

January - March 2019

# RICHBARNEWS

*Newsletter of the Richland County Bar Association*



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# **RICHBARNEWS**

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## **Executive Committee**

Kristen Horne - President

Charles F. "Charlie" Moore - President-Elect;

Ashley C. Story - Member

Walt Cartin - Member

Mike Polk - Treasurer

Harrison Saunders - Member

Jack McKenzie - Immediate Past President

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## **On the Cover**

Photo by Lucas Brown of Kickstand Studio





# From the Editors

by Mike Polk & Van Horger

We are excited for another year at the RCBA. In case you missed our Annual Meeting in December 2018, we want to introduce you to our new leadership: Kristen Horne as our President, Charlie Moore as President-Elect and new Executive Committee Member Harrison Saunders. Additionally, we have recapped the recipients of the awards presented at the meeting.



Be sure to check out Kristen Horne's first column as President and find out how she wants to hear from you about how the RCBA can best serve your needs.



Additionally, the RCBA is still diligently working on the initiatives Jack McKenzie brought to your attention in the last year. Jack continues to keep us updated on the Supreme Court Beautification project and how we still need your help.

Please do not miss the quickly-approaching Oyster Roast on Thursday, March 7, 2019. This year the family-friendly event will be held at the Gardens of the Woodrow Wilson Family Home (1705 Hampton Street). There will of course be oysters and also chili from local favorite Billy Mote Catering and toe-tapping music from the Mustache Brothers.

Finally, keep an eye out for notices from Mandy Wren of the RCBA's many events. In addition to the many social events the RCBA continues to plan, you'll find many interesting lunch-and-learns and opportunities for free CLEs sponsored by the RCBA and others.

## Upcoming Events

**Oyster Roast** | Thursday, March 7, 2019 | Gardens of the Woodrow Wilson Home

**Lowcountry Boil honoring our Judiciary** | Thursday, May 16, 2019 | The Hunter Gatherer Brewery at the Hangar

**Memorial Service** | Friday, June 21, 2019 | Richland County Judicial Center

**Judicial Reception** | Tuesday, Sept. 17, 2019 | Columbia Museum of Art

**Farm-to-Table Dinner** | Thursday, Oct. 10, 2019 | City Roots

**Ethics CLE** | Friday, Oct. 25, 2019 | USC School of Law

**Annual Meeting/Holiday Party** | Wednesday, Dec. 4, 2019 | Columbia Museum of Art

From the President

# Plans in the New Year: Resolutions for 2019

by *Kristen Horne*

It is hard to believe that 2019 is well underway. How many of us set resolutions or intentions for the new year and have already had to remind ourselves of what we hoped to accomplish? I raise my hand. Instead of major changes or unrealistic goals, I'm personally trying to chip away at little things, a little bit at a time. So I've made my bed almost every day this month, but there was a whole week when I didn't make it to the gym. I suspect I'm not the only one.



The RCBA is making some new year plans too. As a quick look back, our Executive Committee and exceptional Executive Director, Mandy Wren, have been finding current topics and extraordinary speakers for our annual ethics CLE, spearheading the beautification of the Supreme Court grounds, trying out the RCBA farm-to-table dinner at City Roots in September, updating the magazine you're holding right now, and generally making RCBA events more varied and fun. Our 2019 goal is to make sure that as we try new ideas and the work of the bar continues to grow, it's in the direction that our members want.

We know our nearly 2000 members come together because we see value in fostering our profession through the bar. So how exactly do we make it better for you, the members? We are doing a lot of things well, but we want to know if there something new or different you'd like to see from the RCBA. The only way we can figure out what you need and want is for you to tell us. What would make you feel more connected and engaged? How can we shape this community of lawyers in the ways that you value?

Be on the lookout for details about joining us for a meal and a conversation to share exactly what you're thinking. We are hosting a small series of events facilitated by Charles Weathers to get your input and actually figure out what to do with it.

Come and tell us you want a regular breakfast meeting for solo practitioners to trade ideas, you'd like to form a committee to start an RCBA podcast, you've been practicing for five years and you're feeling like you don't know how to grow into the next phase of your career, you feel like every event is just for new lawyers or just for established lawyers, or that you want Holy City's Pluff Mud Porter to be served at every event. (I promise we take food and beverage suggestions seriously.) This is your chance. Charles is an inspiring leader, but if you can't attend one of our conversations in person, reach out to me, Mandy, or anyone on the Executive Committee to give us your thoughts.

*continued on page 4...*

# 2019 Executive Committee

Pictured from left to right: Charles F. "Charlie" Moore - President-Elect, Harrison Saunders - Member, Ashley Story - Member, Dave Maxfield - Past President, Kristen Horne - President, Jack McKenzie - Immediate Past President, and Mike Polk - Member and Treasurer. Not pictured - Walt Cartin - Member.



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

Let's be sure the RCBA continues to promote the deep civic engagement that we as lawyers are specially poised to use in shaping our community and advancing justice. We will absolutely have a good time and some good food while we do it. It is the RCBA's New Year's resolution.

*Kristen Horne is an Assistant Vice President and Senior Counsel for Unum Group, which includes Colonial Life, Unum US, and Unum UK. She can be reached at [khorne@unum.com](mailto:khorne@unum.com).*

# Bar Bites:

## Work Smarter and Play Harder

by Jamie Smith

There is never a dearth of exciting things happening in the greater Columbia area, and for the most part, I've kept a finger to the pulse of the city since moving here twelve years ago. Bar Bites is a perfect way to stay "in the know" while juggling a chaotic schedule, so I was thrilled to sign on as the column's co-editor last year. But as I geared up to elicit new submissions for the latest issue, I realized, much to my dismay and downright horror, that I've not taken time to follow up on the excellent recommendations previously published in the column. In fact, things have been so busy at work lately that I've not taken the time to do much of, well, anything.



Now don't get me wrong, I love my job. But I also love my life outside of work, the life that Bar Bites encourages, and so I made it a priority to reestablish healthy boundaries and find that elusive work-life balance that seems to exist only in MCLEs. To get started, I assessed how I was spending my time at work. Not surprisingly, I found that days go by where my to-do list gathers dust while I tend to the dozens of "more urgent" matters that pop up unexpectedly. Studies suggest that the average office worker is interrupted every three minutes, and that it can take upwards of 23 minutes to refocus after an interruption. I'm a lawyer, not a mathematician, but those numbers sound daunting; they also explain why I so often leave the office after a twelve or fourteen hour day feeling utterly unaccomplished. And after speaking with colleagues practicing at other firms and in different fields of law, I know that I'm not alone in this respect.

And so, with that knowledge, it's time to limit interruptions and distractions, stay on task, and get back to the Columbia social scene. So far, I've tried removing email notifications from my phone, which has noticeably increased my productivity at work and at home—I never realize just how much that red bubble advertising unread messages gnawed at me. Additionally, regular use of the Calm app has greatly assisted with meditation, mindfulness, and mental clarity. But what has been most helpful is the advice of friends and peers in the legal profession on how they minimize distractions, stay organized, and maintain focus. With their guidance, I'm finding my way back to the finer things in life (like the true crime podcasts recommended in the last column), and it seemed prudent to share that advice with those of you who may be in similar situations.

I hope that you find these tips as useful as I did, and if not, don't distress—we'll be resuming our regularly scheduled Bar Bites program next time, so send me your latest obsessions at [jsmith@mklawgroup.com](mailto:jsmith@mklawgroup.com)!



To stay focused, I like to listen to relaxing music that I already know and like. The music helps regulate my mood, and it keeps the part of my brain that wants to wander focused on the music. The other part can focus on the work I'm trying to do.

**- Janet Rhodes, Burnette Shutt McDaniel**

I always have a main calendar with deadlines and appearances, but I also make a to-do list every morning of the things I want most to get done. I also keep track of ongoing tasks in a spreadsheet that's color-coded by urgency. Having multiple layers and multiple angles of organization helps ensure I don't forget anything and keeps me working towards the most immediate deadline.

**- Nathan Rouse, Richland County Public Defender's Office**

One thing that I realized was impacting my productivity was the notifications on my phone for email, texts, and social media—every time I got an alert, I would stop what I was doing to look at it. So, I did three things to try and combat this. First, I turned off all the notifications for social media. Second, I invested in an Apple Watch and started placing my phone away from me in the office, that way I could just look at my wrist to see if whatever was popping up on my phone was worth me stopping to look at it. Finally, I'm trying to implement an email schedule, where I only check email at certain times of the day. I've heard this is a "thing" to try, but I'm still on the fence of whether it makes sense for me and my practice.

**- Sheila Willis, Fisher Phillips**

I use a single notepad for literally everything. I write down notes for every single thing I do during the day. If a partner walks into my office and gives me a task, I write down notes on what to do. If a client calls or I attend a deposition, I write down notes in my notepad to help dictate a summary. If I do an outline of my job tasks for the day or week, I write it in my notepad. I write down a note for everything, even just random legal thoughts that pop into my head I might want to follow up on. And I date the notepad for each day, so the notepad flows chronologically throughout the day. If I don't get to a task for a few days, I just grab my notepad and turn back to review all my notes and thoughts that came into my head when I first got this task. You don't realize how much you forget when you are busy and you don't write down every single thought you have.

**- Jon Asbill, Baker Ravenel Bender**

One thing I live by these days is I have digitized my to-do list, which I used to keep on paper, and I put alarms/timers on each to-do item and so I get a tickler on an item every day or every week depending on when I need to get it done.

**- Josh Austin, Cleartalk Wireless**

My rule for staying on task is simple: don't get behind. When I get behind all I can think about is the work I have to do. So it gets kind of annoying. And getting caught up is twice as hard as being caught up, so I stay caught up. To stay organized, I have a plan for every case I handle. Sometimes the plan has to change, but for the vast majority of cases, the plan is the plan. To stay on task, I follow that plan until I have to modify the plan or the case resolves. At a minimum I review every case once a week to make sure we are moving forward. Eliminating distractions is nearly impossible during working hours, so I embrace distractions. But I stay focused by remembering what it is like to be behind and what it takes to get caught up. And life, for me, is more enjoyable when I am caught up.

**- Stephen Vicari, II, Stewart Law Offices**

# 2018 Annual Awards Honorees



## **John W. "Tootie" Williams Distinguished Service Award: R. Davis "Dave" Howser**

Dave Howser is a partner and shareholder at Howser, Newman & Besley concentrating his practice in professional liability law, products liability, defense trial litigation, business litigation, and insurance coverage. Born in Charlotte, North Carolina, he is a graduate of Duke University and the University of South Carolina Law School.

Dave is particularly involved in the representation of architects, engineers, attorneys and other professionals in malpractice or professional liability cases. Active in the International Association of Defense Counsel, he has served as a member of the IADC Executive Committee. He is the author of numerous articles in the area of insurance coverage and has written extensively in the area of professional ethics. According to one of his colleagues, Dave exemplifies all that is the Oath of Civility. Further noting, it is difficult to imagine him in a disagreement or acting anything less than the consummate professional that he is. Dave is a member of the South Carolina Defense Trial Attorneys Association, the De-

fense Research Institute, and the American Board of Trial Advocates (South Carolina Chapter Trial Lawyer of the Year, 2007). He is a Master of the John Belton O'Neill Inn of Court serving as President, 2009-2010. He is also a permanent member of the Judicial Conference of the Fourth Circuit. Another colleague noted that he is perhaps one of the most passionate attorneys to practice law – it is not only his vocation, but his life. Over the years, his fellow attorneys have admired and learned from his extensive knowledge and experience. If he does not know the answer, he will point you in the right direction. For this reason and many more, the RCBA is honored to present the 2018 Tootie Williams Distinguished Service Award to Dave Howser.

## **Matthew J. Perry, Jr. Civility Award – Judge: The Honorable Clifton Newman**

Judge Clifton B. Newman was born in Kingstree and raised in Greeleyville, South Carolina, where he graduated valedictorian of Williamsburg County Training School. His inspiration to pursue a legal career



originated while playing the role of an attorney in a high school play about the 1954 school desegregation case of *Brown v. Board of Education*. While attending Cleveland-Marshall College of Law, he served as Chief Justice of the University Judiciary and worked for the Legal Aid Society representing indigent clients. Returning to South Carolina in 1982, he started a private law practice and was appointed Assistant Solicitor for Williamsburg County the following year. After 24 years as a practicing attorney and 17 years as Assistant Solicitor, he was elected Circuit Court Judge by the SC General Assembly in May 2000.

Colleagues note that he truly loves being a judge – he enjoys interacting with people and takes time to talk to the jury. He tries to actively engage all those present in his courtroom. Judge Newman is devoted to his law clerks, becoming almost a surrogate father to many of them. His daughter, the Honorable Jocelyn Newman, states that it is truly a pleasure, privilege, and honor to work with her father. His role requires him to make thoughtful, deliberative, and often hard decisions but she notes he makes it look easy because he genuinely enjoys what he does. When she has the occasional downtime, she often observes him in his courtroom and soaks in his expertise and experience. He is proud of his family and as a father has long been invested in making sure that his four children are most importantly, good people. Judge Clifton Newman is a member of I. DeQuincey Newman United Methodist Church where he faithfully serves as Chairperson of the Administrative Council and is a member of the Executive Board of The I. DeQuincey Newman Institute for Peace and Social Change. The RCBA is pleased to present this year's Civility Award to the Honorable Clifton Newman.



### **Matthew J. Perry, Jr. Civility Award – Lawyer: William “Bill” Toal**

William T. Toal was born in Columbia and was awarded an undergraduate degree in Chemistry from Yale University. After a three-year enlistment in the United States Navy, Bill enrolled in law school at the University of South Carolina, graduating first in his class. Upon graduation, he became a law clerk to the Chief Judge of the United States Court of Appeals for the Fourth Circuit. The following year, Bill was the only full-time lawyer in the newly formed Public Defender's Office in Greenville County.

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## 2018 Annual Awards Honorees (...continued from page 8)

Bill joined Johnson, Toal and Battiste in 1975, bringing with him extensive courtroom experience, both at the trial and appellate levels. His trial practice includes criminal, personal injury, commercial and property litigation, and Social Security hearings. One of his longtime colleagues noted that Bill is a “lawyer’s lawyer” in every sense of the word. He is absolutely dedicated to the profession, making sure it enhances and fulfills its obligation to serving the public. Bill brings experience, a wealth of knowledge, and an enduring commitment to the legal profession and to the community he serves. He has never compromised on this dedication - not only being knowledgeable and well-versed on all aspects of the law

but ensuring foremost that our profession would be of service. According to his nomination, Bill emulates Judge Matthew J. Perry, Jr. in a most exemplary way, and it is with honor that the RCBA presents the 2018 Matthew J. Perry, Jr. Civility Award to Bill Toal.



### Civic Star Award: Nekki Shutt

Nekki’s goal as an attorney is to treat every client with dignity and to strive for justice. These values were instilled at an early age, as she watched her mother, a public defender who went to law school when Nekki was in second grade, advocate for people trapped in the system. Similarly, Nekki represents clients in their fights against the system. A co-founder of Burnette Shutt & McDaniel, Nekki’s practice includes an emphasis on employee benefits under ERISA, as well as a range of other employment law issues, such as wage disputes, discrimination and wrongful termination. In addition to her legal career, Nekki has long been committed to the cause of social justice. In 2002 she was a founder SC Equality, the state’s LGBTQ

civil rights organization. She served on its board and related boards for 15 years. Her legal work at times has overlapped her commitment to the cause. Nekki and firm co-founder Malissa Burnette led the legal team that paved the way for same-sex marriage in South Carolina nine months before the U.S. Supreme Court ruled all states must recognize same-sex marriage. Nekki's outstanding legal skills and commitment to the cause were apparent in this landmark accomplishment. She has encouraged her firm to advocate for and financially support this important civic work. Nekki is also committed to helping the next generation of lawyers. She's created, planned and presented a number of CLE programs for the SC Bar. One CLE she co-created, "Against The Wind: A Legal History of Civil Rights in South Carolina," received a national Award of Professional Excellence from the Association for Continuing Legal Education. The RCBA is honored to recognize Nekki Shutt's tireless devotion, commitment to service, and unlimited enthusiasm with one of this year's Civic Star Awards.

### Civic Star: Doug Strickler

The other Civic Star Award was given posthumously to Doug

Strickler, former chief public defender for South Carolina's 5th Judicial Circuit. His award was accepted by his wife Jean and chief public defender Fielding Pringle. Doug was known for his commitment to our community, our less fortunate, our profession, and our justice system. Former SC Supreme Court Chief Justice Costa Pleicones noted "he knew what was important, and what wasn't important – he was just an excellent lawyer." One colleague called him a quiet giant in our legal community. "He truly believed in the right of counsel and that everybody, regardless of ability to pay, regardless of guilt or innocence, is deserving of representation, and the best representation possible. That was his life," said longtime friend and fellow attorney Sue Berkowitz. Other colleagues noted that he promoted professionalism, integrity, compassion and hard work among those he mentored, opposed in court and inspired in practice. Doug did not seek recognition or accolades during his lifetime but we are fortunate to pay tribute to his unmatched dedication to public service and leadership by recognizing him with one of the 2018 Civic Star Awards. Doug Strickler's contributions to the practice of law have inspired and will continue to inspire all of the attorneys he touched.





# Meet the 2019 Leadership of your Richland County Bar Association



## President, Kristen E. Horne

Kristen Horne is an Assistant Vice President and Senior Counsel for Unum Group, which includes Colonial Life, Unum US, and Unum UK. She previously practiced with Nelson Mullins and worked as a law clerk for the Honorable Cameron McGowan Currie at the United States District Court for the District of South Carolina. She is a Gamecock by way of law school, and proudly wears the orange and blue of her alma mater, the University of Virginia.

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

house she grew up in from her parents, Debbie and Steve Hamm, where she and Chad live with their four young daughters and elderly springer spaniel – yes, also a girl.

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

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

## President-Elect, Charles F. Moore

Charlie Moore is a shareholder at Turner Padgett and is a graduate of the University of South Carolina and the University of South Carolina School of Law. Prior to attending law school, Charlie worked for BB&T as a corporate banker. He began his legal practice at Turner Padgett working as a summer associate in 1997. Following graduation, he joined the firm in the general practice of litigation, concentrating on civil defense.

With a client base comprised largely of insurance carriers and private businesses, Charlie's specific area of expertise is liability defense. For the past four years, he has taught "Personal Injury Essentials," a CLE program for the South Carolina Bar. He is a member of the John Belton O'Neill Inn of Court, and he was recently inducted into ABOTA. Charlie has served as past chair of the Young Lawyer's Division of the RCBA, chairman of the Board of Directors for Trinity Cathedral Day Care, and he is a past member of the City of Columbia's Tree and Appearance Commission. In 2018, he was again an honored recipient of Legal Elite of the Midlands. He is an avid hunter and outdoor cook. Charlie and his wife, Mahalie, have three active children, and the family makes its way down to Edisto Beach as often as possible.



### **New Executive Committee Member, S. Harrison Saunders VI**

Harrison Saunders was born in Columbia, South Carolina, and has lived in Columbia for most of his life. Harrison received a Bachelor of Arts Degree in Theatre from the University of South Carolina in 1996. After working as an actor in New York City, he returned to Columbia to pursue his legal education at the University of South Carolina School of Law.



After graduating from law school, Harrison worked for the Law Office of Jack B. Swerling, then with the firm of Reeves and Saunders. He is now a sole practitioner focusing in the areas of criminal defense, personal injury, and professional licensing. Harrison formerly served as the General Sessions Liaison for RCBA and also serves as the Mentor Coordinator of the USDC Bridge Program, the federal version of "drug court."

He is a frequent participant in continuing legal education seminars with the SC Bar presenting on topics of criminal and civil law. He is co-creator of Sidebar SC, a unique format of presenting legal education produced by the SC Bar.

Harrison is a Past President of the Trustus Theatre Board of Directors and has served on the Trustus Board for nearly six years. He is also a member of the South Carolina Association of Criminal Defense Lawyers and South Carolina Association of Justice. In his free time, he enjoys doing theatre, spending time at Litchfield Beach with his family, and hunting and fishing with his three sons.

# New Tool for Gathering Information: Why Should I Care About Microsoft Forms?

by Bill Booth

How do you gather client information for setting up a new file? How do you gather important details about a new case from the client? Have you thought about creating a survey for client feedback? Using paper is fine but consider using Microsoft Forms as a tool to collect information for these purposes. It is free to use for anyone with a Microsoft personal account and with Office 365 commercial licenses (Office 365 Business Essentials, Office 365 Business Premium, and Office 365 for Business). The service is 100% cloud-based, so there is not a Universal Windows Platform application for Windows 10 currently. Google Forms is another choice for gathering information and has a similar look to Microsoft Forms.



But Microsoft Forms is not a tool for creating and using templates for producing wills and contracts. Instead, Microsoft Forms is a simple app that lets you quickly create an information-gathering form. The construction choices when creating forms are limited with the Microsoft Forms service. Essentially, you can add “choice, text, rating or date picker” controls to a form. The form can be duplicated and sent to others for use. A Microsoft Form can also be shared with others for collaboration purposes or comments. The form automatically adjusts for completion on a mobile device.

For creating questions, several options are available such as a short answer, a long answer, or a multiple-choice answer. A question can be marked as required, meaning that an attempt to submit the form will require the responder to complete an answer to a question. A great deal of customization is also available, such as creating a subtitle and adding images to the questions—firm logo, attorney photo, etc. An image of an email or a cell phone can be added to questions for visual recognition. There are choices for themes or colors as the background for a form. Restrictions can be established for a particular response. For example, you could set a restriction that only allows the inputting of a number or a number within a range of numbers.

There is also a branching feature that allows the next question to be based upon a previous response. At the time of creation, there is a setting to allow anyone to open and complete the form—no Microsoft account or subscription needed. There is also a setting to notify the creator by email notification of each response.

Because the form can be set to allow anyone to open and complete, the responder needs no Microsoft account. When finished, the responder can click on or touch the SUBMIT button at the end of the





form. You can customize the feedback text to say, “Thank you for completing” or “We appreciate your business.” Microsoft Forms is a one-way form, meaning the responder cannot edit after submission. After submission, the responses to the form are available for review. The individual results from the completed forms can be printed. You can collect up to 5,000 responses and export the responses into an application, such as Microsoft Excel, to analyze and get more data.

A great use of Microsoft Forms is creating a client intake form. Questions can be created for a car accident case such as date, time, location. Another question could be about whether the police were called to the accident. A long answer would be to ask the potential client about his or her understanding of how the accident occurred. Information about the client’s automobile insurance and information about injuries could be included. Another form can be created for updates from the client about treatment for a car accident case.

While the application can be easily designed for a set of questions, the choice on how the client will input the information is a choice between a hyperlink or actual inputting while in the office. A hyperlink to the form can be generated and sent by email (remember you can shorten the link address using a shorten URL application). The client can be given a laptop with the form already open on the screen for the client to complete while in the office.

Whether you prefer to read blogs or watch webinars and tutorials there are loads of resources on the web to discover more about Microsoft Forms and what it can do. A Microsoft Forms quick start webpage can show you all the features. To discover: <https://support.office.com/en-us/forms>.

So, do you see the advantages of using this tool for information gathering? You can easily take your existing paper forms for client intake or estate planning information and create a form asking for the same information. This digital tool makes the transition quick and simple.

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

# The Importance of Habits and Curiosity:

## Part I - Valuing Attention

by Jack Pringle

If you think like a lawyer, it may occur to you that that I encourage behaviors that appear mutually exclusive. Here's how the cross-examination might go:

You advocate that lawyers develop habits? *Correct.*

And you encourage curiosity and learning new things? *I do.*

Ah Ha! So, (and with apologies to "Raising Arizona"):

Well, which is it, gray-haired feller? You want I should have more habits or be more curious? Mean to say, if'n I do things routinely, I can't rightly be curious. And if'n I get curious, I ain't gonna be following any routines.



*Okay then.*

time is the only resource you manage. On the other hand, if you entertain the idea that attention is also valuable and worthy of managing intentionally, then you may see these concepts not as "either/or," but instead "yes/and."

This piece will argue for the importance of identifying and managing attention purposefully, and a future ramble will discuss how habits and curiosity fuel one another when we start paying attention to how they can benefit our practices.

You got me. There is *tension* between those two practices. However, tension does not make two goals mutually exclusive. Tension exists between many things that matter: planning and doing, working hard and working smart, doing things right and doing things quickly, and so on. Seeing an irreconcilable *conflict* between two goals, by contrast, is a decision that at least one does not matter.

Habits and curiosity appear mutually exclusive ("either/or") if you believe that

## Attention and Intention

Attention is putting your mental energy on something right now by observing or listening. Intention is following up on a plan you have created for the future. Attention is your focus, intention determines where you put it.

Sounds so simple, right? Figure out what's important, and then put your attention there. But what happens when a constant barrage of information short circuits your plan to do the important in favor of the urgent?



*You there in the back ... I will see you now.*

## What Attracts Attention (i.e. “Distracts You”)?

The brain is programmed to respond to what is novel, pleasurable, or threatening. That response was undoubtedly an important survival mechanism when each stimulus required attention (you couldn't wear noise-cancelling headphones to ignore a saber-toothed tiger). Not so much in a modern office. The urge to act on the most recent email in your inbox must involve equating “urgent” (or at least “recent”) with “important.” If a group of people are waiting to see you, are you inclined to meet first with the one standing in the *back* of the line?

This “need” to respond to new things gets repeated and reinforced when delivered directly to our desktops or to the devices that rarely leave our hands. Sometimes the urge to respond involves clients and potential clients. Often the distractions are not business-related. The brain doesn't distinguish, even when there are matters right in front of us that are or could be more important. And biting on distractions, even the profitable ones, doesn't take place as a result of any planning. But it feels like things are getting done.

Let me offer a couple of examples demonstrating how this plays out.

**Example One:** I spoke at the Bar Convention in January. Someone sat close to the stage with laptop open and scarcely took eyes off of that screen for the 75 minutes I spoke. One of two things was happening: 1) this lawyer had work more urgent/important than my talk; or 2) something displayed on that computer captured all attention.

*continued on page 17...*



## ***The Importance of Habits and Curiosity (...continued from page 16)***

**Example Two:** While drafting a brief or other document, you receive numerous emails and calls that might offer immediate client value opportunities. (Include the siren songs of social media notifications as appropriate). You (or I) answer them reflexively as if working inside sales, since it feels good to feel the love (or that like), get that work done, and bill the time right now.

### **Is Time Is the Sole Measure of Value or Cost?**

Both of these examples are perfectly rational from the perspective of time: in the first the attorney is killing two birds with one stone; and in the second the lawyer is responsive and pursuing all potential opportunities. Plus, both feel productive for the reasons described above.

However, I think this work approach presumes at least two things:

- *Quantity* of time is the only measured unit of value; and
- The way time is spent has no *qualitative* effect on its value. Each unit of time spent on one task (e.g. drafting the brief) is as valuable as (and unaffected by) the time you spend on another task (the intervening emails).

What is missing from the equation? *The value and costs of attention*. Does sustained attention without numerous interruptions produce a different product? Surely the quality of attention you place matters?

Do you answer emails during an oral argument, while in a worship service, or during sex? Those activities are important enough to make preventing interruptions from them essential. We assume that at least one interested party is getting less than full value if your full attention is compromised.

Time is certainly necessary, *but not sufficient*. Consider the role attention plays in how you work, and whether you might benefit from using it a little more intentionally. More next time...



*I always give clients my full attention. And stop calling me "Shirley."*

*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 @jjpringlesc on Twitter.*

# Annual Meeting and Holiday Party

Wednesday, December 5th, 2019 at the Columbia Museum of Art



# Noteworthy News & Announcements

**Hunter Adams** has joined **Baker, Ravenel & Bender** as an associate. He practices in the areas of automobile liability, civil litigation, premises liability, and insurance coverage. Hunter was born and raised in Sumter. After attending the College of Charleston, he left the South to study law at American University in Washington, but returned to South Carolina to begin his legal career among friends and family.

**Bell Carrington Price & Gregg, LLC** announces that **Michael Masciale** has joined the firm's Columbia office located at 508 Hampton Street.

**Celeste Bowers** has joined **Robinson Gray** as an associate. Celeste focuses her practice on commercial transactions, real estate development, and real estate litigation. She advises clients on all aspects of commercial real estate transactions, including but not limited to closings, title issues, and contract formation, negotiation, and interpretation. While pursuing her JD at the University of South Carolina School of Law, Celeste also completed an International Master of Business Administration at the Darla Moore School of Business. Her bachelor's degree in political science is also from the University of South Carolina.

**John Boyd**, shareholder at **Haynsworth Sinkler Boyd**, has been elected to the Columbia Chamber of Commerce Board of Directors. John is active in the Columbia community, serving as President of the Board of Directors for the Nickelodeon Theatre. As a member of the Environmental Technical Committee for the South Carolina Chamber of Commerce and a founding Board Member for the South Carolina Clean Energy Business Alliance. John chairs HSB's Environmental Practice Group and practices in the areas of environmental, regulatory, administrative and general corporate law.

**M. Malissa Burnette**, a founding partner of **Burnette Shutt & McDaniel**, has completed 25 years as a South Carolina Supreme Court Certified Specialist in Employment and Labor Law. The distinction puts her in select company. Only 18 certified specialists in the employment field have held the credential for at least 25 years, according to the South Carolina Supreme Court Commission on CLE and Specialization. Of the nearly 500 members of the South Carolina Bar Employment and Labor Law Section, only 22 percent are certified specialists. Firm co-founder **Nekki Shutt** is among them. South Carolina began certifying employment law specialists in 1987 and is one of only four specialties the state recognizes.

**Burr & Forman LLP** announces its merger with **McNair Law Firm, PA**. The Carolinas based offices will operate as Burr Forman McNair for two years.

**Callison Tighe & Robinson** has donated \$10,000 to Harvest Hope Food Bank for the 10th consecutive year, bringing the firm's total contributions close to \$110,000. Callison Tighe made its first donation to Harvest Hope in 2009, as the country and the region struggled to recovery from the recession. The



firm's partners decided that year to contribute to the food bank in lieu of holding a holiday party. Harvest Hope partnered with 506 non-profit agencies to distribute 27.8 million meals in 2017.

**Clawson and Staubes, LLC** announces that **Julie A. Coleman** and **DeShawn H. Mitchell** have joined the firm's Columbia office located at 1612 Marion Street.

**Cromer, Babb, Porter & Hicks, LLC** announces that **Jake A. Isenberg** has joined the firm's Columbia office as an associate located at 1418 Laurel Street.

**Davidson, Wren & Plyler, P.A.** announces that **David A. DeMasters** has become a partner of the firm located at 1611 Devonshire Drive. The firm is also pleased to announce that **Steven J. Luckie** has joined the firm as an associate attorney.

**Kevin Garrison**, attorney with **Robinson Gray**, has been appointed to the Clemson University Board of Visitors. Members of the board of visitors, nominated by the university's board of trustees, serve as goodwill ambassadors for the university throughout South Carolina. Kevin is a 1993 graduate of Clemson, where he earned a BS in construction science and management. His practice areas include commercial and residential real estate transactions, real estate development and community association law, foreclosure, work-outs, corporate law, banking law and commercial law.

**Haynsworth Sinkler Boyd** attorney **John Langford** has been selected to the Columbia Chamber of Commerce's 2018-2019 class of Leadership Columbia. As a member of the 46th Leadership Columbia class, John will join 60 local professionals for a 10-month curriculum, including monthly classes, a retreat, a class project and other activities around the Midlands. John focuses his practice on a broad array of corporate law matters, as well as commercial real estate and real estate financing, commercial transactions and economic development.

**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 as the Chief Organizational Development Officer for a cooperative health center. Ron received his M.P.A. and B.S. from the University of South Carolina.

Three **Haynsworth Sinkler Boyd** attorneys have been selected as inaugural members of the J. Bratton Davis Bankruptcy American Inn of Court. **Stan McGuffin** joined the Inn as a Barrister; **Kathleen Muthig** and **Lizzie Weston** are Associate Members. The Inn is comprised of judges, attorneys, and educators through-

*continued on page 21...*

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

out South Carolina. The mission of the Inn is to “promote excellence in legal advocacy and skills as well as emphasize ethics, civility, and professionalism through social program and discussions amongst lawyers, judges and academics.”

**Johnson, Toal & Battiste, P.A.** is pleased to announce that **Mark C. McLawhorn** has joined the firm as an associate attorney. Mark will primarily focus on personal injury cases, criminal defense cases, and appeals. Prior to joining the firm, he was a Federal Public Defender.

**McCabe Trotter and Beverly, PC** announces that **Alex Zuraff** has joined the firm’s Columbia office located at 4500 Fort Jackson Blvd.

**The McKay Firm** is pleased to announce the addition of **R. Keith Taylor, Jr.** as the newest attorney at the firm. Mr. Taylor practices in the areas of civil litigation defense and workers’ compensation defense. A Columbia native, he graduated with a B.A. in Political Science from the University of South Carolina and earned his Juris Doctor from the University of South Carolina School of Law. During law school, Keith worked for both the South Carolina House of Representatives’ Education and Public Works Committees and the South Carolina Senate Oversight Committee.

**McNair** is pleased to announce **Michael Weaver** and **Weyman Carter** have been selected as members of the J. Bratton Davis American Inn of Court. Michael Weaver joins as an associate member, and Weyman Carter joins as Master. The J. Bratton Davis American Inn of Court is a society of judges, lawyers, and educators who seek to enhance the professional and ethical quality of the bankruptcy practice in South Carolina. The mission of The American Inns of Court is to inspire the legal community to advance the rule of law by achieving the highest level of professionalism through example, education, and mentoring.

**Milling Law Firm, LLC** announces that **Sandra V. Moser** has joined the firm’s Columbia office located at 2910 Devine Street.

**Michael Montgomery**, a member of **Robinson Gray** law firm, has been appointed to the Palmetto Health Foundation board of directors. Michael serves as the leader of Robinson Gray’s insurance defense team, and he focuses his litigation practice in areas involving premises liability, automobile and trucking torts, insurance coverage, and products liability. He enjoys mentoring first-year law students at the University of South Carolina School of Law and also oversees the firm’s law clerk program. He is a member of the executive committee for the John Belton O’Neill Inn of Court, as well as the South Carolina Defense Trial Attorneys’ Association.

**Murphy & Grantland** is proud to announce that Shareholder **Anthony Livoti** was recently elected to mem-

bership in the South Carolina Chapter of the American Board of Trial Advocates (ABOTA). ABOTA is an invitation-only organization that has worked since 1958 to preserve and promote the right to a civil jury trial provided by the Seventh Amendment to the U.S. Constitution. Election to ABOTA is based on “personal character, honorable reputation and proficiency as a trial lawyer.” Livoti concentrates his practice in the areas of insurance defense, trucking and automobile defense, and premises liability. He is also a certified circuit court mediator.

**Nelson Mullins Riley & Scarborough LLP** announces that **Rachel Atkin Hedley, Adam Hegler, and Courtney E. Walsh** were selected for partnership in the Columbia office.

**Parise Law Firm, PA** announces a name change to **Parise & Noë, PA** located at 1722 Main Street.

**Shannon Till Poteat** has joined **Robinson Gray** as a member focusing on workers’ compensation and workers’ compensation mediation. Shannon co-authored the second, third, fourth, and fifth editions of The Law of Workers’ Compensation in South Carolina, a comprehensive work analyzing and explaining this complex area of law. She is a graduate of the University of South Carolina School of Law and received her undergraduate degree from Emory University. Shannon is a member of the South Carolina Workers’ Compensation Educational Association.

**Rikard & Protopapas, LLC** announces that **Jescelyn Tillman Spitz** has joined the firm’s Columbia office located at 1329 Blanding Street.

The **South Carolina Chapter of the American Board of Trial Advocates (ABOTA)** inducted the following RCBA members at its annual black tie dinner in January: **J. Andrew Delaney, Anthony Livoti, Charles F. Moore** and **Daryl Hawkins**. ABOTA is a national association of experienced trial lawyers and judges dedicated to the preservation and promotion of the civil jury trial right provided by the Seventh Amendment to the U.S. Constitution.

The **SC Bar Leadership Academy** is a selective program designed to train the next generation of Bar members and community leaders. Participants are equipped with networking opportunities, professionalism training, community awareness and other skills necessary to give back to the profession and position themselves as leaders in our communities. Congratulations to the following RCBA members who were selected for the 2019 Leadership Academy: **Tyler Desmond Bailey, Brett Harris Bayne, Emma Bennett-Williams, Aleksandra Boguslawski Chauhan, Taylor Davis Gilliam, Leslie M. Simpson, and Donna Ojetta Tillis**.

**Turner Padgett** announces that **Ross C. DuRant** has joined the firm’s Columbia office. Ross is on the Products Liability and Insurance Litigation teams. His practice focuses on general civil litigation with an emphasis on personal injury defense and complex products defense. Ross received his Bachelor’s degree from

*continued on page 23...*



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

Clemson University and attended the University of South Carolina School of Law, graduating cum laude.

**Richardson Plowden & Robinson, P.A.** has named attorney **Anthony E. Rebollo** as the Firm's new managing shareholder. Rebollo has 30 years of experience and focuses his practice on tax litigation, tax malpractice defense and financial litigation. He represents taxpayers and tax professionals in civil and criminal tax matters in both state and federal cases. Mr. Rebollo will be responsible for leading the Firm's Executive Committee, executing its client retention and growth strategies, and providing managerial oversight for internal operations. The Firm has also elected attorney **Benjamin P. Carlton** to shareholder. He is a member of the Firm's Business and Corporate Law Practice Group and earned his JD from the University of South Carolina School of Law. Carlton focuses his practice on contract and corporate law, estate planning and probate administration, financial transactions, hospital/healthcare law, and asset acquisitions.

**C.D. Rhodes**, public finance attorney with **Pope Flynn**, has been appointed chair of the Historic Columbia Foundation Advisory Council. The Foundation is dedicated to preserving Columbia and Richland County's historic and cultural heritage and serves as the steward of six historic Columbia properties and gardens. Rhodes received his JD from the University of South Carolina School of Law; he also holds a Master's degree in Public Administration from the University of South Carolina and a BA in Historic Preservation and Community Planning from the College of Charleston.

**Jasmine Smith**, an attorney with **Robinson Gray**, has been appointed to the board of the South Carolina Women Lawyers Association. The mission of the SCWLA is to enhance the status, influence and effectiveness of women who practice law in South Carolina. Jasmine practices in the areas of commercial litigation, professional liability and ethics, securities and FINRA, probate and estate litigation, and appellate advocacy.

**Joy D. Stoney** and **Overture E. Walker** announce the opening of **Stoney & Walker, LLC** with Columbia and Charleston offices located at 1527 Blanding Street and 6650 Rivers Ave., N. Charleston.

**John E. Tyler** has taken a new position as director of Housing Initiatives and Innovation at the S.C. State Housing Finance and Development Authority located at 300-C Outlet Pointe Blvd.

**White & Story, LLC** announces that **Sara Morris** has joined the firm's Columbia office as an associate located at 3614 Landmark Drive. Sara provides counsel to clients on education and employment law, with an emphasis on special education, as well as representation at both administrative hearings and throughout litigation. Sara also enjoys presenting on various special education topics for educational entities across the state.

# Richland County Common Pleas Jury Verdicts

## **17-CP-40-5395**

Stacey P. Sherman v. Dietra M. Watson

Attorneys:

Plaintiff: Joseph Thickens

Defendant: Karl Brehmer

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$1,500

## **17-CP-40-1403**

Steve Clark v. The Estate of James R. Wyatt

Attorneys:

Plaintiff: Scott Hayes

Defendant: Brett Bayne

Cause of Action: Automobile, Combination

Verdict: For Plaintiff

Actual Damages: \$18,574

Punitive Damages: \$1,426

## **16-CP-40-482**

State of SC etc etal v. BP plc., etal

Attorneys:

Plaintiff: Dennis Pantazis, Mark Buyck, Jr., Mark Buyck III, Sonny Jones & Matt Stephens

Defendant: Merritt Abney, David Ott, Martin Roth & Dan Siegfried

Cause of Action: Contract, Insurance

Verdict: For Defendant

## **17-CP-40-2662**

J.A. Beechler v. C.E. Leckie

Attorneys:

Plaintiff: Jessica Gooding

Defendant: R.L. Brown

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$12,000

## **17-CP-40-5912**

Brenda Bailey v. Devon Furgess

Attorneys:

Plaintiff: Barry George

Defendant: Robert Brown

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$31,355.13

## **17-CP-40-3367**

Teresa Kitt v. Allen Dave Dennis

Attorneys:

Plaintiff: Barry George

Defendant: Peter E. Farr

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$3,890.80

## **16-CP-40-7054**

Benjamin Culp v. Matthew Garibaldie

Attorneys:

Plaintiff: David Blackwell, Wayne Ridgeway

Defendant: Robert Brown

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$150,000

## **17-CP-40-4522**

Homer Richardson v. Grayson Johnston

Attorneys:

Plaintiff: Karl Brehmer

Defendant: John A. Delaney

Cause of Action: Automobile, Personal Injury

Verdict: For Plaintiff

Actual Damages: \$10,000



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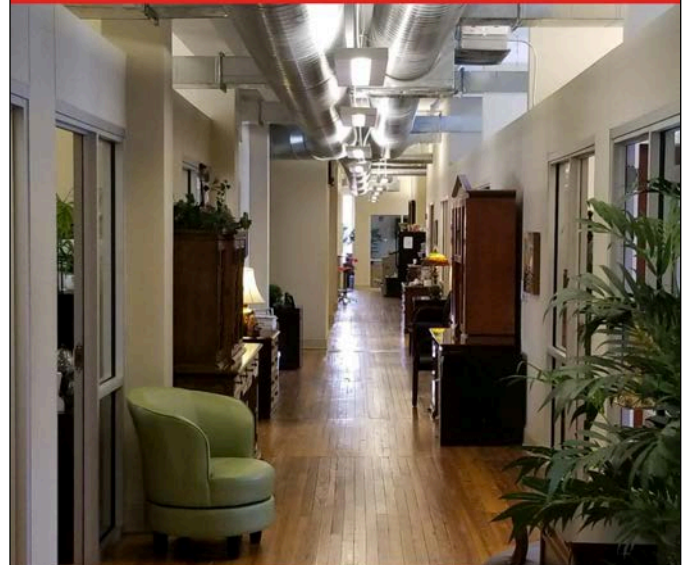
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# **RICHBARNEWS**

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## **Supreme Court Beautification:** Continued Progress Towards Our Goal

*by Jack McKenzie*

As you may have seen in a recent E-Blast, the South Carolina Bar voted to donate \$10,000.00 toward the Supreme Court Beautification project. These additional monies put us close to two-thirds of the way to our goal of \$180,000.00.

There are now eight Cryptomeria trees that sit in the tree bed at First Citizens Bank. In the next month, an additional four will go in. These trees will provide much-needed shade for the Court in the afternoons.

We continue to raise money and hope to reach our goal here in the next few months. If you have not donated, then please consider joining in with many of your friends and colleagues and doing so. Checks can be made out to The South Carolina Bar Foundation and note in the "FOR" section on the check as Supreme Court Beautification Project.

Please mail the checks to Mandy Wren, Executive Director, Richland County Bar Association, PO Box 7632, Columbia, SC 29202.

If anyone has questions or concerns about the project, then please e-mail me at [jackm@mmrml.com](mailto:jackm@mmrml.com) or give me a call at 252-0500.