

REPORT OF THE PRESIDENT
JANUARY 24, 2013
ANGUS H. MACAULAY

MEMBERSHIP SERVICES

Rule 608 Contracts

Last year the General Assembly approved \$6.3 million in recurring funding for civil and criminal conflict appointments, and the Bar is pleased to be working with the S.C. Commission on Indigent Defense in establishing a civil case contract program. We applaud our legislators for recognizing this dire need and taking steps to ensure our courts function at their highest level.

Member Involvement Task Force

The Member Involvement Task Force continues its pursuit of doubling active member involvement in the Bar. As part of this effort, the House of Delegates approved the creation of a law student affiliation, and a member survey was conducted to assess incentives and barriers to participation in Bar activities. The task force also worked with the Conventions Committee to create law student and government lawyer rates for the Convention and is working to increase involvement by out of state members.

Lawyer Image Task Force

The Lawyer Image Task Force is launching a second installment of YouTube videos promoting a true representation of the legal profession. The task force also continued the *South Carolina Lawyer* feature showcasing the community service efforts of local lawyers and commissioned a study by the USC Moore School of Business to assess the economic impact of the legal profession in South Carolina. The results will be presented to you today.

Congressional Outreach Task Force

This task force was formed to organize visits with members of the S.C. congressional delegation to provide information about the Bar and outline issues important to Bar members.

Law School for Journalists

On December 12 the Bar held a Law School for Journalists program at the Bar Conference Center to foster communication as well as a greater understanding of legal issues among the local media. The program covered such topics as criminal procedure, civil procedure, FOIA and lawyer ethics, and included remarks by S.C. Supreme Court Chief Justice Jean Toal. Approximately 45 media representatives from across the state attended.

We Do That!

In May the Bar launched a promotion of all its programs and services offered through Bar membership, including answers to ethics questions, product discounts, advice on software products, CLE offerings, counseling services and health insurance products for lawyers and staff. Look for the We Do That! logo in Bar communications to learn more about the benefits available to you.

Mobile Member

In September, the Bar launched Mobile Member, which provides convenient access of key Bar website tools on mobile devices. Mobile Member allows members to search the member directory; view a list of upcoming CLE programs and publications for purchase; view and pay outstanding invoices; and update

personal data on file with the Bar. It is accessible to all Bar members simply by entering your username and password. Log on to www.sbar.org/mobile from your mobile device to get started.

MyBar Online Community

The Bar launched MyBar, a branded private social community open only to S.C. Bar members. MyBar works similar to Facebook and integrates with the Bar's database to allow members to easily interact with their peers. Bar members can communicate with each other, receive important information from their sections and gain opportunities for professional growth. Visit <http://mybar.sbar.org>.

Casemaker Legal Research

Casemaker was updated with a new look and better search capabilities, featuring faster search results with a more intuitive interface, personalized search history and additional organizational features. The previous version of Casemaker is available for a limited time by clicking the "Back to 2.2" link after logging in.

Practice Management Assistance Program (PMAP)

PMAP provides technology consultations by telephone, through the "Bar Bytes" column 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.

Ethics Hotline Advice

The Ethics Hotline offers access to experienced staff lawyers who are available to discuss and analyze ethics issues and professional responsibility dilemmas. The call is confidential under Rule 8.3 of the Rules of Professional Conduct. Also, the Ethics Advisory Committee issues advisory opinions for members on prospective ethics problems. The full text of all ethics opinions since 1958 is available on the Bar's website.

Member Benefits

The Bar added OfficeMax® discounts to its collection of member benefits. Members enjoy savings of 31 to 88 percent off the manufacturers' list price on the most frequently purchased items, a five percent discount on more than 12,000 products in the OfficeMax net priced catalog (excludes all paper products) and discounts on certain ImPress® print and document services.

Legislation

The Bar continues to monitor and advocate for legislation pertaining to the interests of Bar members. 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.

Lawyers Helping Lawyers

The Lawyers Helping Lawyers program continues 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 also maintains a regular on-site presence at the USC School of Law and Charleston School of Law.

2013 Leadership Academy

The fifth installment of the Bar's Leadership Academy will launch in conjunction with the Convention this weekend. The purpose of the program is to enhance the professional growth and leadership skills of selected members to enhance their ability to make meaningful contributions to the legal profession and community.

Judicial Qualifications Reports

The Judicial Qualifications Committee released reports in October. 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.

PUBLIC SERVICES

Expungements Manual

With the assistance of S.C. Court Administration, the Task Force on Expungements developed a web-based manual containing frequently asked questions and a directory of expungement coordinators by judicial circuit. This resource is designed to allow citizens to learn about the process established by the General Assembly to expunge or remove criminal convictions meeting certain statutory requirements. The task force is examining the feasibility of developing a uniform expungement application for all judicial circuits statewide.

Guardianship/Conservatorship and Special Needs Trusts Manual

A task force is creating a legal handbook entitled "Special Transitions" for the parents of special needs children. The handbook is in its final stages and will be made available for online access as well as in print for distribution to South Carolina schools and other organizations within the special needs outreach community.

SCLawAnswers.org

In December the Pro Bono Program launched SCLawAnswers.org, a resource available to the public for around-the-clock access to legal help. The website allows individuals who meet certain qualifications to post legal questions and have them answered by a volunteer attorney. It is accessible 24 hours a day, 7 days a week, allowing both the attorney and client to use the resource at their convenience. Questions are sorted based on topic, including benefits, consumer law issues, health care, family, work related issues and more.

Senior Citizens Handbook

The Public Services Division updated the *S.C. Senior Citizens Handbook*, a free guide to laws and programs affecting senior citizens. The handbook was made possible by assistance from the Elder Law Committee and grant funding from the Administration on Aging made available through the Lieutenant Governor's Office on Aging.

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. More than 40 clinics were held during the fall, with more than 50 scheduled for the spring. Fifty-three Bar members served as speakers for the fall clinics, with 986 public attendees.

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. During the fall, 41 lawyers volunteered for this program with 513 members of the public participating by phone or web chat. This program emphasizes the positive role lawyers play in their communities.

Lawyer Referral Service

The Lawyer Referral Service currently has 363 Bar members participating. The service is promoted through statewide radio advertising and a Google AdWords campaign.

Legal Lessons: A Series for the Public

Installments of Legal Lessons were held this fall in Aiken, Beaufort 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. Thirty-eight lawyer volunteers served as instructors for the courses with 62 members of the public enrolled. Courses have been scheduled for the spring in Cheraw, Greenwood and Orangeburg.

Fee Disputes/Lawyers' Fund

The Resolution of Fee Disputes Board has closed 106 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 127 new applications, resolved 15 pending applications and paid \$74,968.08 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

Middle School Mock Trial

Congratulations to Forestbrook Middle School of Myrtle Beach, winner of the 2012 Middle School Mock Trial State Competition. The competition was held Dec. 7-8 at the Marc H. Westbrook Lexington County Judicial Center. Ocean Bay Middle School, also of Myrtle Beach, was first runner-up. These schools were among 12 teams advancing to state from regional competitions held in November.

Law for Teachers

The National Association of Bar Executives (NABE) Board of Directors selected the Bar's Law for Teachers program as a recipient of the 2012 NABE/LexisNexis Community & Educational Outreach

Award. The award was presented in August during the NABE Annual Meeting in Chicago. Law for Teachers is a free program hosted by the Law Related Education Division that is designed to give teachers an informative and practical guide to the legal issues they face every day in the classroom.

LRE and Social Media

The LRE Division now keeps students and teachers up to date on important news, registration deadlines, competition dates and more on Facebook, Twitter and Google+. The Division is also establishing a presence on Edmodo, a social media platform commonly used by educators.

We the People

Carolina Forest High School won the 2013 We the People: The Citizen and the Constitution High School competition held Jan. 10 at Columbia College and is eligible to represent South Carolina at the national competition in April. St. Anthony Catholic School won the Middle School competition also held Jan. 10 at Columbia College. 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.

S.C. Supreme Court Institute

The LRE Division co-hosted the S.C. Supreme Court Institute, a program aimed at middle and high school Social Studies and U.S. Government/History teachers, in June. The institute featured presentations by Chief Justice Jean H. Toal, other members of the S.C. Supreme Court and Bar members; tours of the Supreme Court building; hands on activities with iCivics; and several lesson building opportunities.

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 hosted a number of live and webinar trainings. Trainings were held at individual schools and statewide to prepare teachers for implementation of LRE programs. In addition, individual webinars for each topic covered by the Law for Teachers program are available on the LRE website.

The LRE programs noted above are funded by an IOLTA grant from the S.C. Bar Foundation, Inc. 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

Solo and Small Firm Conference

The Division hosted its second Solo and Small Firm Conference in September. The program, “Small Firms, Big Opportunities,” was designed to address the needs of small firm lawyers, including tips on how to build a successful business. It featured more than 20 exhibitors, top local and national speakers on current practice management and technology topics, a networking lunch and prize drawings.

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.scbare.org/cle to learn more about the variety of options.

Live Seminars

Since July 1, the CLE Division has hosted 49 live seminars with a total attendance of 2,975. 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 ethics and risk management topics, the S.C. Entertainment and Sports Law Symposium, LEAPP Trust Account School, Dollars and Uncommon Sense: Learning Cafés for Lawyers and CPAs and the Roller Derby CLE. In addition, a number of opportunities were provided for members to fulfill the recently added substance abuse/mental health CLE requirement.

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 430 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 64 new online seminars and offered more than 80 teleseminars since July 1.

Publications

The robust publications department of the CLE Division continues to publish a number of new books, supplements and software programs across various practice areas. Titles published this Bar year include:

Annotated S.C. Rules of Professional Conduct, 2010 Edition

Marital Litigation in S.C. Substantive Law, 2012 Supplement to the Fourth Edition

Masters-in-Equity & Special Referees in South Carolina, Fourth Edition

S.C. Case Law Update 2011

S.C. Civil Procedure, Third Edition, 2012 Supplement

S.C. Crimes: Elements & Defenses

S.C. Evidence Handbook Annotated, Eighth Edition

S.C. Rules of Procedure Annotated 2012

Service of Process in South Carolina, Third Edition

The Cybersleuth's Guide to the Internet, Twelfth Edition

The Law of Workers' Compensation Insurance in South Carolina, Sixth Edition

The S.C. Bankruptcy Practice Manual, Revised Second 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. "Free Publication Thursday" and "Free Seminar Friday" promotions recently launched on Facebook to encourage members to like and share CLE offerings. 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.scbare.org/cle.

The Division recently launched SmartView, a branded online content management system that allows Bar members to view seminar information and enrollment, upcoming conferences and publications all in one place. Over the next five months, CLE will work to add all product offerings onto the SmartView system. To view a sample of the SmartView system, visit www.scbare.org/ethics2013.

YOUNG LAWYERS DIVISION

iCivics

The inaugural iCivics Day took place on May 14, during which 37 YLD members traveled to elementary schools across the Midlands and spoke to more than 2,100 fourth and fifth grade students about the importance of civic engagement. The presentations focused on topics including individual rights, democracy, separation of powers, and state and local government. The iCivics Committee is assisting with the implementation of iCivics, a web-based education project designed to enhance the civics education of students.

ABA YLD Fall Conference

The Division hosted young lawyers from across the country at the ABA YLD 2012 Fall Conference in Charleston October 18-20. The event marked the culmination of several years of efforts by S.C. young lawyers to secure a national conference in the state. More than 300 young lawyers attended the conference, which featured some of the state's most distinguished and colorful attorneys, including Chief Justice Jean Toal and Justice Costa Pleicones. The conference was also an opportunity to showcase South Carolina and highlight the programming and service work of the state's young lawyers.

American Voter Project

YLD teamed up with the ABA for its American Voter project, a non-partisan public service initiative designed to educate young people about the history and importance of voting and to inspire all Americans to participate in the election process. The project consisted of voter registration drives at West Ashley High School in Charleston, York Technical College, Winthrop University and the University of South Carolina—Union. A follow-up presentation was made to West Ashley students showcasing efforts to equalize access to the ballot box, reminding them of their civic duty and urging them to honor their forebears' sacrifices by exercising their right to vote.

Backpack Drive

More than 30 young lawyers organized the YLD Backpack Drive, and law firms and agencies in Charleston, Richland and York counties served as collection sites for supplies. Committee members in each circuit collected and distributed donations to local students in need. Donations resulted in the distribution of nearly loaded 200 backpacks, enabling students to be prepared with the necessary supplies at the beginning of the school year.

Special Olympics

YLD continued its support of Special Olympics South Carolina by volunteering at statewide games and other events. On October 20, volunteers assisted with the Upstate games tennis competition, including match set up, keeping score, encouraging players and retrieving tennis balls. Young lawyers also supported the Special Olympics Give to Gain Gala, benefitting Upstate athletes, and the 13th Annual Special Night for the Special Olympics, designed to raise awareness of the athletes and funds for general operations.

Assistance to Domestic Violence Victims

October was Domestic Violence Awareness Month, and the Voices Against Violence Committee collected necessities and paper products for shelters housing victims of domestic violence and sexual assault. Fourteen attorneys volunteered to host drop-off sites, and the items were delivered to shelters including My Sister's House, Sistercare, Sexual Trauma Services of the Midlands, Hope Haven, SAFE Homes Rape Crisis Coalition and Foothills Alliance Center.

Color of Justice

YLD hosted the Color of Justice in Rock Hill and Charleston. The programs consisted of panel discussions with judges, attorneys, law school admissions and law school students. This project introduces the field of law to middle and high school minority students during a one-day symposium and is held periodically around the state.

Professional Development

YLD and the S.C. Bankers Association Young Bankers Division hosted joint events in Greenville, Myrtle Beach and Columbia to network and discuss topics of interest to both professions. Also, the Courthouse Keys Committee hosted an event with several local judges to give young lawyers in Beaufort an opportunity to learn from and network with members of the bench.

Young Lawyer Outreach

YLD coordinated new admittee receptions with other young lawyer organizations to welcome the newest members of the profession to the Division. Events were held in Columbia, Greenville and Charleston. In addition, the 13th Circuit and the Greenville Young Lawyers Club hosted the seventh annual Pub Olympics over the summer, during which a group of summer law clerks compete in pool, darts and foosball. An inaugural event was also held in Columbia.

ABA Awards of Achievement

The Young Lawyers Division was the winner of five prestigious Awards of Achievement at the ABA Annual Meeting on Aug. 4 in Chicago. The awards included first place for Minority Service Project (Color of Justice), Service to the Public (Habitat for Humanity Wills Clinics) and Newsletters (*S.C. Young Lawyer*), and second place for Service to the Bar (Bar Convention programming) and Comprehensive Projects and Programs.