

The Supreme Court of South Carolina

COMMISSION ON CONTINUING LEGAL EDUCATION AND SPECIALIZATION

October 20, 2025

RCBA

Richland County Bar Association

<u>COURSE #</u>	<u>DATE</u>	<u>COURSE NAME</u>	<u>CREDITS</u>	<u>ETHICS</u>	<u>SA/MH</u>	<u>TRIAL AD</u>	<u>SPECIALTY CREDIT</u>
258124	10/24/25	Annual Ethics CLE Columbia, SC	3.50	3.50	0.00	0.00	

Your application(s) for accreditation has been approved.

In extending accreditation for CLE activities, the Commission reserves the right to have a representative attend all programs without charge to the Commission and/or its representatives and requires adherence to its accreditation standards found on page two of the Application for Accreditation.

Click this link to review the [**Application for Accreditation.**](#)

Within 30 days of the CLE, attendance is required to be furnished to the Commission with a list of the South Carolina attendees, with South Carolina Bar numbers and attendance totals indicated for each attendee. When submitting a list of attendees, or other correspondence, please refer to the course number(s) indicated above.

All programming is approved on a calendar year basis and expires annually on December 31 of the year in which the program was presented. Programming must be resubmitted (via a comprehensive application packet) in subsequent years to retain accreditation approval. Please note that an application for online, on-demand, teleconference, and in-house programming must be received and approved by the Commission prior to the presentation of the program.

Sincerely,

Commission on CLE
Accreditation Coordinator

Richland County Bar Association

Annual Ethics CLE

Friday, October 24, 2025

8:15 am – 12:00 pm

The Honorable Karen J. Williams Courtroom

Joseph F. Rice School of Law
University of South Carolina

2025 Richland County Bar Association Annual Ethics CLE

Table of Contents:

Agenda/Time Schedule, page 1

Combined Faculty Descriptions, pages 2 – 8

Ethical Obligations of Lawyers When Facing Challenges Presented by Generative AI, pages 9 – 18

Ethics in Child Advocacy, pages 19 – 33

Moderated Panel Discussion on Ethics and Workers' Compensation, page 34

Ethics 2025 – Year in Review, pages 35 – 40

2025 Richland County Bar Association Annual Ethics CLE

Time Schedule/Agenda:

Friday, October 24, 2025

Course #258124

AGENDA

8:15 – 8:30 am	<i>Introduction</i> Justice John Cannon Few, South Carolina Supreme Court
8:30 – 9:15 am	<i>Ethical Obligations of Lawyers When Facing Challenges Presented by Generative AI</i> David E. Sella-Villa, Assistant Professor of Law, Joseph F. Rice School of Law, University of South Carolina
9:15 – 10:00 am	<i>Ethics in Child Advocacy</i> Margaret Fent Bodman, JD – Interim Director and State Child Advocate, SC Department of Children’s Advocacy
10:00 – 10:15 am	<i>Break</i>
10:15 – 11:15 am	<i>Workers Compensation + Ethics – Panel Discussion</i> Commissioner J. Gabriel “Gabe” Coggiola, SC Workers’ Compensation Commission Shannon Till Poteat, Robinson Gray Stepp & Laffitte, LLC Joseph “Joe” Wideman, Jr., Holly Saleeby Atkins Law LLC
11:15 – 12:00 pm	<i>Ethics 2025 – Year in Review</i> Michael J. Virzi, Esquire, Joseph F. Rice School of Law, University of South Carolina

2025 Richland County Bar Association Annual Ethics CLE

Faculty Biographies:

Commissioner J. Gabriel “Gabe” Coggiola

Commissioner Gabe Coggiola grew up in Columbia, where he has lived the majority of his life, building strong ties to the local community. Gabe attended the University of the South – Sewanee, before coming back to Columbia and earning his Bachelor’s degree in history and political science from the University of South Carolina. After college, Gabe attended the University of South Carolina School of Law, where he was a member of the legal fraternity Phi Delta Phi. Gabe earned his J.D. and was admitted to practice in 2005.

After law school, Gabe had the privilege of serving as a law clerk to the Honorable Matthew J. Perry, Jr., Senior United States District Judge for the District of South Carolina. Following his clerkship, Gabe spent the next 15 years at a large regional defense firm, representing employers and insurance companies in workers’ compensation claims. Gabe argued hundreds of cases before the Workers' Compensation Commission and handled a significant portion of the firm’s appellate practice, arguing numerous cases before the SC Court of Appeals and SC Supreme Court.

Gabe is a certified mediator and spent several years helping parties bring complex workers compensation claims to resolution. In 2024, Gabe left the defense practice and began representing injured workers, when he joined the Marc Brown Law Firm to build and manage the firm’s expanding workers compensation practice. In addition, Gabe previously worked in the Office of Disciplinary Counsel for the South Carolina Department of Labor, Licensing, and Regulation.

In October 2024, Gabe was appointed by Governor Henry McMaster to serve as a Commissioner at the South Carolina Workers’ Compensation Commission, and he was confirmed by the Senate in May 2025. Gabe is a member of the Stanford Lacy Workers’ Compensation American Inn of Court as a Master of the Bench.

Outside of work, Gabe is happiest spending time with his wife, Lauren, and his two daughters. Gabe loves going to see live music and participating in outdoor sports. His involvement in the community includes serving as a board member for the Lexington/Richland Alcohol and Drug Abuse Foundation Board, putting together music events to raise money for Families Helping Families and regularly volunteering at his daughters’ school. Gabe and his family attend Trinity Episcopal Cathedral, where he coaches kids’ basketball.

Justice John C. Few

Justice John C. Few was born in Anderson, grew up in Greenwood and graduated from Greenwood High School in 1981. He attended Duke University, where he served as Duke's athletic mascot - the Blue Devil - during his junior year. He graduated with an A.B. in English and Economics and went on to attend the University of South Carolina Rice School of Law, where he was a member of The Order of Wig and Robe and The Order of the Coif. He also served as Student Works Editor of the *South Carolina Law Review* and received his Juris Doctor in 1988.

Justice Few began his legal career as law clerk to the late Honorable G. Ross Anderson Jr., US District Judge. He practiced law in Greenville from 1989 until 2000, and is admitted to practice in South Carolina, the US District Court for the District of South Carolina, the US Court of Appeals for the Fourth Circuit, and the Supreme Court of the United States. He served as a trial judge on the Circuit Court of South Carolina from July 2000 until February

2010. He then became the Chief Judge of the SC Court of Appeals, a position he held until February 2016. He was sworn in as a Justice on the Supreme Court of South Carolina on February 9, 2016.

Justice Few is a frequent public speaker. In 1996, he gave a speech entitled "Citizen Participation in the Legal System," for which he was awarded first place in the American Bar Association's nationwide Edward R. Finch Law Day speech contest. Since that time, he has given numerous speeches to bar associations and civic groups throughout the country. In December 2012, he delivered the commencement speech, entitled "What it Means to be a Lawyer," to the graduates of the Charleston School of Law. In April 2016, he delivered the commencement speech to Lander University. He has given a speech entitled "The Courage of a Lawyer" to lawyers' groups in California, Arizona, Florida, Georgia, North Carolina, and, of course, South Carolina. Justice Few wrote an article based on the speech that appeared under the same name in the Winter 2013 edition of the ABA's "Litigation" journal. He has also been active in teaching law. He served on the faculty at the National Judicial College in Reno, Nevada, from 2005 to 2009 and was an Adjunct Professor of Law and later a Distinguished Visiting Professor at the Charleston School of Law from 2008 to 2012. Justice Few has served as an Adjunct Professor at the USC Rice School of Law since 2012 and has also given or moderated hundreds of CLE seminars in SC and numerous other states.

Justice Few is a Fellow in Liberty Fellowship and a Fellow in the inaugural class of the Rodel Leadership Institute's Judicial Fellowship. He completed the Diversity Leaders Initiative through The Riley Institute at Furman University in 2010. In December 2012, the Charleston School of Law awarded him an honorary Doctor of Laws degree. Justice Few has always been active in community service, even outside of his primary employment in public service. Before becoming a judge, for example, he read to pre-school children on a weekly basis in the Greenville Head Start program, tutored middle-school children through Save our Sons, taught middle and high school classes as part of the Junior Achievement program, and served on the board of Friends of the Reedy River. While he was a circuit judge, he served on the 2003-04 Governor's Water Law Review Committee. Justice Few now chairs the SC Access to Justice Commission. He is married to Columbia attorney Karlen Senn and has three children and two grandchildren. After living in Greenville for over thirty years, he now lives on the Chauga River in Mountain Rest, in Oconee County, SC.

Margaret Fent Bodman, JD

Margaret Fent Bodman currently serves as the Interim Director and State Child Advocate of the Department of Children's Advocacy. She was appointed by Governor Henry McMaster in July of 2025. After obtaining her law degree from St. Mary's University School of Law in 1991, she began her career in prosecution with the Bexar County Criminal District Attorney's Office in San Antonio, Texas. During her eight years in that office, she prosecuted a wide variety of offenses ranging from DUI cases to murder. She also had the opportunity to handle cases at the appellate level and served for several years in the juvenile division of the office.

In 1999, Ms. Bodman came to South Carolina and joined the National College of District Attorneys at the National Advocacy Center. In her capacity as an Assistant Director of Programs, she developed and implemented trial advocacy programs and other continuing legal education classes for state and local prosecutors who were working in offices around the United States.

In 2005, she rejoined the ranks of frontline prosecutors in Richland County, South Carolina. There she prosecuted hundreds of violent crime cases, specializing in the prosecution of sexual assaults involving both child and adult victims. From 2016 until her appointment to the Department of Children's Advocacy, she served as the Prosecution and Law Enforcement Senior Resource Attorney at the Children's Law Center, University of South Carolina School of Law.

She has taught continuing legal education for a number of different organizations, including the U.S. Department of Justice and the Kosovo Judicial Institute in Pristina, Kosovo. In 2013, Ms. Bodman received the Criminal Justice Award from the South Carolina Victim's Assistance Network recognizing her advocacy on behalf of victims.

Shannon Till Poteat

Shannon Poteat is a member at Robinson Gray Stepp & Laffitte, LLC. She co-authored *The Law of Workers' Compensation in South Carolina*, Second, Third, Fourth, and Fifth Editions, a comprehensive book analyzing this complex area of law. Shannon is a member of the South Carolina Workers' Compensation Educational Association and has been consistently recognized by Best Lawyers for her work in Workers' Compensation Law.

Representative Matters: Successfully defended denied cases involving affirmative defenses under the SC Workers' Compensation Act; Participated in multi defendant litigation involving construction litigation with upstream contractors and transfer of liability to the SCUEF; Successfully defended coverage issues raised by carrier involving insured failing to elect coverage under Company policy; Represented carrier in claim under WC Act and successfully had claim dismissed due to failure of other parties to comply with third party statute requirements; Provided representation for carrier resulting in abandonment of repetitive trauma claim while also coordinating ergonomics study to assist in prevention of future claim.

Recognition: SC Lawyers Weekly 'Influential Women in Law' (2024); Best Lawyers – Workers' Compensation Law – Employers (2007 – 2026) and Lawyer of the Year (2022); *Columbia Business Monthly* Legal Elite – Workers' Compensation (2021, 2023, 2024); Martindale-Hubbell AV Preeminent Rating

Publications: *The Law of Workers' Compensation in South Carolina*, Second, Third, Fourth and Fifth Editions

Professional and Community Involvement: South Carolina Bar; Richland County Bar Association; South Carolina Workers' Compensation Educational Association; and South Carolina Women Lawyers Association

Credentials: Bar Admissions – South Carolina Bar

Education: University of South Carolina School of Law, 1993; Emory University, 1990

David Sella-Villa, Assistant Professor

David Sella-Villa joined the University of South Carolina Joseph F. Rice School of Law faculty as an Assistant Professor in July 2024. His primary research and teaching interests focus on law and technology, privacy, cybersecurity, and artificial intelligence.

Prior to his full-time faculty appointment, Professor Sella-Villa served as an adjunct faculty member at the Joseph F. Rice School of Law at the University of South Carolina and William & Mary Law School. He also brings extensive practical experience to his academic role. He served as South Carolina's Chief Privacy Officer, leading the Enterprise Privacy Office and educating state agencies on privacy best practices. Before that, he was Assistant General Counsel for the South Carolina Department of Administration, where he advised the state's IT division. In the private sector, Professor Sella-Villa worked as General Counsel for Tempus Applied Solutions and Global Flight Relief, managing complex transactions and regulatory compliance in the aviation industry. He has also maintained a solo law practice focused on serving pro bono clients.

Professor Sella-Villa's scholarship appears in *University of Richmond Law Review*, *University of Missouri Kansas City Law Review*, the *International Journal of Remote Sensing*, and *The Business Lawyer*. He is an active member of the Sedona Conference Working Group on Data Security and Privacy Liability. His work has also been selected for

discussion at the Privacy Law Scholars Conference – Europe (PLSC-E) and the Annual Symposium on Applications of Contextual Integrity (PrivaCI).

He holds a J.D. from William & Mary Law School. He also earned an M.Sc. in European Political Economy from the London School of Economics and dual bachelor's degrees from West Virginia University. Professor Sella-Villa holds the highest designation from the International Association of Privacy Professionals – Fellow of Information Privacy (FIP). He is admitted to practice law in South Carolina, Virginia, and Pennsylvania.

Michael Virzi

Michael Virzi is a father, runner, cyclist, animal lover, and former Rubik's Cube Champion of Westgate Mall. He is a two-time alum of South Carolina's flagship university, graduating once with honors and twice with student-loan debt. He competed on USC's intercollegiate rugby and mountain biking teams, earned a yellow star from eBay for achieving a feedback score of 10, and was once named the "Conch King of South Florida."

Michael is a former prosecutor for the South Carolina Supreme Court's Office of Disciplinary Counsel and currently practices exclusively in the areas of lawyer ethics and discipline. His work as an expert witness in legal malpractice cases has led to appearances on Court TV and feature roles in true crime documentaries on HBO, Discovery ID, and Oxygen True Crime.

Along with his solo law practice, Michael has been teaching courses in legal writing, ethics, professionalism, and law practice management at the Joseph F. Rice School of Law for the past nineteen years. He is a frequent public speaker, locally and nationally, and a less frequent author of articles about lawyer ethics. His LDLs hover around 100 and he rarely gets sick, but time stops for no one. Michael is fully vaccinated. He wishes everyone knew the truth about split infinitives, 52 factorial, and spacing after periods. Michael is truly grateful to be here and continually wonders how many people read speaker bios.

Joseph "Joe" Wideman, Jr.

Joe Wideman, Jr., joined the Atkins Law Firm in the spring of 2019. Prior to joining the Atkins Law Firm, Joe spent three years with one of the Carolinas' leading workers' compensation defense firms representing businesses and insurance companies. It didn't take Joe long to realize that he wanted to make the switch to representing injured workers. Joe has found a niche where he can use his knowledge and drive to help people who have been hurt on the job and feels blessed to have the opportunity to put his talents to use.

Joe was born and raised in Belton, SC and comes from a long line of working-class folks. From a young age, Joe has always been very competitive and very driven. He also strongly believes in the power of paying it forward. Joe cites his parents and many strong mentors in his life for giving him the tools necessary for success. That same work ethic drives his practice today as he advocates for workers and motor accident victims throughout the state.

The first male in his family to attend college, Joe played Division I football and was a team captain for two years while at Presbyterian College. Joe graduated from PC with a major in Business Management and Accounting. Since graduating from PC, Joe continues to serve his alma mater and currently is a member of the Young Alumni Board and holds a board position for the Midlands Alumni Chapter. After graduating from PC, Joe pursued his legal education at the University of South Carolina School of Law, where he graduated in 2016.

While in law school, Joe proudly served as President of the Honorable Matthew J. Perry Chapter of the Black Law Student Association. He also served as the National Financial Secretary for the National Black Law Student Association. He spends a lot of his free time mentoring others as a way to give back to the community.

When he isn't practicing law or volunteering, Joe is a fitness fanatic, spending much of his free time working out or competing. When Joe isn't at the gym, he enjoys cooking and spending time with his wife, Antonia, and their three fur-babies, Daisy, LuLu and Jemma — as well as spending time with friends and family. Perhaps one of his greatest joys is finding a good deal—the man is not afraid to clip a coupon. He also loves sports, especially football.

Ethical Obligations of Lawyers When Facing Challenges Presented by Generative AI

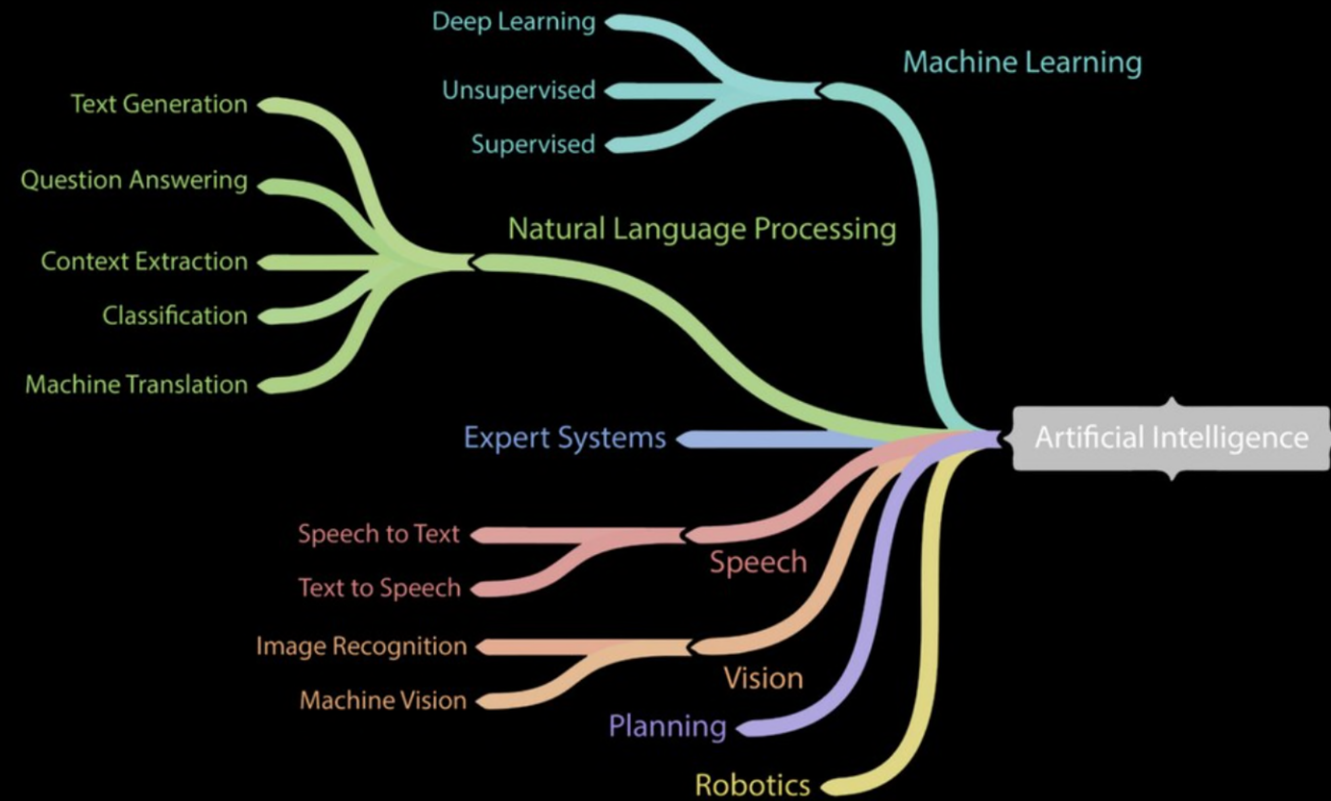
DAVID SELLA-VILLA, ASSISTANT PROFESSOR OF LAW

JOSEPH F. RICE SCHOOL OF LAW - UNIVERSITY OF SOUTH CAROLINA

OCTOBER 24, 2025

Outline

- What is Generative AI?
- Sources of Legal Ethics Guidance from State Bars
- Specific Generative AI Technologies
- Lawyers' Uses Cases for Generative AI
- A Battle of Analogies & Associated Ethical Obligations
- Ethical Considerations – 3 Major “C”s
- Ethical Considerations – 2 Minor “C”s and UPL
- Practical Steps to Address Generative AI’s Ethical Issues
- The Role of Informed Consent
- Addressing Other Issues Posed by Generative AI

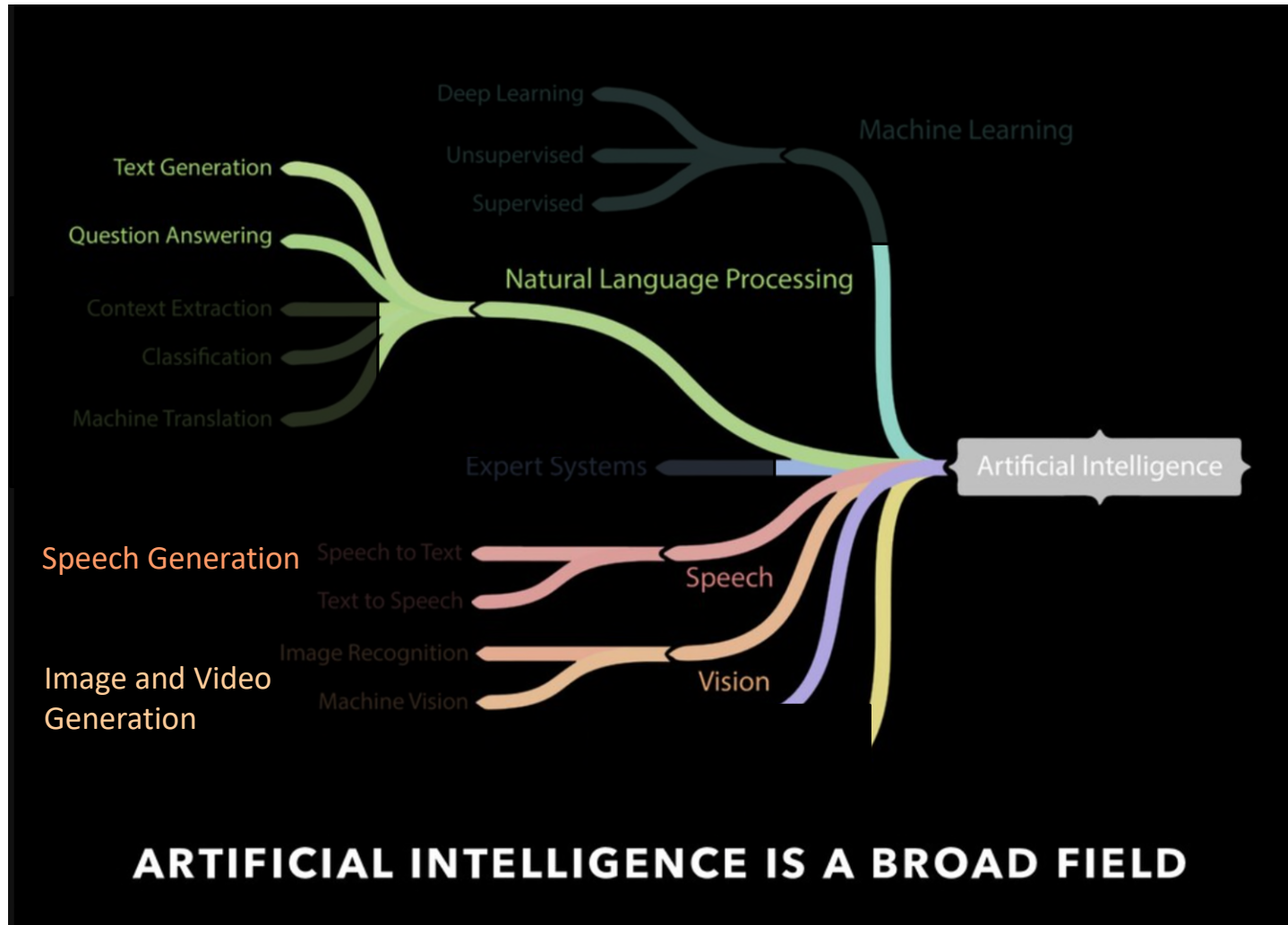


ARTIFICIAL INTELLIGENCE IS A BROAD FIELD

What is Artificial Intelligence?

Slide from Daniel Martin Katz, *Three Forms of Legal Prediction – Experts, Crowds, & Algorithms*, University of South Carolina School of Law, TechInLaw CLE, Feb. 10, 2021

What is Generative AI?



Original slide from Daniel Martin Katz, *Three Forms of Legal Prediction – Experts, Crowds, & Algorithms*, University of South Carolina School of Law, TechInLaw CLE, Feb. 10, 2021

What are the ethical obligations of a South Carolina lawyer when using Generative AI?



These images were generated by Canva using the above question as a prompt.



Guidance from State Bars

Opinions

FL. Bar, Opinion 24-1 (Jan. 19., 2024) (discussing ethical considerations for lawyer use of generative AI)

Reports & Guidelines

DAN RUBINS & JOSHUA WALKER, ST. BAR OF CAL., STANDARDS AND CERTIFICATION PROCESS FOR LEGAL TECHNOLOGY PROVIDERS (Feb. 19, 2019)

BRANDON KRUEGER & ERICA DOHERTY, ST. BAR OF CAL., RECOMMENDATIONS FROM COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT ON REGULATION OF USE OF GENERATIVE AI BY LICENSEES (Nov. 16, 2023)

N.J. SUP. CT., LEGAL PRACTICE: PRELIMINARY GUIDELINES ON THE USE OF ARTIFICIAL INTELLIGENCE BY NEW JERSEY LAWYERS (Jan. 24, 2024)

N.Y. ST. BAR. ASSOC., REPORT AND RECOMMENDATIONS OF THE NEW YORK STATE BAR ASSOCIATION TASK FORCE ON ARTIFICIAL INTELLIGENCE (Apr. 2024)

TASKFORCE FOR RESPONSIBLE AI IN THE LAW, INTERIM REPORT TO THE STATE BAR OF TEXAS BOARD OF DIRECTORS (June 2023)

VA. ST. BAR, THE FUTURE OF LAW PRACTICE (2022)

Articles

Pamela Langham, *Artificial Intelligence: A Legal Minefield for Lawyers*, MD. ST. BAR ASSOC. (Feb. 5, 2024), https://www.msba.org/site/content/News-and-Publications/News/General-News/Artificial_Intelligence_A_Legal_Minefield_for_Lawyers.aspx?We

Tom Askeroth & Matt Granda, *Ethics and AI*, NEV. LAW., Nov. 2023, at 8.

Amanda Hunt, *Weaving Professional Ethics with Artificial Intelligence*, NEV. LAW., Nov. 2023, at 12.

Nathan M. Crystal & Francesca Giannoni-Crystal, *The Duties of Competency and Confidentiality in the Use of Generative Artificial Intelligence*, S.C. LAW., Mar. 2024, at 12.

FL, CA, MD, NV, NJ, NY, TX, SC, VA

GPT-3 Codex

GPT-3 (Generative Pre-trained Transformer 3) uses a process called tokenization to break down text. Many words map to single tokens, though longer or more complex words often break down into multiple tokens. On average, tokens are roughly 4 characters long.

Clear

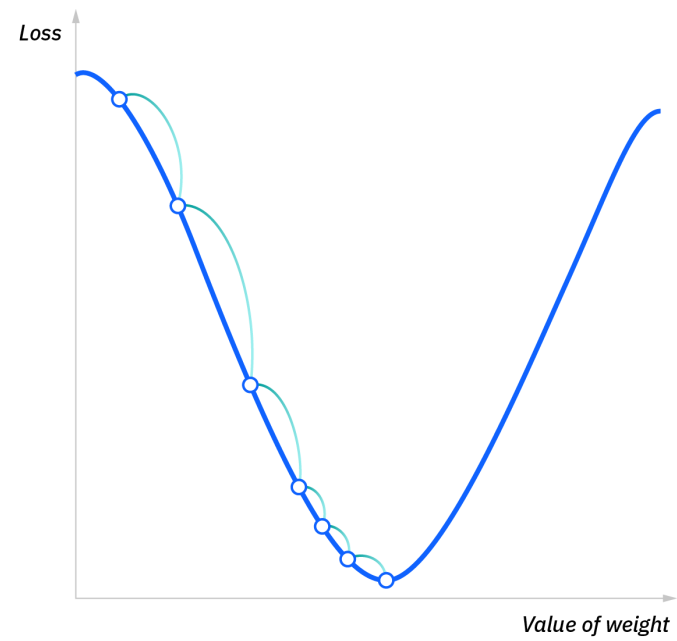
Show example

Tokens	Characters
56	258

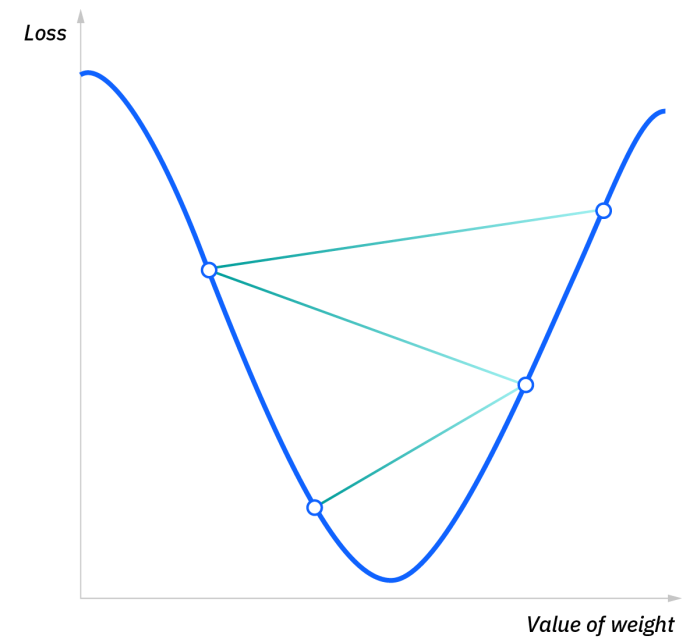
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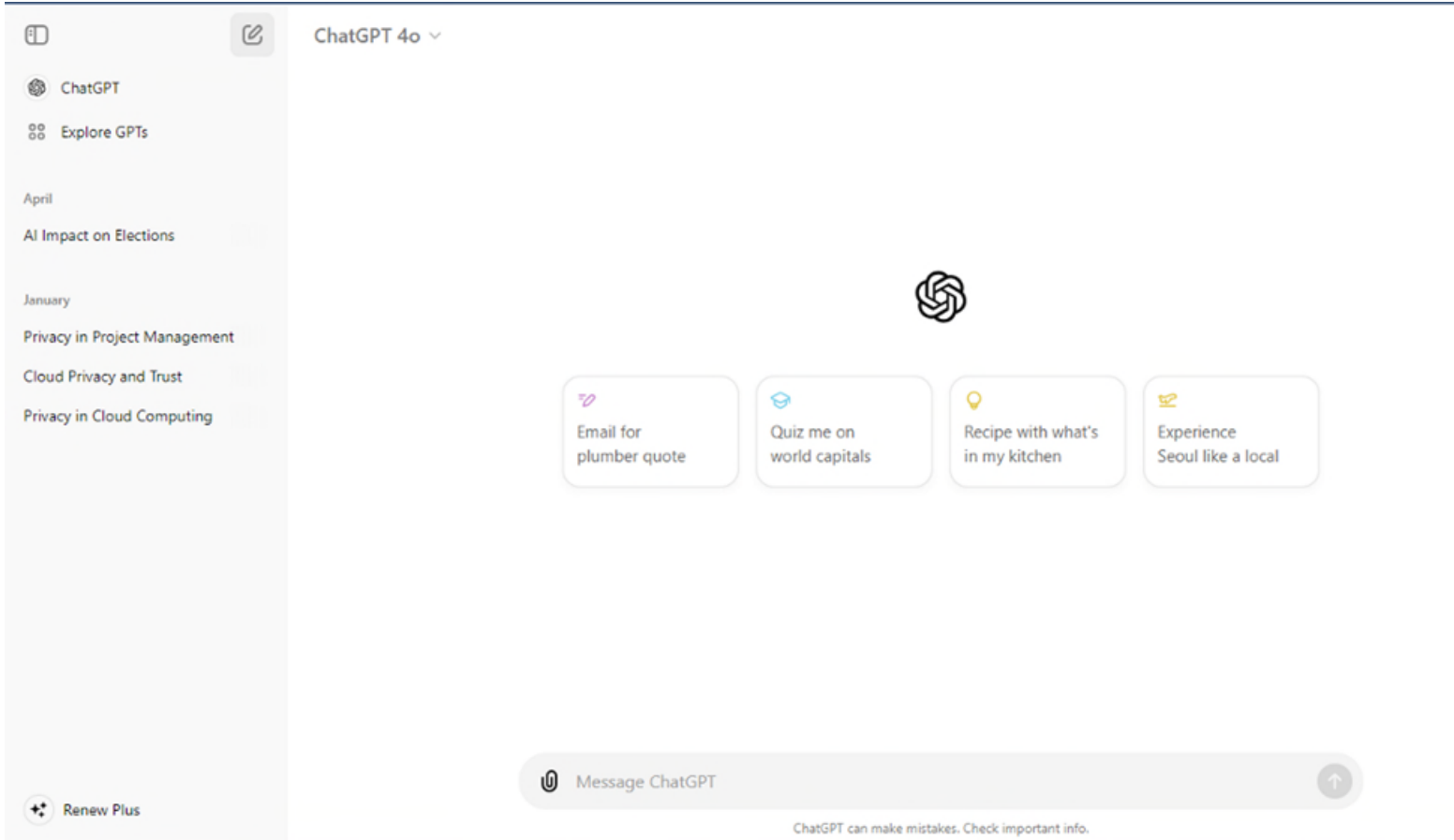
Specific Generative AI Technologies: *ChatGPT*

Small learning rate



Large learning rate





Specific Generative AI Technologies: *ChatGPT*

Some analogous examples



*These are not the droids
you are looking ...*

Can I trust that the AI is telling me the truth?

ChatGPT is not connected to the internet, and it can occasionally produce incorrect answers. It has limited knowledge of world and events after 2021 and may also occasionally produce harmful instructions or biased content.

We'd recommend checking whether responses from the model are accurate or not. If you find an answer is incorrect, please provide that feedback by using the "Thumbs Down" button.

Who can view my conversations?

As part of our commitment to safe and responsible AI, we review conversations to improve our systems and to ensure the content complies with our policies and safety requirements.

Will you use my conversations for training?

When you use our services for individuals such as ChatGPT, we may use your content to train our models. You can opt out of training through our [privacy portal](#) by clicking on "do not train on my content," or to turn off training for your ChatGPT conversations, follow the instructions in our [Data Controls FAQ](#). Once you opt out, new conversations will not be used to train our models.

Specific Generative AI Technologies: *ChatGPT*

<https://help.openai.com/en/articles/6783457-what-is-chatgpt>



Selected by OpenAI

Recognizing GPT-4's tremendous domain-specific potential, OpenAI collaborated with our leaders for months of deep, exacting work to build a version suitable—reliable and secure—for use by legal professionals.



Trained for the law

GPT-4 is powerful, but legal professionals need more. Our attorneys and AI specialists spent months developing and repeatedly testing an OpenAI-powered solution tailored to lawyers' needs and reliable and secure enough to meet the highest bar.



Private and secure

CoCounsel uses dedicated servers to access GPT-4, meaning your data isn't sent to "train" the model as part of publicly accessible knowledge. Your and your clients' information stays private and is secured by bank-grade AES-256 encryption.

Specific Generative AI Technologies: *Casetext/CoCounsel*

Specific Generative AI Technologies: *Microsoft Copilot*

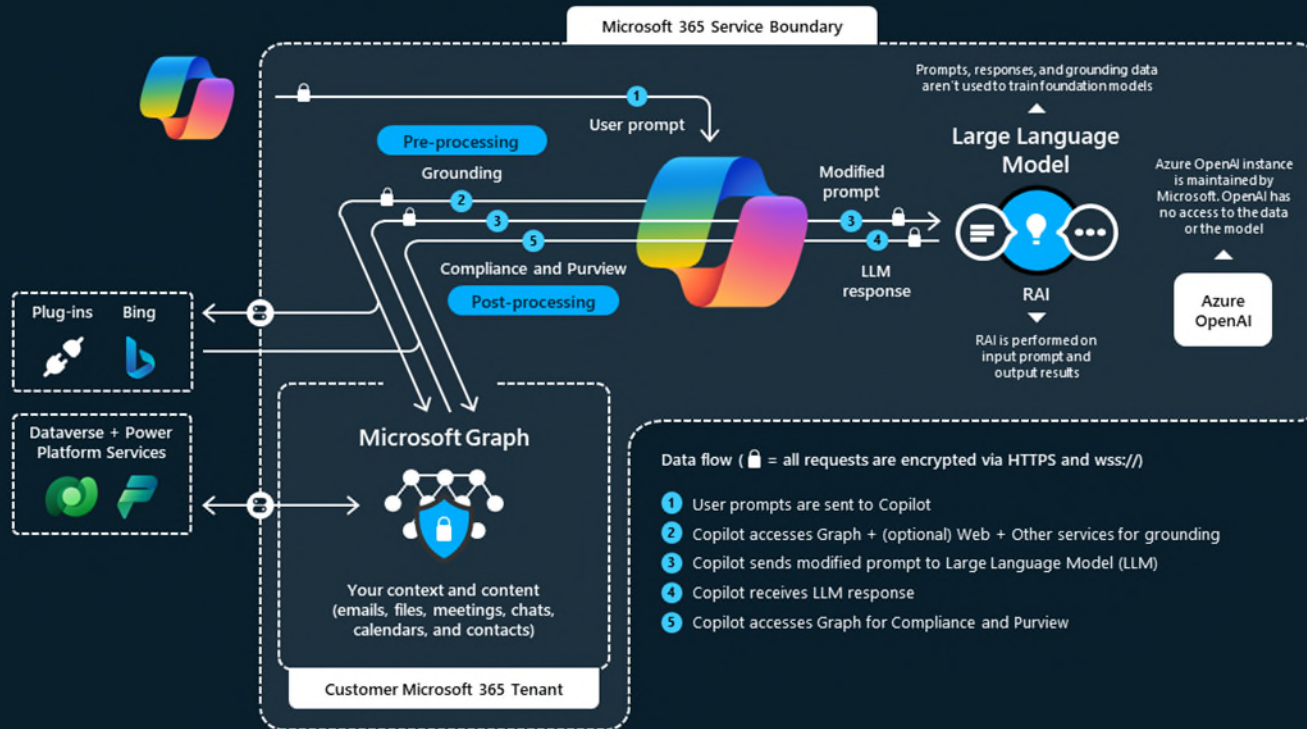
Key Concepts

MS Graph – all permissioned data from Customer's 365 Tenant (your organization's data)

Copilot modifies the user's prompt and response to "anonymize" it

Azure OpenAI powers Copilot

Microsoft Copilot for Microsoft 365 architecture



<https://learn.microsoft.com/en-us/copilot/microsoft-365/microsoft-365-copilot-overview>

Possible Use Cases



eDiscovery

Technology Assisted
Review



Patent Prosecution

Specifio



Legal Research

11th Cir. Concurring
Opinion



Legal Chatbots

Lawdroid



**Drafting Documents
for External Use**

*These images were
generated by Canva
using the bolded
phrases as prompts.*

Possible Use Cases



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**Patent
Prosecution**
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Battle of Analogies

Under the Rules of Professional Conduct, how should we consider a Generative AI when a lawyer uses it for drafting documents for external use?

Options	Corresponding Rule
Pass-through Expense	Rule 1.5 (Fees), Comment 1 , SC Ethics Advisory Opinion 10-08

Battle of Analogies

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Subordinate Lawyer	Rule 5.2

Battle of Analogies

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Options	Corresponding Rule
Pass-through Expense	Rule 1.5 (Fees), Comment 1 , SC Ethics Advisory Opinion 10-08
Subordinate Lawyer	Rule 5.2
Nonlawyer Assistant	Rule 5.3

Obligations under RPC 5.3 Applied to Generative AI

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

With respect to a nonlawyer employed or retained by or associated with a lawyer:
...

(b) a lawyer having direct supervisory authority over the nonlawyer, including a suspended lawyer employed pursuant to Rule 34, RLDE, Rule 413, SCACR, shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

With respect to a nonlawyer employed or retained by or associated with a lawyer:

...

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

1) Review the work created by the generative AI (RPC 1.3) and adopt it as your own, (FL, NY) and

2) Investigate the technology for would-be violations of the ethics rules (VA)

Comment [2] Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. ... A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

Three Major “C”s

Competence - [RPC 1.1](#)

In the *subject matter* (SC)

Ex: *Avianca*

In the *technology* (Comment 8, CA 2023)

“Understanding how the ... [technology] receives, stores, and otherwise manages the data that it receives.”

Doug Kim, *Alternative Legal Service Providers*, S.C. LAW., Jan. 2024, at 28.

Confidentiality – [RPC 1.6](#)

How are prompts and generated responses used by the technology? (CA 2023)

Does the technology have adequate security? (FL, CA 2019)

Conflicts – [RPC 1.8](#)

Can a third party, including the opposing party, access prompts or data submitted via prompts? (NY)

Competence Deep Dive - *Avianca*

- Subject matter of the case
- Federal v. State Court
- Reviewing your own work
- Reviewing work you sign off on
- Understanding the technology
- Responding when confronted



Three Major “C”s

Competence - [RPC 1.1](#)

In the *subject matter* (SC)

Ex: *Avianca*

In the *technology* (Comment 8, CA 2023)

“Understanding how the ... [technology] receives, stores, and otherwise manages the data that it receives.”

Doug Kim, *Alternative Legal Service Providers*, S.C. LAW., Jan. 2024, at 28.

Confidentiality – [RPC 1.6](#)

How are prompts and generated responses used by the technology? (CA 2023)

Does the technology have adequate security? (FL, CA 2019)

Conflicts – [RPCs 1.8 & 1.9](#)

Can a third party, including the opposing party, access prompts or data submitted via prompts? (NY)

Conflicts - Deep Dive

A lawyer shall not use information relating to representation of a client *to the disadvantage of the client* unless the client gives informed consent, except as permitted or required by these Rules ... or when the information has become generally known; or

Current Clients

Could the data access by an LLM be used by opposing counsel, even if they do not access it directly?

Former Clients

How do you differentiate between data from clients who gave informed consent to have their data processed by an LLM and those who did not?

How do you know when data has become generally known to the public? How does the LLM know?

Issue or Positional Conflicts

Informed consent does not cure issue or positional conflicts. Can you keep using an LLM after an issue or positional conflict arises?

Two Other “C”s & UPL

Cost - [RPC 1.5](#)

“A lawyer must not charge hourly fees for the time saved by using generative AI.” (CA 2023)

Building AI training costs into overhead (FL)

“lawyers may want to consider adopting contingent fee arrangements or flat billing rates for specific services so that the benefits of increased efficiency accrue to the lawyer and client alike” (FL)

Candor – [RPC 3.3](#)

Hallucinations from an AI are a per se violation of Rule 3.3 (NY)

Additional Requirements from Certain Courts:

[Judge Starr, Northern District of Texas](#)

Unauthorized Practice of Law – [RPC 5.5](#)

What functions can be ethically delegated to a generative AI? (FL)

Absent a lawyer in the loop, the lawyer may be assisting in the unauthorized practice of law. (NY)

Practical Steps to Address the Ethical Issues Raised by Generative AI

Research the Generative AI Technology...

- *...to explain to a client how the technology works, at least a bit* (RPC 1.4, NY)

What is the training data for the Generative AI Technology?

For a list of suggested questions/topics, *see* CA 2019, MD

- *... to understand how the technology manages its data*

(NY) Key Points for attorneys to be aware of and consider when utilizing ChatGPT and other similar generative AI tools include:

- Licensing Information
- Terms of Use
- Blogs
- **Privacy Policies**
- Frequently Asked Questions/FAQs list
- **Data that is supplied to or inputted into ChatGPT may be used for training purposes or to refine/improve the AI model (For example, ChatGPT developers may view the input and conversation history of its users and users' personal information, including log/usage data, to analyze/improve/and develop ChatGPT services).**
- Data that is supplied to or inputted into ChatGPT may be viewed by and disclosed to third parties/vendors in the training of the AI model.
- Data output by ChatGPT may be viewed by third parties, including opponents and adversaries.
- **Inputs and outputs subject to subpoena/discovery (think of it like Slack, or Team Chats, or instant messaging conversations)**

Practical Steps to Address the Ethical Issues Raised by Generative AI (Ct'd)

Develop Internal Processes, Train on them, and Review them

- o *What guidelines will you use for prompts into the Generative AI system? Use of outputs?*

[AI for Law · MIT Computational Law Report](#) (CA)

“A lawyer must anonymize client information and avoid entering details that can be used to identify the client.” (CA 2023)

- o *What other data management controls will you put in place?*

“Lawyers may want to think about implementing cybersecurity protections like encryption, access controls, and data masking to secure AI systems. AI vendors should be vetted for rigorous privacy standards and robust security protocols.” (MD)

CA 2023 – Permissible Uses, Accuracy Reviews, Bias Reviews

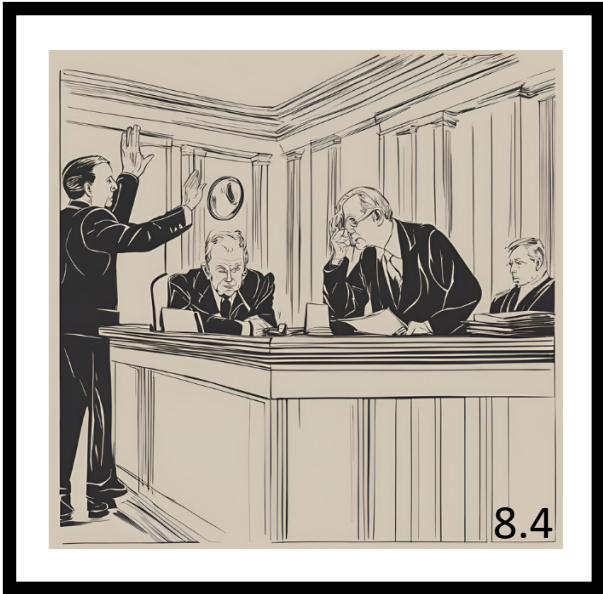
Periodic Review of the AI Provider’s Terms, Updates, and Privacy Policies

Combining Generative AI Use & Ethical Legal Practice

	Competence	Confidentiality	Conflicts
How does the AI work?			
Method	x		
Training Data	x		
Use of Prompts	x	x	x
Use of Outputs	x	x	x
AI Cybersecurity			
Key Features	x	x	x
Data Location	x	x	x

	Competence	Confidentiality	Conflicts
Internal Processes			
When?	x	x	x
Who?	x		
Input/Prompt Limitation			
Output Uses	x	x	x
Training	x		
Review	x	x	x
Enforcement	x		





Obtaining the Client's Informed Consent

... can help address Confidentiality (RPC 1.6) and Conflict (RPC 1.8(b), 1.9(c)(1)) issues (FL, MD)

... can help promote clarity in client communications (RPC 1.4) and the scope of representation (RPC 1.2) (NJ)

... can help avoid the impression of misconduct under the Rule of Professional Conduct (RPC 8.4) (SC)



These images were generated by Canva using key portions of RPC 1.2(a), 1.6(a), 1.8(b), and 8.4(a) as prompts.

... towards answers on other Generative AI issues

eDiscovery – similar issues regarding Competence, Confidentiality, Consent, and Candor to the Tribunal

Patent Prosecution – similar technology research questions & internal processes (Kim, S.C. Law., 2024)

Legal Research – almost identical issues with document drafting

Legal Chatbots – similar technology research questions & internal processes; other ethical issues remain, such as creating an attorney-client relationship

Evidence – experience with technology research can help vet digital evidence (MD, TX)

Attorney Training – experience with training self & staff can help inform future requirements about how all lawyers and law students ought to be trained on this technology (CA 2023, TX)

Compliance with AI-Specific Laws – experience with technology research helps create competence in advising clients on these laws (CA 2023)

Questions?

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Ethics in Child Advocacy

Margaret Fent Bodman, JD
Interim Director and State Child Advocate



South Carolina Department of

**CHILDREN'S
ADVOCACY**

Advocacy. Accountability. Service.

Objectives

- Describe child advocacy within the DCA
- Describe hallmarks of high-quality representation
- Discuss the organization as the client
- Discuss the guardian ad litem as the client
- Discuss the parent as the client
- Discuss the child as the client

Child Advocacy within DCA

Agency Overview

- **Ensure** timely, safe, and effective services
 - **Develop** and **promote** a broad vision of reform
 - **Recommend** quality improvements for children's services
 - **Educate** the public regarding the role of the Department of Children's Advocacy and services of other agencies
 - **Maintain** the SC Child Abuse Response Protocol and facilitates meetings to update the protocol
-
- Support approximately 200 employees and 1200 GAL volunteers & Foster Care Review Board members with offices throughout the state and a central office on the Statehouse grounds

Agency Overview

Examines system-wide services provided to children by nine (9) designated state agencies:

- DSS
- DJJ
- Office of Intellectual & Developmental Disabilities (DDSN)
- Office of Mental Health (DMH)
- Department of Public Health (DHEC)
- Department of Health and Human Services
- School for the Deaf and Blind
- Wil Lou Gray Opportunity School
- Governor's School for Agriculture (John de la Howe School)

Hotline: 1-800-206-1957

Agency Programs

Cass Elias McCarter Guardian ad Litem Program: volunteer guardians ad litem serve as court-appointed special advocates for all abused and neglected children who are involved in DSS court cases

Foster Care Review Division:

- supports the local and state Foster Care Review Boards in reviewing the cases of children who are in foster care to advocate for permanence;
- administers the S.C. Heart Gallery which creates photo exhibits of children in foster care who are legally free for adoption;

S.C. Continuum of Care: provides care coordination services to youth with challenging emotional and behavioral issues to help safely maintain them in their homes, schools and communities

System Improvement Division:

- **Investigations Unit:** receives, refers, monitors and investigates complaints regarding services to children by nine (9) specific child-serving agencies
- **Critical Investigations Unit:** receives and responds to notifications including fatalities, near-fatalities, and sexual assaults from nine (9) child-serving agencies.

Hotline: 1-800-206-1957

Legal Advocacy with DCA

- Cass Elias McCarter GAL program
 - General Counsel and a staff attorney
 - Contract with attorneys across the state to represent GALs
- Foster Care Review Board
 - General Counsel
- System Improvement
 - DCA General Counsel
 - Represent DCA in court hearings related to individual youth advocacy

Hallmarks of High Quality Representation

Duties

- 1.1 Competence
- 1.3 Diligence
- 1.4 Communication
- 1.7, 1.8, 1.9 Loyalty

1.1 Competence

A lawyer shall provide competent representation to a client.

Competent representation requires legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

** Relevant factor includes the specialized nature of the matter*

1.3 Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

[3] Perhaps no professional shortcoming is more widely resented than procrastination. A client's *interests often can be adversely affected by the passage of time or the change of conditions*;...Even when the client's interests are not affected in substance, however, *unreasonable delay can cause a client needless anxiety*

1.4 Communication

(a) A lawyer shall:

- (1) Promptly *inform the client of any decision or circumstance* with respect to which the client's informed consent, as defined in Rule 1.0 (g) is required by these Rules;
- (2) *Reasonably consult* with the client about the means by which the client's objectives are to be accomplished;
- (3) Keep the client *reasonably informed* about the status of the matter;
- (4) Promptly *comply with reasonable requests* for information; and,
- (5) Consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall *explain a matter* to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

1.7, 1.8, 1.9 (Loyalty)

1.7 Conflict: Current Clients: (a) a lawyer shall not represent a client if the representation involves a concurrent conflict of interest:

- (1) The representation of one client will be directly adverse to another client (or)
- (2) There is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

Organization as the Client

Models of Representation: Abuse & Neglect

- Attorney represents the agency / SCDSS
- Attorney represents the “State” as the interested party

Guardian ad Litem as the Client

Removal of the GAL

- GAL is the client, but the program can move to intervene for removal of the GAL based on statutory grounds (S.C. Code § 63-11-530)
 - Incapacity
 - Conflict of interest
 - Misconduct
 - Persistent neglect of duties
 - Incompetence
 - Knowing and wilful violation of program policies and procedures that affect the health, safety, and welfare of the child

GAL as a volunteer:

- no prior experience with the legal system; cases involve high degree of emotions
- GAL desired outcome may conflict with legally permissible, or evidence supported options
 - **2.1 Advisor:** ...shall exercise independent professional judgment and render candid advice...may refer not only to law but to other considerations such as moral, economic, social, and political factors, that may be relevant to the client's situation.
 - **3.1 Meritorious Claims or Contentions:**...shall not...assert or controvert an issue...unless there is a basis in law and fact for doing so...
 - **3.2 Expediting Litigation**...shall make reasonable efforts to expedite litigation consistent with the interests of the client.

Parent as the Client

Foster Care Review Board

SCRPC Rule 4.1(a) Truthfulness in statements to others

A parent's attorney exaggerates to the FCRB and DSS staff during the review hearing, making claims that their client has secured housing, but the client has only applied for housing.

Although the FCRB hearing isn't a family court hearing, a lawyer must not make false statements of material fact during the review hearing.

Child as the Client

Performance Standards for Indigent Defense in Juvenile Cases

2.3 Attorney Qualification and Training

DJJ, DSS, DDSN, DMH; various service delivery systems and placement processes for these agencies

4.1 Client Meetings

should meet with client as soon as practicable and as often as necessary

4.2 Keeping Client Informed

keep the client informed on all developments, efforts, progress

4 Confidentiality

relationship of trust and confidence

Performance Standards for Indigent Defense in Juvenile Cases

10.6 Continuing Duty to Client

lawyer's responsibility...does not necessarily end with dismissal of the charges or entry of a final dispositional order...be prepared to counsel and render assistance...in securing appropriate legal services for the client in matters arising from the original proceeding;

Counsel should embrace a holistic approach to the client that not only addresses the immediate legal needs of the client but also seeks to place the client in the best position to succeed after the Court matters are resolved.

Current Status in S.C. Abuse & Neglect

- Child in DSS Abuse & Neglect cases do not have legal representation
- S.C. Code of Laws § 63-7-20 (18) *“Party in interest” includes the child.*
- S.C. Code of Laws § 63-7-1620 (2) *The family court may appoint legal counsel for the child.*
- S.C. Code of Laws § 63-7-2560 (B) (TPR) *If a guardian ad litem who is not an attorney finds that appointment of counsel is necessary to protect the rights and interests of the child, an attorney must be appointed.*

Pilot Program

- 3 attorneys
- 3 counties: Berkeley, Clarendon, Sumter
- Youth: 13 years and older
 - brought into foster care
 - Including siblings, any age
- Expressed interest representation
- Beginning January 2026

Core Competencies

- ***Establish Attorney-Client Relationship***: child client is the expert
- ***Support the Attorney-Client Relationship***: maintain frequent and intentional communication
- ***Offer Legal Counsel & Advice***: ongoing & affirmative duty to advise client of their rights, educate them about legal process, inform them of their options and counsel their decision making.
- ***Ensure Opportunity for Full Participation***: proactively ensure opportunities for meaningful participation in court hearings and other events such as team meetings; preparing the youth for each event, advocating for their in-person participation, and routine debriefs.
- ***Provide Competent Legal Representation***: understand applicable laws, regulations, court rules, ethical duties, essential skills, agency policies, and relevant social science.
- ***Provide Loyal & Independent Legal Representation***: Uphold the client's dignity and only speak about the client in strength-based, respectful terms; independently investigate and litigate cases and zealously advance the client's goals with reasonable promptness.

Source: NACC, Children's Law Office Guidebook 2023

Diminished Capacity

SCRPC 1.14 Client with Diminished Capacity

(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, *whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.*

Diminished Capacity

SCRPC 1.14 Client with Diminished Capacity

(b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.

Diminished Capacity: Comment

[6] In determining the extent of the client's diminished capacity, the lawyer should consider and balance such factors as:

- the client's ability to articulate reasoning leading to a decision,
- variability of state of mind and ability to appreciate consequences of a decision;
- the substantive fairness of a decision;
- the consistency of a decision with the known long-term commitments and values of the client.

In appropriate circumstances, the lawyer may seek guidance from an appropriate diagnostician.

Substituted Judgement

- Section 7 (d) ABA's Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings (2011)
- NACC, Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Cases (2021)

Substituted Judgement

*...what the child would decide if he or she were capable of making an adequately considered **decision**, and representing the child in accordance with that determination.*

The lawyer should take direction from the child as the child develops the capacity to direct the lawyer.

Substituted Judgement

- advocacy should be child-centered, research-informed, permanency-driven, and holistic
- child's needs and interests, not the adults' or professionals' interests, must be the center of all advocacy.
- must truly see the world through the child's eyes and formulate their approach from that perspective, gathering information and gaining insight into the child's experiences to inform advocacy related to placement, services, treatment and permanency.

Substituted Judgement

- child's lawyer should be proactive and seek out opportunities to observe and interact with the very young child client.
- have a firm working knowledge of child development and special entitlements for children under age five.
- shall take into consideration:
 - the child's legal interests based on objective criteria as set forth in law
 - the goal of expeditious resolution of the case
 - the use of the least restrictive or detrimental alternatives available.
- seek to speed the legal process, while also maintaining the child's critical relationships.

Challenge: Transference

- Distracted by our own agendas, own hopes, own expectations for the child, our own memories of childhood and our own projection of what the child wants and needs
- “Best interest” of child
- Can obscure our duty to the client
- Can’t completely eliminate them
- Our own personal experiences might offer resources and insights that benefit our client

“Seven Questions to Keep Us Honest”

1. In making decisions about the representation, am I seeing the case, as much as I can, from my client's point of view, rather than from an adult's point of view?
2. Does the child understand as much as I can explain about what is happening in his case?
3. If my client were an adult, would I be taking the same actions, making the same decisions and treating her in the same way?
4. If I decide to treat my client differently from the way I would treat an adult in a similar situation, in what ways will my client concretely benefit from that deviation? Is that benefit one which I can explain to my client?

“Seven Questions to Keep Us Honest”

5. Is it possible that I am making decisions in the case for the gratification of the adults in the case, and not for the child?

6. Is it possible that I am making decisions in the case for my own gratification, and not for that of my client?

7. Does the representation, seen as a whole, reflect what is unique and idiosyncratically characteristic of this child?

References

American Bar Association. (2011, August). *Resolution: Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings*
https://www.americanbar.org/content/dam/aba/administrative/child_law/aba_model_act_2011.pdf (2011)

National Association of Counsel for Children. (2023). *Children's Law Office Guidebook: Best Practice Guidelines for Organizational Legal Representation of Children in Neglect, Abuse, and Dependency Cases*.

Peters, Jean Koh. (2007). *Representing Children in Child Protection Proceedings: Ethical and Practical Dimensions*. Third, International Edition. Matthew Bender & Company, Inc.

South Carolina Commission on Indigent Defense, Performance Standards for Indigent Defense in Juvenile Cases, July 1, 2013, <https://www.scstatehouse.gov>

South Carolina Rules of Professional Conduct



Margaret Fent Bodman, J.D.

Interim Director and State Child Advocate

1205 Pendleton Street, Suite 471

Columbia, SC 29201

803-734-3176 office

803-315-2251 cell

Investigations Unit: 1-800-206-1957

www.childadvocate.sc.gov

Workers' Compensation + Ethics – Panel Discussion

Three highly respected Richland County Bar workers' compensation attorneys (including one Workers' Compensation Commissioner) will discuss ethics and how it intersects with workers' compensation law.

- Commissioner Gabe Coggiola
- Shannon Till Poteat
- Joseph "Joe" Wideman

Panel to be moderated by attorneys and Ethics CLE co-chairs Susan Porter and Alex Postic.

Ethics 2024 – Year in Review

By Michael Virzi

RCBA Annual Ethics CLE

October 24, 2025

RULE CHANGES

Amendment to Code of Judicial Conduct Dec 11, 2024

The CJC prohibitions on inappropriate political activity in Canon 5 did not apply to parttime judges. Noting the 500+part-time magistrate and municipal court judges plus part-time masters-in-equity and probate judges in South Carolina, this order amended the Application Section of the CJC to eliminate this exemption for part-time judges. The order calls particular attention to

1. acting as a leader or holding an office in a political organization
2. publicly endorsing or publicly opposing a candidate for public office
3. making speeches on behalf of a political organization
4. attending political gatherings
5. contributing to or soliciting funds for a political organization or candidate or purchasing tickets for political party dinners and other functions

Amendments to the Rules for Lawyer Disciplinary Enforcement June 25, 2025

Rule 12 to allow freer exchange of confidential disciplinary information with disciplinary authorities in other jurisdictions.

Rule 14 to limit the filing of a disciplinary complaint to a form delivered in person or by US Mail

Rule 19 to give ODC more discretion in deciding whether to investigate or dismiss an incoming complaint, in three ways:

1. allows ODC to do a little digging in public records and follow-up questions to the complainant before deciding
2. allows ODC to dismiss patently frivolous complaints
3. creates a 5-year statute of limitations for complaints against lawyers

DISCIPLINARY OPINIONS

In re Webb
Sept 18, 2024
Disbarred

The lawyer borrowed \$4,000 from his IOLTA account for online gambling. Then \$1,500 more. Then \$285,000. Then he started robbing Peter to pay Paul.

In re Bush
Nov. 6, 2024
Disbarment

This lawyer also robbed Peter to pay Paul from his IOLTA account (using funds from refinance closings) and continued to act as the title agent in closings after his title insurance license expired.

In re Purvis
Nov 20, 2024
Disbarred

The lawyer took a dozen small fees in the \$1,000 - \$3,500 range, then either provided inadequate representation or none at all, eventually (and sometimes immediately) ceasing all communication with the client and ignoring adverse orders from the Bar's Resolution of Fee Disputes Board to refund fees and portions of fees, which the lawyer did not hold in trust (and did not comply with the Rule 1.5 procedures for treating retainers as earned up on receipt). One such case was a Workers Comp case, in which the lawyer had no experience and demonstrated no abilities, not even registering his contact information with the Commission (and thus missing notices and orders). The lawyer also ignored ODC's Notices of Investigation and follow-up Treacy letters, responding months late. The lawyer appeared on the record and testified he had no funds from which to repay his clients. He also failed to inform clients of his interim suspension and continued collecting (and stealing) retainers for new work while on suspension.

In re Hanlin
Dec 18, 2024
6-month suspension

The lawyer allowed several client matters to go many months unattended, resulting in nine client complaints and interim suspension. He was away taking care of his elderly parents and then his own illness. At the time of the disciplinary order, he had refunded some but not all of the client's fees. The lawyer agreed to a restitution plan for the others and to a two-year law office management advisor program with reports to the Commission on Lawyer Conduct.

In re Spell
Feb. 19, 2025
6-month suspension

The lawyer had sex with a client whose spouse was also a client, and he failed to file income taxes for 10 years.

In re Blinkow
Feb 19, 2025
Disbarred

This lawyer's client recorded a phone call between herself and the lawyer, in which the lawyer admitted to spending her retainers on living expenses (rather than her case expenses), including his family's college tuition, loan payments, a ski trip, and a country club membership. For this, he was arrested and charged with felony breach of trust with fraudulent intent and pled guilty to misdemeanor forgery. During its investigation, ODC also discovered various other instances in which Respondent made improper IOLTA withdrawals and deposits, disbursement before collection of deposited funds, and comingling.

ETHICS ADVISORY OPINIONS

EAO 24-03
Disclosing Death of Client Pre-Litigation

Client has a potential injury claim but dies of unrelated causes pre-filing but during the lawyer's negotiations with the carrier. No estate has been opened or is expected to be opened, and the statute of limitations will soon expire.

1. What action, if any, do the South Carolina Rules of Professional Conduct require Lawyer to take regarding Lawyer's representation of the now deceased Client?

In this instance, Lawyer's representation of Client terminated upon Client's death, and Lawyer has no authority to act on behalf of Client. Rule 1.16(d) provides that, upon termination of representation, a lawyer shall act to the extent reasonably practicable to protect a client's interest. In the absence of an estate with an executor and/or personal representative, Lawyer may use their discretion to identify and notify any appropriate potential party(ies) of the existence of a personal injury claim and when the statute of limitations will run. When, as here, the only known successors in interest – *i.e.*, the family – have informed Lawyer that they will not be opening an estate and do not desire to pursue the personal injury claim, Lawyer has satisfied their ethical obligation to protect the deceased client's interest.

2. Do the South Carolina Rules of Professional Conduct require Lawyer to inform the would-be-opposing party in the personal injury matter that Client is deceased?

As litigation has not commenced, affirmative disclosure of Client's death to the insurance adjuster is not required as it could possibly prejudice Client or any potential future successor in interest. However, Lawyer should be careful not to misrepresent the vital status of Client.

EAO 25-__?*
Sharing Fees with an Arizona ABS Law Firm

*presently under consideration by the Committee

ABA Formal Opinion 515
Reporting a Client's Crime when the Lawyer is the Victim

Rule 1.6(b)(5) permits a lawyer to make disclosures "to the extent the lawyer reasonably believes necessary . . . to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client." To the extent that the lawyer initiates a civil claim . . . to seek redress for harm caused by the client's crime, such as the return of stolen property, the lawyer may make reasonably necessary disclosures under this exception. But the exception would not justify initially reporting to law enforcement authorities, since a criminal investigation or prosecution is not a controversy between the lawyer and the client.*

*Here, the ABA cites here to two prior opinions that stated that neither a negative online review nor a client's claim of ineffective assistance of counsel is a "controversy between the lawyer and the client."

[citing "rules of reason" from the Scope of the RPC] The Rules of Professional Conduct . . . should be interpreted with reference to the purposes of legal representation and of the law itself." Lawyers might readily assume that, if a client commits a crime against them or their employees or associates, they can report the crime to law enforcement authorities and appropriate others, notwithstanding the confidentiality duty under Rule 1.6(a). The Committee concludes that they

would be correct, even though, in many situations, no express exception to the confidentiality duty will apply. That is because, in this situation, the Committee believes an implicit exception applies. While rare, the Committee has in the past identified an implicit exception to the duty of confidentiality in a recurring situation, such as this one, that was not considered by the drafters of the Model Rules or of prior ethics codes.**

**Here, the ABA cites to a prior opinion that stated that a lawyer may disclose confidential client information to a neutral third-party “conflict mediator” to resolve potential conflicts of interest with a new firm when a lawyer seeks to change employment.

ABA Formal Opinion 516 Terminating the Attorney-Client Relationship

This opinion broadly deals with several aspects of terminating the attorney-client relationship. It first notes that lawyers do not need any reason to terminate a relationship as long as it will not have a materially adverse effect on the client. The opinion then identifies several scenarios where withdrawal would likely cause material adverse effects:

- In transactional matters, where delay might jeopardize a deal’s completion or value
- When no other available lawyer is capable of completing the representation within the necessary timeframe
- When timing is objectively critical
- When the withdrawing lawyer has unique abilities or knowledge that cannot be readily transferred
- When a successor lawyer would need to duplicate substantial work, significantly increasing costs

The opinion notes that lawyers may be able to remediate adverse effects by helping the client find substitute counsel, collaborating with successor counsel, or returning or foregoing fees for work that must be duplicated. The opinion then identifies circumstances where withdrawal is unlikely to have a materially adverse effect:

- Early in the representation, before substantial work has been performed
- When co-counsel can complete the remaining work without disruption
- When the representation is substantially complete, with only ministerial tasks remaining
- When there is no imminent pending deadline or urgent matter at the time of withdrawal

The opinion states that Rule 1.16 does not protect clients from disappointment and that the lawyer’s motivation is irrelevant. It specifically states that a lawyer may ethically withdraw from representing a client simply to represent another client with adverse interests. The opinion explains that the “Hot Potato Doctrine” does not come from the Rules of Professional Conduct but from the common law duty of loyalty; thus dropping a “hot potato” client might result in disqualification but should not result in discipline.

MISCELLANEOUS

Interim Policy on the Use of Generative Artificial Intelligence May 25, 2025

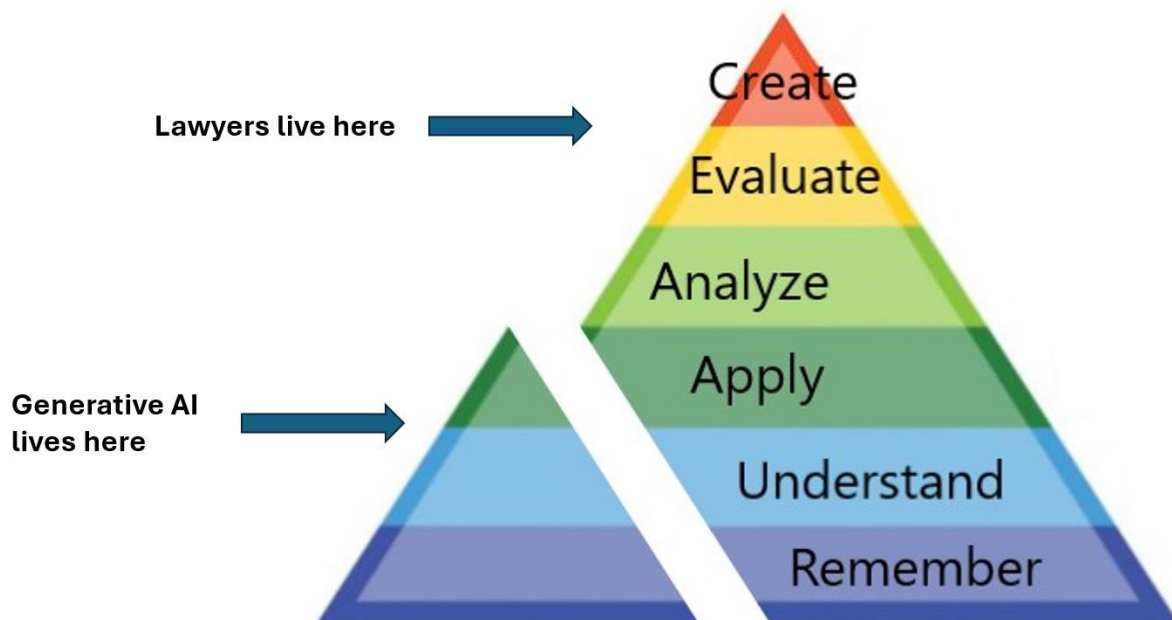
Prohibitions (limited to judicial officers and employees):

1. Use of any GAI tool not approved by the Court or Court Administration
2. Use of GAI on any unapproved device, including personal devices
3. Use of GAI to draft memoranda, orders, opinions or other documents without direct human oversight and approval*
4. Use of GAI for data analytics on court records

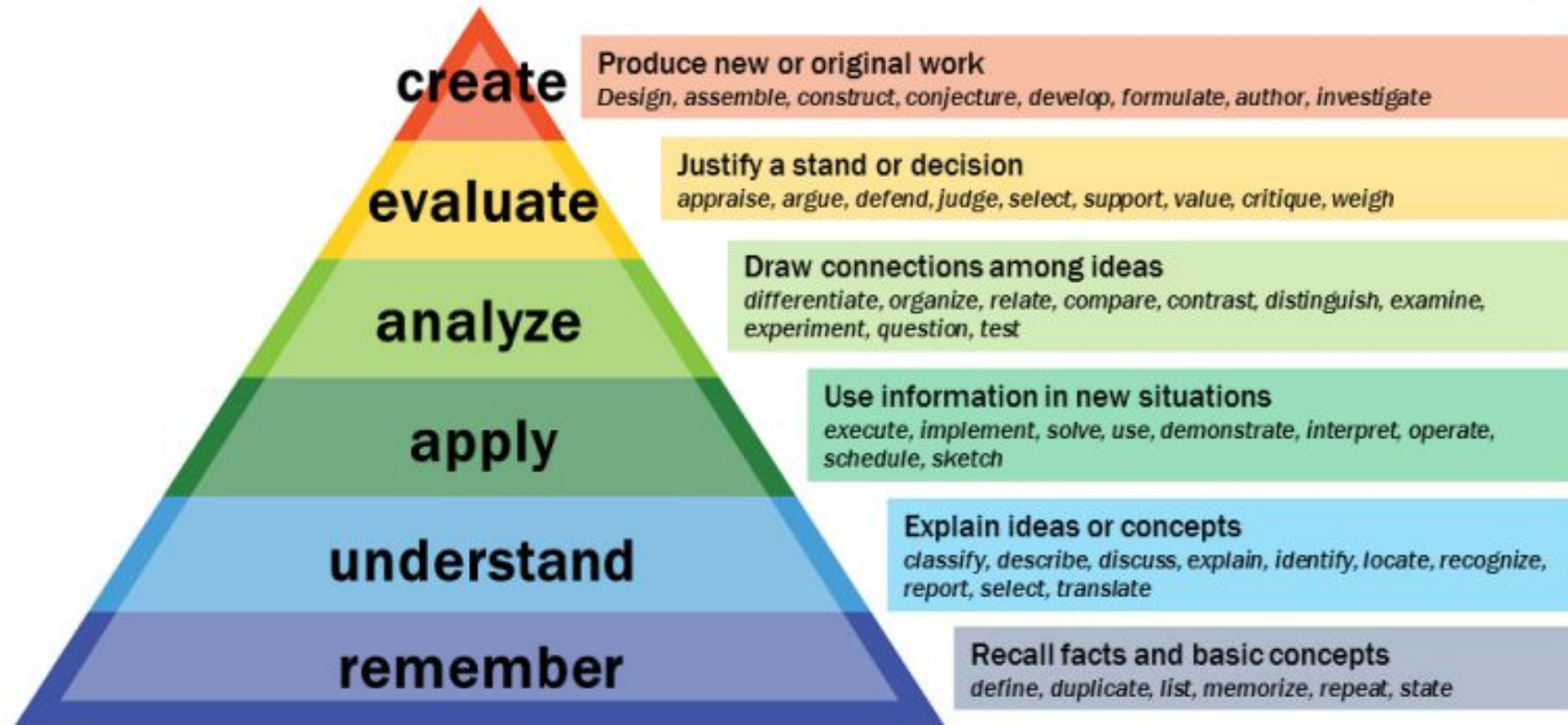
*See the Last Antecedent Rule in your favorite authority on grammar and statutory interpretation.

But also cautions lawyers on “Use of AI by Lawyers and Litigants in Matters”:

- (1) While this Interim Policy does not specifically address the use of Generative AI by lawyers and litigants, lawyers and litigants are reminded that they are responsible to ensure the accuracy of all work product and must use caution when relying on any output of Generative AI.
- (2) Lawyers in particular must ensure that the use Generative AI does not compromise client confidentiality or otherwise violate the South Carolina Rules of Professional Conduct, Rule 407, SCACR.



Bloom's Taxonomy



- 🐛 B (bug)
- 🍏 A (apple)
- 🍓 S (strawberry)
- 🍏 E (apple)
- 🎹 B (piano)
- 🍊 A (orange)
- 🍏 P (apple)
- 🍋 L (lemon)
- 🍋 L (lemon)

Put them together and you get

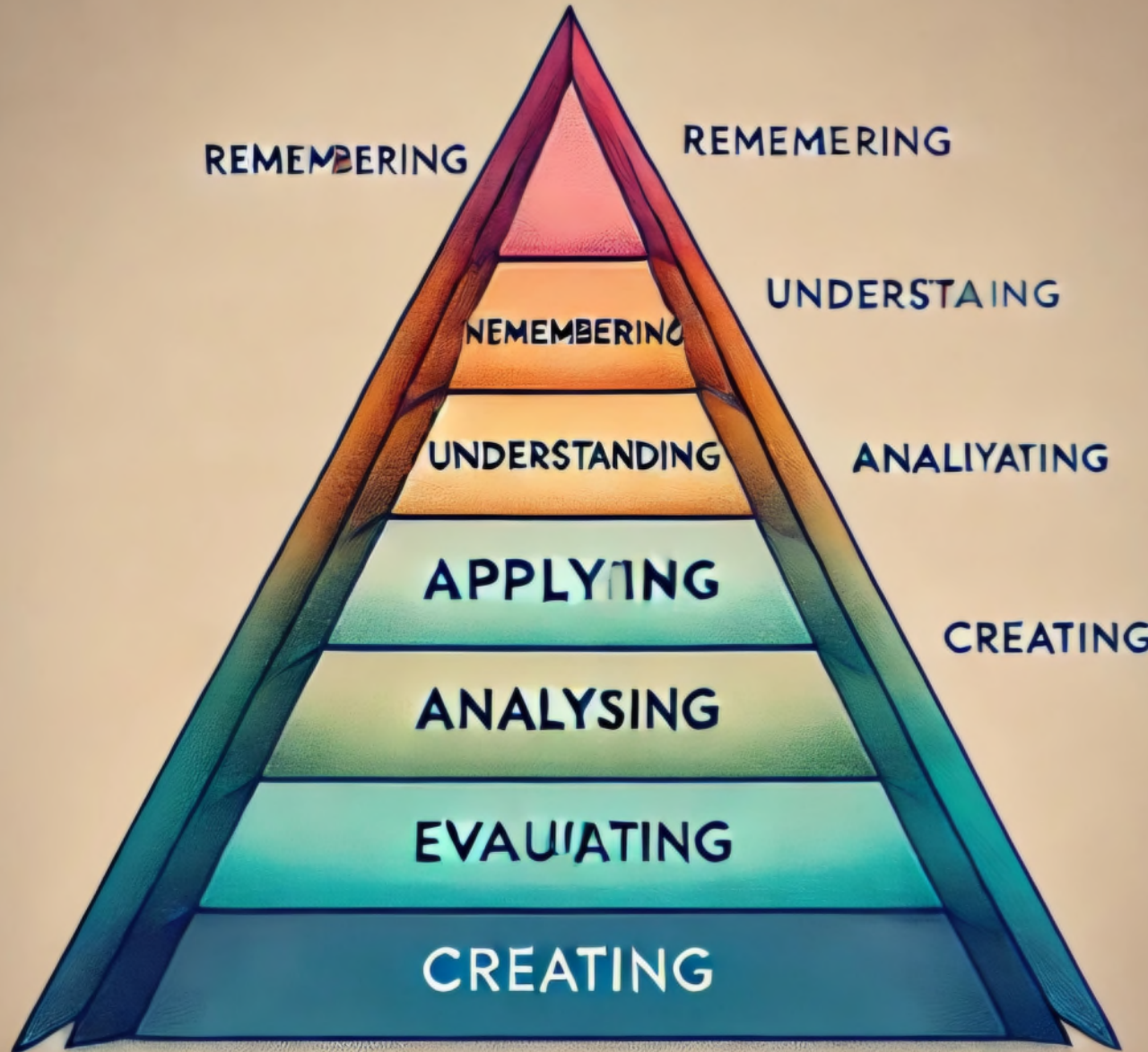
Chat GPT-4

- o Michael Virzi

Can you generate a triangle image of Bloom's Taxonomy of Learning?

- o ChatGPT

Let me prepare that image for you.



BLOOM'S TAXONOMY
OF LEARNING

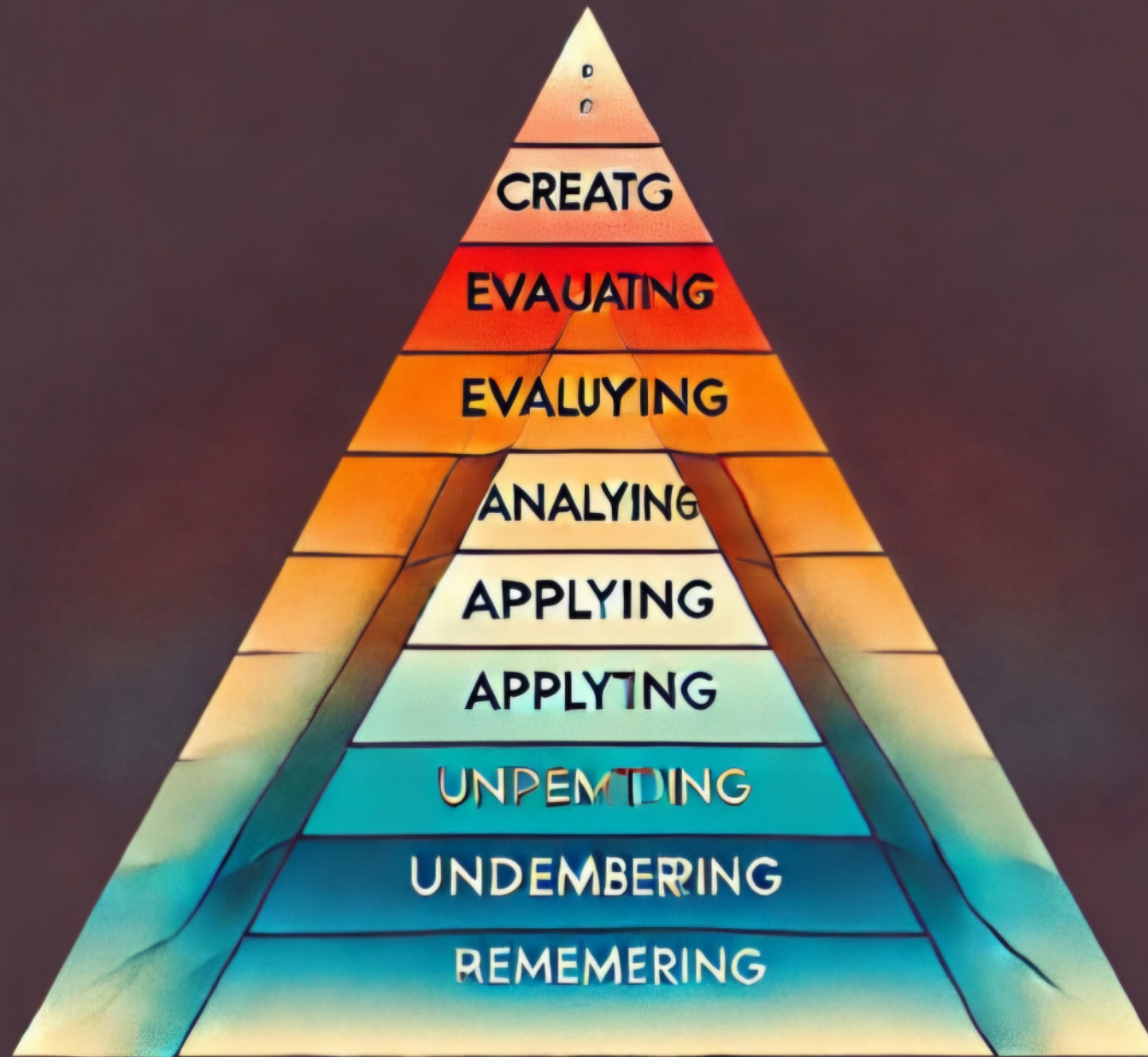
Chat GPT-4

- o Michael Virzi

Can you invert the levels so “creating” is at the top?

- o ChatGPT

Here is the inverted triangle with “Creating” at the top and “Remembering” at the bottom, as per Bloom’s Taxonomy. Let me know if this meets your needs or if you’d like any further adjustments.



BLOOM'S TAXONOMY

Google AI

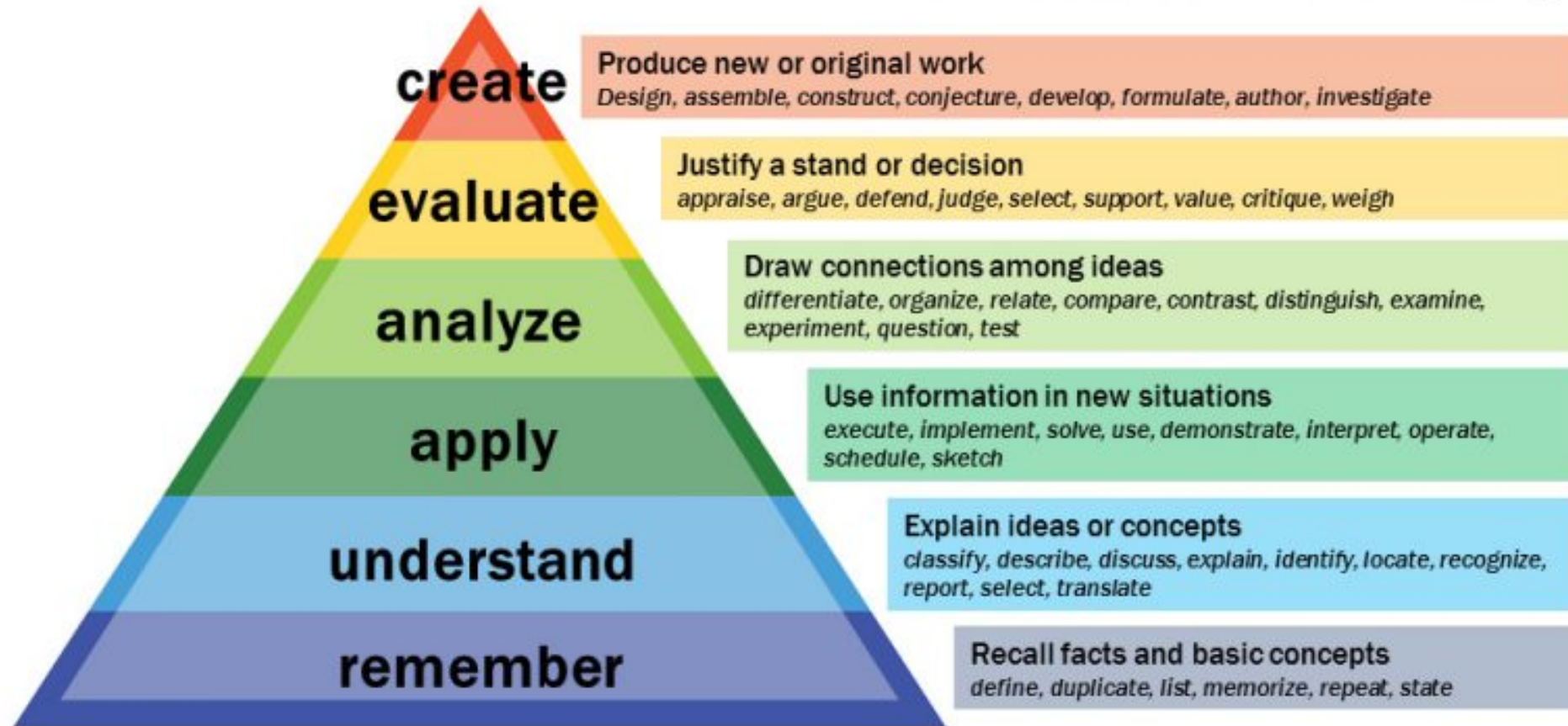
- o Michael Virzi:

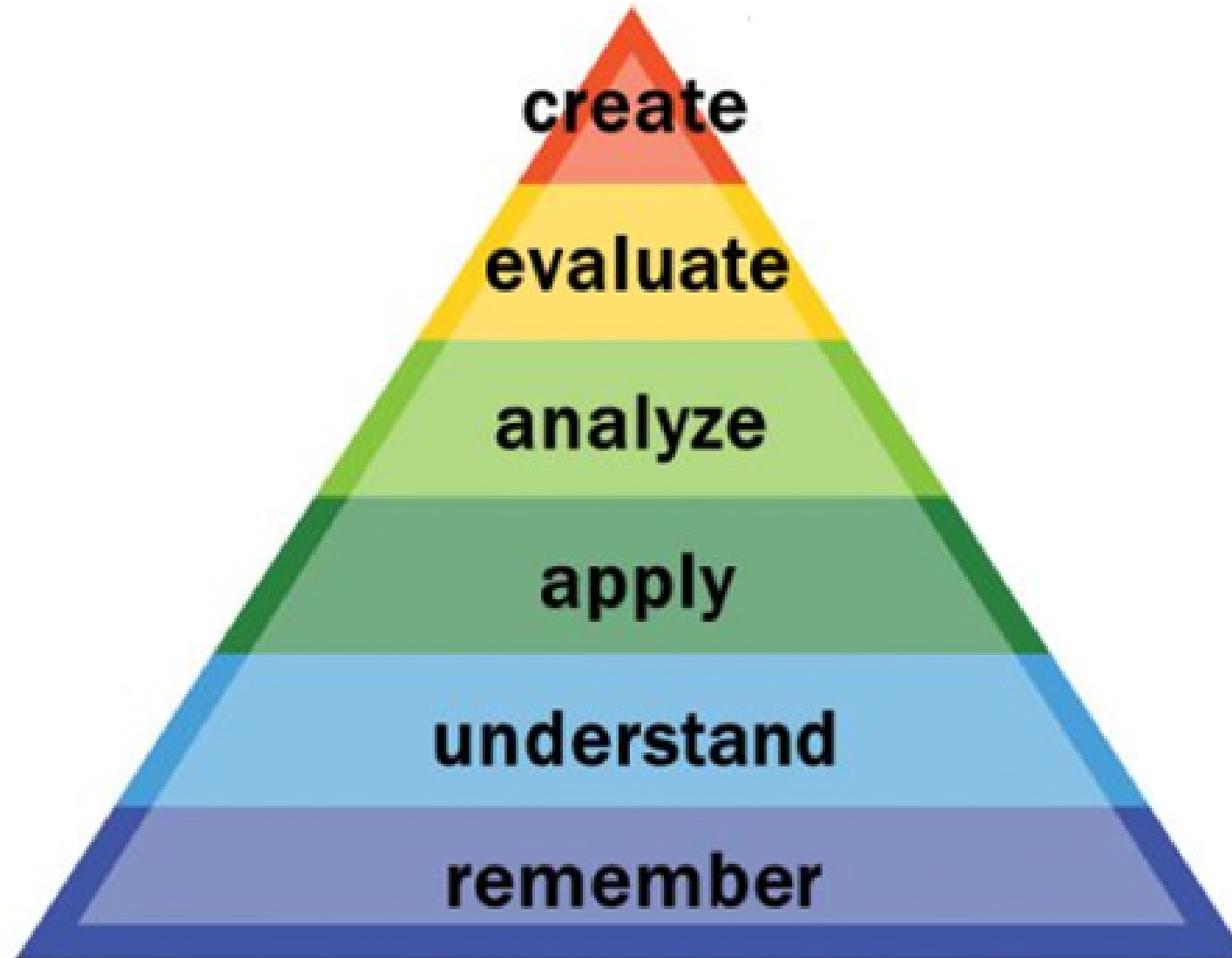
Where does the convenience store chain WaWa get its name from?

- o Google AI:

... the town of Wawa, Pennsylvania... Native American name for Canadian snow goose.... WaWa is pronounced “way-way” and rhymes with “saw-saw.”

Bloom's Taxonomy

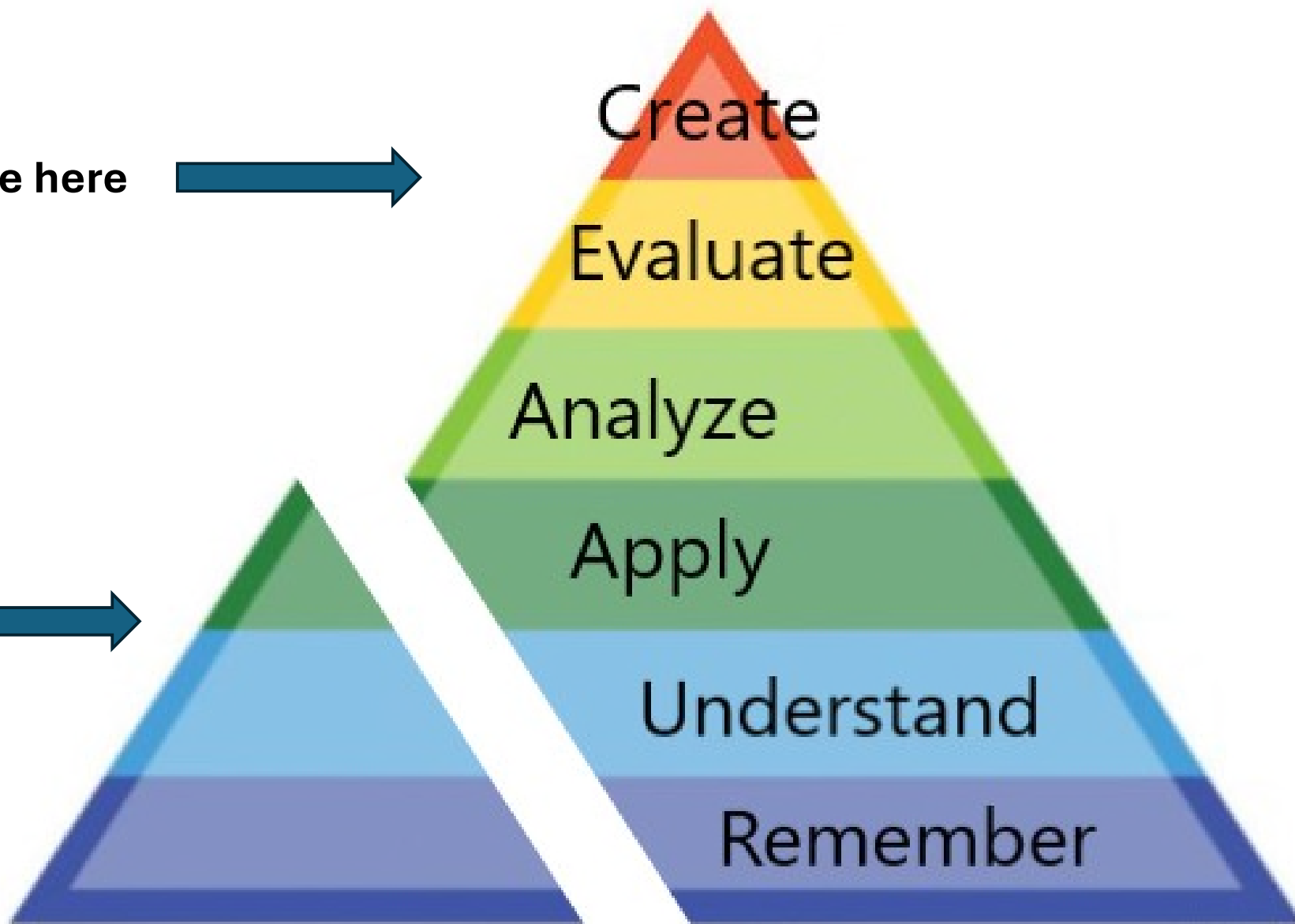


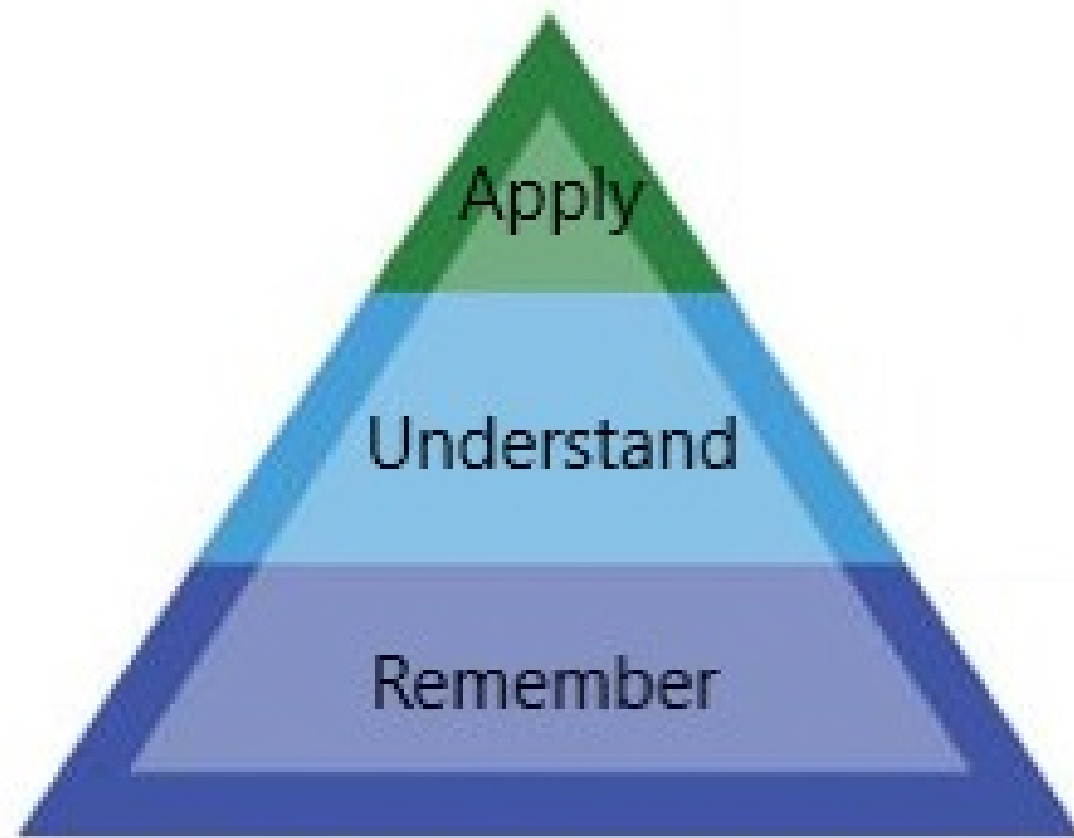


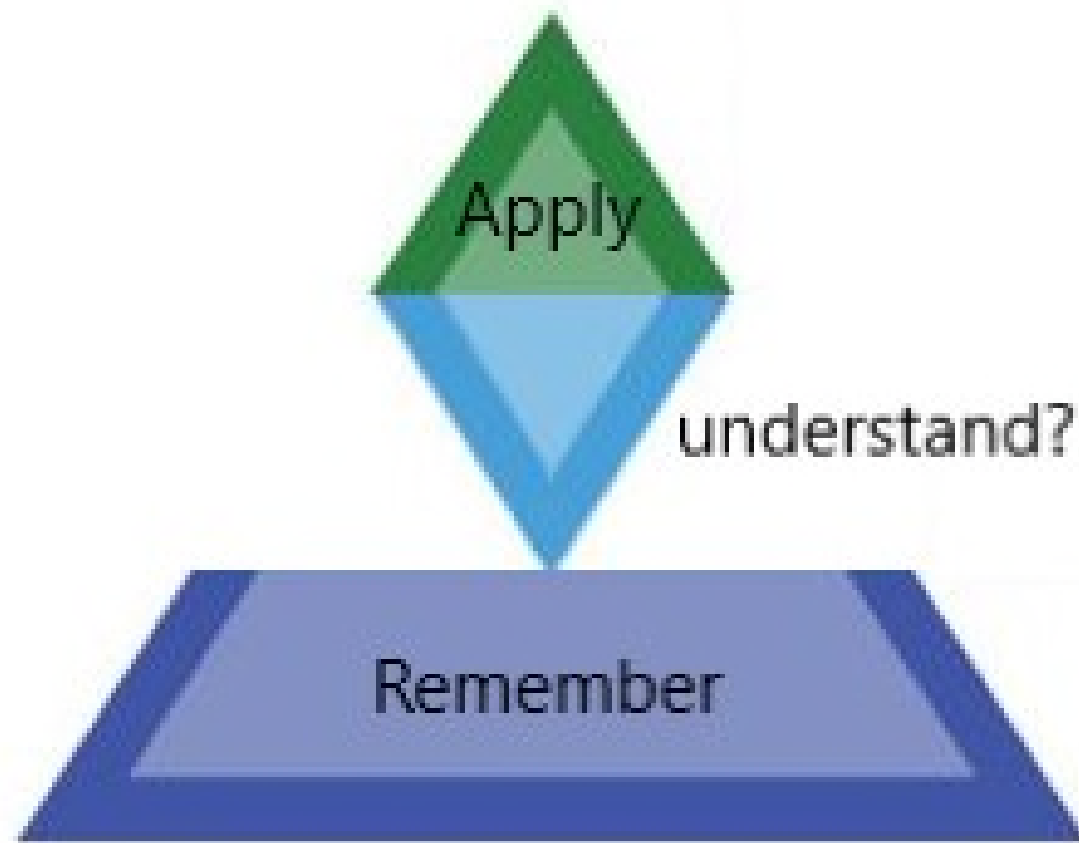
Lawyers live here

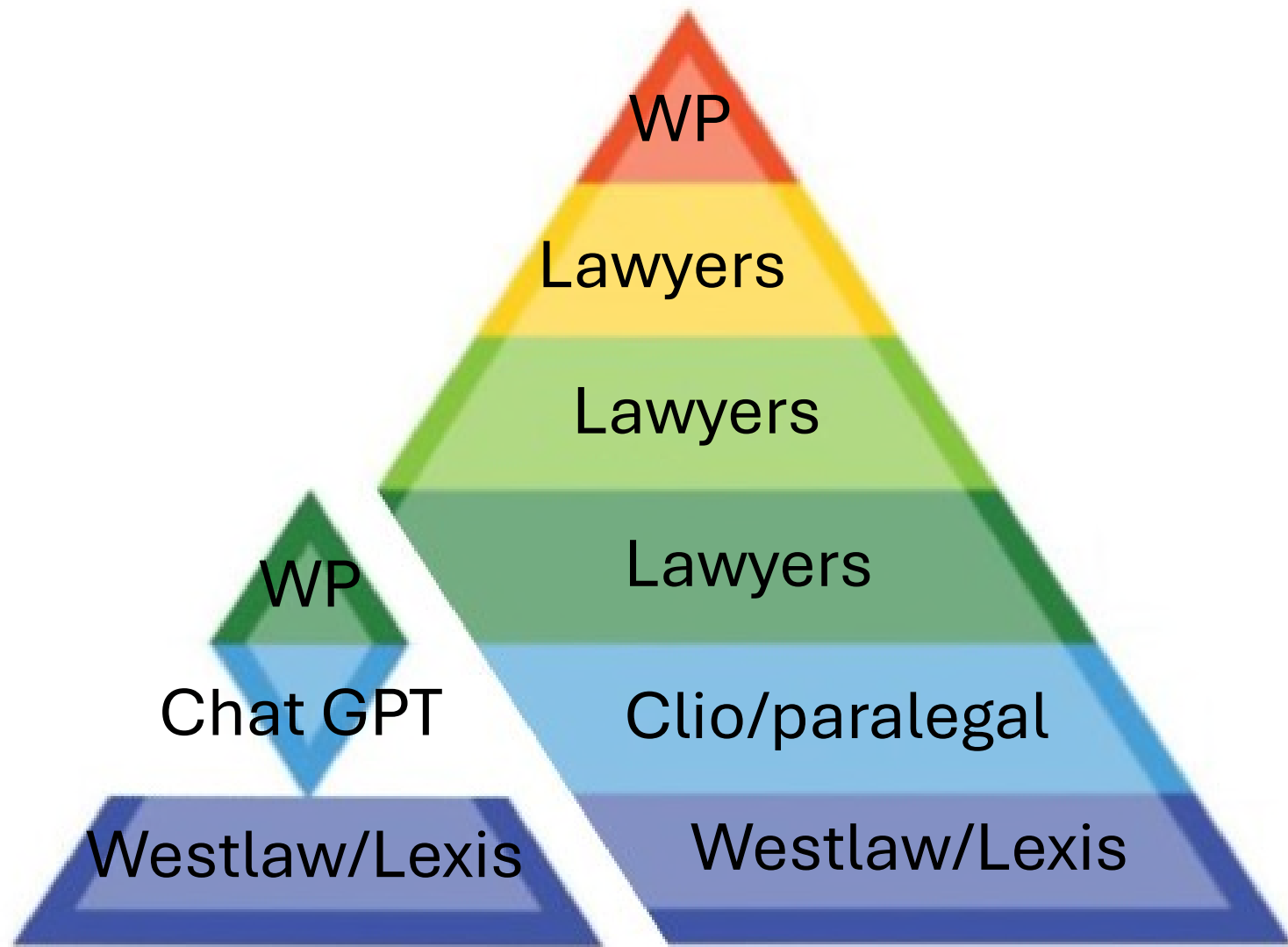


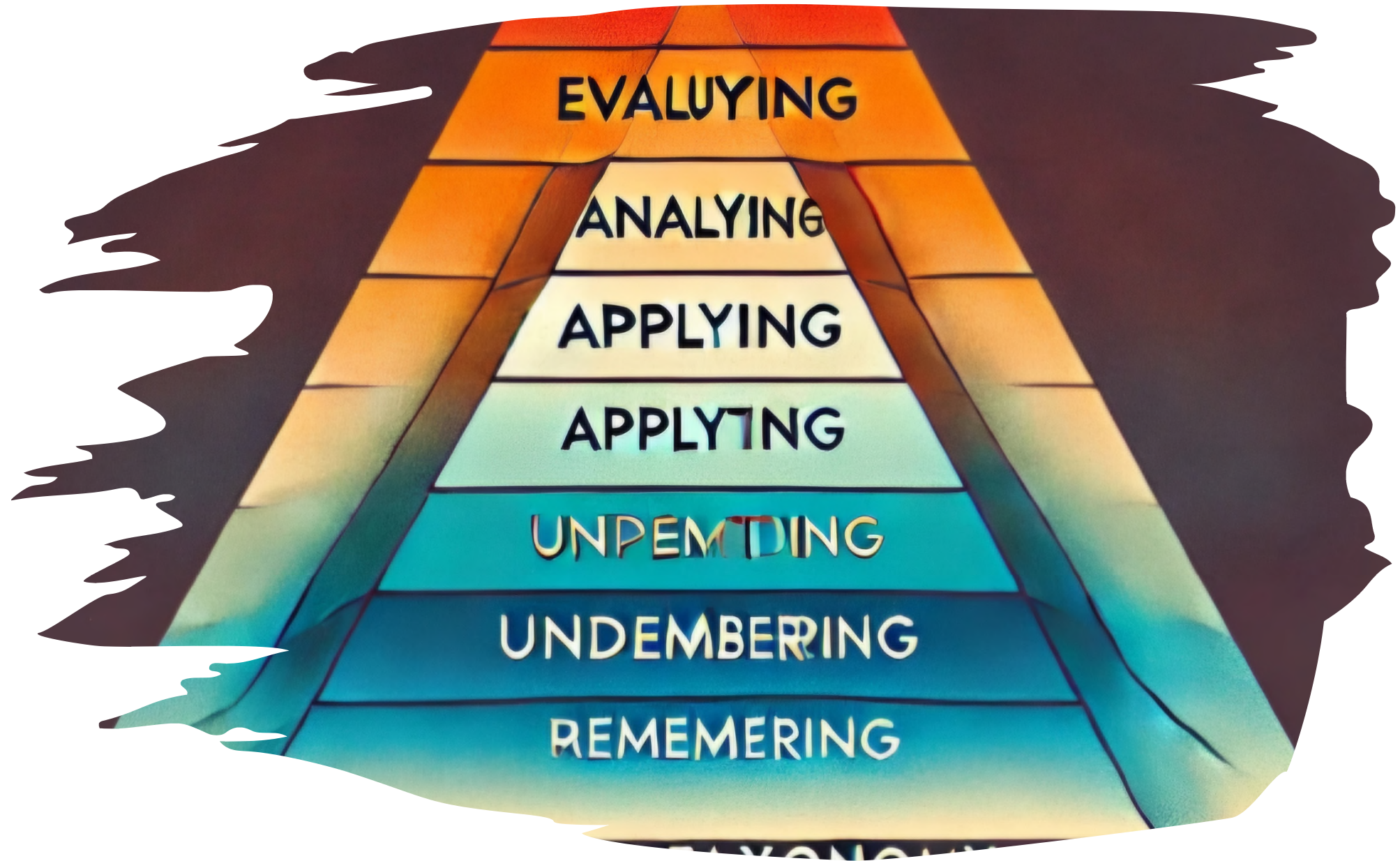
**Generative AI
lives here**















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