

**REPORT OF THE PRESIDENT
JANUARY 19, 2012
A. MARVIN QUATTLEBAUM JR.**

MEMBERSHIP SERVICES

Ex Parte Brown

On June 21, the Supreme Court issued an opinion in *Brown* agreeing with the Bar's amicus position. The Court held that the Fifth Amendment Takings Clause is implicated when an attorney is appointed to represent an indigent litigant and that attorney's services are property entitling the attorney to just compensation. The Bar is pleased that its position that lawyers have a constitutional right to be compensated for appointed cases has been accepted by the Court. This ruling will promote more efficient procedures in our court system.

Member Involvement Task Force

The Member Involvement Task Force was formed in May with the goal of doubling active member involvement in the Bar over the next three years. As part of this effort, the task force has proposed the creation of a law student division or affiliation, which the House of Delegates will consider today. The task force is also considering a member survey and methods of promoting opportunities for Bar involvement.

Lawyer Image Task Force

The Lawyer Image Task Force was formed in May to emphasize the meaningful services lawyers provide in contrast to negative influences that question the integrity of the legal profession. The task force launched a series of YouTube videos promoting a true representation of the profession and a *South Carolina Lawyer* feature showcasing the community service efforts of local lawyers. The task force is considering additional ways to communicate a positive message through social media and has proposed a study that will evaluate the impact the profession and judicial system have on South Carolina's economy.

AIS

In October, the Supreme Court issued an order requiring all Bar members to register with the new SCJD Attorney Information System (AIS), which will be the exclusive source for attorney contact information for attorney notices and court correspondence. AIS is the first step to electronic filing of court documents in South Carolina and now supplies automatic updates to the Bar's database. The Bar assisted with the launch of this system.

MyBar Online Community

The Bar has developed an online community, MyBar, that will enhance member database profiles. MyBar integrates with the Bar's existing online member database resulting in a social-media driven private community that allows members to interact with one another and receive information about membership services and benefits. Look for a launch announcement coming soon. **Members now also have the ability to display links to their websites through the online member directory.**

Practice Management Assistance Program (PMAP)

PMAP provides technology consultations by telephone, through the “Bar Bytes” column in *Bar News* and through technology tips published through E-Blast and Twitter. PMAP is also the point of contact for Casemaker and the Lending Library. The PMAP Director authors a blog, www.scsmallfirm.com, for solo and small firm lawyers in South Carolina. The blog features information about new products, technology tips and start-up advice.

Local Bar Meetings

Board members and Bar staff continued to meet with local bar groups to discuss key initiatives and member concerns. To date, meetings have been held with members in Aiken, Anderson, Barnwell, Beaufort, Charleston, Chester, Fairfield, Greenville, Jasper, Kershaw, Newberry, Oconee, Orangeburg, Pickens, Richland, Sumter and York counties as well as the Fourth Circuit.

Legislation

The 2012 legislative session began Jan. 10. The Bar will monitor and advocate for legislation pertaining to the interests of Bar members, particularly funding for the judicial branch and court appointments. The Bar remains committed to working with the judicial branch to ensure the courts can provide basic access to constitutionally and statutorily mandated justice.

Members benefit from these monitoring services through *The Legislative Update*, a summary of all significant legislation passed, Weekly Legislative Reports posted on the Bar website during legislative session, and an online legislative tracking system accessible through the website. The Bar encourages members to help inform state legislators of the needs and concerns of the Bar through its Legislative Action Network.

Senior Lawyers Division Essay Contest

The Senior Lawyer Division sponsored a Law Day Essay Contest on the 2011 theme, “The Legacy of John Adams, From Boston to Guantanamo.” Students were asked to write 1,000 words or less explaining why the right to an attorney is considered a fundamental principle of the rule of law. The Division selected winners in grades nine through 12 and recognized them during programs at their respective schools during December.

Lawyers Helping Lawyers

The Lawyers Helping Lawyers program continued to assist lawyers affected by depression and/or substance abuse, providing referral services, peer support and monitoring services. Call LHL at (866) 545-9590 for free and confidential assistance, advice or referral, or call LifeFocus Counseling Services at (866) 726-5252 for 24/7 intervention counseling. The LHL staff has a regular on-site presence at the USC School of Law and Charleston School of Law.

2012 Leadership Academy

The fourth installment of the Bar's Leadership Academy launches in conjunction with the Convention. The purpose of the program is to enhance the professional growth and leadership skills of selected members to prepare them to make meaningful contributions to the legal profession and community.

New Member Benefits

The Bar added discounts through Office Depot, Clio practice management services, and Rocket Matter practice management and time-billing services to its collection of member benefits. A complete list of member benefits is located in the *Lawyers Desk Book* and on the Bar website. Casemaker free legal research is undergoing enhancements as well as offering subscription add-on products.

Judicial Qualifications Reports

The Judicial Qualifications Committee released reports in September. The reports reflect the composite perspective of Bar members who were interviewed about each candidate's judicial temperament, character, knowledge of the law and legal skills. The reports were forwarded to the Judicial Merit Selection Commission and are available at www.sbar.org. The Bar remains committed to its involvement in this process. The work of its volunteers is to be lauded, as it is not always without controversy or critique. The end goal of a competent, respected and qualified judiciary is of the utmost importance.

Member Publications

E-Blast is delivered to members' inboxes each week and features advance sheet summaries, CLE information, court news, summaries on pending legislation, tech tips and other legal information. The *South Carolina Lawyer* is published in January, March, May, July, September and November, and *SC Bar News* is published in February, April, June, October and December. Recent issues can be accessed at www.sbar.org/sclawyer and www.sbar.org/barnews. The Bar continues to communicate with members and the public via Facebook and Twitter. The *South Carolina Lawyer* was recognized in May with the South Carolina Society for Association Executives' Best in the Business Award.

PUBLIC SERVICES

Pro Bono Recruitment

The Pro Bono Committee has launched a campaign involving a recommitment of current volunteers and recruitment of new volunteers. The campaign is entitled "I'm In!" The Committee seeks to reinvigorate the program in anticipation of the elimination of involuntary court appointments.

Free Legal Clinics

The Public Services Division, with the help of volunteer lawyers, continues to host free legal clinics around the state to educate the public on such issues as bankruptcy, divorce, wills and other legal matters. Nearly 30 clinics were scheduled during the fall.

Ask-A-Lawyer

The Bar continues to sponsor periodic, regional Ask-A-Lawyer programs, which consist of televised phone banks and web chats, in an effort to assist the public with legal questions. This program emphasizes the positive role lawyers play in their communities.

Lawyer Referral Service

The Lawyer Referral Service currently has 356 Bar members participating. The service is promoted through statewide radio and print advertising and a Google AdWords campaign.

Legal Lessons: A Series for the Public

Installments of Legal Lessons (previously called Law School for Non-Lawyers) were held this fall in Greenwood, Myrtle Beach and Spartanburg. The courses covered an overview of the court system, living wills, family law, landlord/tenant issues, employment law, workers' compensation and a variety of other topics. Additional courses are planned for the spring in Greenville, Kingstree and Rock Hill.

Fee Disputes/Lawyers' Fund

The Resolution of Fee Disputes Board has closed 113 cases since July 1. The Fee Disputes Board resolves fee, cost and disbursement disputes between clients and Bar members. The Lawyers' Fund for Client Protection, which reimburses clients for money or property mishandled by Bar members, received 43 new applications, resolved 17 pending applications and paid \$40,165 to former clients.

Ask-A-Lawyer, Legal Lessons and free legal clinics are funded by IOLTA grants from the S.C. Bar Foundation, Inc.

LAW RELATED EDUCATION

Law for Young Adults Unveiling

Last year the LRE Division produced a resource for youth turning 18 that explains the numerous laws they need to know and understand to function in society as a young adult. This online publication was unveiled in October at Ft. Mill High School by Immediate Past President Carl Solomon and York County Bar Vice President Walter Dusky. Dusky is an LRE Committee member and former Ft. Mill High mock trial participant.

Law for Teachers

Individual webinar trainings have been produced for each topic covered by the Law for Teachers program. Law for Teachers addresses issues that teachers face every day in the classroom, such as torts, special education, copyrights and student discipline. The webinars are available on the LRE website and have been well received by teachers throughout the state.

Middle School Mock Trial

Congratulations to Johnsonville Middle School, winner of the 2011 Middle School Mock Trial State Competition. The competition was held Dec. 9-10 at the Marc H. Westbrook Lexington County Judicial Center. Forestbrook Middle School of Myrtle Beach was first runner-up. These schools were among 10 teams advancing to state from regional competitions held in November.

We the People

Scholars Academy won the 2012 We the People: The Citizen and the Constitution competition held Jan. 5 at Columbia College and will represent South Carolina at the national competition in April. The teams that placed second through fourth will represent South Carolina at the first

Battle of the Carolinas competition in March in Charlotte. We the People is a mock congressional hearing during which students discuss critical issues regarding American government, the founding fathers and current events based on a constitutional perspective.

Project Citizen

In August, students from Lonnie B. Nelson Elementary School's Academy for Civic Engagement in Columbia received a Superior Level ranking by the Center for Civic Education and the National Conference of State Legislatures (NCSL) for their project "Bullying is Cruel, Don't Do It in School." These students won the 2011 Project Citizen statewide showcase last April. Project Citizen encourages students to research a public policy they believe should be revised or created. By doing so, they learn what it means to be effective citizens and are inspired to make changes in their communities. In November, the LRE Division conducted Project Citizen in-school hearings via Skype with Early College High School in Conway. Three classes presented projects in preparation for the 2012 statewide showcase.

Teacher Newsletter

The LRE Division continues to distribute an electronic newsletter to educate teachers about law related programs and communicate relevant news and upcoming events. The newsletter is distributed three times each year.

Trainings

The LRE Division has hosted a number of live and webinar trainings for We the People: The Citizen and the Constitution, We the People: Project Citizen, Community Works, Street Law, Street Law for the School Resource Officer, Foundations of Democracy and Mock Trial. Trainings were held at individual schools and statewide to prepare teachers for implementation of LRE programs.

The LRE programs noted above are funded by an IOLTA grant from the S.C. Bar Foundation, Inc., a grant from the Center for Civic Education and Bar funds. Competitions are made possible through the efforts of members of the legal community who volunteer to serve as attorney coaches, district coordinators, scoring judges and presiding judges.

CONTINUING LEGAL EDUCATION

Programming Options

The CLE Division continues to offer a number of programs in various formats and locations around the state to give members the best value, variety and flexibility in CLE programming. Available formats include live seminars, teleseminars (via phone), online seminars and live webcasts. Please visit www.sbar.org/cle to learn more about the variety of options. This site has recently been enhanced to create a more user-friendly CLE experience.

Solo and Small Firm Conference

The Division hosted the first Solo and Small Firm Conference in September. The program, "Exploring the Business Side of Law Firms," was designed to address the needs of small firm lawyers, including tips on how to build a successful business. It featured two course tracks (Technology for Small Firms and Practice Management) as well as technology and office

management exhibitors chosen specifically for small firms. This inaugural program exceeded attendance expectations, and plans are underway for a 2012 conference, themed “Small Firms, Big Opportunities.”

Going Solo DVD

Another new offering for solo practitioners is a four-DVD series entitled “Going Solo—A Practical Guide to Hanging Out Your Shingle.” The Bar developed this series for both new and seasoned lawyers who are planning to start their own firm. The series covers choice of business entity and technology options (Disc 1); start-up financing, setting a budget and firm marketing (Disc 2); business license and government filing, trust accounts, insurance and client files and communication (Disc 3); and employment considerations, fee agreements and legal research (Disc 4).

Online Electronic Discovery Programs

In November, the Division began offering members the opportunity to enroll in the online, self-paced training offered by The Ritter Academy on the field of electronic discovery. The academy provides 24/7 online access to learning and practice tools required to manage digital records as evidence. Bar members can enroll for unlimited access or purchase a package of six hours of self-paced programming.

Live Seminars

Since July 1, the CLE Division has hosted 41 live seminars with a total attendance of 2,492. The Division continues to develop a wide variety of challenging programs including basic and advanced level workshops, section member-only programs and mediation training. Some of this year’s special programs have included the Concealed Weapons Permit and CLE Training Course, Fall Sporting Clays, LEAPP Trust Account School, the Al Todd Estate Planning Workshop, the Family Law Intensive and the N.C. and S.C. Labor and Employment Law Conference. The first Roller Derby CLE is scheduled for Jan. 29.

Distance Learning

The Division continues to expand the Distance Learning catalog, providing new topics and keeping the material in each topic area fresh and relevant. Currently, more than 150 online, on-demand seminars on a wide variety of topics are available 24/7. Members can watch live webcasts of seminars in real time, or pause, rewind and review archived webcasts and online programs for up to 30 days. The Division has released 76 new online seminars and offered more than 70 teleseminars since July 1.

Publications

New CLE books, supplements and software programs published include:

Lawyers as Employers: A Guide to S.C. Employment Law for Small Firms and Solo Practitioners

S.C. Evidence Handbook Annotated, Seventh Edition

S.C. Rules of Procedure Annotated 2011

So You Have a Judgement, Now What?

The Alimony Calculator 2011, Version 1.0

The Fourth Amendment: A Step-by-Step Guide to Search and Seizure Jurisprudence in South Carolina

The S.C. Consumer Protection Code, 2011 Cumulative Supplement

The S.C. Law of Torts, Fourth Edition

Marketing

The Division continues to promote its programs to members through seminar “Preview” catalogs, brochures, e-brochures, E-Blast, Twitter, Facebook and Bar publications. A calendar of seminars is featured in each issue of *SC Bar News*. Look for CLE offerings in any of these resources or visit www.sbar.org/cle.

YOUNG LAWYERS DIVISION

iCivics

The iCivics Committee is assisting with the implementation of iCivics, a web-based education project designed to enhance the civics education of middle and high school students. The committee has hosted teacher training workshops and, in conjunction with the University of South Carolina’s Rule of Law Collaborative, is creating a video for use in local schools on the importance of the rule of law. The Committee is planning a “blitz day” in 2012 during which young lawyers will present the three branches of government to elementary school students.

Special Olympics

YLD continued its support of Special Olympics South Carolina, serving as a sponsor of the organization’s Columbia Gala in July and Charleston Gala in September. The Gala sponsorship is noteworthy in that it relied entirely on the support of individual members. Young lawyers also support Special Olympics South Carolina by volunteering at its statewide games and other events. Most recently, young lawyer volunteers assisted with the tennis competition during the Fall Games in Greenville.

Color of Justice

The Color of Justice Committee (CoJ) hosted programs this fall at Claflin University and York Technical College. The purpose of the Color of Justice program is to encourage minority students to seek a legal career. Students heard presentations from judges, attorneys, law school faculty and admissions representatives, and law school students. The CoJ Committee will conclude its program series with a spring presentation in Spartanburg.

Habitat for Humanity Wills Clinic

Young lawyer volunteers in the Midlands area provided free wills for Habitat for Humanity homeowners in July. Forty lawyers helped 55 homeowners during the event, which was coordinated with Columbia Habitat Young Professionals. The lawyer volunteers donated approximately 340 hours of service. Additional clinics will be scheduled for early this year.

Backpack Drives

In August, law firms and agencies in Charleston, Richland and Florence counties served as collection sites for local school supply drives. In Richland County, young lawyers assembled boxes of school supplies and more than 130 brand new backpacks and hand-delivered them to

Burton-Pack Elementary School and The Cooperative Ministry. In Charleston County, supplies and backpacks were delivered to Sanders Clyde Elementary/Middle School, and in Florence County, donations were delivered to McLaurin Elementary School.

Assistance to Domestic Violence Victims

Thanks to the generosity and volunteer spirit of attorneys across the state, the Voices Against Violence Committee collected hundreds of items and assisted 14 domestic violence shelters through Necessities and Paper Products Drives. Individual attorneys, law firms and agencies offered their respective firms to serve as collection sites for local shelters in need. This committee will host a domestic violence CLE on Feb. 3 in Columbia.

Professional Development

In November, Harry Huntley, executive director of the S.C. Jobs-Economic Development Authority, presented to members of the YLD and S.C. Bankers Association Young Bankers an overview of tax-exempt bond financing in South Carolina. This program was the fourth installment in a series designed by the Professional Development Committee to provide a unique continuing education and networking experience for young professionals.

Courthouse Keys

Young lawyers across the state participated in Courthouse Keys events in July and August. Judge G. Thomas Cooper addressed 25 young lawyers regarding private practice and presiding on the bench, providing practical advice for young trial practitioners. Judge Richard Gergel addressed another group about his transition from full time law practice to the federal bench. He also entertained questions about the nomination and appointment process in addition to questions about federal practice. Greenville young lawyers had the opportunity to meet for happy hour with the Hon. Robin B. Stilwell.

New Admittee Outreach

Approximately 400 new lawyers were sworn in to the Bar in November. YLD sponsored receptions in Columbia, Greenville and Charleston to welcome the newest members of the profession and encourage involvement in the Division.

ABA/YLD Awards

YLD received three ABA/YLD Awards of Achievement at the ABA Annual Meeting in August. The awards include: First Place for Minority Project for the Minority Clerkship Program; First Place for Service to the Public for Volunteer Income Tax Assistance; and Second Place for Comprehensive Application. The Division was also recognized for the Courthouse Keys program and the *S.C. Young Lawyer* newsletter.