

October - December 2018

# RICHBARNEWS

*Newsletter of the Richland County Bar Association*

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Self-Awareness: The Starting Point For Increasing Our Emotional Intelligence

*and more!*



# **RICHBARNEWS**

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## **Executive Committee**

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Charles F. "Charlie" Moore - Member

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## **On the Cover**

Photo by Lucas Brown of Kickstand Studio



# From the Editors

by Mike Polk & Van Horger

Mike and I hope you enjoy this last edition of the newsletter for 2018. The year has proven to have been an active one for the RCBA, and we continue to endeavor to make the organization one that serves your needs. Mandy Wren has worked tirelessly to put on even more social events than in prior years so that we all have greater opportunities to foster relationships with fellow bar members. In addition, the RCBA committees have been working particularly hard, including sponsoring several Lunch & Learns and hosting many events featuring Bigg Doggs of the bar.



Through the newsletter, we hope to pass along information that is useful, helpful, and interesting. Please feel free to drop us a note anytime if you have ideas about things

you would like to see in the newsletter or what you hope to see more from the RCBA generally. Below are additional items of interest.

## New Podcast

Have you heard about the podcast devoted to South Carolina law? Consider downloading Direct Examination: A South Carolina Law podcast. Notably, the Direct Examination podcast is hosted by three South Carolina lawyers (Amber Fulmer, Joseph Bias, and myself) and is focused on legal issues in SC. The podcast has featured interviews with South Carolina Supreme Court Justice John Few, Chief Disciplinary Counsel John Nichols, Dick

Harpootlian, and the Executive Director of the SC Bar to name a few of the distinguished guests. To learn more, download from your podcasts app or visit the following:

<https://www.facebook.com/SCLawPod/>

<https://twitter.com/sclawpod>

<https://www.buzzsprout.com/200010>

## CLE Opportunities

It's that time of year for reviewing your CLE credits, and the Probate Court is providing an opportunity.

The Richland County Probate Court is holding training on the revisions to the Guardianship and Conservatorship statutes. Here are some details:

December 14, 2018

Decker Building

Richland County Magistrate, 2500 Decker Blvd

8:30 a.m. to 5:00 p.m.

Contact Kim Lewis or Debbie Knox at the Probate Court

[lewis.kim@richlandcountysc.gov](mailto:lewis.kim@richlandcountysc.gov) or [Knox.Debbie@richlandcountysc.gov](mailto:Knox.Debbie@richlandcountysc.gov)

Cost: \$30.00

CLE credit will be applied for and light refreshments will be served.

Please stay tuned also for the February 9, 2019 symposium presented by the South Carolina Law Review. This year it will focus on the Opioid Crisis.



From the President

# The Year in Review: Looking Back at an Active Year

by Jack McKenzie

2018 has been a great year for the Richland County Bar. We added two new events—a farm-to-table dinner and a USC law school mentoring function—and endeavored to continue serving a primary purpose of the bar: to provide opportunities for all of us to know each other better and to improve the quality of our lives and our law practices. Practicing law can be difficult enough at times, but I shudder to think what it must be like handling cases only amongst strangers.



At the end of 2016, I asked the executive committee to support the effort to improve the grounds of our Supreme Court. They kindly agreed to do so, even though this project is unlike any the RCBA has ever undertaken. Two years have now passed,

and we have made progress of which we can be proud. The RCBA, led by its esteemed fellow-bar member Steve Benjamin, removed the banner system that hung in front of the Supreme Court.



And led by our esteemed fellow-bar member William Hubbard, we worked with the Court's neighbor, First Citizens Bank, to place eight crytomeria trees in planters in the bank's empty tree bed to shield the court from the afternoon sun.

The RCBA, led by many of you who wheedled, cajoled, threatened, and simply implored your law partners and friends to make a donation, has raised nearly \$90,000.00 of the \$180,000.00 needed to implement the Supreme Court grounds project. I have one more year on the executive committee as immediate past president, and I plan to continue my effort to make this project a reality. We will all be better off for it.

As I have called so many of you, asking you to pitch in to the cause, I have been reminded time and again that practicing law is not merely a job, but a way of life. Many lawyers who never plan to set foot in a courtroom have donated, knowing that if our judiciary is not treated with honor, then our noble profession suffers. If there has been any pride in my service to the RCBA, then it has been this: to realize my good fortune to live in a place,

# Richland County Common Pleas Jury Verdicts

## **17-CP-40-3350 & 17-CP-40-3778 (consolidated)**

Anthony Steward, Charity Jones v. Albert M.

Thompson

Attorneys:

Plaintiff: William Henry Burris

Defendant: Michael T. Coulter

Cause of Action: Automobile

Verdict: For Plaintiff

Actual Damages: \$5,500 for Anthony Steward &  
\$5,000 for Charity Jones

## **16-CP-40-2573**

Jeanne Knollinger v. Ryan Oliver

Attorneys:

Plaintiff: Ryan Andrews

Defendant: Langdon Cheves

Cause of Action: Automobile (Personal Injury)

Verdict: For Defendant

## **16-CP-40-5857**

J.S. Stone v. G.H. McMaster

Attorneys:

Plaintiff: D.R. Williams

Defendant: B. Dumas

Cause of Action: Personal Injury (Emotional  
Distress, Assault)

Verdict: For Plaintiff

Actual Damages: \$50,000

Punitive Damages: \$50,000

## **17-CP-40-2527**

Thomas Eskine Clark, et al. v. Plantation Court

Apartments, LLC

Attorneys:

Plaintiff: Richard Harpootlian, Phillip Barber, Page  
Kalish

Defendant: Damon Wlodarczyk

Cause of Action: Other (Wrongful Death)

Verdict: For Plaintiff

Actual Damages: Survival Action - \$50,00 and  
Wrongful Death Action - \$60,000

## **17-CP-40-3732**

Janice P. Wright v. Dennis W. Martin

Attorneys:

Plaintiff: Robert Goings & Jessica Gooding

Defendant: Richard Jones & Sam Priddy

Cause of Action: Personal Injury

Verdict: For Plaintiff

Actual Damages: \$50,000

## **13-CP-40-2153**

Bernard Goodwin v. SC Department of Corrections

Attorneys:

Plaintiff: Pro Se

Defendant: Damon Wlodarczyk

Cause of Action: Personal Injury (Assault)

Verdict: For Defendant

## ***From the President (...continued from page 3)***

and in a time surrounded by so many intelligent  
and kind individuals, who are willing to contribute to  
make life better for those around them.

It has been an honor to serve as your RCBA presi-

dent, and I encourage any of you who want to hold  
the post to get involved and seek the position.

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

# Bar Bites:

## Things to Try Whether Going out or Staying in

by Jess Gooding

Who's hungry? I'm hungry for Thai food after reading the submissions for this article! In my last Bar Bites column, Dave Maxfield suggested Duke's Pad Thai on Knox Abbott, but since then, some new competition has popped up. Kao Thai Cuisine is now open on Senate Street, across from Tin Roof in the Vista, and it's getting rave reviews. Its menu boasts that it is a

"locally-owned spot in Columbia, SC serving awesome and authentic Thai food," and it seems our members agree. Jescelyn Spitz (Rikard & Protopapas) says, "The food is great, and they have big garage doors that open on nice days—

should be a great spot to eat in the fall!" Wondering what to order? Lindsay Joyner (Gallivan White & Boyd) said she's tried the Goyza Moo, Green Curry, and Chicken Pad Thai, and everything was really good. Bonus—it has already established itself as a place with great service where you can get a quick lunch, and it's nearby if you work downtown. If you're going for dinner, though, consider saving room for dessert. The sticky rice with custard gets a lot of love in the Google reviews, and we'd love to hear about it if you try it!

If you want to make a night of it and you're the type that likes to plan ahead, check out the concert line up at Colonial Life for 2019. It includes Fleetwood Mac on February 22, Elton John's Farewell Yellow Brick Road Tour on March 13, and Car-

rie Underwood on September 29. I'll confess I'm a country music fan, and I'm scoping out some new cowgirl boots for Carrie Underwood's show!

If you are interested in podcasts, this article has you covered—at least, you're covered if you find true crime and similar genres to be interesting. Check out some of the reviews below. As always, big thank you to everyone who sent "bites"! If you've enjoyed a book, movie, bar, restaurant, or attraction lately, please send your comments to [JGooding@GoingsLawFirm.com](mailto:JGooding@GoingsLawFirm.com).

### What We're Reading

*Girl, Wash Your Face* is a very good nonfiction book by Rachel Hollis. Recommended for any woman who feels torn between competing priorities.

- Lindsay Joyner, Gallivan White & Boyd

A recommendation for two books that are great reads: *Coach Wooden and Me*, by Kareem Abdul-Jabbar, is not a book about basketball. It is a book about an extraordinary friendship that began when perhaps the most dominant college and professional basketball player met the most successful college coach, and it lasted 50 years. The book teaches much about these two men and the way they lived their lives. *The Cigar Factory: A Novel of Charleston*, by Michele Moore, is a historical novel about two families, one black and one white, and the women that lead each. Both women work in the cigar factory on E. Bay Street. It includes much





about what went on in the Charleston community from 1900 to 1950 that touched their lives and, ultimately, brought them together.

- Judge Tommy Hughston, South Carolina Circuit Court

### What We're Listening to

Season 3 of *Serial* is great for attorneys. The third season focuses on the justice system (primarily on criminal matters), and they've basically been given unfettered access to the justice center in Cleveland, Ohio. I also highly recommend Season 1 of the *Up and Vanished* podcast, and Season 2 just came out! Season 1 explored the 2005 disappearance of a beauty queen-turned-high school teacher from her home in Ocilla, Georgia. Season 2, which just came out in August, examines another disappearance—this time in Colorado.

- Jescelyn Spitz, Rikard & Protopapas

*The Criminal* podcast has been around for a while, but it is still releasing new episodes. Each episode covers some aspect of crime, but in an unusual way, with excellent first-person interviews and background. For example, "Racehorse Haynes" covers an unreserved, cowboy-esque attorney who was the first in Texas to establish the battered woman's syndrome defense. Other episodes discuss cases from the 1800s and 1900s, unexplained myster-

ies, shark attacks, and how botany is used in crime scenes. *Dr. Death* is a podcast from the same group that brought us *Dirty John* (which you should stop and go listen to now if you haven't already). It tracks the investigation into a neurosurgeon gone rogue in Dallas. He promised great results, had a ton of physicians referring him patients, but he botched surgery after surgery. Was he really just terrible at being a surgeon or did he do it on purpose? A great listen.

- Mary Caskey, Haynsworth Sinkler Boyd

Love, love, love the podcast, *Slow Burn*. There is one on Watergate and another one on the Clinton Impeachment. Both are great.

- Amy Hill, Gallivan White & Boyd

### What We're Doing in Columbia

When Florence came through town (and we were going stir crazy), I took my four-year-old to the Columbia Children's Theatre in the Richland Fashion Mall. Their production of *Schoolhouse Rock Live!* was great. Its website lists all of the plays for the upcoming fall and winter season. One of their plays (plus a trip to Barnes and Noble's train table) is one of my go-to rainy day activities for kids.

- Kerri Rupert, Murphy & Grantland

# Hedonic Adaptation

## When You Still Haven't Found What You're Looking for (and What to Do About It)

by Miles Coleman

Several years ago, a friend of mine—one of the most upbeat and optimistic people I know—took an entry-level position at a company with the goal of rising through the ranks and eventually being promoted to the senior management position to which he aspired. He worked tirelessly and was rewarded with a series of promotions, but when it came time for the extremely competitive, one-shot selection process for the position he yearned for, he was passed over. He was, of course, deeply disappointed and shortly thereafter left the com-



pany to pursue a different career with a different employer in a different industry—a decision that meant he was effectively starting again at “square one.” Remarkably, he reverted back to his optimistic outlook and cheerful disposition with astonishing

rapidity, seemingly unaffected by circumstances that many of us would have found to be a lasting disappointment.

Psychologists refer to this propensity as *hedonic adaptation*: the tendency of all people to keep a fairly stable baseline level of happiness despite external events and fluctuations in circumstances. It is as if each of us has a default level of happiness (or unhappiness) and, regardless of positive or negative circumstances, will faithfully revert back to that set point. In the case of my friend, it caused him

to rebound from disappointments. Of course, the converse can be true as well. A person of a chronically sour disposition can experience good fortune but quickly return to his persistently unhappy mood. In other words, an unhappy associate will become an unhappy partner, and replacing your Mitsubishi with a Maserati will provide only a temporary boost in life satisfaction.

One of the first studies to explore this concept interviewed three groups of people: those who had recently won a lottery, those who had recently been paralyzed, and a control group. Not surprisingly, the lottery winners experienced an initial burst of happiness after their good fortune, and the paraplegics experienced an initial period of sadness or depression in the immediate aftermath of their paralysis. Remarkably however, after the relatively brief period of time in which the initial impact of the extremely positive or negative events were felt, both the lottery winners' and paraplegics' levels of happiness went back to their pre-event, average levels. See Philip Brickman, Dan Coates, & Ronnie Janoff-Bulman, *Lottery winners and accident victims: Is happiness relative?*, J. OF PERSONALITY & SOCIAL PSYCH., 36 (8):917–27 (1978), available at [https://web.archive.org/web/20160223160318/http://pages.ucsd.edu/~nchristenfeld/Happiness\\_Readings\\_files/Class%203%20-%20Brickman%201978.pdf](https://web.archive.org/web/20160223160318/http://pages.ucsd.edu/~nchristenfeld/Happiness_Readings_files/Class%203%20-%20Brickman%201978.pdf).

This tendency can be a real boon (if you're a Pol-



lyanna) or a real bust (if you're an Eeyore). But is there a way to fundamentally change from the latter to the former? A way to reset and increase your baseline level of happiness, untethered from circumstances and external events? It seems the answer is "yes"—at least in part. Psychologists and researchers speculate that one's set point of happiness is at least partially determined by genetics. For example, studies of identical twins indicate the members of a pair of twins tend to have a similar baseline level of happiness (or unhappiness) to one another as adults, regardless of their different levels of income, education, occupation, marital status, or other circumstances. See, e.g., David Lykken and Auke Tellegen, Auke, *Happiness Is a Stochastic Phenomenon*, PSYCHOLOGICAL SCIENCE, 7 (3):186–89 (1996), available at [https://web.archive.org/web/20160515185056/http://psych.colorado.edu/~carey/courses/psyc5112/Readings/psnHappiness\\_Lykken.pdf](https://web.archive.org/web/20160515185056/http://psych.colorado.edu/~carey/courses/psyc5112/Readings/psnHappiness_Lykken.pdf).

But don't despair. While your default level of happiness may be determined in part by genetics, you can make lasting improvements to your baseline level. How? It's not by acquiring more or nicer stuff. Rather, it's by adopting a behavior. Specifically, the trait most strongly correlated with—and most likely causing—an enduring

increase in happiness and satisfaction is a commitment to helping others through compassionate actions and acts of kindness. See Bruce Headey, *The Set Point Theory of Well-Being Has Serious Flaws: On the Eve of a Scientific Revolution?*, SOCIAL INDICATORS RESEARCH, 97 (1):7–21 (May 2010), available at <https://link.springer.com/article/10.1007%2Fs11205-009-9559-x> (arguing against the belief that adult set-points of happiness are immutable and compiling data to show they can be altered by a persistent commitment to voluntary, altruistic actions).

In sum, if you want to be happier, make others happier. Perform one intentional act of kindness each day for a week. Then for a month. Give a compliment. Buy someone a coffee. Hold a door with a smile. Help an elderly neighbor or a single mom from church. And see if the happiness that goes around eventually comes around too.

*Miles Coleman is a former Ironman triathlete, ultramarathon runner, and CrossFit coach. Currently, he co-chairs the SC Bar's Wellness Committee and practices appellate law, First Amendment law, and commercial litigation in Columbia, SC. You can reach him at [miles.coleman@nelsonmullins.com](mailto:miles.coleman@nelsonmullins.com)*



# Elliott Daniels:

## Working to Combat Human Trafficking

by Amy Hill

As I introduce you to Elliott Daniels, just know that the most interesting thing about him is not the fact that he has been on the tennis court with Serena Williams (an experience he describes as being more like a ball boy than an opponent), or that he worked in South Sudan before moving back to South Carolina after spending ten years in Washington, D.C. Rather, the most interesting

thing about Elliott is his drive and commitment to combat human trafficking in South Carolina.

When I first heard about Elliott Daniels and his work combatting human trafficking, I was admittedly a little bit

of a skeptic. The term “human trafficking” seems foreign. I immediately picture a small Asian country with girls lured away from their family farms or migrant workers in South America. I was astonished to learn that human trafficking affects the Midlands and even occurs in places as idyllic as Forest Acres.

Elliott came to South Carolina with his brother and parents the summer after his 8th grade year to follow a dream to play competitive tennis. Growing up in Goldsboro, North Carolina, Elliott and his older brother developed a love for the sport, and as their passion grew, their parents looked for ways to support their pursuit. They spent that summer living in Hilton Head training at a tennis academy. The summer worked out so well that Elliott’s family decided to relocate to Hilton Head

so their sons could pursue tennis at the highest level.

The sport has always been a big part of Elliott’s life. He followed his brother to George Washington University, where both attended on tennis scholarships. His wife Amber, whom he met at a tennis academy in Hilton Head when he was 14, also was a scholarship tennis athlete, as were her two sisters. Amber played at Samford in Alabama and then at the College of Charleston. Elliott even described how he and Amber have put a ping pong paddle in their eighteen month old daughter’s hand in hopes that she will someday share her parents’ love of the sport. Although, Elliott is quick to say that they both simply hope their daughter will follow whatever interests her, whether that is tennis or something else entirely.

In his last semester as an undergraduate at George Washington, Elliott took a course studying human trafficking and its prevalence in the United States. That course was an eye opener. Like many of us, Elliott had no idea that human trafficking occurs in the United States.

After college, Elliott worked with International Justice Mission, which has 16 offices in the developing world. IJM works with civil rights lawyers to help local law enforcement departments build cases against modern slavery and other forms of violence. For instance, IJM will assist in the investigation, provide legal research, and coordinate after care services for victims



and training for law enforcement. IJM's focus is on the global poor. During his time with IJM, Elliott recognized the value that the lawyers brought to this work. He saw that because of their legal knowledge and access to the courts that lawyers had many more arrows in their quiver and he wanted that set of skills.

While attending George Washington University Law School, Elliott clerked the Department of Justice and at the International Centre for Missing & Exploited Children while his wife worked on Capitol Hill. After ten years of living in Washington, D.C., Elliott and Amber packed up to move back to their home state for a job with Murphy & Grantland in Columbia. Just before their return, Elliott was invited to join the S.C. Human Trafficking Task Force being formed by Attorney General Alan Wilson, where it became clear to Elliott that there is a critical role for a private attorney to respond to human trafficking in South Carolina. Across Elliott's nearly five years with Murphy & Grantland, he and the firm provided direct legal assistance to more than two dozen survivors of human trafficking.

While both Elliott and Amber miss living in the Lowcountry, they really enjoy Columbia. The city allows them a great lifestyle with its affordability and easy commutes, especially after living in D.C. They are active members at Shandon Baptist Church and they've found Columbia has many great residents.

Elliott recently changed jobs, moving to the United States Attorney's Office where he prosecutes violent crime out of their Columbia office. I asked Elliott about practical tips to help all of us spot human trafficking. Without hesitating, he said the most



important thing is not to be afraid to ask questions. Many people may see something strange or that doesn't make sense, but they look the other way. In some of the cases he's worked on, the difference in exploitation and freedom has been someone who has said something. Some specific signs to look out for are:

- individuals who appear disconnected from family, friends, or community and who are under the control of others
- employees who have unusual restrictions on their ability to leave or contact with others

***continued on page 11...***



## ***From Elliot Daniels: Working to Combat Human Trafficking (...continued from page 10)***

outside of work

- employees working long or unusual hours and inappropriate or abusive conditions
- employees with large debts to pay off to their employers or others
- a child engaged with adults in an inappropriate sexual manner or any child in commercial sexual exploitation
- individuals who are not allowed to handle money or seem to have limited control over their own money, personal possessions, or freedom of movement

The hotline to call to report suspicious activity is 888-373-7888.

Foreign nationals without immigration status may be particularly vulnerable to exploitation. Traffickers may exploit a fear of deportation and lie to illegal immigrants on how law enforcement would respond if the forced labor or sex trafficking were to be reported. What many victims do not know is that there is immigration relief, victims' services, and a dedicated visa available for survivors of human trafficking who are in the United States without immigration status.

In the sex trafficking context, victims are often minors, with many as young as 13 years old exploited in the commercial sex trade. Many of the adults have traumatic histories prior to being exploited that may have contributed to vulnerabilities in the first instance. As cases in our state have shown, traffickers know how to identify vulnerabilities and how to exploit those vulnerabilities for profit. Shame and fear often prevent victims from self-identifying or reporting to

law enforcement.

And there is a role for private bar attorneys in all of this work:

Prior to joining the U.S. Attorney's Office, Elliott and a group of lawyers across the state set up Legal Assistance for Survivors of Trafficking (LAST), a pro bono network of attorneys to work with victims once they have been identified. LAST has served dozens of victims of human trafficking in recent years, and the network would benefit from volunteer lawyers in diverse disciplines and geographic areas across the state.

Survivors' legal needs may include criminal defense for criminal activity victims were compelled to commit, expungement and vacatur, applications for pardon, tax counsel, immigration relief, victim advocacy, and family law. During the last two years the program has been able to help 38 victims across the state and Southeast.

LAST attorneys hope to provide a more detailed article about the program and ways the Richland County Bar can get involved. Meanwhile, if you have questions please call 843-790-5278 or email [LAST.southcarolina@gmail.com](mailto:LAST.southcarolina@gmail.com).

Elliott is just one more example of the diverse and interesting membership of the Richland County Bar. We are lucky to have people like Elliott as members who make Richland County a better place to live and work.

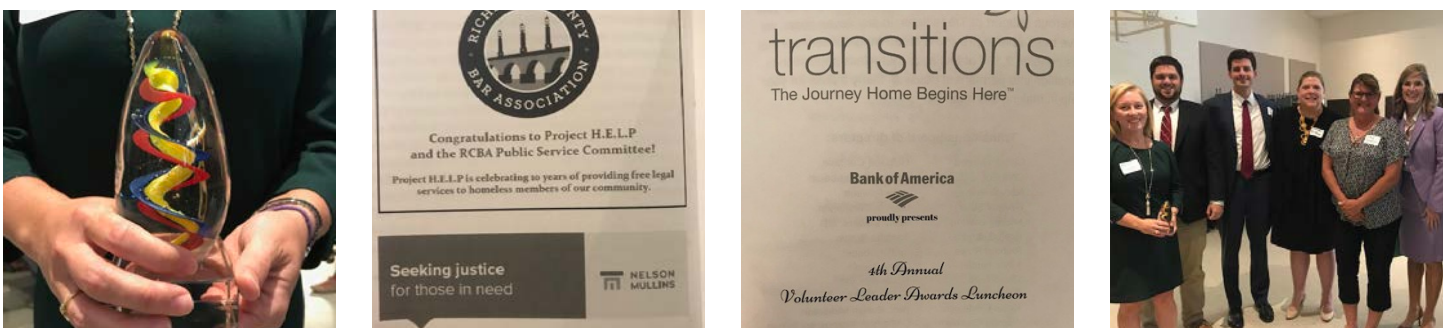
*Amy L.B. Hill is a litigation attorney at Gallivan, White & Boyd. She can be reached at [ahill@gwblawfirm.com](mailto:ahill@gwblawfirm.com)*

## Farm to Table Dinner: September 25, 2018



## Transitions Luncheon: September, 11 2018

Luncheon Recognizing the RCBA's Project H.E.L.P.





# FastCase Legal Research:

## What South Carolina Bar Benefit Started in 2003 and Why Should I Care?

by Bill Booth

Since 2003, all SC Bar members have been eligible to use an online legal research service as a member benefit. That year, the House of

Delegates met at Wofford Col-



lege and approved subscribing to the Casemaker legal research service for each Bar member. All other legal research services required the payment of a monthly fee for access to case law and statu-

tory law. While this Bar benefit

immediately allowed the solos and small firms to consider dropping their subscription to other services, there was also another benefit considered by the House of Delegates—giving the members a means for maintaining competence in the practice of law. Again, a great Bar benefit.

In 2014, the Bar switched to the Fastcase legal research service and it remains available as a free Bar benefit. As of June 1, 2018, thirty state bar associations offer Fastcase to their members. The Fastcase service includes an app for your mobile device found in the Apple App Store and the Android Google Play Store. The login information for the app is the same as your username (email address) as for the Bar's website.

But do you use Fastcase or are you one of the Bar members that has never heard of this Bar benefit? Yes, some Bar members claim they have never

heard of this FREE benefit. So, for you members in the dark, take time, learn about, and practice using the Fastcase legal research service.

It is easy and convenient for a Bar member to obtain access to the Fastcase legal research service. Logging in is easy by going to the Bar website ([www.sctbar.org](http://www.sctbar.org)) and then clicking on the "For Lawyers" menu item near the top of the website. Then you will see a drop-down menu item called "Fastcase Legal Research."

If you are not already logged in, you can then log-in and then click on the button "Access Fastcase." By clicking on the button, you then find yourself at the Fastcase website.

So, what is the scope of coverage provided by the Fastcase service? The Bar's subscription includes almost all reported cases from South Carolina state courts, federal cases, Attorney General opinions, and some law reviews. Fastcase offers the option of printing in PDF or Microsoft Word format.

In 2017, Fastcase released a new version of its legal research service: Fastcase 7. This was a complete overhaul and upgrade of Fastcase, with a new interface, new features, and new tools. The object was to make it even easier to use for searching multiple legal resources across different jurisdictions if you want to do a broad search.





Currently, Fastcase allows a Bar member the option to switch between Fastcase 6 (the established version) and Fastcase 7 (the beta version). You can switch to Fastcase 7 by clicking on a slider switch on the toolbar when you first login to Fastcase. By clicking this slider switch on the toolbar, the interface changes from Fastcase 6 to Fastcase 7. User guides are available for both versions on the Fastcase legal research page.

Fastcase 7 is still considered a beta version, and there is no published target date for the phase out of version 6 and using version 7 only. Fastcase recently released a major update to the Fastcase 7 platform known as Version 7.3 with a code name of "Mercury." Apparently, planets in our solar system will be used as codenames as developing Fastcase 7 progresses. The Mercury version is now available to Bar members when you flip the toolbar switch. The upgrade to this version includes many new features and a complete visual overhaul including a new color scheme, new menu, and new icons. Greater detail is provided for each document and your result (a blue color to distinguish underneath the document title). The history and favorites of the previous version are now combined or merged into

a single panel called "My Library."

The training resources available to Bar members are extensive so if you need help to construct and run a search, there are written materials and videos for immediate access. From the simplest explanation of how to flip the switch to use version 7 (YouTube video with a link on the Fastcase legal research page of the Bar website) to webinars for learning about advanced tips for enhanced legal research services, you have everything you need.

The other benefit that comes with the Fastcase service is support via phone call or email from M-F 8am–8pm EST. There is a user guide for the Mercury version under the help and support link at Fastcase support.

So, you have a choice. You can continue to do your legal research by using hardbound books and using post-it notes to mark the cases to read, or you can use your browser (meaning Google Chrome, Microsoft Edge, or Mozilla Firefox).

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

# Connection, Curiosity, and Courage:

## An Exhortation from Bryan Stevenson

by Jack Pringle

The American Bar Association recently awarded Bryan Stevenson with the ABA Medal, which “recognizes exceptionally distinguished service by a lawyer or lawyers to the cause of American jurisprudence.” Stevenson gave a stirring acceptance speech, which is available online.

The four themes Stevenson presented in his speech are instructive for *all* lawyers.

Sidebar: I fully expect the following criticism:

1. “I don’t spend my days representing those who are sitting on death row. What on Earth would someone like Stevenson have to say that would resonate with me?”
2. “I don’t believe Stevenson. He is inflammatory and his idea of justice is trying to tear down our institutions. Plus, I am not a member of the ABA and don’t believe it speaks to me or for me.”
3. “Meh. And besides, everything you write about is supposedly ‘timely’ or ‘crucial’ or a ‘must-read.’ If this is not going to lead directly to more business for me, then I am not interested.”

These are fair points. But consider (a) whether what the speech emphasizes is precisely why you resist hearing Stevenson’s message and (b) how these themes might encourage you to take a little different view of the shape you’re in and the challenges you face. If you didn’t have any challenges, you would never have picked up this article or got-

ten this far reading it.

### Proximity: Get Closer to People in Need and the Problems That Need Solving

We’re awash in clichés. Not just in politics, but in our offices and homes and at lunch and on social media. And there is nothing wrong with heuristics (clichés being one example) that help us express truths and concepts in shorthand ways, as long as the words are still infused with meaning and value.

The problem arises when the way we talk and think maintains distance (ironic or otherwise) from the things that require closer examination or a fuller consideration.

For example, the term “thoughts and prayers” is wonderful, provided that the speaker is (1) actually having thoughts and saying prayers and (2) taking appropriate actions (helping, listening, etc.). But often the routine, rote, and reflexive utterance is *all* that is real, and there is no underlying substance beyond creating the appearance that something worthy is taking place. In other words, not only is there no thinking and praying, but necessary connection to people and their grief may never occur.

Bringing the topic of clichés a little closer to the law practice, we all want to “think like a lawyer,” “build our practice,” and “find a niche,” but do very



little of the real work that would entail: a close examination of what our practices involve and what our clients really need. And then we remain stuck and frustrated and seemingly powerless to make progress.

As Tom Peters emphasizes, effective leaders must walk around workplaces and “get close to where the work is really done.”

You have to *connect*. If you want to solve problems, you have to see them for what they really are. It's not enough to repeat a term your founding partner used sixty years ago. And that means getting close. Dare I say it, uncomfortably close. (But I am getting ahead of myself).

### **Change the Narrative (Of Fear, Anger, and Anything Else that Keeps You from Seeing Problems and Their Solutions)**

Similarly, the narratives (think stories if that is more helpful) that drive our lives are accepted without question because they are provided from someone

higher up the chain or are the ones we've been told for a long time. And many of those stories still resonate and help drive success. But your job is to determine which ones no longer hold meaning. Many of us recall hearing “the law is a jealous mistress,” (what is the male counterpart of “mistress”?), and its warning that our profession can be all-consuming. That cliché may still resonate, but let me suggest another one:

### ***“The technology you use is a jealous mistress.”***

One of these mistresses is taking something very valuable from you, and giving you nothing in return. You can debate whether either, both, or neither of these narratives speak to you. But my point is that some of these stories aren't serving you.

The fear of change is real. And fear performs an important function: to keep you from investing needless energy into changing something that is working for you (“If it ain't broke, don't fix it”).

***continued on page 17...***





## Connection, Curiosity, and Courage (...continued from page 10)

But if you want to overcome fear (of being wrong, of rocking the boat, of disagreeing with everybody in the room) in order to bring about necessary change, you have to be more curious than you are afraid. (a tip of the cap to Elizabeth Gilbert).

### Stay Hopeful (“Hopelessness is the Enemy of Justice.”)

And curiosity frequently gives way to hopelessness (despondency, apathy, helplessness), especially when you’re awash in cynicism (“Livin’ the dream...”), negativity bias, crushing debt, and new challenges. Hence the need to keep some degree of hope alive.



And I am not talking about Panglossian optimism that does not take reality into account. To the contrary: see my point above.

I just mean enough energy and willingness to engage and work toward the future with the idea that we’ll still be relevant in it. I agree wholeheartedly with Kevin Kelly on this point:

***The future belongs to the optimists, for it’s hard to be responsible for generational thinking if you’re a pessimist.***

And that takes courage: enough heart to fuel convictions to sustain you when things aren’t going well in the office or in the economy.

### Increase Your Willingness to Do Things That Are Uncomfortable

I love that this was the ultimate theme of Stevenson’s speech, because it encompasses the other three so nicely. It is uncomfortable to engage with difficult situations and wicked problems. Challenging an established narrative or a long-held belief is uncomfortable and scary. And worse than that, it’s impolite (gasp), especially here in the South where you’d sooner duel in the middle of Main Street than get into an argument.

Even being hopeful is uncomfortable when it runs counter to the stories being told around us.

And having uncomfortable conversations takes all the connection, curiosity and courage you can muster. If you are looking to recharge your practice, or charge it for the first time, then don’t you need meaning and heart, a mindset that is open to learning new things, and the willingness to confront the facts no matter how stark they are?

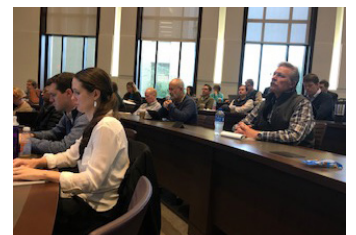
And if you disagree, will you please confront me directly?

*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.*

## USC & RCBA Networking Events: September 2018



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# Self-Awareness:

## The Starting Point For Increasing Our Emotional Intelligence

by Henry Deneen

As discussed in previous articles, the most fundamental aspect of improving Emotional Intelligence starts with understanding ourselves, including why we do what we do and how we act the way we act—that is, basic self-awareness. In this article, I will outline several strategies for better understanding ourselves and increasing our own self-awareness.

### What to Avoid

We should avoid statements that disclaim responsibility for behaviors we know are counter-productive, such as “that’s just the way I am.” I have heard this so many times over the years, and it’s rarely said following a positive, helpful statement or behavior. While this statement may be true, it doesn’t excuse behavior that belittles, denigrates, or demonstrates a lack of compassion for or insight into the feelings of others. Saying “that’s just the way I am” indicates a degree of self-awareness, but there’s more to it than that. We must move to the next step, which is self-management. Simply being aware of negative behavior and not making course corrections is of little value. Self-awareness, followed appropriately by self-management, can be pivotal skills for lawyers.

### What to Do Instead

#### 1. Reflection

How do we improve our self-awareness? First, I suggest spending time thinking about this issue and the impact we are having on others. Self-reflection

is an important step. When I leave a room, are people happy to see me go, or do they wish I’d stay? Have my contributions been positive or negative? Developing a checklist for ourselves would be helpful. We need to ask ourselves these types of questions:

- How am I treating others?
- How am I coming across to others?
- How am I relating to fellow attorneys, clients, and administrative staff in my office?
- Am I getting proper rest and eating well?
- Am I taking time away from the office?
- Do I have a short fuse? Is my temper getting the best of me?
- Do staff and others avoid me?

#### 2. Critical Questions

As a part of this self-reflection, we need to ask ourselves three questions:

- What do I do well?
- What motivates/satisfies me?
- Which people/situations “push my buttons”?

The answers to these questions will guide us on the road to better understanding ourselves and can lead to positive results. I understand that we have pressures in terms of time and billing, as well as family responsibilities, all of which push against our taking the time to ask ourselves these questions and honestly answer them. I encourage you







to engage in this process and ask your spouse and friends to answer these questions about you. Having this feedback is critical.

Asking these questions leads to valuable results. We are more likely to pursue the right opportunities, put our strengths to work, and prevent our emotions from holding us back. Nothing can be more frustrating than for us to be doing things we either don't enjoy or aren't equipped to do; not working in ways that play to our strengths; and allowing our emotions to interfere with our work and damage our relationships. Allowing our emotions to go unchecked can lead to a stifling of job advancement, loss of business, and broken relationships. We see this all of the time in the news, the political arena, sports arenas, and sometimes in our practices. Unchecked emotions are one of the most devastating issues in society today and will be addressed in a future article.

### **3. Labeling Emotions**

Another tool that can be invaluable in self-awareness is naming our emotions. We tend to be very simplistic in describing our emotions and how we are feeling at any point in time. We use lowest common denominator descriptors—I'm good, I'm hap-

py, I'm sad, etc. Recently, my wife asked me how I was feeling about a particular subject. After I described how I felt, she said, "Oh, you sound discouraged." It was helpful to name that emotion, and I encourage you to name emotions during the day. I'm frustrated, I'm excited, I'm envious, I'm feeling helpless, I'm bothered by this—these are some examples of vocabulary that is richer and will help us identify emotions and more effectively deal with them. Once they are named, we are much more apt to address them, rather than ignoring them and continuing to push them below the surface.

I encourage all of you to talk about this issue with your partners in your firms, as well as friends and family members. We can make progress, but it requires self-initiative and commitment to growing in self-awareness. It's worth the effort!

*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.*

# Noteworthy News & Announcements

**Bluestein Thompson Sullivan, LLC** announces that **Timothy Mercer** has joined the firm. He will practice exclusively in the area of Veterans Disability. Before receiving his juris doctor degree from the USC School of Law, Tim served as a sergeant in the United States Marine Corps, and trained troops from Mozambique to prepare them to be peacekeepers in Somalia. Before his service in the Marines, Tim graduated in 2008 from Embry-Riddle Aeronautical University with a bachelor's degree in aerospace studies. While in law school, Tim worked as a law clerk both for Bluestein Attorneys and the South Carolina Attorney General's office. As a law student, he was vice president of the Service Members & Veterans in Law Society and managing editor of the South Carolina Journal of International Law and Business.

**Haynsworth Sinkler Boyd** is pleased to announce that **Ronald T. Scott** has joined the firm as an associate. Ron's practice focuses on working with local government organizations in public finance, economic development and healthcare law matters. A graduate of the University of South Carolina School of Law, Ron enjoyed a successful career in public administration and local government prior to attending law school. He served as the Director of the Department of Community Development for Lexington County and also worked as the Chief Organizational Development Officer for a cooperative health center. Ron was a member of the South Carolina Law Review, Black Law Students Association, John Belton O'Neall Inn of Court and Order of the Wig and Robe. He was the University of South Carolina School of Law 2018 "Compleat Lawyer" bronze medallion recipient and the South Carolina Chapter of the Association of Corporate Counsel Award recipient. Ron received his M.P.A. and B.S. from the University of South Carolina and currently serves on the Palmetto Health board of directors.

**Wendy W. Franklin**, former member of Luce, Moore &

Franklin, LLC of Columbia has joined **Fidelity Title Insurance Company** as vice president and underwriting counsel.

**Grant Burnette LeFever** has joined **Burnette Shutt & McDaniel** as its newest associate. LeFever plans to focus her legal practice on employment law, family law, education law and litigation. A 2018 graduate of the USC School of Law, LeFever earned CALI Awards for workers' compensation law and legal research, analysis and writing. She also holds a master's degree in Southern Studies from the University of Mississippi, a degree she completed while also attending law school. She graduated cum laude from Presbyterian College with a degree in English and History. Prior to becoming an attorney at Burnette Shutt & McDaniel, she served for more than a year as the firm's senior law clerk. She's written the chapter on workers' compensation for the upcoming fifth edition of "Labor and Employment Law for South Carolina Lawyers." She also served as assistant editor for the book, a publication of the South Carolina Bar.

**Lewis Babcock LLP** announces that **Joseph B. Berry** has joined the firm's Columbia office as an associate attorney located at 1513 Hampton St., Columbia 29201.

**Taylor Lucas** recently joined the Columbia office of **Ogletree Deakins** as an associate. She previously worked for Montgomery Law Firm in Bluffton, SC and is the 8<sup>th</sup> immigration attorney in Ogletree's Columbia office. She is admitted to practice in South Carolina. Lucas earned her J.D. and her B.A., magna cum laude, from the University of South Carolina.

**McAngus Goudelock & Courie** is pleased to announce the addition of attorney **Monica Towle** to the firm's Columbia office. Towle focuses her practice on litigation. She earned a Juris Doctor from the University of South Caro-

lina School of Law and a Bachelor of Arts from the University of South Carolina. Prior to joining MGC, she defended clients in professional liability and insurance coverages matters at a firm in South Carolina. Monica is an Alumni Coach for the Mock Trial team at the University of South Carolina School of Law.

**McGowan Hood & Felder, LLC** announces that **Richard A. "Trey" Jones III** has joined the firm's Columbia office located at 1517 Hampton St., Columbia 29201.

**McNair** is pleased to announce **Grayson Lambert** has been selected by Leadership South Carolina's Board of Trustees to participate in the Class of 2019. Dedicated to educating and enlightening highly motivated people, Leadership South Carolina chooses participants who have demonstrated commitment and service to their community and strive to reach a higher level of service for the benefit of the state. Lambert is an associate with the firm's litigation section. He was recently a participant in the SC Bar Leadership Academy, was appointed to the United States Court of Appeals for the Fourth Circuit Advisory Committee, and he is a member of the SC Bar's Trial & Appellate Advocacy Section Council.

**Edward W. Mullins, Jr.** will be honored as the 2018 Humanitarian of the Year award recipient at United Way of the Midlands annual dinner and award ceremony on Thursday, February 21, 2019 at the University of South Carolina Alumni Center. The Award is given each year to individuals who clearly demonstrate extraordinary leadership in philanthropic and human services. It is the highest single honor of philanthropic achievement in the Midlands. Mullins recently retired after 58 years with Nelson Mullins, where he was among the firm's leaders who began the growth that would lead to offices in other cities and states, an expansion of legal practice areas, a more diverse work environment, and a significant commitment to pro bono and community service. The firm now consists of 770 attorneys in 25 offices in 11 states and the District of Columbia. Whether mentoring young lawyers and en-

couraging them to engage in community service or giving his personal time, talent and treasure to organizations like United Way of the Midlands, Mullins always made giving back to his community a priority.

"Ed will be remembered as a razor-sharp litigator with an encyclopedic knowledge of the law who brings out the best in others," said U.S. District Court for South Carolina Judge Joe Anderson, himself a recipient of the United Way of the Midlands Humanitarian of the Year Award. "It's been said that what you leave behind is not what's engraved on stone monuments, but what has been woven into the lives of others. Ed's been a strong gold thread in the brilliant tapestry of our lives."

**J. Pamela Price** announces the opening of **Price Law Firm, LLC** located at 6160 St. Andrews Rd., Ste. 2, Columbia 29212.

**Janet Rhodes**, a seasoned litigator who's practiced employment law for nearly 10 years in Columbia, is the newest partner at **Burnette Shutt & McDaniel**. Rhodes represents clients in a wide variety of work-related legal issues in both South Carolina and federal courts. She's handled cases involving the Family Medical Leave Act, the Fair Labor Standards Act, the Americans with Disabilities Act and more. Her work has included cases covering sexual harassment, equal pay, age discrimination, wrongful termination and contract disputes. Rhodes graduated magna cum laude from Wofford College and earned a juris doctor at the Charleston School of Law. She is active in the legal community, serving as chair of the South Carolina Bar's Employment and Labor Law Section EEO Committee.

**Scott & Corley, PA** announces that **Craig T. Smith** has joined the firm's Columbia office located at 2712 Middleburg Dr., Ste. 200, Columbia 29204.

**Sojourner, Caughman & Thomas, LLC** announces that Ryan Wallace has become an associate of the firm located at 1301 Gervais St., Ste. 1920, Columbia 29201.

*continued on page 24...*



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

The **South Carolina Office of the Attorney General** announces that **Wesley A. Vorberger** has joined the agency as an Assistant Attorney General located at 1000 Assembly St., Columbia 29201.

The **South Carolina Workers' Compensation Educational Association (SCWCEA)** is pleased to announce the newest recipient of the Lifetime Service Award, **Grady L. Beard** of **Robinson, Gray, Stepp & Laffitte, LLC**. The award is the highest honor bestowed by the organization and given by the SCWCEA Board to individuals who have contributed significantly to the success and betterment of the SCWCEA and/or the South Carolina workers' compensation system. Beard attended Louisiana State University, graduated from Northwestern University, summa cum laude, with a BS degree and received his J.D. from Emory University School of Law. He is a Certified Mediator with the Supreme Court of South Carolina, a member of The College of Workers' Compensation Lawyer,

Fellow, the Defense Research Institute, the National Workers' Compensation Defense Network, the South Carolina Defense Trial Lawyers Association and serves as an Advisory Board member for Larson's National Workers' Compensation.

United States Attorney **Sherri A. Lydon** announced and welcomed Assistant United States Attorney **Elliott Daniels** to her staff this week. Elliott obtained his undergraduate and law degrees from The George Washington University and studied law at Oxford University, where he received a diploma in international and human rights law. Prior to law school, he worked abroad and in Washington, D.C., in the international human rights field. Elliott most recently worked as a civil defense attorney at Murphy & Grantland, P.A. in Columbia, where he led the firm's practice group representing survivors of trafficking. He will join the Criminal Division with a focus on Violent Crime.

### HAYNSWORTH SINKLER BOYD



**Costa M. Pleicones**

Former Chief Justice Pleicones has joined Haynsworth Sinkler Boyd as a Certified Federal Court Mediator, in addition to being a Certified Circuit Court Mediator and Certified Arbitrator. His practice also focuses on appellate court matters.

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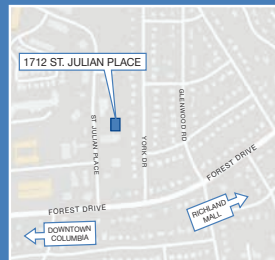
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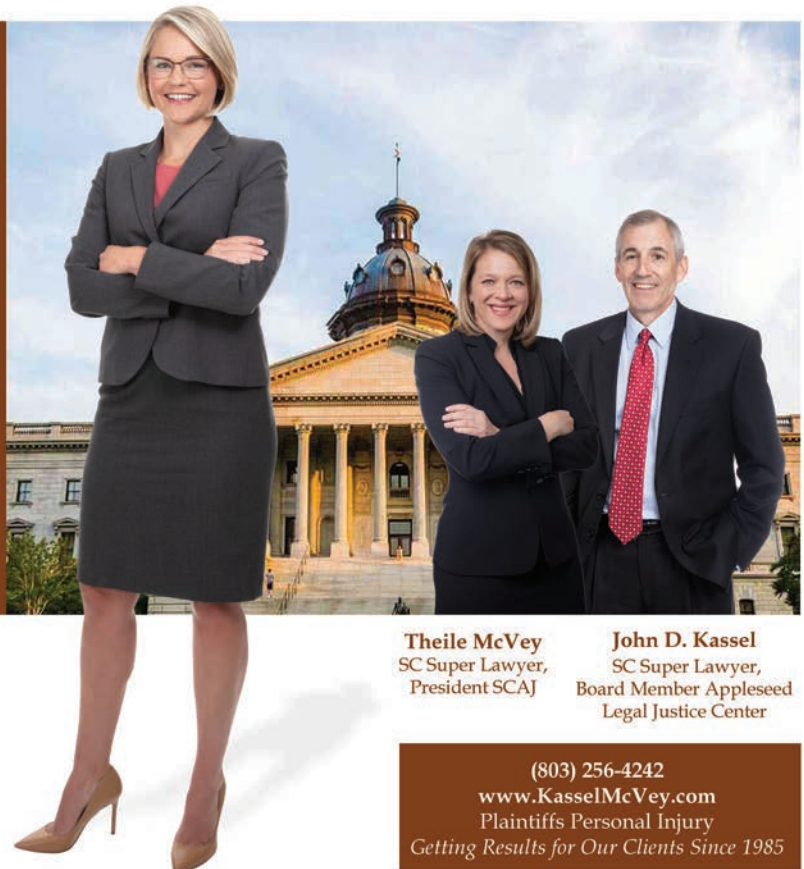
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## Kassel McVey Proudly Welcomes New Associate Attorney Jamie Rutkoski

Jamie Rutkoski completed her undergraduate degree at the University of South Florida in Tampa, Florida. She went on to complete her law degree at the University of South Carolina. After law school, she served as a judicial law clerk to both the Honorable G. Thomas Cooper Jr. and the Honorable Jean H. Toal before joining Kassel McVey in August.



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## **In Other News**

### **Julius "Jay" Richardson serves as a United States Circuit Judge of the United States Court of Appeals for the Fourth Circuit.**

Judge Richardson grew up in Barnwell, South Carolina before attending Vanderbilt University. After graduating in 1999 with a Biology degree, Jay moved to Hawaii and worked at a pool-side bar-and-grill. Jay then earned his juris doctorate from University of Chicago Law School, where he served as Articles Editor for the University of Chicago Law Review and right fielder for the law school's championship softball team. Following law school, Jay served as law clerk for Judge Richard A. Posner of the U.S. Court of Appeals for the Seventh Circuit and Chief Justice William H. Rehnquist of the Supreme Court of the United States. He then practiced with Kellogg Hansen in Washington, DC, representing a variety of companies in contract, fraud, intellectual property, and antitrust disputes. Jay returned to SC in 2009 as an Assistant United States Attorney focusing on prosecuting violent crime, gangs,

terrorism, public corruption, civil rights, and narcotics trafficking. He successfully led the prosecution of United States v. Dylann Roof. He and his wife Macon are blessed with four girls, Perry (10), Tayloe (8), Landry (6), and Dabney (1).

### **Judge Dorothy Mobley Jones Retires**

Judge Dorothy Mobley Jones was elected in 2005 by the S.C. General Assembly as a family court judge for the Fifth Judicial Circuit. Judge Jones received her undergraduate degree from the University of South Carolina in 1974 and her law degree from the University of South Carolina School of Law in 1978. Judge Jones was in private practice in the area of domestic law for the years prior to taking the bench. During her time on the bench, Judge Jones has always treated litigants and lawyers with the utmost respect. She consistently displays patience, compassion and wisdom in her courtroom. The lawyers who appear before her regularly will miss her greatly upon her retirement.