

## SC BAR DR SECTION COUNCIL MINUTES

Liaison: Joan S. Brown, Public Services Counsel  
PO Box 608  
Columbia, SC 29202  
Phone: 803-576-3794  
Fax: 803-799-5290  
[jbrown@scbar.org](mailto:jbrown@scbar.org)

**Friday, August 23, 2013, at 9:00 A.M.  
CONFERENCE CALL**

---

### MINUTES

---

The Council convened at the date, time and place indicated above.

Members Participating:  
Crowe, Danny, Chair  
Cooke, M. Dawes, Jr.  
Gallivan, H. Mills  
HaLevi, Jill E.  
Keefer, Sean F.

Massalon, John A.  
Sowell, Thornwell F., III

Bar Staff:  
Brown, Joan S.  
Manion, Jane

Call to Order, Roll Call and Welcome

Mr. Crowe called the meeting to order, identified and welcomed those participating, and thanked the members for their time and interest.

He then reported that pursuant to the amendments of the Bylaws passed in January 2013, he would have a short term as Chair of the Section Council, from May 30, 2013, through January 2014.

Approval of Prior Minutes

Mr. Crowe pointed out that the two visiting individuals at the last meeting were at that time incoming Council members and asked that their correct status be added to the Minutes. He also pointed out that under "2014 Convention Seminar" it was stated that Mr. Crowe made the report regarding the forms to be submitted to the CLE Division. He advised that Mr. Sowell had made the report and requested that to be corrected in the Minutes. The Council, upon proper motion and second unanimously approved the March 13, 2013, Minutes as modified.

Reports/Old Business

ADR Commission Update

Items reported by Mr. Crowe were as follows:

1. Training: Arrangements had been made for training of the lawyers in the new mandatory counties and circuits. In addition to two live trainings, a video of the live training given in Charleston would be online for individuals to review.
2. Mortgage Intervention: There was no report.
3. Summary Court: The local summary courts were utilizing non-lawyer mediators from the Community Mediation Center. There were questions as to what extent the Court or the LLR Board would regulate mediators and whether psycho-mediation specialists should be approved for mediating in some cases.
4. New Business for the Commission: The Commission had discussed whether to require annual CLE Training, and it was decided to submit the issue to the DR Section Council. Judge Howard mentioned that the Commission had recognized that an additional training requirement could discourage some individuals from seeking certification. The Council proffered that ongoing training would enhance their value as mediators. The need for obtaining the best mediators without undue extra costs was growing. It was suggested that the use of the videotape of the training in Charleston could be used as two hours of the annual mandatory CLE training for the time being. Upon proper motion and second, the Council unanimously voted to put before the Commission the proposal to use the two-hour mandatory CLE training as annual training and adding to it or modifying it over time as needed. The Council also agreed to raise the issue at the Convention seminar in January 2014.
5. Data Collection: The Commission had discussed obtaining data collection in order to determine the number of mediations that had resulted in favorable resolutions. It was decided to poll the clerks of court to determine what was being done and the results. Mr. Crowe would check with Richland County, and Ms. HaLevi and Mr. Massalon both offered to check with Charleston County. Mr. Gallivan volunteered to ask the Greenville County Clerk of Court for their data collection results as well. It was mentioned that Family Court does not track mediation results and that perhaps they should be required to do so. These results would be a vital part of improving and expanding mediation and arbitration.

#### 2014 Convention Seminar

Mr. Sowell reported he had lined up two out-of-state speakers to come to the Convention, Wayne Huckel from Charlotte and Fielding Martin from Atlanta. They would speak on various topics, including mandatory CLE requirements. Also scheduled were Betsy Gray and Brad Waring to discuss summary jury trials. Ms. HaLevi and Mr. Keefer would present on family court mediation and provide an update on collaborative law. Judge Howard was to provide an update of the ADR rules, and presentations were also scheduled for the probate court. Others participating were Mr. Sowell, The Hon. Robert Newton and the Hon. Lisa Kinon. Also to be discussed were mediation in probate court, Workers' Compensation hearings and criminal court.

#### C. C. "Cotton" Harness, III, Peace Award

The C. C. "Cotton" Harness, III, Peace Award was discussed, and Mr. Massalon noted that the Charleston Bar had given similar awards. He said a Committee was organized every year to select from the names nominated. Generally two or three awards were

presented at their annual meeting. He agreed to send the criteria to Ms. Brown for the Council to review for ideas for the DR Section Council's awards.

#### Goals

The Goals had previously been approved but were on the table again for final review before submission to the Bar. Upon motion and second, the goals were again accepted as proposed.

#### Next Meeting

Mr. Crowe remarked that although the Goals were approved, they could be better, so he set the next conference call meeting for 9:00 a.m. on September 27, 2013, with the sole purpose of sharpening the Section Goals by discussing ideas to help the public and ways to better educate the Bar. Mr. Crowe asked each of the Section Council members to come up with ideas to breathe life into the Section. Mr. Crowe reminded everyone that the next full DR Section meeting was scheduled for the Bar Convention on January 23, 2014, at the conclusion of the seminar. The seminar would be held between 1:30 p.m. and 4:30 p.m.