



A REPORT TO MEMBERS OF  
THE SOUTH CAROLINA BAR  
YOUNG LAWYERS DIVISION

## Does the Rebel Alliance’s Suspicious Procurement of the Death Star Plans Render It Liable Under South Carolina’s Trade Secrets Act?

By Jeremy R. Summerlin

As a young lawyer, you’ve probably always asked yourself, “Why doesn’t the Galactic Employer just sue the Rebel Alliance, LLC for misappropriation of trade secrets (i.e., the plans to the Death Star) instead of trying to blow the Alliance to bits *with* the Death Star?” That’s a compelling and entirely necessary and relevant question, and I’ll do my best to answer it. [Full disclosure: I represented the estates of several Alderaanian individuals killed during the Empire’s initial operational test of the first Death Star.]

The entirely reasonable question of jurisdiction probably jumps to your mind immediately, just like it did to mine: Where does the Galactic Employer bring its lawsuit? For purposes of this wholly educational article, I will assume that Emperor Palpatine’s attorney decides to bring the lawsuit in South Carolina.

As you may already know because you typically discuss it on all your first dates, the key personnel of the Rebel Alliance were former employees and agents of the Galactic Employer, but after some internal disputes (and, well, the Clone Wars), these employees left the employ of their Galactic Employer and started their own competing business to provide alternative government services. The Alliance even attempted to do business in the same territory as the Galactic Employer, thereby giving up the



high ground, morally speaking, and you should never challenge someone who has the high ground.

As covered by the recent documentary, *Rogue One: A Star Wars Story*, the Galactic Employer spent significant time, effort, and resources to design and construct the Death Star. Despite being a little too proud about this technological terror that it had constructed, there’s no doubt that the Galactic Employer considers the Death Star  
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# Letter from the President



Dear Young Lawyers:

Can you believe we are already three months into 2019? Where has the time gone? I suspect, that like mine, each of your law practices started the year with a very busy bang! Not only have our YLD leaders been busy at work, but they have also been busy planning events and programs for young lawyers around the state to enjoy. I hope that you have been taking advantage of all the great programming and service projects these leaders are hosting!

In this quarter's Young Lawyer, I wanted to take a moment to discuss a topic that has become very prevalent in popular culture today—mindfulness. We all know the often-recited statistics about how alcoholism, substance use and mental health affect lawyers at a proportionately higher rate than the general population. In South Carolina, we are lucky to have services like

Lawyers Helping Lawyers—a free and confidential resource for lawyers suffering depression or substance abuse (Free Helpline: 866-545-9590). As an SC Bar member you also may access up to five free hours of intervention counseling if you are experiencing emotional or stress-related issues. Call CorpCare at (855) 321-4384 to be referred to a counselor in your area.

But, how do we combat the buildup of daily stressors that don't necessarily warrant an intervention or necessitate a treatment program? Might I suggest—mindfulness. Mindfulness is defined as an awareness of life in the present moment. As lawyers, our minds are often cluttered with both our clients' worries (They pay us to worry for them!) and the worries of day-to-day life. This clutter can inhibit our brain and increase stress and anxiety. Mindfulness gives us the tools to pause, reflect and reframe our cluttered thoughts in a way that produces clarity and positive self-awareness.

I have been practicing law for almost eight years and have experienced burnout from working at least twice. During both of these times, I experienced a lack of motivation, feelings of overwhelm (I just kept re-writing my long to-do list), constant feelings of tiredness (6 p.m. bedtimes), and an inability to focus. Luckily, the second time around, I was able to connect these negative feelings to burnout and not to me making the wrong career choice! I've found that incorporating a few small mindfulness techniques into my workday keeps me from getting to the point of burnout. Here are a few of them:

1. Write down what you are grateful for. As corny as it sounds, writing down just a couple of things you are grateful for on a daily basis or during moment of overwhelm can be a huge perspective shifter. When I write something as small as "I am grateful for a yummy lunch at Greek Boys," I am reminded that there are people around the world and in my own community that don't have access to food or clean water—life's not so bad, huh?
2. Find a "pep talk" friend. Every now and then, we all just need a friend to listen to us whine and kindly remind

us of all the reasons we are awesome. Find this friend, be this friend.

3. Keep a "Book of Wins." When I first went into private practice, I was nervous that little ole' government lawyer me wouldn't make the cut as a "fancy big law firm lawyer who charges by the hour." To help remind me that I was capable and a good lawyer, I started keeping a small notebook at my desk to record every "win" I experienced professionally. I write down positive feedback from clients, motions won, and civic and professional awards I've won. When I have moments of self-doubt about my work (as we all do), I flip through this notebook to remind myself of all the times I got it right.

4. Take some time off. Contrary to our beliefs, most of us are not truly indispensable to our workplaces (sorry, not sorry). The world will continue to spin if we unplug for a few days to relax, recharge and refresh. Trust me. I somehow managed a two-week vacation a few years ago. Despite my angst from half-way around the world, nothing burned down or exploded while I was away, and everything got handled.

5. Lastly, remind yourself that you are a GREAT human being and that there are many people on this earth who love and care about you. Our work can sometimes take up so much of our time (most of us spend more time working than we do sleeping), that we forget that our work is WHAT we do and not WHO we are. This gentle reminder has helped me on those days when I make what feels like a career-ending mistake at work (fake news) or I feel like I have disappointed a client or co-worker.

I hope that you will incorporate one or two of these tips into your workday. They have helped me and my law practice tremendously. Remember: an unfrazzled, mindful lawyer is a great lawyer.

Onward,

Ashleigh R. Wilson  
YLD President

## Stars of the Quarter

**Kelly LaPlante**  
**Annie E. Andrews**  
**Ti'a L. Smith**  
**Samantha E. Albrecht**  
**Patrick J. Cleary**  
**Lindsay A. Sutcliffe**  
**Sara "Leslie" McIntosh**  
**Deidra D. Byrd**  
**Zachary E. Fryer**



# What's Been Happening



Protecting Our Youth events were held at Gaffney High school, Chester Middle School, Summit Parkway Middle School, Deer Park Middle School and Laurens Preparatory Academy. Special thanks to POY committee co-chair Sutania Fuller, and committee members Toria Smith, La'Jessica Stringfellow, Samantha Albrecht, and Tia Hazel for putting together awesome presentations! Special guests at the POY events included Assistant Solicitor Chris Bain, Assistant Public Defender Matthew Craft, Lts. Blair Dennis and Jerry Smith, Solicitor Randy Newman, Public Defender Michael Lifsey, Chester County Department of Juvenile Justice Director Rick Wessinger, Assistant Public Defender Sarah Smith, Joe Leventis, Department of Juvenile Justice representative Andrea Foster, Sgt. McCary, and Judge Donald Hocker.

The Families Forever Committee held several events recently including: Charleston Adoption Day, Foster Care Birthday Present Drive, Greenville Families Forever Fair, and a Teddy Bear Drive.



The VITA Committee held a Super Saturday Tax preparation event at the Cooperative Ministry in Columbia. Several USC law students volunteered to assist with client intake. During the event, 13 clients were assisted with

preparing their taxes and each client saved approximately \$175.

The 14th Circuit held a new members' reception on January 10. Approximately 12 YLD members attended. Representatives from the Solicitor's Office and the Lowcountry Legal Volunteers non-profit briefly addressed the new members.



Greenville County held a new admittees' reception November 28, 2018.

## Scenes from the Cinderella Project





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## **SC Secret Trades Act**

*(continued from Front Cover)*

a key feature of its future business expansion plans, as well as a focal point of its strategy for defeating its competitors in the free and open hyperspace.

It seems clear that the Galactic Employer's Death Star plans are trade secrets as defined by the South Carolina Trade Secrets Act, for the following reasons: (1) the designs and plans have been kept secret and are not readily known; (2) they derive independent economic value *because* they are not readily known to the public; and (3) the Galactic Employer has taken reasonable steps to maintain the secrecy of these plans, including requiring all employees, contractors, and Wookiee slaves to sign non-disclosure agreements (NDAs) before they were permitted to begin work on the Death Star (and murdered immediately thereafter to preserve secrecy). *See* S.C. Code § 39-8-1 *et seq.*; *see also* Wookieepedia, available at [http://starwars.wikia.com/wiki/Main\\_Page](http://starwars.wikia.com/wiki/Main_Page). Misappropriation of

those trade secrets, then, especially by a competitor, would be actionable under this Act, assuming you could find a firm comfortable enough with the Dark Side to represent Emperor Palpatine in a lawsuit.

Enter the Rebels, an upstart start-up based out of the Alderaan System. The Rebels, known for trading primarily in lost causes and 70s-era-specific mullets, engaged in the deliberate misappropriation of the Galactic Employer's Death Star trade secrets by sending a covert group to infiltrate and steal those plans for the Rebellion's own use. The Galactic Employer, through HR Director Orson Krennic, made diligent efforts to track down and prevent those plans from being wrongfully used by its competitor. Ultimately, however, it suffered damages at the hands of the Rebellion, thereby meeting all necessary elements of the misappropriation of trade secrets claim. The Rebels would have few options for counterclaims, rendering them Rebels without a cause of action.

The Galactic Employer also has

the option of bringing a claim under the Federal Defend Trade Secrets Act of 2016, which permits the Galactic Employer to bring the claim in federal court instead of state court. The federal law provides the additional advantage of allowing law enforcement officials to seize property—without advance notice to the accused—to prevent dissemination of the trade secrets at issue. In other words, the Emperor can use Force to enact his will. You're welcome.

In conclusion, it appears that the Galactic Employer *can* seek a legal remedy against the Rebel Alliance for misappropriation of trade secrets. However, issues in serving the complaint on a constantly moving guerilla army, the cost of credits it would take to see the lawsuit through to the end, and some *slight* issues with jury appeal make the prospect of this lawsuit tempting only to the darkest of Sith lords.

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