate the operations of your firm, you've already won half the battle."

And there's at least part of the rub. How many of us ever step back and "contemplate the operations" of our office or firm?

Most of us are doing things the way we do them because that's the way we've always done them. And when things have worked historically, why would changing anything make any sense, especially when there are costs associated with switching? And doesn't it feel good (or at least comforting) to be busy, to be wanted, to fill the day? Of course it does. But it's almost impossible to chart a course to manage an evolving landscape when you've got your head down trying cases or closing deals.

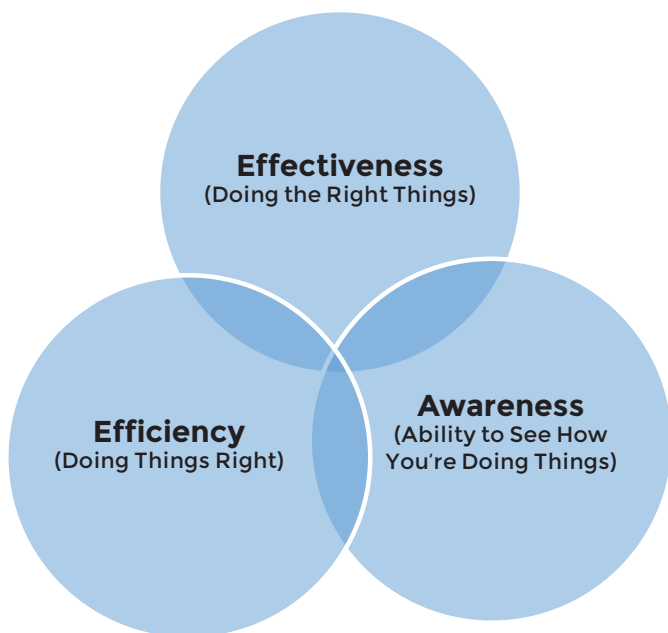


Forever Grateful to D. Casey Flaherty for Sharing this Image

But what might happen if you afford yourself the space to take a look, and figure out what you do and what you have?

## Why The Lean Law Firm Infuriates Me (...continued from page 6)

In the spirit of *The Lean Law Firm's* exhortation to employ Visual Communication, consider the below:



*I made this Venn Diagram. By myself. Based on an idea put forth by Tim Ferriss.*

How are you going to know what to do before you know what you're currently doing? *The Lean Law Firm* breaks various aspects of a law firm down into topical, manageable chapters that will help you identify what the right things are and how to do them right (or at least better). Along the way, I'll bet you begin to realize that what you are doing is by and large a collection of processes. And processes can be improved upon.

### And What About Wedding Crashers? (i.e., Now Justify Your Clickbait Title)

As I was laughing my way through that movie (in this quaint venue called "the theater," mind you) I

found myself getting angry. At first I couldn't figure out why. Then it occurred to me that I could have written it, at least based upon exposure to the subject matter. They say that you write about what you know. And I know something about attending weddings as a smart-ass. That movie described my 20s (well, without the coupling). (By the way, if you think you can seamlessly blend into someone else's wedding reception, you are wrong. The bride will find you, out of the 600 people in the ballroom, and fix you with a gaze so withering you'll wish you'd stayed home altogether.) But I digress.



*I Should Have Been in This Movie.*

To be clear, I could not have created something as funny or as entertaining as *Wedding Crashers*. I was just jealous, as I am of *The Lean Law Firm* and what it has to offer curious and willing lawyers..

*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](mailto:jack.pringle@arlaw.com) or @jjpringle on Twitter.*



# The Benefits of RCBA Membership

The Richland County Bar Association works hard to provide a wide variety of networking events that work with our members' schedules and interests. Get the most out of your membership and make sure you join us for our upcoming events, which are listed on the last page of this newsletter.

## RCBA Night With the Fireflies

On June 21st, members and their families enjoyed a Night with the Fireflies.



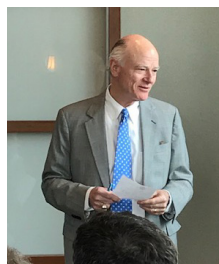
## RCBA Afternoon at Trustus Theatre

We held an afternoon showing with Harrison Saunders at Trustus Theatre, where *Memphis*, the Tony Award-winning hit musical, played this summer.



## Ongoing Lunch & Learns and Bigg Doggs Events

We recently held lunches featuring legal leaders William Hubbard, past ABA president, and RCBA President, Jack McKenzie, on the Supreme Court beautification project. Bryan Stirling (Director of the SC Department of Corrections) shared updates on the SC Department of Corrections.



# Mastering the To-Do List:

## How to Get My To-Dos Out of My Head and Why I Should Care?

by Bill Booth

Should you start each day with a plan? The obvious answer is YES. As attorneys, we must limit the possibility of missing deadlines and neglecting files. Planning each day enhances organization and can provide peace of mind to the attorney balancing a heavy case load. Effective planning requires discipline, accuracy, consistency, and the appropriate response by the attorney and

his or her staff. Making a list of

things you can do today is a balancing act: You don't want too much or too little, and you don't want planning to be a chore in and of itself. Your main goal should be to avoid overload and desperation.

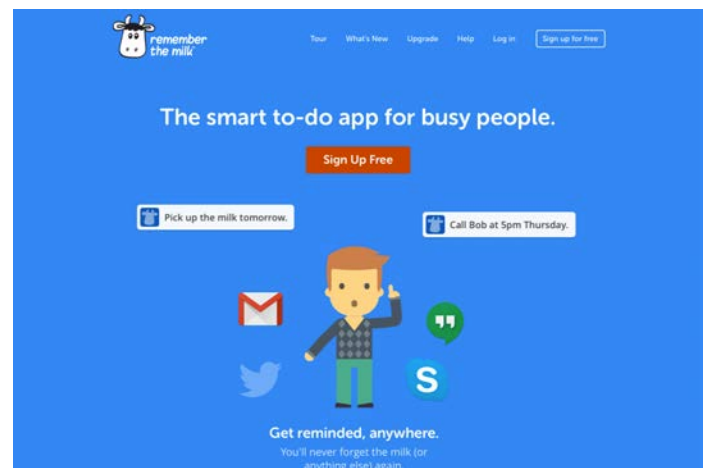


Two reminder systems will be reviewed in this article for you to consider if you do not have such a system or are searching for a better one. Both have the following features:

1. Cloud based and desktop version
2. Creation of a daily list from other lists
3. Creating subtasks
4. Sharing of lists
5. Easy to add new tasks
6. Reminder for a particular day and time
7. Recurring tasks
8. Apps for iPhone and Android smartphones

### Remember the Milk

The first system has a clever name—Remember the Milk (RTM) ([www.rememberthemilk.com](http://www.rememberthemilk.com)). This system is robust and economical at a price of approximately \$40 per year for the Pro version. Tasks can be added and reviewed on the Apple watch.



A new feature called Smart Add allows you to add Tasks quickly on the desktop. Just use a quick keyboard shortcut to bring up Smart Add wherever you are and start adding. For Windows, the Smart Add hotkey defaults to Control+Alt+M, but this key combination can be changed.

You can also access Smart Add by right-clicking on the cow icon in the system tray for Windows.

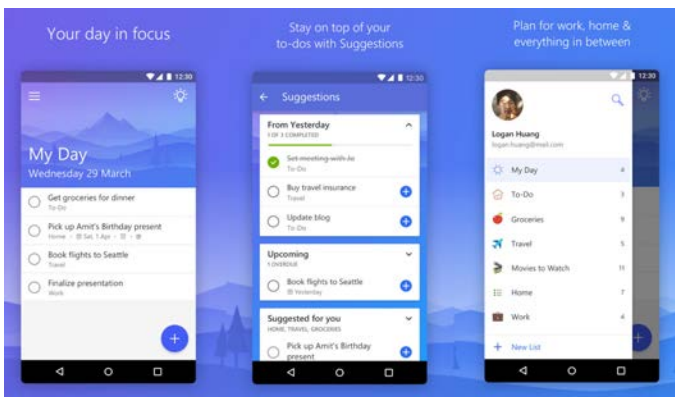
Another feature is the use of Smart Lists. Smart Lists are special lists created based on criteria you define and are automatically updated as your Tasks change.

RTM recently added a feature to connect documents, spreadsheets, files, and photos alongside the relevant Tasks. This is done by connecting RTM to your Dropbox or Google Drive account, and when you attach a file to a Task, RTM will upload it to your cloud storage. You can also attach existing files from your Dropbox or Google Drive account to your Tasks in RTM.

RTM has a Windows 10 app and has a freemium version that includes features for subtasks and unlimited sharing. RTM also has a blog that contains useful information about using the application at [blog.rememberthemilk.com](http://blog.rememberthemilk.com).

## Microsoft To-Do

Another reminder task system is Microsoft To-Do (MS To-Do), available at [todo.microsoft.com](http://todo.microsoft.com). Microsoft To-Do is an added feature for an Office 365 subscription.



The current version of MS-To-Do is free, but you must have a Microsoft account—also free. MS To-Do syncs between your phone and computer so you can access your Tasks from anywhere. Here are some of its features:

- Create lists that help sort your tasks from home, work, and special projects.

- Add steps for subtasks inside an existing task.
- Add Tasks that you'll focus on today to My Day. Every day it wipes clean, so you can start fresh. You can add items to this list directly or pull them in from another list (right click on the item you want to add and select "Add to My Day.")
- When you open MS To-Do, you will be given the option to review any incomplete Tasks from yesterday's My Day.
- Add, organize, and schedule your Tasks from your phone or computer.
- Set due dates and reminders to insure you never forget important deadlines again.
- Use notes to add important details to your Tasks.
- Be productive from anywhere with apps for your phone and computer.
- Sync your Outlook Tasks with Microsoft MS To-Do—to add an email for follow-up in MS To-Do, just drag it to the navigation pane and release over the Outlook Tasks icon. Then, a new Task containing the content of your email will be created in Outlook Tasks. Since MS To-Do automatically syncs with Outlook, it will also show up as a Task.

A cool feature of the iPhone app for MS To-Do is that a Task can be added quickly using 3D touch.

## Others

You can use reminders under iOS for the iPhone and iPad, and iCloud for Windows is also available. Some other choices are Todoist ([www.todoist.com](http://www.todoist.com)) and Asana ([www.asana.com](http://www.asana.com))—both have free versions.

*William E. Booth III can be reached at [bill@boothlawfirm.com](mailto:bill@boothlawfirm.com) and 803-791-9211.*



# Bar Bites:

## What to Enjoy this Fall

by Jamie Smith

Fall is just around the corner and is, in my opinion, the greatest time of year in the Midlands. The air finally begins to cool down and, best of all, comes alive with the excitement of Gamecock football! With temperatures

beginning to exceed 100° well before summer this year, I am looking forward to finally enjoying outdoor entertainment, adventures with Moby (my Portuguese Water Dog), and barbecues!



While hiding from Columbia's famously hot temperatures all summer, I admittedly went spiraling down a true-crime rabbit hole. This year has been particularly exciting in the true-crime world with the much-anticipated release of the late Michelle McNamara's book *I'll Be Gone in the Dark: One Woman's Obsessive Search for the Golden State Killer* and the arrest of the suspected Golden State Killer only two months later. The killer is one of the boldest and most terrifying serial criminals in American history, having murdered at least a dozen people during the 70's and 80's. Over thirty years after his last known attack, the police finally arrested a suspect with DNA evidence after running the perp's DNA through a genealogy site—a tactic that is sure to open up new possibilities for solving cold-case files and legal questions surrounding DNA evidence.

I highly recommend *I'll Be Gone in the Dark* to anyone

with an interest in true-crime, though maybe don't read it at night or when you're alone. Or, if you spend long hours at the office reading until your eyes cross, don't despair. The podcasts *I'll Be Gone in the Dark*, *Criminology*, and my personal favorite, the slightly insensitive and definitely NSFW *My Favorite Murder*, all delve into the Golden State Killer case and leave you looking forward to your daily commute or morning jog.

Of course, now that Columbia has cooled down and I've surfaced from my deep dive into the GSK case, I am ready to get outside and try something new! I'm planning a camping trip in Maine for late September, but would like to sneak in some weekend camping nearby while conditions are good. Anyone know of any great local sites?

As always, we want to know what great things you have discovered and what you have been loving lately—whether it is an album, book, concert, film, podcast, restaurant, or local hotspot, we want to hear about it! Please email your recommendations to me at [JSmith@mklawgroup.com](mailto:JSmith@mklawgroup.com) or to Jess Gooding at [JGooding@goingslawfirm.com](mailto:JGooding@goingslawfirm.com). In the meantime, check out the latest *Bar Bites* submitted by your colleagues below.

### What's Cooking

I recently joined the Community Supported Agriculture (CSA) program at City Roots. For eight



weeks, I picked up a bag of produce from City Roots on Thursday or Friday and received recipes via email. The option to exchange an item that I don't like for an item that I do like was greatly appreciated. I generally passed on the radishes but enjoyed the double-share of mushrooms and collards. It is a great way to avoid the grocery store and ensure that you have a few healthy, organic, locally-produced meals. I will definitely join for another season. The website with more information is [www.cityroots.org/csa](http://www.cityroots.org/csa).

- Kylie Keesley, Howser Newman & Besley, LLC

I found a fun recipe for baked ziti at <http://thepioneerwoman.com/cooking/baked-ziti> that is perfect for dinner parties. My boyfriend and I altered the dish by using only Italian sausage (no hamburger) and penne pasta. Incredibly, 5 people ate about 80% of it in one go. We paired it with Freakshow wine (one of my faves) and garlic bread.

- Lee Ann W. Rice, South Carolina Human Affairs Commission

## Where We're Eating

Freshe Poké is my go-to for a quick and healthy lunch downtown. Even if you don't like sushi, there are plenty of other options you'll enjoy. The fresh

ingredients and fast service keep me coming back weekly!

- Karlen Senn, Fifth Judicial Circuit Solicitor's Office

My dad grew up on a farm, and my mom grew up working in the kitchen of her parents' Chinese restaurants; cooking was a big part of my childhood. There are few things I enjoy and appreciate as much as good cooking. The Spotted Salamander is, in my opinion, one of Columbia's finest restaurants, both because of the quality of food, and the imagination of owner and head chef, Jessica Shillato. Her regular menu items are great, but the "Specials Board" is where she really shines. From soups, small plates, deviled eggs, and fresh seasonal specials that change daily, to cronuts and other innovative desserts, Jessica's creativity never ceases to amaze me. This cozy lunch spot (with outdoor seating!) is worth checking out. Fried chicken Tuesday is where it's at!

- Andrew Saleeby, SC Department of Revenue

My favorite "New To Me" location (but probably old news to many) is The Root Cellar in Lexington. Super-delicious, local ingredients with a fun spin on Southern cuisine. You can never go wrong with an okra pickle garnish!

- Kelley Cannon, Howser Newman & Besley, LLC

# Breast Cancer Awareness: Walking for Life

by Alice Adams and April Sampson

What do we, Alice Adams and April Sampson, have in common, other than our first names start with "A?" We are both Richland County attorneys, mothers of girls, and wives to two awesome men - and we both were diagnosed with triple negative invasive ductal carcinoma, a type of aggressive breast cancer affecting 10-20% of those diagnosed. In a time where our community can be divisive, we are united in our fight against breast cancer. We wanted to share our journeys.

Although our journeys are similar, each cancer journey is unique and by sharing ours, we hope to inspire you to make time for your health and to support others as they finish their race against breast cancer.

## Alice's Journey

In March, 2011, when I was 40 years old, I was overdue for my mammogram by six months when I discovered a lump. I scheduled an appointment with my doctor within days, and was immediately worked in for a mammogram, ultrasound, and biopsy with Palmetto Health Breast Center. I was diagnosed with triple negative breast cancer. The Breast Center supported me with educational materials, camisoles and a breast bear through multiple surgeries, chemotherapy, and radiation. More significant than the physical provisions was the care provided by the people, such as my nurse navigator, Tiffany Winslow. I, like every patient



diagnosed with breast cancer, was assigned a nurse navigator who helped me "navigate" the uncertainty following a cancer diagnosis.

## April's Journey

I have been participating in the Walk For Life since 2005, inspired by the cancer journey of my own OBGYN. In August 2013, while preparing for a 3-day hearing, I had my annual exam during which my doctor found a lump. For the next two days, we started the hearing late so I could have a mammogram, ultrasound, and biopsy, all completed at Palmetto Health Breast Center. On August 14, 2013, a month before my 40th birthday, I was diagnosed with triple negative infiltrating ductile carcinoma. While speaking with Tiffany Winslow, my nurse navigator, I tried to process what she was telling me about the tests I would be having, the doctors I would be seeing and the treatment I would be facing. She told me to stop, take a breath and ask her anything, which I did. I had surgery on October 2nd, so for the first time in several years, I could not participate in the Walk. However, my best friends participated in my honor. As I was lying in the hospital, feeling sorry for myself and waiting to be discharged, they sent me the photo of them finishing the walk and holding signs with my name. Surviving breast cancer has forever changed my life, and I would not have made it through it all without the diagnostic equipment, people and resources available to me.





As you can tell, we both are now more attuned to the needs of those diagnosed with, and recovering from, cancer. Cancer doesn't just affect the survivor, but also her family and friends. Here are our suggestions:

### **Take care of yourself.**

See your doctor annually. If something feels wrong, have it checked out. Daily exercise and meditation are good for both the body and the soul, and regular exercise has been shown to reduce the risk of recurrence by up to 30%. We know it is hard to make time when you are practicing law, especially if you are a litigator, but you can do it. Our bar and the judiciary will support you. Your life does depend on it. Both of us were able to continue working through chemotherapy, surgeries and radiation because of the support of our co-workers, colleagues, and the judiciary.

### **Look for ways to support your friends and colleagues physically and emotionally.**

- Don't just offer to help, be specific. Instead of saying, "just let me know what I can do," offer to pick up the children from school or take them to the movies, or make a meal calendar for people to bring meals to the house, or offer to take her to and from treatment.
- Offer to be there, but don't get offended if she doesn't want you there. Going through treatment can be rough, and many survivors don't want their friends and colleagues to see them at their worst.
- Treat her normally, not like she's dying of cancer. Seriously, unless she is actually dying right that moment, don't treat her like her life is over. It isn't, and even if the prognosis is bad, she doesn't need to be reminded by the look

on your face or the tears in your eyes.

- If your friend is struggling to deal with her diagnosis and all the issues that come with it, suggest she go to a support group such as the Young Survivors Coalition (YSC) for women diagnosed at age 40 or younger, or the Breast Buddy Program through In The Middle, which provides support for women of all ages and stages of treatment.

For a more concrete step, there are events such as the Walk for Life and Famously Hot Pink Half Marathon that help support the fight against breast cancer. Both of us have participated in the Walk for Life for the past several years. (This year, it will take place on October 13). Events such as this provide much needed financial support for those fighting cancer but also much needed mental and physical support and accomplishment as well, and raise money for new equipment for facilities and indispensable things such as breast bears and post-mastectomy camisoles. (Alice is now the Chair and both of us have assisted with the event for several years because of the profound impact it had on us.) Events such as the Walk for Life are personally rewarding and provide a concrete way to provide health and support, either financially or by participating and helping to raise awareness.

*Alice Adams (aadams@gwblawfirm.com) is of counsel at Gallivan White & Boyd here in Columbia. April Sampson (Sampson.April@richlandcountysc.gov) is a Fifth Circuit Solicitor. For more information about the 28 th Walk for Life and Famously Hot Pink Half Marathon, 5K +10K on Saturday, Oct.13 at Spirit Communications Park, please go to: [WalkforLifeColumbia.org](http://WalkforLifeColumbia.org). Alice and April hope to see you there, and please say hello to them if you see them!*

# Emotional Intelligence:

## Parallels Between Ethics and Emotional Intelligence

by Henry Deneen

There are interesting parallels between the South Carolina Rules of Professional Conduct (Rules) and the principles of Emotional Intelligence (EI). In this article, I will discuss how EI relates to three specific rules governing the practice of law.

The Preamble to the Rules, Section 1, states as follows:

*"A lawyer, being a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice."*



This Rule reminds us of our unique societal roles as members of the Bar. Busyness with day-to-day practices and personal lives often prevents lawyers from taking time to understand

the importance of our roles. Self-awareness is a fundamental tenet of EI and is a key building-block of our profession. Self-awareness is critical to our roles as citizens and as members of the legal system who bear great responsibility for the quality of justice in South Carolina. We will explore self-awareness in greater detail in future articles.

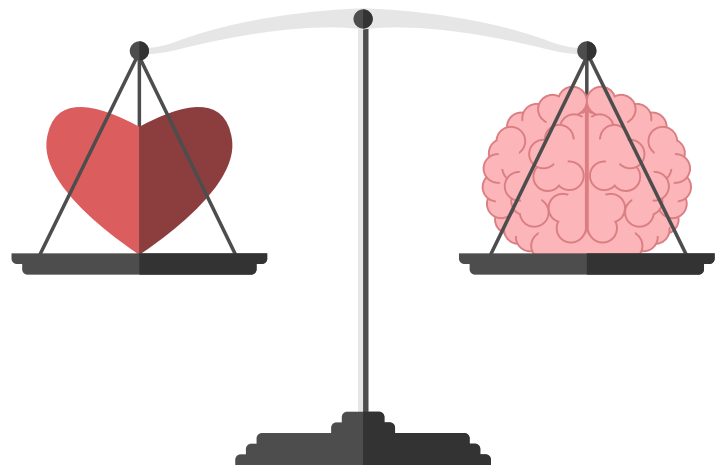
Our special roles in society are further described in Section 12 of the Preamble as follows:

*"The legal profession's relative autonomy carries with it spe-*

*cial responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves."*

The idea of self-government mirrors another leading EI principle: Self-regulation. This portion of the Rules references our "special responsibilities." Self-government in this context can refer to corporate self-government, such as our firms, as well as individual self-government.

During an EI training session I was leading at a Firm Retreat, a lawyer mentioned the idea of corporate EI for their firm. Law firms and other organizations often develop a corporate EI, either positive or negative. Have you either visited or belonged to a firm with a negative underlying ethos? Everyone walks around on eggshells, no one affirms others, and no one compliments or tries to enable others. If someone does, they are



looked upon unfavorably. Conversely, a firm in which people look out for one another, help each other flourish, and celebrate victories together is a place with an ethos that benefits the attorneys and everyone who is influenced by the firm.

These markers mentioned above determine corporate ethos and help confirm that understanding self-regulation and self-government, as the Rule states, allows correction of an unhealthy corporate or personal ethos. This requires openness to personal and professional feedback, and encourages needed changes in our behaviors.

That is one reason we continue to emphasize EI principles at Murphy & Grantland. If ignored, or relegated to the back burner, these behaviors can continue to spiral downward and become more and more difficult to reverse. Constantly referring to and studying about self-regulation is a helpful way to right the ship and move toward positive behaviors.

These positive behaviors will lead to improved morale, better employee retention, greater collegiality and collaboration, and stronger client relations, all of which help law firms become more desirable workplaces and more attractive to current and future business relationships.

Finally, the importance of our roles is defined in Section 13 of the Preamble:

*"Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship."*

When was the last time we thought about our roles as lawyers in terms of the preservation of society? This is actually consistent with another EI principle—Social awareness. Do we raise our level of conduct so that justice actually prevails? Do we live and work in the most ethical ways possible? Do we check ourselves regularly, in terms of our personal and professional conduct, making sure we always line up with the best ideals of our profession?

Social awareness means that we care about the world around us, including our relationships. When we leave a room, are others disappointed or relieved? Are we making our firm, our profession, and the world around us a better place?

These are the types of questions I encourage you to ask yourself. It may help to list one behavior about yourself with which you are not pleased and consciously try to improve on it. Only as we take these types of steps will we be able, both personally and professionally, to play our "vital role in the preservation of society."

Stay tuned for more on the relationship between EI and the South Carolina Rules of Professional Conduct.

*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. Deneen will contribute additional articles to help us better understand EI.*



# Might as Well, Mighty Swell:

## Trying to Live Above the Bar

by John Hearn



When I started writing for Richbar over a score-plus of summers past, I did so as chair of the RCBA Health and Fitness committee, the brainchild of my former partner and still career-long mentor, Eugene F. Rogers. As

I recall, I received the chair by dint of a letter from EFR: "Congratulations. You are now chair." Back in my car bidness days, we called that the "assumptive close" technique. "You take it around the block and I'll get the papers drawn up." Powerful stuff, especially in the hands of a Jedi master like Gene.

And write I did under the guise of "Health and Fitness." Never mind the naysayers who snickered "more like Stealthy Fatness," or unfairly called out my continuing shameful relationship with soft serve at the drive-thru, for breakfast. And lunch, maybe. Whatever. I soldiered on. Candidly, however my advice, like my adherence, was hit or miss at best, often drifting off-topic without warn—oh! Look! A squirrel! Look at him, would you? So cute. I like that video where they try to climb a greased pole to get to the feeder and then they slide down.

Anyway, you get the point. I'm no more a Fitness Master than the \$300 Fitness Master I bought in 1988 (when \$300 was a boatload of money) and sold ten years later. The buyer agreed it was in

"like new" condition before giving me the \$40. The point is: I am not worthy of being your spirit guide to your holistic home.

Now I know this shocks many of you. "John," you say. "You are so healthy. You do the yoga." True. But see DQ Blizzards for breakfast, *supra*, and that's one of my lesser sins.

Fortunately, you have exponentially better options these days than when this column first appeared. Twenty years later, the resources are everywhere, all the time. The fast lane now includes the world (and perhaps its undoing) in your hand, or on your wrist. And this very publication regularly features health-focused content ranging from exercise ideas to mindfulness to suicide prevention. Indeed, the RCBA executive committee is now composed of mostly young whippersnappers who quaff kale-quinoa smoothies nonstop, like some kind of doomsday fitness cyberbots.

And that's just our little corner of the Bar—pretty impressive. Our counterpart at the state Bar level, the Wellness Committee, has also stepped up yugely. Over the past five years, the committee has created one of the premier bar association wellness programs in the United States, and has the shiny plaques to prove it. The effort, branded "Living Above the Bar," has been lauded nationally by the American Bar Association.

Living Above the Bar is more than a website—it

is a comprehensive effort to engage the entire Bar in matters of health and fitness. The Wellness Committee hosts a CLE every year at the Bar convention, and by most accounts, very few people fall asleep. The committee partners with the law school, with the senior lawyers division, and looks across our awesome community of members for fresh ideas and thought starters.

The Living Above the Bar website is also pretty sweet. It's more than just a collection of links, though it has URLs a-plenty for those of you counting clicks on your FitBit. There's a nifty blog—one that is actually updated every week or so (as opposed to your firm's blog, which was last updated sometime in early 2016.) There are videos from Bar members encouraging you to exercise, or to eat healthy. There are also powerful member videos from Bar members who sought help when deeper and darker issues needed immediate attention—big, important, sometimes life or death issues. Depression. Substance abuse and mental health. Suicide and the prevention of same.

So do yourself a favor today: skip one Instagram rabbit hole and spend five minutes at [livingabovethebar.org](http://livingabovethebar.org). You'd best do it right now afore you fergit, like that walk you were going to take every night after dinner this summer.

For me, wellness has too often been the thing I get around to last, and sometimes only when in crisis mode. (Like you, I got issues.) I was lucky when my crisis hit—my heart attack came when I was surrounded by a caring community that got me help right away. Maybe you will get lucky, too. Or perhaps, just perhaps, you will make some change in your life that will avert a crisis altogether. After all, chance favors the prepared heart.

And finally, a short note from me. To what I am sure is your great relief, I'm taking an indefinite hiatus from this column. It's time—I've just run out of funny of late. I thought I could just order some up from Amazon Prime, but they have been out of stock for several months. So while it's on backorder, I'm going to chill with the grandbabies a little more.

It has been a great joy and honor to share up in here with y'all. And unfortunately for you, I will be back someday, assuming I can hack my way back into the RCBA Matrix. Until then, keep laughing, OK? We need all the yuks we can get these days.

*John, like Arnold, says he'll be back--'til then, find him at [john.hearn@rtt-law.com](mailto:john.hearn@rtt-law.com).*



# Noteworthy News & Announcements

**Adams and Reese, LLP** is pleased to announce that Associate **Justine Tate** is a graduate of the Leadership Columbia Class of 2018. The LC Class of 2018 completed ten class days, an orientation, a retreat, and a class project with MIRCI (Mental Illness Recovery Center Inc.). Justine joined Adams and Reese in 2016 and most recently served as litigation counsel for the South Carolina Department of Revenue, handling all aspects of litigation for tax-related and alcohol-licensing matters, including drafting and issuing agency determinations and representing the Department before the South Carolina Administrative Law Court.

**Margaret “Marti” Miles Bluestein**, a founding partner of **Bluestein Attorneys**, was sworn in as a member of the South Carolina Bar Board of Governors for the 2nd Judicial Region in May. Bluestein practices in the area of workers’ compensation and is also a certified mediator. She is a graduate of Furman University, where she obtained a bachelor’s degree in political science. She received her Juris Doctor degree from the University of South Carolina School of Law.

**Lyndey Bryant** of Adams and Reese, LLP has been named the 2018 Young Lawyer of the Year by the Young Lawyers Division. The Young Lawyer of the Year Award is presented annually to a young lawyer who exemplifies excellence in practicing law and public service. She was presented with the award during the YLD Leadership Retreat in March and was recognized during the Bar’s House of Delegates meeting in May.

**Burns Law Firm, PC** announces its relocation to 914 Richland St., Ste. 201-B, Columbia 29201.

**Collins & Lacy, P.C.** shareholder and management committee member, **Brian Comer**, has been certified as a Civil Court Mediator by the South Carolina Supreme Court’s Board of Arbitration and Mediator Certification. Comer is chair of the firm’s Professional Liability Practice Group and focuses on professional negligence litigation. He frequently represents financial advisors in broker-dealer actions in state court and in arbitration before the Financial Industry Regulatory Authority (FINRA), medical providers, attorneys, actuaries, and other service providers. Comer also defends equipment and machinery manufacturers in claims arising from alleged product defects, and he has substantial past experience in defending pharmaceutical manufacturers. Comer joins Ellen Adams, Andrew Cole, Stan Lacy, and Scott Wallinger as members of the Collins & Lacy mediation practice group.

**Gallivan White Boyd** announces that **William P.A. Buyck III** has joined the firm’s Columbia office as an associate located at 1201 Main St., Ste. 1200, Columbia 29201.

**Haynsworth Sinkler Boyd, P.A.** is pleased to announce that shareholder **Elizabeth Black** is a graduate of the Leadership Columbia Class of 2018. Leadership Columbia was founded by the Columbia Chamber of Commerce in 1972. Each year, 60 professionals are selected based on their community involvement, capacity for leadership and commitment to improving the Midlands. As



a graduate of Leadership Columbia, Elizabeth will join nearly 2,000 alumni who are serving communities all across the United States. An experienced litigator, Elizabeth represents parties involved in breach of contract disputes, corporate governance actions, antitrust and competition-based issues and business tort matters. She also advises clients on electronic preservation and discovery obligations and strategies.

**Haynsworth Sinkler Boyd, P.A.** is pleased to welcome **Kathleen Muthig** to the firm's Columbia office. Kathleen brings a strong foundation in consumer bankruptcy law to HSB's full service Bankruptcy and Creditors' Rights team. A graduate of Furman University and the University of South Carolina School of Law, Kathleen represents clients with consumer and commercial bankruptcies in Chapter 7, 11, 12 and 13 matters. She also has experience representing businesses in state court including the Administrative Law Court. Kathleen is an active member of the Columbia community, serving on the Board of Directors for Palmetto Health Cancer Centers and Junior League of Columbia. She is the Local Rules Committee Chair for the U.S. Bankruptcy Court, District of South Carolina.

The following RCBA Young Lawyers Division members were recognized with President's Awards for their leadership and service during the 2017-2018 term: Kenneth "Jay" Anthony, Joseph P. Bias, Cheslyne Shea Brighthop, Lyndey Bryant, Teckla S. Henderson, Adam Brooks Landy, Julie Lauren Moore, Katherine Rose Myers, I. Ryan Neville, John "Clarke" Newton, Sutania Alicia Radlein, Daina Michelle Riley, Sheila Marlouvon Willis and

Ashleigh Rayanna Wilson.

During the SC Bar's House of Delegates meeting in May the following RCBA members were sworn into office: **Roy Laney**, treasurer; **Marti Bluestein**, Board member; **Lindsay Joyner** and **Sheila Willis**, Young Lawyers Division Representatives. **Darra Cothran** was sworn in as president of the Senior Lawyers Division and **Ashleigh Wilson** was sworn in as president of the Young Lawyers Division.

**McAngus Goudelock & Courie** is proud to announce that the 2018 MGC Long Run raised \$25,000 for USO South Carolina. The USO South Carolina is a nonprofit organization that strengthens America's military service members by connecting them to family, home and country throughout their service to the nation. The donation is a result of the 2018 MGC Long Run 15k, 15k Relay, 5k and Kids' Fun Run that took place in February. This year's race had over 600 runners and walkers and over 125 volunteers. Rusty Goudelock, one of MGC's founding members, noted the firm is proud to bring the Long Run to Columbia each year as an effort to recognize and support our nation's troops and the USO South Carolina. The MGC Long Run has raised over \$124,680 for nonprofits since it began in 2014.

The **McKay Firm** is pleased to announce the addition of **Rachel G. Peavy** as the newest lawyer at the firm. Ms. Peavy practices in the area of medical malpractice defense. She also maintains a litigation practice in bad faith and coverage matters, and handles a select number of personal injury and employment cases each year. Ms. Peavy also has experience in appellate matters,

# Noteworthy News & Announcements

having argued before the South Carolina Court of Appeals and briefed cases in both the South Carolina Supreme Court and the Fourth Circuit Court of Appeals. She graduated with honors from Colgate University and was awarded her juris doctor degree in 2001 from the University of South Carolina School of Law. While in law school, she was an associate editor of the *South Carolina Environmental Law Journal*.

**McNair Law Firm** is pleased to announce that shareholder **Pam Baker** has been elected to the University of South Carolina's (USC) Board of Visitors. Board members are elected by the Board of Trustees to be ambassadors who advocate in their communities on behalf of the university to work to further the long term objectives and goals of USC. Each board member serves a three-year term. Pam assists with the defense of state and federal environmental enforcement actions related to compliance with the National Environmental Policy Act (NEPA), Resource Conservation and Recovery Act (RCRA), Clean Air Act (CAA), Clean Water Act (CWA), and other environmental and health statutes and regulations. She advises energy clients on the full range of environmental regulations affecting energy production, including the development and operation of renewable energy projects. Pam's practice also involves representing clients before the South Carolina Department of Health and Environmental Control (DHEC) in negotiating air and water permits, voluntary cleanup contracts, and renewable/sustainable energy project permits. McNair is also pleased to announce that **Grayson Lambert** will serve as a member

of the 2018-2019 South Carolina Bar Trial and Appellate Advocacy Section Council. Lambert is an associate with the firm's litigation section. He assists individual and corporate clients with complex commercial litigation, appeals, and government investigations. He has experience at an international law firm, as well as clerking for the Honorable Dennis W. Shedd on the U.S. Court of Appeals of the Fourth Circuit.

**MPA Strategies** is delighted to announce that General Counsel & Legislative Liaison, Ed Schafer, was selected as a member of the Columbia Chamber's Leadership Columbia 2019 Class. Ed has over 15 years of experience as staff attorney and lobbyist for local governments and state associations and was Staff Attorney/Lobbyist for the SC Association of Counties, Legislative Counsel for the Municipal Association of SC, and General Counsel and Director of Government Affairs for the Manufactured/Modular Housing Institute of SC. Ed graduated Cum from the Honors Program at The Citadel and the University of South Carolina School of Law.

**Murphy & Grantland** has been named as the 2017 Pro Bono Law Firm of the Year by the SC Bar. The pro bono program award was presented to co-founding shareholder **John M. Grantland** at the House of Delegates meeting. Over the past six years, attorney **Tim Newton** has provided pro bono legal work on 11 matters for the nonprofit faith-based organization, Alliance Defending Freedom, reporting some 580 hours of pro bono legal service. Since 2015, Murphy & Grantland attorneys and staff have provided pro

bono legal services to more than 25 survivors of human trafficking who may not otherwise have had access to their rights. In 2017 attorney **Elliott Daniels** expanded that work when he co-founded Legal Assistance for Survivors of Trafficking – SC, a statewide network of pro bono attorneys. Attorney **Kerri Rupert** is currently providing pro bono defense in a criminal appeal pending before the South Carolina Supreme Court. “At our firm, we talk a lot about practicing law with a servant’s heart,” said John Grantland. “We don’t encourage our attorneys to do pro bono work for accolades, but rather because it is the right thing to do.” As part of being named Pro Bono Law Firm of the Year, the SC Bar will donate \$500 in M&G’s name to Lighthouse for Life, a Midlands-based nonprofit raising money for a shelter that will provide refuge for survivors of human trafficking.

**Nelson Mullins Riley & Scarborough LLP** and Broad and Cassel LLP announce that the firm will be combined, effective August 1. The firm will be known as **Nelson Mullins Broad and Cassel** in Florida. Both firms’ partnerships voted to approve the combination, which will create a firm with over 725 attorneys and professionals operating in 25 offices across 11 states and the District of Columbia. The combined firm will have a significant presence along the Eastern Seaboard, including over 620 attorneys and professionals in Florida, Georgia, South Carolina and North Carolina. Jim Lehman will continue to serve as the Managing Partner of the combined firm.

**Ogletree Deakins** is pleased to announce two additions to the Columbia office. **Tammy Bershere** recently joined as Of Counsel. Her practice focuses on immigration and will assist in Ogletree’s work on securing business immigration visas. She

received her J.D. from Ohio Northern University and her undergraduate degree from Indiana State University. **Valerie Fulton** recently joined as an Associate. Fulton received her J.D., cum laude, from Washington & Lee University School of Law and her B.A., magna cum laude, from Wofford College. As a law student, Valerie clerked for the Honorable Richard M. Gergel in the District Court of South Carolina and after law school, clerked for the Honorable Donald B. Hocker, South Carolina Circuit Court Judge in Laurens County.

**Rogers Townsend & Thomas, PC** announces that **Joshua Hinson** has joined the firm’s Columbia office located at 1211 Main St., Columbia 29201.

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

**South Carolina Legal Services** announces that **Megan Gresham** has become a staff attorney in the firm’s Columbia office and that **Diana Idiahe** has joined the organization as an Equal Justice Works Fellow.

**Sowell Gray Robinson Stepp & Laffitte, LLC** announces its name has changed to **Robinson Gray Stepp & Laffitte, LLC**, effective June 16. The firm is located at 1310 Gadsden St., Columbia 29201.

**Turner Padget Graham & Laney, PA** announces that **Dalhi N. Myers** has joined the firm as of counsel, and **Cheslyne Shea Brighthop** and **Marcus J. Brown** have joined the firm as associates located at 1901 Main St. #17, Columbia 29201

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**William L. Smith II**- Injured Workers Advocates, President 2000-2001

**Mark T. Arden**- Injured Workers Advocates, President 2011-2012

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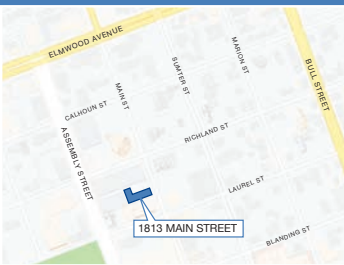
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## Richland County Common Pleas Jury Verdicts

### 16-CP-40-5300

Robert L. Hale II v. Daniel R. Dennis III

Attorneys:

Plaintiff: Robert F. Goings & Jessica Lee Gooding

Defendant: Damon Wodasczyk

Cause of Action: Personal Injury, Trip and Fall

Verdict: For Plaintiff

Actual Damages: \$141,000

Punitive Damages: \$1,200

### 16-CP-40-1618

Dominique Griffin v. Latashaurinn Merchant

Attorneys:

Plaintiff: Paige George, Barry George

Defendant: Rogers Harrell

Cause of Action: Automobile, Personal Injury

Verdict: For Defendant

### 17-CP-40-4061

Jasmine Gantt v. Kathryn Trier

Attorneys:

Plaintiff: Jessica Fickling, Alexandria Benevento

Defendant: John Austin Hood

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$23,308.42



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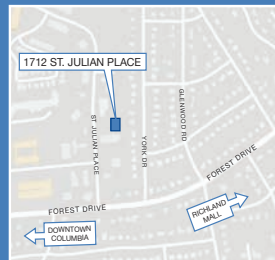
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# **RICHBARNEWS**

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## **SAVE THE DATE**

*Mark your calendar for these great upcoming events!*

**Lunch & Learn with Elliott Daniels, Murphy  
and Granland and Kinli Abee, Assistant  
Attorney General**

Tuesday, August 28th at 12:00 noon

*Nelson Mullins*

**Transitions Awards Luncheon  
(Project HELP receiving Excellence in  
Partnership Award)**

Tuesday, September 11 at 12:00 noon

*Washington St. UMC*

**Lunch & Learn with Bill Booth, Booth Law  
Frim**

Tuesday, September 18th at 12:00 noon

*Robinson Gray*

**USC Law School & RCBA Networking**

Thursday, September 20th at 5:30 pm

*Location TBA*

**Farm to Table Dinner**

Tuesday, September 25th at 6:00 pm

*City Roots*

**Annual Ethics CLE**

Friday, October 26, 2018 at 8:00 am

*USC School of Law*

*Karen J. Williams Courtroom*

**Annual Meeting & Holiday Party**

Wednesday, December 05, 2018 at 5:30 pm

*Columbia Museum of Art*