



**South  
Carolina  
Bar**

**House of Delegates**

**May 16, 2024**



Dear House of Delegates Member:

As many of you have heard me say, I am proud to be a South Carolina lawyer. I am proud to serve with people like you. Your gifts of your time and talents through your service to our Bar helps make the South Carolina Bar great. Your service as a member of the House of Delegates, setting the policies of the Bar, is crucial to our ongoing success. Thank you for your great work to our profession and our Bar.

Please review your materials and discuss them with the Bar members you represent for their perspective. As always, your attention to and input regarding these matters is very much appreciated.

Chief Justice Beatty will also swear Shaheena Bennett as our new Bar President. Shaheena is already fully engaged and is going to be an outstanding President. I look forward to her leadership.

Chief Justice Beatty will also swear in the other officers. I would also like to thank those that are rolling off the Board of Governors – including Mike Burch, Hagood Tighe, Richele Taylor and Sidney Evering. They have all contributed significantly to our Bar's success.

It has been an honor to serve as your Bar President for the past year and I look forward to seeing you in Moncks Corner!

Thanks again for your service!

Sincerely,

A handwritten signature in black ink that reads "Rusty Infinger". The signature is written in a cursive, flowing style.

Russell T. "Rusty" Infinger  
SC Bar President, 2023-24



Dear Member of the House:

The House of Delegates of the South Carolina Bar will convene on Thursday, May 16, 2024, at Cypress Gardens in Moncks Corner. The meeting will begin at 2:30 p.m.

Snacks will be provided. When you arrive, please be certain to sign in so that the minutes will reflect your attendance.

The proposed agenda precedes the first tab of the attached packet. If you wish to remove for discussion any item from the Consent Agenda, you must do so before the agenda is adopted at the start of the meeting.

In your review of these materials, please remember the restrictions on positions which may be supported by a mandatory bar association such as ours. There is a brief description of these restrictions behind the agenda.

You are encouraged to participate in thorough debate on agenda items, but please respect your fellow House members by making your remarks succinct and pertinent to the agenda items being debated.

Please arrive early to review any additional materials which may be distributed at the meeting. Available materials have been sent to you to allow you an opportunity to consult your constituency concerning the matters on the agenda. Please read the materials and obtain input from your peers.

During the Assembly, Shaheena R. Bennett will be sworn in as President of our Bar by Chief Justice Beatty. There will be a reception in Shy's honor beginning at 4:30 p.m. at the venue.

I look forward to seeing and spending some time with each of you in Moncks Corner. If I can assist you in any way prior to the meeting, please do not hesitate to contact me.

A handwritten signature in blue ink that reads "Lindsay A. Joyner". The signature is fluid and cursive.

Lindsay Joyner

Chair, SC Bar House of Delegates

**AGENDA**  
**SOUTH CAROLINA BAR HOUSE OF DELEGATES**  
May 16, 2024 @ 2:30 p.m.

**CALL TO ORDER**  
**SET THE AGENDA**

Lindsay A. Joyner  
Chair

- |     |  |                                      |
|-----|--|--------------------------------------|
| 1.  | Approval of Consent Agenda<br>a. Approval of Minutes of Meeting Held on January 18, 2024<br>b. Receipt of March Financial Statements | Lindsay A. Joyner<br>Chair           |
| 2.  | Presentation of Law Related Education Lawyer of the Year   | Walter Dusky<br>Past Chair           |
| 3.  | Presentation of Young Lawyer of the Year   | Taylor D. Gilliam<br>YLD President   |
| 4.  | Presentation of Grady B. Anthony Public Service Award  | Taylor D. Gilliam<br>YLD President   |
| 5.  | Report from South Carolina Bar Foundation, Inc.  | Olivia Jones<br>Foundation Director  |
| 6.  | Report of the President  | Russell T. Infinger<br>President     |
| 7.  | Election of the Members of the Nominating Committee  | Nekki Shutt<br>Secretary             |
| 8.  | Request from Professional Responsibility Committee to Amend Rule 7.1   | Melissa Mosier<br>Subcommittee Chair |
| 9.  | Proposal from Senior Lawyers Division to Amend their Constitution and By-Laws  | Cathy Kennedy<br>Incoming President  |
| 10. | Request from Military Law to Increase Section Dues   | Tim Murphy<br>Committee Chair        |
| 11. | Proposal from the Diversity Committee to Revise Language to the Bar's Constitution By-Laws and Constitution                          | Betsy Tanner<br>Subcommittee Chair   |
| 12. | Request from Lawyers Fund for Client Protection to Amend Fund Deposit Limitation   | TBD                                  |

- |                            |   |   |
|----------------------------|---|---|
| 14.                        | Proposed Resolution Regarding CLE Alternatively Delivered Courses                         | Honorable Garry Malphrus<br>Out of State Delegate |
| 15.                        | Request from Criminal Law Section to Adopt a Resolution<br>in re Municipal Courts and CMS | Judah N. VanSyckle<br>Section Chair               |
| 16.                        | Approval of Bar and CLE Division Budgets  | Christopher R. Koon<br>Treasurer                  |
| 17.                        | Recognition of Outgoing President   | Shaheena R. Bennett<br>President-Elect            |
| Recess to Convene Assembly |   | Russell T. Infinger<br>President                  |

**\* Special Order – Presentation by Chief Justice Donald Beatty and  
Installation of Board Members, Officers, and President**

- |  |                           |
|--|---------------------------|
| President                              | Shaheena R. Bennett       |
| President-Elect                        | Christopher R. Koon       |
| Treasurer                              | Nekki Shutt               |
| Secretary                              | Lindsay A. Joyner         |
| Chair, House of Delegates              | E. Scott Moise            |
| Board, 2 <sup>nd</sup> Judicial Region | Teckla S. Henderson       |
| Board, 4 <sup>th</sup> Judicial Region | Paige Chamberlain Ornduff |
| Board, At Large                        | Nina Cano Richards        |
| Board, YLD Representative              | Taylor D. Gilliam         |
| Board, YLD Representative              | La'Jessica Stringfellow   |
| Board, SLD Representative              | David D. Cantrell, Jr.    |
| Board, SLD Representative              | Catherine H. Kennedy      |
| ABA State Bar Delegate                 | Julianne Farnsworth       |
| ABA State Bar Delegate                 | Teckla Henderson          |
| ABA State Bar Delegate                 | Roy F. Laney              |
| ABA State Bar Delegate                 | Mary Sharpe               |
| SLD President                          | Catherine H. Kennedy      |
| YLD President                          | Paul Michael Burch        |

Minutes  
House of Delegates  
January 18, 2024

The House met this date at the Charleston Place Hotel in Charleston. Participating were: Sheila M. Abron; Christopher W. Adams; Samantha Elenor Albrecht; Kenneth C. Anthony, Jr.; Jennifer Ellis Aplin; Margaret Elise Baker; J. Leeds Barroll, IV; Shaheena R. Bennett; Mark S. Berglind; Matthew M. Billingsley; Maryann Elizabeth Blake; Melody Joy E. Breeden; Allison Truitt Burch; P. Michael Burch, Jr.; Derek Mitchell Bush; David D. Cantrell, Jr.; Beverly A. Carroll; Amie L. Clifford; M. Dawes Cooke, Jr.; Leslie A. Cotter, Jr.; Lawrence Hugo Cunningham; Elnora Jones Dean; Benjamin A. Dennis; Steven David Dluzneski; Martin S. Driggers, Jr.; Walter George Dusky; John D. Elliott; Scott A. Elliott; Eric K. Englebardt; Jessica Shultz Ferguson; F. Cordes Ford; Jerrod Bernard Fussnecker; Debra J. Gammons; Warren V. Ganjehsani; Kenneth S. Generette; Michael Frederick Gillen; Taylor Davis Gilliam; Harry L. Goldberg; William Eugene Grove; Daryl G. Hawkins; Sean Joseph Hinton; William Coleman Hubbard; Badge Humphries; Catherine Mubarak Hunter, Russell Thomas Infinger; Charles Epps Ipock; Tyler Keith Jenkins; James Matthew Johnson; Lindsay A. Joyner; Justin S. Kahn; Francis B.B. Knowlton; Christopher R. Koon; Lanneau Wm. Lambert, Jr.; Roy Free Laney; Caroline Bond Lawson; Daniel C. Leonardi; Jonathan William Lounsberry, Samantha Monique Luck; Angus H. Macaulay; Garry Donald Malphrus; Karla Cecilia Martinez Lainez; John Lucius McCants; John O. McDougall; Elizabeth Holland McFarland; S. Leslie McIntosh; Joseph S. Mendelsohn; David B. Miller; E. Scott Moise; Meredith Brooks Moss; Randall K. Mullins; Elizabeth Moore Nelson; Adam Christopher Ness; Elizabeth Foy Nicholson; Paige Chamberlain Ornduff; James Graham Padgett, III; Jordan Wilkes Peeler; Ross Buchanan Plyler; S. Venus Poe; Ashlin Blanchard Potterfield; Michelle Duncan Powers; Frederick Elliott Quinn, IV; Robert Lawrence Reibold; Rhett Douglas Ricard; Chelsea Raegan Rikard; Pamela Jane Roberts; John Edward Robinson; John Edward Roxon; Martha Kent Runey; Nancy Doherty Sadler; Abigail Edwards Saunders; Stephen T. Savitz; Jennifer Kneece Shealy; Cheryl Shoun; Nekki Shutt; Leslie M. Simpson, N. Gruber Sires; Jasmine Denise Smith; Krystal Watson Smith; Lisa Lee Smith; Robert R. Smith, II; Henry B. Smythe, Jr.; Christian Giresi Spradley; Hal M. Strange; Fred W. Suggs, Jr.; Deyaska Spencer Sweatman; John Gwilym Tamasis; Jeanmarie Tankersley; David L. Tedder; Charles L.A. Terreni; John Hagood Tighe; Eydie J. Tillman; Thomas Julien Twehues; Robert E. Tyson, Jr.; Johanna C. Valenzuela; Stephanie Millenbine van der Horst; Michael J. Virzi; Regina Bechtler Ward; Bradish J. Waring; J. Calhoun Watson; Zachery Lee Weaver; Sheila M. Willis; Mitchell Willoughby; William K. Witherspoon; David W. Wolf; Nicole Nichols Workman and Clinton Joseph Yarborough.

Representing the Bar staff were Emma T. Dean, Jeremy Frazier, Sarah Justice, Kimberly Snipes, and Jason Stokes.

Chair Lindsay Joyner called the meeting to order. A quorum was declared present.

A motion was made to allow privileges of the floor to nonmembers. The motion was seconded, and it was approved. A motion was made to adopt the agenda. The motion was seconded, and it was approved.

A motion was made to approve the Consent Agenda - approval of the minutes of the July 26, 2023, meeting, a request from the Dispute Resolution Section to amend Section Bylaws, and receipt of November Financial Statements. The motion was seconded, and it was approved.

Mr. Cantrell presented the Senior Lawyers Division Pro Bono Award to Francis J. Cornley of Charleston.

Judge Hayes recognized the 2023 Senior Lawyers Division Hon. J. Mark Hayes, II Statewide Law Day Essay Contest winner Jada Fox, of Dorman High School.

Under Report of the President, Mr. Infinger recognized the Ms. McIntosh, the Conventions Committee and the Bar staff for their work on the Bar Convention. He provided updates on the Diversity Committee efforts, wellness initiatives, the focus on civility, and Pro Bono Access to Justice. He noted the collaboration with legal services providers, and the work with Thread Partners to determine the Bar's role in Pro Bono. Mr. Infinger provided an update on the new Bar building, the development of a new Bar website and group health insurance for Bar members. In closing, he thanked Emma Dean for her leadership.

Next, Mr. DeLoache provided an update on the activities of the SC Bar Foundation. He reviewed the mission of the Bar Foundation and provided statistics on donations and grantees. In closing, he encouraged members of the House to become donors and provided information on methods of donation.

Mr. Lambert reviewed the mission and goals of the SC Supreme Court Historical Society. He encouraged House members to join the Society.

Ms. Seymour and Ms. Leddy presented a request from the Professional Responsibility Committee to amend the Rules of Disciplinary Enforcement. The proposal to amend Rule 12 would permit the Commission to disclose the existence of an investigation in the public interest. A motion was made and seconded to approve the proposal. Mr. Barroll spoke against the proposal. Ms. Clifford shared the concerns of her 5<sup>th</sup> Circuit constituency. The motion failed.

The proposal to amend Rule 19(b) and 19(e) would clarify the procedure for investigating complaints against disciplinary counsel. A motion was made and seconded to approve the proposal. Discussion ensued. Following discussion, the motion was approved.

The proposal to amend Rule 19(c) would provide adequate notice of the scope of the Office of Disciplinary Counsel's investigation and require that Office of Disciplinary Counsel send the lawyer or judge a list of specific allegations being investigated. A motion was made to approve the proposal. The motion was seconded and approved.

The proposal to amend Rule 19(e) would provide for optional request for preliminary review of investigation. A motion was made to approve the proposal. The motion was seconded and approved.

The proposal to amend Rule 2 and 19(d) would amend the procedure for issuance of a letter of caution so that the letter is only appropriate when there is misconduct. A motion was made to approve the proposal. The motion was seconded. Discussion ensued on dismissal of a complaint. Ms. Seymour and Ms. Leddy agreed to a friendly amendment to leave in the words "dismiss or" in section (4)(A). Upon taking a vote, the amended proposal was approved.

The proposal to Rule 19(d) would provide for notice of the Office of Disciplinary Counsel's recommendations to the investigative panel. A motion was made and seconded to approve the proposal. The motion was approved.

The proposal to amend Rule 19(d)(4)(B) would provide a time limit for filing formal charges after authorization. A motion was made to approve the proposal. The motion was seconded, and it was approved.

Next Ms. Baer presented a proposal from the Practice and Procedure Committee to approve amendments to the Supreme Court's pilot secured leave program. The proposed changes would provide for parental leave and medical leave providing for three categories as opposed to only personal. A motion was made and seconded to approve the proposal. Ms. Clifford proposed amendments that would change the word "parental" to "family," would allow the 12 weeks of family leave to be used for the care of an ill family member and address concerns that leave could adversely affect the client or another party by providing that the Court can revoke the leave if determines that to be the case. She moved approval of the proposed amendments. The motion was seconded. Ms. Baer and Ms. Clifford accepted a friendly amendment from Ms. Abron to add the phrase "placement for" before the words adoption of a child in Section (b)(A). Discussion ensued on the total number of weeks allowed under the proposal and notice to opposing counsel and the timing of notice. Mr. Barroll offered a friendly amendment to add the word "severely" in front of the word "adversely" in section (g). Ms. Clifford accepted the amendment. Discussion ensued on legislative immunity. Mr. Virzi suggested that the words "severely adversely impacts the interests of the lawyer's client(s) or" be removed from Section (g). Ms. Clifford accepted the amendment. Mr. Cotter noted a scrivener's error. Ms. Gammons spoke in favor of the amendments. The motion to amend was approved. Upon taking a vote, the original motion was approved.

Minutes, House of Delegates  
January 18, 2024  
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There being no further business, the meeting was adjourned.



## South Carolina Bar Balance Sheet - By Entity As of March 31, 2024

	CLE Year To Date 03/31/2024 <u>Current Year Balance</u>	LFCP Year To Date 03/31/2024 <u>Current Year Balance</u>	SC Bar Year To Date 03/31/2024 <u>Current Year Balance</u>	All Programs Year To Date 03/31/2024 <u>Current Year Balance</u>
<b>Assets</b>				
Current Assets				
Cash and Cash Equivalents	3,009,755	3,294,101	8,950,108	15,253,964
Accounts Receivable, Net	10,989	0	100,596	111,585
Short Term Investments	0	0	388,062	388,063
Other Current Assets				
Other Current Assets	0	0	3,906	3,905
Prepaid Expenses	18,970	0	233,237	252,208
Inventory	172,874	0	0	172,873
Intercompany Receivable	(221,977)	237	221,741	0
Total Other Current Assets	<u>(30,133)</u>	<u>237</u>	<u>458,884</u>	<u>428,986</u>
Total Current Assets	<u>2,990,611</u>	<u>3,294,338</u>	<u>9,897,650</u>	<u>16,182,598</u>
Long-term Assets				
Property & Equipment	28,595	0	6,171,538	6,200,134
Total Long-term Assets	<u>28,595</u>	<u>0</u>	<u>6,171,538</u>	<u>6,200,134</u>
<b>Total Assets</b>	<b><u>3,019,206</u></b>	<b><u>3,294,338</u></b>	<b><u>16,069,188</u></b>	<b><u>22,382,732</u></b>
<b>Liabilities and Net Assets</b>				
Liabilities				
Short-term Liabilities				
Accounts Payable	39,213	105	92,699	132,017
Accrued Liabilities	84,822	0	199,153	283,975
Accrued Taxes	28,040	0	(28,040)	0
Deferred Revenue	268,810	0	118,085	386,895
Total Short-term Liabilities	<u>420,885</u>	<u>105</u>	<u>381,897</u>	<u>802,887</u>
Total Liabilities	<u>420,885</u>	<u>105</u>	<u>381,897</u>	<u>802,887</u>
Net Assets				
Net Assets				
Net assets	2,073,616	3,092,937	13,014,794	18,181,346
Total Net Assets	<u>2,073,616</u>	<u>3,092,937</u>	<u>13,014,794</u>	<u>18,181,346</u>
Change In Net Assets	524,705	201,296	2,672,497	3,398,499
Total Net Assets	<u>2,598,321</u>	<u>3,294,233</u>	<u>15,687,291</u>	<u>21,579,845</u>
<b>Total Liabilities and Net Assets</b>	<b><u>3,019,206</u></b>	<b><u>3,294,338</u></b>	<b><u>16,069,188</u></b>	<b><u>22,382,732</u></b>



## South Carolina Bar Cash & Investments by Restriction

	Donor Restricted Year To Date 03/31/2024 <u>Current Year Balance</u>	Board Designated (Unrestricted) Year To Date 03/31/2024 <u>Current Year Balance</u>	Unrestricted Year To Date 03/31/2024 <u>Current Year Balance</u>	All Restrictions Year To Date 03/31/2024 <u>Current Year Balance</u>
<b>Cash and Cash Equivalents</b>				
500 - CLE	0.00	3,009,754.86	0.00	3,009,754.86
400 - LFPC	3,294,101.22	0.00	0.00	3,294,101.22
100 - SC Bar	593,047.45	833,060.19	7,524,000.62	8,950,108.26
<b>Total Cash and Cash Equivalents</b>	<b><u>3,887,148.67</u></b>	<b><u>3,842,815.05</u></b>	<b><u>7,524,000.62</u></b>	<b><u>15,253,964.34</u></b>
<b>Short Term Investments</b>				
100 - SC Bar	0.00	0.00	388,062.93	388,062.93
<b>Total Short Term Investments</b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	<b><u>388,062.93</u></b>	<b><u>388,062.93</u></b>

South Carolina Bar  
 SC Bar Income Statement - Annual Budget vs YTD Actual  
 As of March 31, 2024

	Year To Date 03/31/2024 <u>P&amp;L YTD Actual</u>	Year Ending 06/30/2024 <u>ANNUAL BUDGET</u>
Revenues over Expenditures		
Revenues		
Contributions		
Contributions	1,500	0
Indigent Service fee income	127,452	126,500
Disciplinary Fund revenue	1,015,750	1,000,000
Disciplinary Fund - penalties	5,925	3,600
Total Contributions	<u>1,150,627</u>	<u>1,130,100</u>
Total Contributions	1,150,627	1,130,100
Grant Revenues	146,400	180,000
Program Service Revenue		
Program Revenue		
LRS Subscript Rev. (BD Design.)	14,150	180,000
LRS Percentage Rev. (BD Design.)	369,296	350,000
SC Lawyer Advertising revenue	120,191	90,000
Lawyer Desk book sales	29,977	31,500
Registration fees	26,205	25,800
ADR certification	68,050	86,000
Paralegal certification income	5,375	6,000
Total Program Revenue	<u>633,244</u>	<u>769,300</u>
Revenue - Services	13,536	37,300
Total Program Service Revenue	<u>646,780</u>	<u>806,600</u>
Membership Dues	4,988,196	4,542,600
Investment Income	262,247	50,400
Rents/Royalties/Other Rev.	230,585	315,800
Total Revenues	<u>7,424,835</u>	<u>7,025,500</u>
Expenditures		
Direct		
Scholarships & Awards	16,942	26,400
Disciplinary fund expense	0	1,000,000
Total Direct	<u>16,942</u>	<u>1,026,400</u>
Personnel	2,288,341	3,668,100
Occupancy		
Equipment & Furniture	32	31,200
Maintenance Contracts	3,582	172,800
Repairs & maintenance	1,165	62,400
Utilities	(4,997)	68,400
Security	0	42,000
Storage	7,880	7,200
Bond/Insurance	0	43,200
Occupancy-Allocated costs	402,789	0
Total Occupancy	<u>410,451</u>	<u>427,200</u>
Professional Fees	146,369	148,000
General and Administrative Expenses	1,631,678	1,923,400
SC Lawyer/Fastcase/Royalties	258,557	314,200
Total Expenditures	<u>4,752,338</u>	<u>7,507,300</u>
Total Revenues over Expenditures	<u>2,672,497</u>	<u>(481,800)</u>

South Carolina Bar  
 CLE Income Statement - Annual Budget vs YTD Actual  
 As of March 31, 2024

	Year To Date 03/31/2024 <u>P&amp;L YTD Actual</u>	Year Ending 06/30/2024 <u>ANNUAL BUDGET</u>
Revenues over Expenditures		
Revenues		
Program Service Revenue		
Program Revenue		
Publication income	334,657	370,000
Shipping revenue	15,793	48,100
Total Program Revenue	<u>350,450</u>	<u>418,100</u>
Revenue - Services		
In-person Seminar income	977,630	1,084,400
Live Webcast	133,130	160,600
On-Demand Courses	450,866	510,500
Convention revenue	595,565	473,800
Total Revenue - Services	<u>2,157,192</u>	<u>2,229,300</u>
Revenue - Subscriptions		
CLE Big Ticket subscription	399,190	500,400
Total Revenue - Subscriptions	<u>399,190</u>	<u>500,400</u>
Total Program Service Revenue	<u>2,906,832</u>	<u>3,147,800</u>
Investment Income	96,083	2,400
Rents/Royalties/Other Rev.	41,953	97,200
Total Revenues	<u>3,044,868</u>	<u>3,247,400</u>
Expenditures		
Direct		
COGS-Printing	59,805	133,200
Total Direct	<u>59,805</u>	<u>133,200</u>
Personnel	922,239	1,227,600
Occupancy		
Equipment & Furniture	964	0
Rent/Mortgage	0	63,600
Maintenance Contracts	4,547	27,600
Repairs & maintenance	0	23,000
Utilities	4,997	64,800
Occupancy-Allocated costs	181,869	0
Total Occupancy	<u>192,377</u>	<u>179,000</u>
Professional Fees	0	7,700
General and Administrative Expenses	1,302,207	1,014,750
SC Lawyer/Fastcase/Royalties	43,534	106,900
Total Expenditures	<u>2,520,162</u>	<u>2,669,150</u>
Total Revenues over Expenditures	<u>524,706</u>	<u>578,250</u>

South Carolina Bar  
LFCP Income Statement - Annual Budget vs Actual  
As of March 31, 2024  
Year To Date 03/31/2024

	<u>P&amp;L YTD Actual</u>
Revenues over Expenditures	
Revenues	
Contributions	419,520
Investment Income	54,908
Rents/Royalties/Other Rev.	63,640
Total Revenues	<u>538,068</u>
Expenditures	
Direct	
LFCP - Awards	336,771
Total Direct	<u>336,771</u>
Total Expenditures	<u>336,771</u>
Total Revenues over Expenditures	<u><u>201,297</u></u>

South Carolina Bar  
Statement of Rev. and Exp. by Entity Without Allocations  
As of March 31, 2024

	CLE Year To Date 03/31/2024 <u>Actual</u>	LFCP Year To Date 03/31/2024 <u>Actual</u>	SC Bar Year To Date 03/31/2024 <u>Actual</u>	All Programs Year To Date 03/31/2024 <u>Actual</u>	Year Ending 06/30/2024 <u>ANNUAL BUDGET</u>
Revenues over Expenditures					
Revenues					
Contributions					
Contributions	0	419,520	1,150,627	1,570,147	1,130,100
Total Contributions	<u>0</u>	<u>419,520</u>	<u>1,150,627</u>	<u>1,570,147</u>	<u>1,130,100</u>
Grant Revenues					
Grant Revenue - Other	0	0	146,400	146,400	180,000
Total Grant Revenues	<u>0</u>	<u>0</u>	<u>146,400</u>	<u>146,400</u>	<u>180,000</u>
Program Service Revenue					
Program Revenue	350,450	0	633,244	983,694	1,187,400
Revenue - Services	2,157,192	0	13,536	2,170,727	2,266,600
Revenue - Subscriptions	399,190	0	0	399,190	500,400
Total Program Service Revenue	<u>2,906,832</u>	<u>0</u>	<u>646,780</u>	<u>3,553,611</u>	<u>3,954,400</u>
Membership Dues	0	0	4,988,196	4,988,197	4,542,600
Investment Income	96,083	54,908	262,247	413,238	52,800
Rents/Royalties/Other Rev.	41,953	63,640	230,585	336,179	413,000
Total Revenues	<u>3,044,868</u>	<u>538,068</u>	<u>7,424,835</u>	<u>11,007,772</u>	<u>10,272,900</u>
Expenditures					
Direct	59,805	336,771	16,942	413,520	1,159,600
Personnel	699,920	0	2,510,660	3,210,580	4,895,700
Occupancy	151,439	0	621,725	773,164	606,200
Professional Fees	0	0	148,290	148,289	155,700
General and Administrative Expenses					
Advertising and Promotion	24,449	0	120,198	144,647	268,000
Charitable Contributions	0	0	33,050	33,050	42,000
Conferences, Conventions, and Meetings	951,269	0	717,164	1,668,433	1,224,450
Office Supplies	141,108	0	251,837	392,945	461,300
Other Expenses	71,709	0	309,519	381,228	492,900
State and Local Taxes	0	0	2,353	2,353	0
Employee Travel Expenses	46,659	0	92,314	138,972	449,500
Total General and Administrative Expenses	<u>1,235,193</u>	<u>0</u>	<u>1,526,435</u>	<u>2,761,629</u>	<u>2,938,150</u>
SC Lawyer/Fastcase/Royalties	43,534	0	258,557	302,091	421,100
Total Expenditures	<u>2,189,891</u>	<u>336,771</u>	<u>5,082,609</u>	<u>7,609,273</u>	<u>10,176,450</u>
Total Revenues over Expenditures	<u>854,977</u>	<u>201,297</u>	<u>2,342,226</u>	<u>3,398,499</u>	<u>96,450</u>

South Carolina Bar  
 Grants & Other Restricted Fund Balances  
 As of March 31, 2024

	BEGINNING FUND BALANCE 7/1/2022	REVENUE Fiscal YTD	EXPENSES Fiscal YTD	FUND BALANCE 03/31/2024
All Grants				
Ask a Lawyer grant	41,318	11,250	10,937	41,631
Cy Pres award	165,761	0	18,500	147,261
Indigent Service fee	176,771	0	0	176,771
Lt. Governors Award	3,799	0	0	3,799
Lawyers Helping Lawyers grant	5,211	150	0	5,361
LRE grant	0	135,000	114,425	20,575
Total All Grants	<u>392,860</u>	<u>146,400</u>	<u>143,862</u>	<u>395,398</u>

South Carolina Bar  
Sections Fund Balances  
As of March 31, 2024

	BEGINNING FUND BALANCE 7/1/2023	REVENUE Fiscal YTD	EXPENSES Fiscal YTD	FUND BALANCE 03/31/2024
Sections				
DISPUTE RESOLUTION	10,427	5,085	6,412	9,101
CONSTRUCTION LAW	32,824	10,032	11,404	31,451
CONSUMER LAW	3,824	2,501	3,492	2,834
CORP B&S	26,061	8,366	8,265	26,161
CRIMINAL LAW	17,309	13,213	20,191	10,331
EMPL L/L	6,649	12,209	9,961	8,897
FAMILY LAW	39,561	17,577	32,546	24,592
SOLO PRACTITIONERS	58,663	22,038	17,146	63,555
GOV'T L	9,966	4,771	7,563	7,174
HEALTH CARE LAW	15,496	4,999	7,882	12,613
MILITARY L	254	3,286	3,847	(306)
ENVIRONMENT & NAT'L RESOURCE	13,861	3,649	3,920	13,589
REAL ESTATE	52,921	16,963	28,965	40,919
PROBATE ESTATE	11,435	17,008	18,612	9,831
TAX L	5,425	6,840	12,351	(86)
TORTS	46,606	13,623	10,711	49,518
TRIAL AA	26,821	10,541	15,051	22,310
WORKERS' COMP	17,802	9,189	17,933	9,060
CIVIL RIGHTS	728	2,874	3,314	287
Total Sections	<u>396,633</u>	<u>184,764</u>	<u>239,566</u>	<u>341,831</u>

**South Carolina Bar**  
**Restricted Programs-Net Assets Rollforward**  
**As of March 31, 2024**

	BEGINNING FUND BALANCE 7/1/2022	REVENUE Fiscal YTD	EXPENSES Fiscal YTD	FUND BALANCE 03/31/2024
Restricted Programs				
Paralegal certification	23,290	5,375	2,217	26,448
Discipline Fund	9,355	1,021,675	0	1,031,030
LFCP	3,092,937	538,068	336,772	3,294,233
<b>Total Restricted Programs</b>	<b>3,125,582</b>	<b>1,565,118</b>	<b>338,989</b>	<b>4,351,711</b>

South Carolina Bar  
 Board Designated (Unrestricted) Rollforward  
 As of March 31, 2024

	BEGINNING FUND BALANCE	REVENUE	EXPENSES	FUND BALANCE Year To Date
	<u>7/1/2022</u>	<u>Fiscal YTD</u>	<u>Fiscal YTD</u>	<u>03/31/2024</u>
				Actual
Board Designated				
CLE	2,073,615	3,044,868	2,520,162	2,598,321
Lawyer Referral Svc (LRS)	377,984	383,446	276,168	485,262
ADR Commission	80,000	67,800	0	147,800
Total Board Designated	<u>2,531,599</u>	<u>3,496,114</u>	<u>2,796,330</u>	<u>3,231,383</u>

**South Carolina Bar**  
**Senior Lawyer Division Revenues & Expenditures - Annual Budget vs Actual**  
**As of March 31, 2024**

	Month To Date 03/31/2024	Year To Date 03/31/2024	Year Ending 06/30/2024	
	MTD Actual	YTD Actual	ANNUAL BUDGET	% YTD to Budget
<b>Revenues over Expenditures</b>				
<b>Revenues</b>				
Rents/Royalties/Other Rev.	0	6,927	0	0 %
<b>Total Revenues</b>	<b>0</b>	<b>6,927</b>	<b>0</b>	<b>0 %</b>
<b>Expenditures</b>				
<b>Direct</b>				
Scholarships & Awards	153	3,372	3,400	99 %
<b>Total Direct</b>	<b>153</b>	<b>3,372</b>	<b>3,400</b>	<b>99 %</b>
Professional Fees	0	2,100	0	0 %
General and Administrative Expenses	16,617	59,853	66,850	90 %
SC Lawyer/Fastcase/Royalties				
Photography	0	525	400	131 %
<b>Total Member Benefit Expense</b>	<b>0</b>	<b>525</b>	<b>400</b>	<b>131 %</b>
<b>Total Expenditures</b>	<b>16,770</b>	<b>65,851</b>	<b>70,650</b>	<b>93 %</b>
<b>Total Revenues over Expenditures</b>	<b>(16,770)</b>	<b>(58,924)</b>	<b>(70,650)</b>	<b>83 %</b>

## South Carolina Bar Young Lawyer Division Revenues & Expenditures - Annual Budget vs Actual As of March 31, 2024

	Month To Date 03/31/2024	Year To Date 03/31/2024	Year Ending 06/30/2024	
	MTD Actual	YTD Actual	ANNUAL BUDGET	% YTD to Budget
Revenues over Expenditures				
Expenditures				
Direct				
Scholarships & Awards	592	9,193	9,000	102 %
Total Direct	592	9,193	9,000	102 %
Occupancy	400	7,619	7,200	106 %
General and Administrative Expenses	8,808	136,284	187,850	73 %
SC Lawyer/Fastcase/Royalties				
Photography	0	(4,562)	5,000	(91) %
Total Member Benefit Expense	0	(4,562)	5,000	(91) %
Total Expenditures	9,800	148,534	209,050	71 %
Total Revenues over Expenditures	(9,800)	(148,534)	(209,050)	71 %

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## **Law Related Education Lawyer of the Year**

*The LRE Lawyer of the Year is **David S. Cobb** of Turner, Padgett, Graham & Laney in Charleston.*

### **Award Criteria:**

The award criteria for such a prestigious honor is for a member of the SC Bar who has

- fostered public understanding of the values of our legal and judicial system;
- stimulated a deeper sense of individual responsibility by helping students recognize their legal duties and rights;
- encouraged and supported effective LRE programs; and
- increased communication among students, educators, and those working in the legal system.

### **Past Recipients:**

2000 Stephen Cox  
2001 R. Markley Dennis Jr.  
2002 Harold C. Staley Jr.  
2003 The Hon. Jack A. Landis  
2004 Donna M. McQueen  
2005 John DeLoache  
2006 Barbara Seymour  
2007 Elizabeth "Babs" Warner  
2008 Holly Huggins Wall  
2009 Daniel Hunt  
2010 Walter Dusky  
2011 The Hon. John M. Rucker  
2012 Gene P. Vaught, III  
2013 Blair Ballard Massey  
2014 George W. Branstiter, II  
2015 Thomas McRoy "Roy" Shelley III  
2016 Garrett B. Johnson  
2017 Joseph P. Bias  
2018 Gary Lemel  
Nathan Sheldon  
2019 Sabrina Owen  
2020 Bianca Williams  
2021 Ryan Newkirk  
2022 Margaret "Peg" Fox  
2023 Andrew Cole

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## YOUNG LAWYER OF THE YEAR AWARD

Each year, the Young Lawyers Division awards "The Young Lawyer of the Year" Award to recognize a young lawyer for his or her contribution(s) to the community and/or the legal profession. The nominee for the Award must be a member of the Young Lawyers Division, but he or she may not be a current member of the Division's Executive Council.

The Award will be based upon the nominees' demonstrated:

- (1) Services to the legal profession and/or
- (2) Services to his or her community.

### **Past award winners are listed below:**

1984	Merl F. Code
1985	Linda A. Grice
1986	William C. Hubbard
1987	Kenneth E. Young
1988	Deborah K. Neese D. Michael Kelly
1989	Charles B. Simmons Jr.
1990	Martha McElveen Horne
1991	David E. Belton Jacqueline D. Belton
1992	Charles Bradley Hutto
1993	Issac McDuffie Stone III
1994	Susan E. Ziel
1995	Susan E. Berkowitz
1996	Kim S. Aydlette
1997	David G. Guyton
1998	(Not awarded)
1999	James E. Smith Jr.
2000	Hervery B.O. Young
2001	Stephen K. Benjamin Marie-Louise Ramsdale
2002	Kimaka Nichols
2003	Eric M. Johnsen
2004	Tally Parham
2005	J. Todd Rutherford
2006	Jennifer W. Rubin
2007	Tina N. Herbert
2008	Ginny N. Waller
2009	L. Michelle Dhunjishah
2010	William R. Johnson
2011	Amy L. May
2012	Jennifer Ashburn
2013	Irish Ryan Neville
2014	Allison Sullivan
2015	Rebecca Roser/Beth Palmer
2016	D. Nichole Davis
2017	Julie Moore Rode
2018	Lyndey R.Z. Bryant

2019 Joseph Bias  
Tommy Preston  
2020 Teckla Henderson  
Sutania Fuller  
2021 Taylor Gilliam  
2022 Mike Burch  
2023 Liam Duffy  
Rebekah Hiatt

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TO: House of Delegates  
 FR: Nekki Shutt, Secretary  
 DT: April 2024  
 RE: Election of Members of Nominating Committee

Eight Nominating Delegates are elected by judicial region to the Nominating Committee. The Immediate Past President serves as chairman of the Committee; that will be Rusty Infinger. **The House needs to elect one delegate from Judicial Region II, and one delegate from Judicial Region III.**

The Nominating Delegates who will continue on the Committee are set forth below by judicial region. Section 9.2 of the Bar constitution provides that the Nominating Delegates shall be elected members of the House of Delegates who reside in the same judicial region as the Delegates whom they succeed.

When the Board of Governors fills vacancies in the House, it considers how to make the House more representative of the Bar. A similar consideration is encouraged in electing members of the Committee.

A list of the circuit delegates follows; the names in italics are the current members of the Committee whose terms expire on June 30, 2024.

	<u>Delegate</u>		<u>Term ends</u>
Region I	Allen O. Fretwell	Greenville	2025
		Pickens	2022
	S. Leslie McIntosh	Anderson	2025
Region II	La'Jessica Stringfellow	Columbia	2026
	<b>Seat to be filled</b>		<b>2024</b>
Region III	Doward Keith Harvin	Kingstree	2026
	<b>Seat to be filled</b>		<b>2024</b>
Region IV	Benjamin A. Dennis	Moncks Corner	2026
	I. Ryan Neville	Mt. Pleasant	2025

**JUDICIAL REGION II (Judicial Circuits 5, 6, 8, 11) One seat to be filled.**

(Abbeville, Chester, Edgefield, Fairfield, Greenwood, Kershaw, Lancaster, Laurens, Lexington, McCormick, Newberry, Richland, Saluda)

*Robert E. Tyson, Jr., Columbia*

*Term expires June 30, 2024*

Jennifer Ellis Aplin	Columbia
Allyce Bailey	Columbia
J. Leeds Barroll, IV	Columbia
Joseph Pawel Bias	Lexington
James Edward Bradley	West Columbia
Aleksandra B. Chauhan	Columbia
Amie L. Clifford	Columbia
Leslie A. Cotter, Jr.	Columbia
Elnora Jones Dean	Columbia
Scott A. Elliott	Columbia
Warren V. Ganjehsani	Columbia
Harry L. Goldberg	Columbia
Sue Erwin Harper	Columbia
Daryl G. Hawkins	Columbia
Francis B.B. Knowlton	Columbia
Daniel C. Leonardi	Columbia
Samantha Monique Luck	Columbia
John Lucius McCants	Columbia
John Reaves McLeod	Columbia
Joshua Shaheen Nasrollahi	Greenwood
Michelle Duncan Powers	Greenwood
Pamela Jane Roberts	Columbia
Jonathan M. Robinson	Columbia
Carmelo Barone Sammataro	Columbia
Stephen T Savitz	Columbia
Leslie M. Simpson	Columbia
Jasmine Denise Smith	Columbia
Lisa Lee Smith	Chapin
Christian Giresi Spradley	Saluda
Deyaska Spencer Sweatman	Columbia
Charles L.A. Terreni	Columbia
William R. Thomas	Columbia
Michael J. Virzi	Columbia
Mitchell Willoughby	Columbia
Nicole Nichols Workman	Lancaster
Clinton J. Yarborough, Sr.	Columbia

**JUDICIAL REGION III (Judicial Circuits 3, 4, 12, 15) One seat to be filled.**

(Chesterfield, Clarendon, Dillon, Florence, Georgetown, Horry, Lee, Marion, Marlboro, Orangeburg, Sumter, Williamsburg)

*David B. Miller, Myrtle Beach*

*Term expires June 30, 2024*

Ella Yvette Alston	Kingtree	Jon Rene Josey	Florence
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Margaret Elise Baker	Florence	Randall K. Mullins	N. Myrtle Beach
Melody Joy Edelman Breeden	Myrtle Beach	Abigail Edwards Saunders	N. Myrtle Beach
Susan Foxworth Campbell	Myrtle Beach	Hal M. Strange	Georgetown
Martin S. Driggers	Hartsville	Regina Bechtler Ward	Myrtle Beach
Charles Epps Ipock	Florence		

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**PROFESSIONAL RESPONSIBILITY COMMITTEE’S PROPOSAL TO  
REVISE THE SOUTH CAROLINA RULES OF PROFESSIONAL CONDUCT  
FOR SUBMISSION TO THE SOUTH CAROLINA BAR HOUSE OF DELEGATES  
FOR CONSIDERATION AT ITS MEETING ON MAY 16, 2024**

The Committee proposes to amend Rule 7.1: Communications Concerning a Lawyer’s Services to add new paragraph (f) and a corresponding Comment. Proposed new language is underlined:

**RULE 7.1: COMMUNICATIONS CONCERNING A LAWYER'S SERVICES**

A lawyer shall not make false, misleading, or deceptive communications about the lawyer or the lawyer's services. A communication violates this rule if it:

...

(f) Uses or lists any competing lawyer’s name, phone number, or street address in web content, metadata, search terms, or web advertising without the competing lawyer’s permission.

**Competitive Keyword Advertising**

**Comment**

[5] The purpose of paragraph (f) is to prevent a lawyer from using another lawyer’s name, without permission of the other lawyer, to attempt to gain a competitive advantage on the internet. Paragraph (f) prohibits the use and purchase of another lawyer’s name as an internet search term without the other lawyer’s permission. Paragraph (f) prohibits the embedding of another lawyer’s name in website metadata without the other lawyer’s permission. Paragraph (f) does not prohibit a lawyer from using the name of another lawyer or law firm as part of a biography to cite the lawyer’s former employment or association.

**Rationale**

Lawyer advertising continues to evolve in the digital marketplace, and lawyers have increasingly found keyword advertising to be an effective way to attract prospective clients. When a person searches the internet and uses certain search terms, advertisements and listings are triggered. For instance, when a person searches for “car wreck attorney” sponsored ads (which are purchased) will populate in the search results as well as native (non-paid) search results. For those who have paid to appear in the search result, the lawyer pays money to the internet search engine every time that an internet searcher clicks on the lawyer’s advertisement. This is part of the lawyer’s digital marketing “pay per click” (aka: PPC) advertising strategy.

One practice that has grown in popularity from changes in online advertising technology and associated costs is the use of “competitive keyword advertising.” Competitive keyword advertising involves the purchase and use of a competitor’s name in PPC advertisements so that the firm who paid for their competitor’s name appears alongside that competitor.

Members of the South Carolina Bar have been divided over whether it is, or should be, ethically permissible for lawyers to engage in competitive keyword advertising. In the January 2024 House meeting, the House voted down a similar proposal by this Committee which required a disclaimer when using a competitor's name in advertising, and asked the Committee to bring back a stronger version of the Rule which prohibits purchase and use of another lawyer's name on the internet without that lawyer's permission. The instant Rule and Comment is now proposed, having passed the Professional Responsibility Committee by a vote of 34 to 2.

## **History**

In 2015, the Supreme Court of South Carolina considered the matter of *In Re Naert*, 777 S.E.2d 823, 414 S.C. 181 (2015). *Naert* practiced timeshare litigation and sued the same timeshare company multiple times. In doing so, he repeatedly encountered the same opposing counsel and law firm who represented the timeshare company. As part of his Pay Per Click internet marketing strategy to get new timeshare cases, *Naert* paid for and used opposing counsels' names and the law firm's name as keyword search terms. Then, when an internet user searched for those names, *Naert's* firm advertisement appeared in internet search results. The advertisement read: "Timeshare Attorney in SC—Ripped off? Lied to? Scammed? Hilton Head Island, SC Free Consult." The Supreme Court found that the advertisement in connection with opposing counsel and the opposing law firm's names constituted a violation of the Lawyer's Oath, and specifically the pledge of fairness, integrity and civility in all written communications.<sup>1</sup> In *Naert*, the Court was silent as to the propriety of bidding on opposing counsel's name in general, but issued a private reprimand as to the advertisement that was displayed once the internet user's search was complete.

In 2020, the South Carolina Bar's Ethics Advisory Committee opined that the Rules of Professional Conduct do not prohibit competitive keyword advertising by lawyers, either as a part of a firm's SEM or its SEO, provided the results returned to the user (either in an ad or in native search results) are not themselves misleading. *See* Eth. Adv. Op. 20-01 (2020).

In November 2020, South Carolina Lawyer published an article by Stephan Futeral, an attorney who owns a digital marketing agency for lawyers and was a certified specialist in Google Ads - "*The Cutthroat Marketing Strategy of Bidding on Another Lawyer's or Law Firm's Name in Google Ads*"<sup>2</sup> As the article points out, one benefit of bidding on a competitor's name is that it is likely to be less expensive than other search terms due to lower competition to purchase that search term. For example, the more people bid on the term "car wreck" to get their firm listed in the search results, the more expensive that search term becomes. The South Carolina Ethics Advisory Committee looked to a 2016 Texas Professional Ethics Committee Opinion which posited that "a person familiar enough with the internet to use a search engine to seek a lawyer should be aware that there are advertisements presented on the web pages showing search

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<sup>1</sup> The Court also found that the advertisement violated Rule 7.2(d) because it did not have the name and office address of at least one lawyer responsible for its content.

<sup>2</sup> While this publication is not available on the SC Lawyer Magazine's website, it is accessible on either of these websites as of 4/12/24: <https://law-journals-books.vlex.com/vid/sc-lawyer-november-2020-937349752>  
[https://staywell.mydigitalpublication.com/publication/?i=679733&article\\_id=3806464&view=articleBrowser](https://staywell.mydigitalpublication.com/publication/?i=679733&article_id=3806464&view=articleBrowser)

results.” TX Bar Prof'l Eth. Comm., Opinion No. 661 (July 2016), [legalethicstexas.com/resources/opinions/opinion-661/](http://legalethicstexas.com/resources/opinions/opinion-661/) However, just as Futeral explained in his article, the Texas opinion does not account for a realistic possibility that a member of the public could be easily confused by the choices produced by an internet search result or do not appreciate that, for example on Google, the single word “Sponsored” actually means that the search result is a paid advertisement. The article ends with this statement, a sentiment shared by many, including this Committee: “consider the impact that this marketing strategy may have on your reputation and your goodwill with your colleagues.”

North Carolina has declared that “the intentional purchase of the recognition associated with one lawyer’s name to direct consumers to a competing lawyer’s website is neither fair nor straightforward.”<sup>3</sup> Under the North Carolina framework, it is a violation of Rule 8.4(c) to purchase a competitor’s name as a keyword for use as an internet search term.

...

### **Use of Another Lawyer’s Name in Website Metadata and Biographies**

The Rule and comment proposed by the Professional Responsibility Committee, placed within the advertising rules, is broader than the North Carolina Rule, as it prohibits bidding on or using a competitor’s name, and also prohibits the use of another lawyer’s name in embedded website metadata. The use of another lawyer’s name, even behind the scenes in embedded metadata without its display to the public in any way, infringes on a proprietary right of the name owner. It is the Committee’s position the proposed Rule closes a gap by prohibiting deceptive, and/or misleading conduct occurring behind the digital curtain by the surreptitious purchase and/or use of another lawyer’s name in digital advertising.

Importantly, the Comment provides guidance to lawyers that biographies listing another attorney’s name do not violate the Rule.

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<sup>3</sup> <https://www.ncbar.gov/for-lawyers/ethics/adopted-opinions/2010-formal-ethics-opinion-14/>

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## CHANGE TO SC BAR CONSTITUTION

Article VI. The House of Delegates

### **Section 6.2 Composition**

(5) ~~The President and Immediate Past President~~ Two delegate representatives elected by the Executive Council of the Senior Lawyers Division

## CHANGE TO SENIOR LAWYERS BYLAWS

Article VI

### Representation on the Board of Governors and the House of Delegates

**Section 1. Representation on the Board of Governors.** The Division is entitled to two representatives to serve on the Board of Governors as authorized by the Constitution of the Bar. The President shall serve a two-year term as the Division's representative, beginning the year of assuming the office of President and continuing during his term as Immediate Past President. If there is a vacancy, a replacement shall be elected to serve the remainder of the representative's term by a vote of two-thirds or more of the Division's Executive Council. The representatives shall make reports to the Executive Council as requested by the President.

**Section 2. Representation on the House of Delegates.** ~~The President and Immediate Past President~~ Two delegates elected by the Executive Council of the Division shall serve on the House of Delegates of the Bar as authorized by the Constitution of the Bar.

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## MEMORANDUM

To: SC Bar House of Delegates

From: Lt COL Timothy W. Murphy, Chair  
Military & Veterans Law Section

Date: March 1, 2024

Re: Section Dues Increase/Proposed Amendments to Section Bylaws

The Military & Veterans' Law Section is requesting to increase its membership dues from \$15 to \$25 beginning this fall for the 2025 license fee collection. There has not been an increase in Section dues since 2004.

The Section has close to 125 members and would like to continue to expand and provide quality educational programs and services to Section members. The Section currently conducts a 3-hour seminar during the SC Bar Convention, and a full-day fall CLE in even-numbered years. Its fall program offers mandatory credit hours for those attorneys who practice before Veteran's Administration.

The Section has been actively coordinating networking opportunities with the Service Members & Veterans in Law Society at both the Charleston School of Law and USC Joseph F. Rice School of Law in November in observance of Veterans Day.

Before the end of the 2024-2025 fiscal year, the Section wishes to conduct up to three (3) outreach "lunch and learn" programs centered on service to veteran clients, military clients, and veteran's treatment court for interested attorneys serving military and veteran clients.

If approved, the Section requests to amend its bylaws to reflect the change to Article II, Membership, Section 1, as follows:

Each member of the Section shall pay to the South Carolina Bar annual Section dues of ~~\$15.00~~ *\$25.00*. The Council, at any regular meeting, may change the annual Section dues to the extent determined necessary. Any such change in Section dues must be approved by the House of Delegates of the South Carolina Bar. Any member of the South Carolina Bar may upon request and payment of dues for the current year be enrolled as a member of this Section. Thereafter, said dues shall be paid in advance each year, beginning on the January 1st next succeeding each enrollment. Any member of this Section whose annual dues shall be more than seven months past due shall thereupon cease to be a member of this Section. Members so enrolled and whose dues are so paid shall constitute the membership of this Section. Anyone becoming a new member after November 1st of any year shall, upon payment of one full year's dues, be credited as paid through December 31st of the following year.

Should you have any questions, please feel free to contact me at [tjsbmurphy@aol.com](mailto:tjsbmurphy@aol.com) or by calling (803) 840-5380. Thank you in advance for your consideration.

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# MEMO

**TO: South Carolina Bar Board of Governors**

**FROM: South Carolina Bar Diversity Committee**

**RE: Proposed Amendment to the South Carolina Bar Constitution and Bylaws**

The Diversity Committee proposes non-substantive amendments to the South Carolina Bar's Constitution and Bylaws with the goal of revising the language to reflect the current composition of the Bar's population.

The current version of the South Carolina Bar's Constitution and Bylaws uses only masculine pronouns. In the most recent survey promulgated by the Bar, at least forty-six percent (46%) of respondents reported that they were not males. Therefore, the language in the Bar's Constitution and Bylaws neglects to include almost half of the lawyers in our State.

Inclusive language is not only a matter of promoting fairness and equality, but it also aligns with our commitment to diversity and inclusion within the legal profession. Using inclusive language helps build trust between lawyers and being the legal profession and the public.

The Diversity Committee proposes an amendment to the Constitution and Bylaws which would change the language in these documents to be inclusive of all members of the South Carolina Bar. The changes simply replace pronouns like "he" with "Member" or "President" or "Chair."

The amendments the Diversity Committee proposes are attached with the changes highlighted.

## Article I. Name and Purposes

**Section 1.1 Name.** The name of this organization is the South Carolina Bar (the “Bar”).

**Section 1.2 Purposes.** The purposes of the Bar shall be to uphold and defend the Constitution of the United States and the Constitution of the State of South Carolina; to protect, and maintain respect for, representative government; to continually improve the administration of justice throughout the State; to require the highest standards of ethical and professional conduct, and uphold the integrity and honor of the legal profession; to advance the science of jurisprudence; to promote consistent high quality of legal education and legal services to the public; to apply the knowledge, experience and ability of the legal profession to the promotion of the public good; to encourage goodwill and respect for integrity and excellence in public service among the members of the legal profession and the public; to perform any additional purposes and duties as may be assigned to it by the Supreme Court of South Carolina; to promote and correlate such policies and activities as fall within these purposes in the interest of the legal profession and the public.

## Article II. Definitions and General Provisions

**Section 2.1 Definitions.** In this Constitution and the Bylaws adopted pursuant hereto the term:

“Adjournment” with respect to an Annual Meeting means sine die of the Assembly or of the House of Delegates, whichever is later.

“Annual Meeting” means the yearly convocation of the membership.

“Organization year” means the twelve month period from July 1 to June 30, inclusive.

“Section” includes the members, council, and committees of the section.

**Section 2.2 General Provisions.** For the purpose of this Constitution and Bylaws (1) Where a member maintains an office or offices in a different Judicial Circuit or judicial region from the one in which hethemember resides, hithemember's residence for the purposes of notice, voting, and eligibility for election shall be deemed to be the Circuit or judicial region in which hethemember maintains hithemember's

**member's** principal office as reflected by the membership register of the Bar.

(2) The judicial regions are Region I (counties in Judicial Circuits 7, 10, 13 and 16), Region II (counties in Judicial Circuits 5, 6, 8 and 11), Region III (counties in Judicial Circuits 3, 4, 12 and 15) and Region IV (counties in Judicial Circuits 1, 2, 9 and 14).

(3) Except as specifically provided otherwise in this Constitution or the Bylaws, any notice which is required or permitted to be given to the members generally or to any class or classes of members may be given by a special mailing or by electronic transmission or it may be contained in any official publication of the Bar. Notice is deemed to have been given when the communication is directed to the member at the mailing address or electronic address on the membership register for that member.

## Article III. Membership

**Section 3.1 Eligibility.** All persons who shall have been licensed by the South Carolina Supreme Court to practice law and who shall not have resigned shall be eligible for membership in the Bar.

**Section 3.2 Classification of Members.** The classes, privileges, and responsibilities of membership, and other provisions with respect to membership in the Bar shall be delineated in the Bylaws.

**Section 3.3 Tender of Payment.** Any tender of payment of license fees for a year shall not be accepted until all debts to the Bar which are owed as of September 1 of the immediately preceding year have been satisfied. In addition to normal billing practices, the Bar will attach to the initial license fee billing a notice that the tender will not be accepted until outstanding debts have been satisfied. Copies of all outstanding invoices will be attached.

## Article IV. Meetings

**Section 4.1 Annual Meeting.** A meeting of the Bar shall be held annually at a time and place determined by the Board of Governors. The Annual Meeting shall include meetings of the House of Delegates and the Assembly and may include such -

meetings of the Board of Governors, divisions, sections, and committees as the Board may authorize. Notice of the Annual Meeting shall be given to all members at least two months in advance.

**Section 4.2 Other Meetings.** In addition to the Annual Meeting, the Bar may hold such meetings, including special and regional meetings, upon such notice as the Board of Governors may prescribe.

## Article V. The Assembly

**Section 5.1 Composition and Functions.** The Assembly is the forum for the members of the Bar at the Annual or any specially called meeting. It is composed of the members who are registered at the meeting. A quorum is fifty members of the Bar who are eligible to vote as provided in the Bylaws. During each such meeting, the Assembly shall convene in sessions as determined by the Board of Governors. The Assembly may present programs of professional interest and consider resolutions presented by members.

## Article VI. The House of Delegates

**Section 6.1 Powers and Functions.** The House of Delegates shall control and formulate policy for the Bar. It has all the powers necessary or incidental to perform those functions. It shall supervise and direct the Board of Governors, officers, divisions, sections, committees, boards, commissions, task forces, employees, and agents. It shall establish or approve the agenda for its meetings.

**Section 6.2 Composition.** The House of Delegates, which is designed to be representative of the Bar, is composed of the following members:

- (1) Circuit Delegates elected from each Judicial Circuit in the manner set forth herein and in the Bylaws;
- (2) The members of the Board of Governors;
- (3) The former presidents of the Bar and its predecessor organizations, the South Carolina Bar Association and the South Carolina State Bar;
- (4) One delegate representative from each section and the Young Lawyers Division;

- (5) The President and Immediate Past President of the Senior Lawyers Division;
- (6) Two delegate representatives elected by the members who reside without the State of South Carolina;
- (7) Four At Large Delegates elected in the manner set forth herein and in the Bylaws;
- (8) The deans of all law schools whose facilities are in South Carolina;
- (9) The State Delegate and the State Bar Delegates to the American Bar Association; and
- (10) The immediate past Chair of the House of Delegates.

### **Section 6.3 Circuit Delegates; At Large Delegates.**

(a) The members of the Bar residing in each Judicial Circuit eligible to vote shall elect from among themselves the Circuit Delegate or Delegates to represent that Circuit in the House of Delegates. The number of Circuit Delegates from each circuit shall be proportionate to the membership in each Circuit with each Circuit having at least one Delegate. The number of Delegates from each Circuit shall be determined as follows:

(1) Each Circuit shall be entitled to one delegate for each representative unit as defined below together with one delegate for each fraction of a unit greater than one-half.

(2) A representative unit during any apportionment term shall be equal to one hundred five members.

(3) The apportionment term shall be a period of ten years. The initial term shall commence March 1, 2005.

(4) The House of Delegates shall be reapportioned each tenth year using the formula herein set forth.

(b) The At Large Delegates shall be elected by the Board of Governors.

(c) The term of each Circuit Delegate and At Large Delegate shall be two years beginning the first day of July following his selection.

**Section 6.4 Meetings.** The House of Delegates shall meet during the Annual Meeting and at such other times and places as the Board of Governors may determine. Special meetings shall be called by the Board at the written request of one-tenth of the Delegates. Notice stating the place, day, and hour of the meeting and the purpose or purposes for which it is called shall be given to each Delegate not less than fifteen days before the date of the meetings. A quorum shall consist of

thirty Delegates. Except as provided otherwise by this Constitution or the Bylaws, the vote of a majority of the Delegates present at a meeting at which a quorum is present shall be the act of the House of Delegates.

**Section 6.5 Referendum.** On a question relating to the substance of the law, the administration of justice, or the policy of the Bar, the House of Delegates, by the vote of a majority of the total number of Delegates then in office, may direct a referendum by mail ballot of the members of the Bar who are entitled to vote as provided by the Bylaws. A majority of the votes cast in the referendum determines the position of the Bar with respect to the question submitted.

**Section 6.6 Legislative Positions and Briefs.**

(a) The Bar shall publish notice of adoption of legislative positions and filing of briefs in SC Lawyer or other publication in the issue prepared immediately following the meeting at which the positions were taken or filing authorized. Annually the Bar shall publish the amount expended from unrestricted funds to support legislative policies and file briefs, which amount shall be independently verified by a certified public accountant and shall be used to determine the pro rata amount of a member's license fee expended for such activities. The pro rata amount per membership category shall be in the same proportion as the license fees are across membership categories.

(b) Within forty-five days of the first day of the month of publication of notice of adoption any member of the Bar may file with the Executive Director a written objection to a particular position on a legislative issue or brief. Failure to object within this time period shall constitute a waiver of any right to object to the particular legislative issue or filing of the brief.

(c) After a written objection has been received, the Executive Director shall promptly determine the pro rata amount of the objecting member's license fee at issue, and such amount shall be placed in escrow pending determination of the merits of the objection. Upon the deadline for receipt of written objections, the Board of Governors shall have sixty days in which to decide whether to give a pro rata refund to the objecting member(s) or to refer the action to arbitration.

(d) The arbitration panel shall be composed of three members of the Bar and shall be constituted as soon as practicable. The objecting member(s) shall select one member of the arbitration panel, the Bar shall choose the second panel member, and those two shall choose the third member. In the event the two members are

unable to agree, the chief administrative judge for common pleas court in the Fifth Judicial Circuit shall appoint the third member.

The Bar shall thereafter prepare a written response to the objection and serve a copy of the response on the objecting member(s). The panel shall thereafter confer and decide whether the matters at issue are constitutionally appropriate for funding from the license fees and, if not, whether the pro rata refund was correctly computed.

The panel shall render a final written report to the objecting member(s) and the Board of Governors within forty-five days of its constitution. The decision shall be binding as to the objecting member(s) and the Bar. If the panel concludes the matters at issue are appropriately funded from license fees, there shall be no refund and the Bar shall be free to expend the amount in escrow. If the panel determines that the matters at issue are inappropriately funded from license fees, the panel shall order a refund of the pro rata amount to the objecting member(s). In the event a refund is ordered, the Bar shall provide such refund within thirty days of the date of the report, together with interest calculated at the legal rate of interest.

## Article VII. The Board of Governors

**Section 7.1 Powers and Functions.** Between the meetings of the House of Delegates, the Board of Governors may perform, not inconsistent with any action taken by the House, the functions that the House itself might perform. The Board shall develop methods and specific plans to accomplish the purposes of the Bar not inconsistent with the policies or actions of the House of Delegates.

**Section 7.2 Composition.** The Board of Governors is composed of the President, the President-Elect, the Immediate Past President, the Secretary, the Treasurer, the president-elect and immediate past president of the Young Lawyers Division, a representative of the Senior Lawyers Division, and the Chair of the House of Delegates, all of whom shall be members ex officio, together with two members (the "elected members") from each judicial region and two additional members (the "at large members") who shall be elected as hereinafter provided.

**Section 7.3 Eligibility and Term.** To be eligible for election to the Board of Governors a member must be a resident (as qualified by Section 2.2) of the judicial region

from which **hethe member** is elected. The term of an elected member of the Board is three organization years, beginning the day after the close of the Annual Meeting following his election. The elected members of the Board shall serve staggered terms of three years each, i.e., two or three new members of the Board of Governors shall be elected each year to replace the members whose terms expire, and shall not be eligible to succeed themselves except as provided in Section 7.4 below. The at large members shall serve staggered terms of two years each and shall not be eligible to succeed themselves. Before assuming the office of President, the President-Elect shall appoint with the approval of the Board of Governors an at large member whose term will begin on the day after the close of the Annual Meeting. The representative from the Senior Lawyers Division shall serve a term of two years and shall be elected by a vote of two-thirds or more of the Division's Executive Council.

**Section 7.4 Vacancies.** A vacancy in the position of an elected member, including when the member no longer resides in the judicial region from which **hethe member** was elected, of the Board of Governors shall be filled for the unexpired term by an eligible member of the Bar elected by the House of Delegates. A **per-sonmember** so elected shall be eligible to be re-elected for a full term if **hethe member** will have served less than twenty-four months at the time the unexpired term for which **hethe member** was elected terminates. A vacancy in the position of an at large member of the Board of Governors shall be filled for the unexpired term by an eligible member of the Bar elected by the Board of Governors. In the event that the immediate past president of the Young Lawyers Division declines or is unable to serve, the Division's Executive Council shall designate the person to fill the vacancy.

**Section 7.5 Meetings.** The Board of Governors shall meet at least four times in each organizational year at such times and places as the Board may determine. Special meetings may be held at the call of the President and shall be called by the Secretary upon the request of three or more members of the Board of Governors. At any meeting a majority of the Board of Governors shall constitute a quorum.

**Section 7.6 Appropriation of Funds.** An annual budget shall be prepared by the Board of Governors and submitted to the House of Delegates each year for approval.

**Section 7.7 Financial Review.** There shall be an annual review or audit of the Bar's financial records by a certified public accountant selected by the Board of Governors.

## Article VIII. Officers and Other Personnel

**Section 8.1 General.** The officers of the Bar are the President, the President-Elect, the Chair of the House of Delegates, the Secretary, and the Treasurer. The Board of Governors may appoint, elect, or employ and prescribe the duties of an Executive Director and such other personnel as the Board deems necessary to carry on the work of the Bar, each of whom shall serve at the pleasure of the Board.

### **Section 8.2 Terms.**

(a) The term of office of the President, the President-Elect, the Secretary and the Treasurer shall be one year beginning the day after the close of the Annual Meeting following election. The President-Elect automatically succeeds to the office of the President. No person who has served as President of the Bar or of the South Carolina Bar Association or of the South Carolina State Bar shall be eligible for election to the Office of President or President-Elect.

(b) The term of office of the Chair of the House of Delegates shall be two organizational years beginning the day after the close of the Annual Meeting following election. During **his** the Chair's first term of office, **he** the Chair may not hold any other office in the Bar. **He** The Chair is not again eligible for the office of Chair of the House.

**Section 8.3 Vacancies.** If the office of President becomes vacant, the President-Elect shall become President for the unexpired term and for the term next following. If the office of President-Elect shall become vacant, the House of Delegates shall convene at the call of the Board of Governors and elect a successor. In the event that the office of President becomes vacant at the time the office of Presi-

dent-Elect is also vacant, the Board of Governors shall fill the office of President from among its members until the House of Delegates can be convened to elect a successor. If any office other than that of the President or President-Elect shall become vacant, or if a vacancy occurs in the position of State Bar Delegate to the American Bar Association, the office or position shall be filled by the Board of Governors for the remainder of the term.

## Article IX. Election of Officers, Governors and State Bar Delegates

**Section 9.1 Nominations.** Nominations for the offices of President-Elect, Secretary, Treasurer, and Chair of the House of Delegates, for the elected members of the Board of Governors, and for the State Bar Delegates to the American Bar Association shall be made only as provided in this Article.

### **Section 9.2 Nominating Committee.**

(a) There shall be a Nominating Committee comprised of the Immediate Past President, who shall be the Chair, and two elected Nominating Delegates from each judicial region. The eight elected Nominating Delegates shall serve staggered terms of three years each commencing the first day of July following their election. Two or three Nominating Delegates shall be elected by the House of Delegates each year to succeed the Nominating Delegates whose terms expire that year. At the time of their election Nominating Delegates shall be elected members of the House of Delegates who reside in the same judicial region as the Delegates whom they succeed. No Nominating **Delegates** shall be eligible to succeed **himselfthemselves**. In the event of a vacancy among the elected Nominating Delegates, including when a Delegate is no longer a regular member or no longer resides in the judicial region for which he was elected, the House of Delegates at its next meeting shall elect a successor for the unexpired term.

(b) Election of Nominating Delegates shall be supervised by the Chair of the House of Delegates, the President, and the President-Elect. If there are two or more nominees for the position of Nominating Delegate from a judicial region, the Nominating Delegate shall be elected by plurality of the votes cast.

**Section 9.3 Nominating Procedure.**

(a) On or before November 15 of each year the Nominating Committee shall meet at a time and place designated by its Chair and shall promptly make nominations by majority vote for the offices of President-Elect, Secretary, and Treasurer, the members of the Board of Governors and ABA State Bar Delegates to be elected in that year, and in every alternate year the office of Chair of the House of Delegates. Only Circuit Delegates shall be eligible for nomination to the office of Chair of the House of Delegates. No one shall be eligible to be nominated or elected as State Bar Delegate who will at the time of election have served in such capacity for four years.

(b) The Board of Governors shall, on or before the following December 15, cause the name of each nominee selected by the Nominating Committee to be published. On or before the following January 15, twenty-five or more members who are entitled to vote may file with the Board of Governors a signed petition nominating a candidate or candidates for any or all offices to be filled. On January 15, the nominations shall be closed. The Board of Governors shall cause the name of each nominee to be published.

(c) Any ABA State Bar Delegate who must be a young lawyer shall not be nominated as set forth above. One or more nominees shall be chosen by vote of the Young Lawyers Division Executive Council.

**Section 9.4 Election of Officers, Governors and State Bar Delegates.**

(a) If there is only one nominee for President-Elect or Secretary or Treasurer or Chair of the House of Delegates or Governor or State Bar Delegate, such nominee shall be considered elected automatically at the time the nominations are closed. The Board of Governors shall elect the ABA State Bar Delegate nominated under section 9.3(c).

(b) If more than one person is nominated for any such office or position, ballots containing the names of all nominees for each contested position shall be distributed to all members who are eligible to vote at the same time as ballots for contested Circuit Delegate elections are distributed. The nominee who receives the greatest number of votes for each office or position shall be declared elected. In the event of a tie vote, the House of Delegates shall determine which of those tied nominees shall serve.

(c) The Board of Governors shall supervise all such elections and shall determine, announce, and publish the results of each election. Elections may be conducted electronically.

## Article X. Divisions, Sections, Committees and Affiliates

**Section 10.1 Divisions.** There shall be a Young Lawyers Division and a Senior Lawyers Division with membership requirements as set forth in the bylaws adopted pursuant to Article XI.

**Section 10.2 Sections.** Sections may be created, existing sections may be combined or discontinued, or the name of a section may be changed by a majority vote of the members present of the House of Delegates at any annual or specially called meeting in the manner prescribed by the Bylaws.

**Section 10.3 Committees.** Committees, boards, task forces and commissions may be created by the Board of Governors to carry on the work of the Bar and to promote its purposes.

**Section 10.4 Affiliates.** There shall be Lawyer Affiliates and Law Student Affiliates with the Bar. A lawyer who is not admitted to practice law in South Carolina but who is licensed to practice law before the highest court of another state or jurisdiction of the United States, or who has retired from the practice before such court, may become a Lawyer Affiliate under such terms and conditions as may be specified in the Bylaws. A lawyer who is suspended or disbarred from the practice of law in any jurisdiction may not become a Lawyer Affiliate. A law student enrolled at a law school that has been approved or provisionally approved by the Council of Legal Education of the American Bar Association may become a Law Student Affiliate under such terms and conditions as may be specified in the Bylaws. Affiliation with the Bar does not confer any privilege to practice law in South Carolina, and affiliates are not members of the South Carolina Bar.

## Article XI. The Bylaws

**Section 11.1 Adoption and Amendment.** The House of Delegates may adopt Bylaws not inconsistent with this Constitution to further the administration of the Bar. The Bylaws shall be adopted, and may be amended, at any annual or a special meeting by vote of a majority of the Delegates present at the meeting. Not later

than thirty days before the meeting at which such an amendment or amendments will be considered, any member of the Bar desiring to propose an amendment shall furnish to the Board of Governors a copy thereof. Thereafter the Board of Governors shall, not less than fifteen days before said meeting, give notice of the substance of the proposed amendment to all members of the Bar. Unless otherwise provided, an amendment is effective upon the adjournment of the meeting at which it is adopted.

**Section 11.2 Correction.** Upon the adoption of an amendment to the Bylaws, the Secretary may correct punctuation, grammar, or numbering where appropriate in the Bylaws if the correction does not change the meaning.

## Article XII. Amendment of Constitution

**Section 12.1 Amendment.** At any annual or special meeting of the Bar this Constitution may be amended upon concurrent votes of at least two-thirds of the members present who are entitled to vote in the Assembly and two-thirds of the members present in the House of Delegates. If the Assembly lacks a quorum when an amendment is scheduled to be considered, the action of the House on the amendment shall be controlling without Assembly action. If the Assembly and the House disagree, either may direct by two-thirds vote that the proposed amendment be submitted to all members of the Bar who are entitled to vote. To become effective, however, an amendment so referred must be adopted by two-thirds of the members voting. Not later than sixty days before the meeting at which the amendment or amendments will be considered, any member of the Bar desiring to propose an amendment shall furnish to the Board of Governors a copy thereof and thereafter the Board of Governors shall, not less than fifteen days before said meeting, give written notice to all members of the Bar of the proposed amendment or amendments. Amendments so approved shall be forthwith submitted to the South Carolina Supreme Court and shall become effective upon approval by it.

**Section 12.2 Correction.** Upon adoption of an amendment to this Constitution, the Secretary may correct punctuation, grammar, or numbering where appropriate

in the Constitution, if the correction does not change the meaning, and he may make conforming changes in the Bylaws if needed.

## Article I. Membership

**Section 1.1 Classes of Membership.** Membership classes of the South Carolina Bar are defined by Rule 410 (h), SCACR: Regular, Inactive, Judicial, Judicial Staff, Military, Administrative Law Judge or Workers' Compensation Commission, Retired, Limited Member - Rule 405, Limited Member - Rule 414, Limited Member - Rule 415, Limited Member - Rule 427 and Military Spouse Attorney - Rule 430. Membership status is determined as of January 1 each year. A member may change class as set forth in Rule 410, SCACR.

### **Section 1.2 Fees.**

- (a) The annual license fees are set forth in Rule 410(j), SCACR.
- (b) Retired members shall by February 1 notify the Bar through the Attorney Information System or otherwise in writing of **his** the member's then current address whether or not there has been a change.
- (c) License fees are due and payable on the first day of January. Persons who become members of the Bar after the first day of January but before the first day of July shall pay on or before July 1 the fees specified under Rule 410(n).
- (d) Any member who fails to pay the required license fee on or before January 31 shall be assessed a penalty as set forth in Rule 410(m). If a member pays before February 1 and that check is returned to the Bar after January 31 for any reason, the same penalty will be assessed.
- (e) Administrative suspensions shall be governed by Rule 419, SCACR.

### **Section 1.3 Membership Register.**

- (a) The Attorney Information System shall be the source of enrollment information for members.
- (b) The Board of Governors shall prescribe such additional information which shall be collected upon enrollment.
- (c) The mailing and email address appearing on the Attorney Information System shall be the official address of the member for all purposes of the Bar including the giving of notice and for the purpose of eligibility to vote and election to office.

### **Section 1.4 Privileges of Members.**

- (a) Regular members, judicial staff members and limited license members

admitted under Rule 405 and Rule 414, while in good standing as defined in Rule 410(i), SCACR, shall be eligible—

- (1) to vote in the election of or serve as a member of the Board of Governors or as a circuit delegate in the House of Delegates;
- (2) to vote on any matter before the Assembly or on any matter which is the subject of a referendum directed to the membership; and
- (3) to serve as voting members of committees, boards, task forces, commissions, divisions and sections.

(b) Judicial members, military members, administrative law judge or workers' compensation commission members and military spouse attorney members, while in good standing as defined in Rule 410(i), SCACR, are entitled—

- (1) to attend meetings of the Assembly and to participate without vote in its deliberations;
- (2) to serve as nonvoting members of committees, boards, task forces, commissions, divisions and sections; and
- (3) to receive all notices and publications of the Bar except notices relating to elections and matters upon which only regular members may act.

(c) Inactive members, limited license members admitted under Rule 415 and Rule 427, and retired members, while in good standing as defined in Rule 410(i), SCACR, shall have the same privileges as do judicial members except that they shall not be entitled to receive any notices or publications except SC Lawyer unless they shall request the Secretary in writing that they be sent the other notices to which judicial members are entitled.

## Article II. Circuit Delegates; Out of State Delegates; At Large Delegates

**Section 2.1 Nomination and Election of Circuit Delegates.** Delegates from odd-numbered circuits shall be elected in even-numbered years and delegates from even-numbered circuits shall be elected in odd-numbered years. On or before the fifteenth day of January, ten or more regular members residing in the circuit from which one or more delegates are to be elected may file with the Board of Governors, which shall serve as a board of electors, a signed petition nominating a candidate, or candidates, for circuit delegate from that circuit. The Board of Governors shall thereupon cause the name of each nominee to be published or otherwise distributed to all members. If the number of persons nominated does not exceed the

number of delegates to be elected from a circuit, the Board of Governors shall declare the nominees elected. If fewer persons are nominated than there are delegates to be elected, the Board of Governors shall choose a sufficient number of nominees to constitute a full slate. If the number of nominees exceeds the number of delegates to be elected from a circuit, the Board of Governors shall on or before the fifteenth day of February prepare ballots bearing the names of the nominees and shall cause a ballot to be distributed to each regular member, judicial staff member, limited member - Rule 405 and limited member - Rule 414 member residing in such circuit. In order to be effective, each ballot shall be duly marked and returned to the Board of Governors not later than the fifteenth day of March. On that date the balloting for the election of circuit delegates shall be closed and the Board of Governors shall proceed to count the ballots and determine, announce, and publish the results of such election. Where there is only one circuit delegate to be elected from a judicial circuit, the nominee receiving the greatest number of votes shall be declared. Where there are more than one circuit delegate to be elected from a judicial circuit, those nominees receiving the greatest number of votes shall be declared elected until all positions are filled. In the event of a tie vote, the Board of Governors shall declare the procedure to be followed to determine the nominee or nominees elected.

**Section 2.2 Nomination and Election of Out-of-State Delegates.** The out-of-state delegates shall be elected in even numbered years to serve for a term of two years. Nominations for out-of-state delegates may be made by petitions signed by ten or more regular members who reside either within or without the state of South Carolina. Ballots for out-of-state delegates shall be sent to and cast by only regular members who reside without the state.

The provision of Section 2.1 relating to the nomination and election of circuit delegates shall apply to the nomination and election of the out-of-state delegates except insofar as such provisions are in conflict with the provisions of this Section 2.2.

**Section 2.3 Election of At Large Delegates.** After the election of Circuit Delegates the Board of Governors shall elect two at large delegates from counties not represented by the newly elected circuit delegates. Delegates from odd-numbered circuits shall be elected in even-numbered years, and delegates from even-numbered circuits shall be elected in odd-numbered years.

**Section 2.4 Vacancies.** In the event of a vacancy in the position of circuit, out-of-state delegate or at large delegate, the Board of Governors shall fill the vacancy for the remainder of the unexpired term. A vacancy occurs when a member is no longer a regular member, the member's residence changes to another circuit or an at large delegate's residence changes to another county.

## Article III. Meetings

**Section 3.1 Meeting Program.** The program at all meetings of the Bar shall be supervised by the Board of Governors.

**Section 3.2 Limit on Debate.** No member shall, in discussion or debate at meetings of the Assembly or the House of Delegates, speak more than ten minutes at a time or more than twice on one subject.

**Section 3.3 Privileges of the Floor.** At any meeting of the Assembly or the House of Delegates distinguished guests may, on motion duly passed, be extended the privileges of the floor.

**Section 3.4 Parliamentary Rules.** Roberts Rules of Order shall govern all meetings of the Assembly and the House of Delegates except as is otherwise provided in the Constitution and these Bylaws.

**Section 3.5 Amendments.** Amendments proposed to matters before the Assembly or House of Delegates shall be submitted in writing to the person presiding over the meeting on the proposal.

**Section 3.6 Decorum in Debate.** The Lawyer's Oath and the South Carolina Rules of Professional Conduct shall be an essential part of and govern the decorum that is to take place in a House of Delegates meeting along with Robert's Rules of Order. During debate, members of the House must maintain professionalism. In debate, members must confine themselves to the question before the House of Delegates and avoid personal attacks or denigration. The officers of the House of Delegates

should always be referred to by their official titles. It is not allowable to denounce the motives of a member by name. During debate, while the Chair is speaking, or the House of Delegates is engaged in voting, no member is permitted to disturb the meeting.

**Section 3.7 Removal from a Meeting.** Should a member violate Section 3.6 above, the member may be removed for the remainder of the meeting by a motion approved by two-thirds of the members attending the meeting.

## Article IV. Resolutions

### **Section 4.1 General.**

(a) A resolution which is offered to the Assembly shall be in writing, concise, and, including its preamble, limited to no more than three hundred words. If it supports or opposes existing or proposed legislation, it shall be accompanied by a copy of the measure concerned or by a summary of its provisions.

(b) Between meetings, a resolution may be filed with the Secretary. During a meeting, a resolution may be offered only at the first session of the Assembly.

**Section 4.2 Restrictions on Resolutions.** Neither the Assembly, the House of Delegates, nor any committee, section, division, task force, board or commission shall consider a resolution complimentary to an officer or member. The Board of Governors may, however, make an award or grant a citation to an officer or member or other person for services performed, a paper read, or an address delivered. The Board may approve criteria by which a committee, division or section may recognize such person.

**Section 4.3 Publication.** Only resolutions which have been adopted by the Assembly need to be published in the proceeding of the meeting.

## Article V. Reports and Recommendations

**Section 5.1 Transmittal and Calendaring.** The Board of Governors shall transmit to the House of Delegates, in the manner prescribed by the House, the reports of

divisions, sections, committees, boards, task forces, and commissions with any recommendations or comments which the Board may have. The Board may also have such reports placed on the calendar of the Assembly.

**Section 5.2 Organization Action.** A report or recommendation of a division, section, committee, board, task force, or commission becomes the action of the Bar only if it is approved by the House of Delegates or the Board of Governors.

## Article VI. Representation of the Bar

**Section 6.1 Representation.** The President or **his** the President's designee shall express the policy of the Bar as determined by the House of Delegates or the Board of Governors. No other member or employee may represent the Bar or a division, section, committee, board, task force, or commission before a legislative body, court or governmental agency, unless specifically authorized by the House of Delegates or the Board of Governors.

**Section 6.2 Briefs.** If representation of the Bar requires the filing of a brief, it shall be reviewed by the Board of Governors or its designees and approved by the Board before it is filed.

**Section 6.3 Personal Views of Members.** Any member who, when making public utterance, permits **himself** the member to be identified as having an official connection with the Bar or one of its divisions, sections, committees, boards, task forces, or commissions shall, if the policy of the Bar on the subject matter of the utterance has been determined by the House of Delegates or Board of Governors, fairly state that policy and, if **he** the member expresses views at variance with it, clearly identify the variance as **his** the member's personal views only. If there has not been, or if **he** the member has no knowledge of, any such policy determination, **he** the member shall nevertheless identify **his** the utterance as **his** the member's personal views.

**Section 6.4 Indemnification.** The Bar shall indemnify each member of the House of Delegates, member of the Board of Governors, employee and agent who is or is threatened to be made a party of any action, proceeding or suit, whether administrative, civil, criminal, or investigative (other than any action proceeding by or in behalf of the Bar) by reason of the fact that **hethethe individual** is or was a member of the House of Delegates, member of the Board of Governors, employee or agent of the Bar, or is or was serving at the request of the Bar in such capacity of the Bar, against expenses (including attorneys' fees), fines, judgments, and amounts paid in settlement actually and reasonably incurred **by him** in connection with any such action, proceeding or suit if **hethethe individual** acted in good faith and in a manner **hethethe individual** reasonably believed to be in or not opposed to the best interests of the Bar and, with respect to any criminal action or proceeding, had no reasonable cause to believe **hethethe individual's** conduct was unlawful. The termination of any such action, proceeding or suit by judgment, order, settlement, conviction, or a plea of nolo contendere, or its equivalent, in and of itself, shall not create a presumption that **hethethe individual** did not act in good faith and in a manner reasonably believed to be in or not opposed to the best interests of the Bar, and, with respect to any criminal action or proceeding, had reasonable cause to believe the conduct was unlawful. In the discretion of the Board, the Bar may make advances before final disposition of any such action, proceeding or suit in respect of indemnification. The Bar may purchase and maintain insurance on behalf of itself, members of the House of Delegates, members of the Board of Governors, employees and agents against liability that may be asserted against it or against any such individual in such capacity arising out of their status as such.

**Section 6.5 Delegated Authority.** The officers of the Bar and the Immediate Past President shall constitute the Executive Committee. The Board of Governors may empower the Executive Committee and other ad hoc committees of the Board to act between meetings of the Board. Any committee actions must be ratified at the next meeting of the full Board.

**Section 6.6 Removal for Cause.** Any Board of Governors member may be removed from office for cause, as hereinafter defined, on the two-thirds affirmative vote of the membership of the Board present at a meeting called for that purpose. For purposes of this section, the term "cause" means any of the following: (a) the member's physical or mental illness rendering the member incapable of

performing duties to the Bar for a period of more than three consecutive months; (b) the member's absence at two consecutive Board meetings without cause deemed adequate by the Board; (c) the member's continued neglect or failure, after written demand, to discharge duties or to obey a specific written directive from the Board; (d) conflicts which render the member incapable of fulfilling the member's duties to the Bar; (e) the member's engaging in adjudicated misconduct which is injurious to the Bar; (f) the member's conviction of any felony or any crime involving moral turpitude; (g) conduct which would seriously impair the member's ability to perform the member's duties to the Bar. In the event of removal, the position will be filled in the manner outlined in the Constitution and Bylaws.

## Article VII. Finances

**Section 7.1 Authority to Incur Expense.** The Board of Governors shall formulate and administer policy respecting expenditures and procedures for reimbursement. If the proposal requiring the expenditure of funds originates in the House of Delegates, it may be acted on only after the Board reports on its feasibility.

**Section 7.2 Payment of Authorized Expenses.**

(a) The Treasurer may pay only authorized expenses that are within budget appropriations.

(b) Expenditures from section funds may be made only upon approval of the Section chair.

**Section 7.3 Financial Liability.** The financial liability of the Bar to any section, committee, fund, or other organization within the Bar is limited to the funds credited to it on the financial records of the Bar and the liability ceases upon the Treasurer's payment of that amount. If a section, committee, fund, or organization, or one of its members, incurs a liability that is greater than the funds so credited, it is the obligation of each person responsible for incurring or authorizing the liability.

## Article VIII. Duties of Officers

**Section 8.1 General Duties.** The officers of the Bar shall have the duties specified below in addition to the duties normally incident to their respective offices.

**Section 8.2 President.** The President shall preside at all meetings of the Assembly and the Board of Governors and shall appoint the chair and members of all committees, boards, task forces and commissions. **HeThe President** shall be the official spokesman for the Bar and shall have general charge and supervision of its affairs subject to the authority of the House of Delegates and Board of Governors.

**Section 8.3 President-Elect.** The President-Elect shall perform such duties as the President may assign and, except as otherwise provided, the duties of the President when the President is disabled from **performing hispresidential** duties or absent from any meeting of the Assembly, the House of Delegates, or the Board of Governors.

**Section 8.4 Chair of the House of Delegates.** The Chair of the House of Delegates shall—

- (a) preside at meetings of the House;
- (b) preside, in the absence of the President and the President-Elect, at meetings of the Assembly, and other meetings at which the President would preside if he were present; and
- (c) perform such other duties as shall be designated by the House of Delegates.

**Section 8.5 Secretary.** The Secretary shall—

- (a) keep the respective minutes and records of the Assembly, the House of Delegates, and the Board of Governors;
- (b) maintain the roster of the delegates in the House;
- (c) receive, certify, and publish nominations of circuit delegates, officers, and governors;
- (d) receive, certify, and publish the results of ballots;
- (e) receive and maintain as the property of the Bar all papers, addresses, and reports to the Assembly, the House of Delegates, and the Board of Governors;
- (f) give notice when notice is required to be given to the House of Delegates, the Board of Governors, or the members; and

(g) perform such other duties as shall be assigned to him by the President or the Board of Governors.

**Section 8.6 Treasurer.** The Treasurer shall supervise the safekeeping of the funds and investments of the Bar and shall report periodically on its financial condition to the House of Delegates and the Board of Governors. **HeThe Treasurer** shall perform such other duties as shall be assigned to him by the President or the Board of Governors.

## Article IX. Executive Director

**Section 9.1 Employment.** The Board of Governors shall employ and supervise an Executive Director who shall manage the administrative and staff operations of the Bar and whose term of employment shall be determined by the Board.

**Section 9.2 Duties.** Under the direction of the officers and Board of Governors, the Executive Director shall implement the policies of the Bar as determined by the Board of Governors and House of Delegates, and shall—

- (a) advise and assist the officers in fulfilling the responsibilities of their respective offices;
- (b) report to the officers and the Board of Governors such matters as are necessary to keep them properly informed of the activities and condition of the Bar;
- (c) direct the preparation of and participate in the formulation of the annual budget for consideration by the Board of Governors and the House of Delegates;
- (d) provide staff and liaison support for all organizations and functions of the Bar;
- (e) employ, determine the compensation of, train, supervise, assign, manage, and discharge staff members to carry on the work of the Bar within the budget;
- (f) manage and maintain the Bar quarters and other property within the budget;
- and
- (g) perform such other specific duties as may be directed by the Board of Governors.

## Article X. Divisions

**Section 10.1 Membership.** The Young Lawyers Division of the Bar shall consist of all members of the Bar under the age of thirty-six years (36) and all new members of the Bar thirty-six years of age or over who have never been admitted to practice in any other jurisdiction who shall be members of the Division for five years following date of admission to practice in South Carolina. There shall be a Senior Lawyers Division which shall consist of all members of the Bar who are at least sixty (60) years of age.

**Section 10.2 Purposes.** The purposes of the Young Lawyers Division shall be to stimulate the interest of its members in the objects of the Bar, to carry on activities which will be of assistance to its members, and to make reports and recommendations to the Board of Governors. The purposes of the Senior Lawyers Division shall be to stimulate the interest of its members in the activities of the Bar, to conduct programs of interest and value to its members, and to conduct forums for discussion among its members.

**Section 10.3 Bylaws.** The Young Lawyers Division and the Senior Lawyers Division shall adopt bylaws and may adopt amendments thereto which are not inconsistent with the Constitution or these Bylaws and which shall become effective when approved by the House of Delegates.

## Article XI. Sections

**Section 11.1 General.** There shall be within the Bar such sections as the House of Delegates may authorize, each of which shall consist of not fewer than seventy members.

**Section 11.2 Membership.** The members of each section shall be members of the Bar and meet such other requirements as the bylaws of the section provide.

**Section 11.3 Officers and Council.** Each section shall have a chair. It may also have a chair-elect and such other officers and council as its bylaws may provide.

**Section 11.4 Funds.** With the approval of the House of Delegates, section members may be required to pay dues. Section funds shall be administered by the Treasurer but shall be accounted for separately from the general fund. No section shall accumulate an amount equal to more than five times its then current annual dues income. All funds in excess of such amount shall be transferred to the general fund of the Bar.

**Section 11.5 Meetings.** Each section shall meet during the year as the section may desire.

**Section 11.6 Bylaws.** Each section shall adopt bylaws and may adopt amendments thereto which are not inconsistent with the Constitution or these Bylaws and which shall become effective when approved by the House of Delegates. The jurisdiction of each section shall be described in its bylaws.

**Section 11.7 Dissolution.** During any year a section may be dissolved by vote of seventy percent of the section members. In the event that any section does not have at least seventy members by March 31 in any year that section will be considered dissolved. Section dues paid for the year in which dissolution occurs shall be returned to the members. Remaining funds shall be deposited in the general fund of the Bar.

## Article XII. Committees

**Section 12.1 General.** The Board of Governors may from time to time create committees, boards, task forces and commissions with such assignments and duties as the Board shall specify.

**Section 12.2 Appointment.** Unless the resolution or motion creating the committee, board or commission provides otherwise and except as otherwise provided in the Constitution and Bylaws (a) appointments to each committee, board or commission, including the annual appointment of its chair, shall be made by the President; and (b) if a member resigns, dies, or becomes ineligible, the President may appoint a successor for the unexpired term.

## Article XIII. Affiliates

**Section 13.1 Lawyer Affiliates.** The Board of Governors shall set the annual fee required for participation as a lawyer affiliate. Lawyer affiliates shall be afforded the same privileges as inactive members under Section 1.4.

**Section 13.2 Law Student Affiliates.** The Board of Governors shall set the annual fee required for participation as a law student affiliate. A Law Student Affiliate Council shall be defined by the Board. The Council shall recommend to the Board the privileges to be afforded to Law Student Affiliates, with determination of those privileges reserved to the Board. The Council shall oversee all collective activities of the Law Student Affiliates.

## Article XIV. Notice

**Section 14.1 Notice.** Any notice which is required or permitted to be given to the Bar or to any officer shall be addressed to Post Office Box 608, Columbia, SC 29202, be delivered to the Bar headquarters at 950 Taylor Street, Columbia, SC 29201, or be sent electronically to the address of the Executive Director or to [scbar-info@scbar.org](mailto:scbar-info@scbar.org).

13

To: House of Delegates

From: Lawyers Fund for Client Protection Committee

RE: Proposed Amendment, SCACR 411, (c)(3)(C)

In compliance with best practices, this Committee recently reviewed the current rules for the Lawyers' Fund for Client Protection to engage in a critical review of the applicable rules and to identify items for amendment.

During that review, the The Committee identified that current Rule (c)(3)(C), R.411 SCACR, 'Duties of Lawyers Fund for Client Protection Committee,' could be amended to provide for improved financial flexibility and performance for the Fund with little, if any, additional risk to Fund security.

Current Rule (c)(3)(C), R. 411, SCACR, "Duties of Lawyers Fund for Client Protection Committee", states:

(3) The Committee may use or employ the Lawyers' Fund for Client Protection for any of the following purposes within the scope of the Committee's objectives:

(A) to make reimbursements on approved applications to clients and members of the public;

(B) to purchase insurance to cover losses in whole or in part as is deemed appropriate, provided that the purchase of the insurance is approved by the Board of Governors of the South Carolina Bar;

(C) to invest any portions of the Fund as may not be needed currently to pay losses, in United States Government Bonds, notes, or bills with interest or other investment income to become a part of the Fund; or

(D) to deposit at interest in federally insured banks or savings and loan associations located in the State of South Carolina, with the interest or other income from the deposit to become a part of the Fund.

The Committee proposes an amendment to (D) that would remove the phrase "located in the State of South Carolina" from the Rule. The removal of this phrase would:

- More closely align the Fund's banking practices to those generally acknowledged as usual practice,
- Allow the Committee to work with Bar Leadership to manage and spread risk among a larger number of banks as needed, and
- Allow more flexibility in choice of institutions where funds could be deposited, thus resulting in opportunity for higher interest yield.

Thus, to exercise diligence in our ongoing responsibility to both the public and to our colleagues, to be good stewards of the monies placed into the Lawyers' Fund for Client Protection, and to support the Committee's mission to improve the administration of justice, the Committee respectfully requests the House of Delegates adopt the proposed amendment to Rule (D), as below, for submission to the SC Supreme Court:

**(D) to deposit at interest in federally insured banks or savings and loan associations ~~located in the State of South Carolina,~~ with the interest or other income from the deposit to become a part of the Fund.**

14

## MEMORANDUM

**TO:** South Carolina Bar House of Delegates  
**FROM:** Hon. Garry Malphrus, Out-of-State Delegate  
**RE:** Proposed Resolution Regarding CLE Alternatively Delivered Courses

### A RESOLUTION

#### WHEREAS

Continuing Legal Education (CLE) requirements in South Carolina provide valuable benefits for attorneys and the legal profession, and the South Carolina Commission on CLE and Specialization serves an important role in the system on behalf of the Supreme Court of South Carolina.

Attorneys may earn CLE credit through in-person programming and alternatively delivered (ADT teleconference or ADO online on demand) courses but there are more restrictions on alternatively delivered programming. While live, in-person training in general has some unique benefits over online training, online distance learning is becoming increasingly common and is improving with technological advances, especially through the increased availability of CLE courses with a live, interactive video option. Online courses often are much more practical and efficient for attorneys to access than in-person courses. (Video replays of certain live courses, such as SC Bar CLE Division broadcasts to remote sites, are considered live courses.) Both live and alternatively delivered programming serve important roles in the CLE compliance process and should be treated in a more similar manner as to how credits may be earned.

Currently, requests for accreditation for alternatively delivered courses must be received and approved by the Commission on CLE and Specialization prior to the attorney taking the course. This can be burdensome because the information that must be provided on the form, such as whether the course is interactive and how the sponsor monitors attendance, is often not available until a short time before the course is offered. It should not be necessary for an attorney to obtain accreditation approval in advance for a course but instead an attorney should be able to submit and receive any approvals after taking the course.

Currently, while attorneys are permitted to carry over up to 14 CLE credits to the next reporting year, credits from alternatively delivered programming cannot be carried forward. The ability to carry over credits should be the same for in person and alternatively delivered programming.

Currently, 6 of the 14 required hours must be from live, in person programming. The number of credits that must be earned through live, in person programming should be decreased, especially considering that webcasts of live online seminars are not considered live programming.

BE IT THEREFORE RESOLVED THAT the South Carolina Bar respectfully encourages the Supreme Court through the Commission on CLE and Specialization to:

- (1) Allow attorneys to seek accreditation for alternatively delivered programming after attending the course;
- (2) Allow attorneys to carry over credits for alternatively delivered programming in the same manner as in person courses; and
- (3) Allow attorneys to receive 10 of the 14 credits in a reporting year in any type of accredited programming, thus reducing the number of credits that must be obtained through in person programming from 6 to 4.

15

For presentation to the South Carolina Bar House of Delegates  
Submitted by Judah Van Syckel, Chair – Criminal Law Section Council  
Thursday, May 16, 2024  
Moncks Corner, SC

=====  
"Public access to Court Records is an important foundation of our free and open society. The right to public records in the Courts is protected under the common law, the 1st Amendment of the United States Constitution, and our modern Freedom of Information Act (FOIA) statutes. Our way of life is built on the idea that the Courts operate in the Sunshine.

In South Carolina, the Federal Courts led the way with Court Records being online through PACER. The State Courts have adopted the Public Index, which allows for various levels of public access to the dockets of the various Courts.

While some municipalities have joined the South Carolina Courts Case Management System (CMS), it is apparent from practice that all municipalities need to tie into the system. It is concerning that municipalities have not yet done so and are not required to do so.

The public has the right to know the status of pending cases. When so many important parts of our lives are online, it should not require a physical trip to the courthouse to see the pending cases for a Municipal Court. The Press should be able to check on cases. Lawyers should be able to check on cases, both for cases where they may be retained and for cases in which they are actively involved. And Victims should be able to check the status of their cases without leaving the safety of their homes and be able to do it at times convenient to them. This is a matter of public safety.

We urge the Court and the Legislature to require that the Municipal Courts tie into CMS and to list their cases on the Public Index."

16

TO: House of Delegates

FR: Chris Koon, Treasurer

DT: April 2024

RE: Proposed Budgets for FY 24-25

Attached is the proposed budget for the next fiscal year. They project an increase in SC Bar net assets of \$208,645. The goal this year was to ensure capture of all revenue and expense items incurred by the Organization.

A brief explanation of some of the budget items follows.

#### Revenues

**Contributions:** Includes Disciplinary Fund revenue to be paid to the Judicial Department as well as Indigent Service fee income for Pro Bono use. Both items are restricted for the uses noted.

**Grant Revenue:** These are Donor restricted funds that will cover much, but not all the cost of the Ask a Lawyer and Law Related Education programs.

**LRS Subscription Fees:** A decrease in revenue is projected for this line. These are Board Designated funds to be used only for LRS expenses or Public Service programs.

**LRS Percentage Fees:** An increase is projected for this line. These are Board Designated funds to be used only for LRS Expenses or Public Service programs.

**Lawyer Desk book sales:** No revenue projected this year.

Publication Income: A slight increase is projected for publication income.

Shipping Revenue: Shipping revenue was budgeted in prior years and represents fees charged for shipping publications and covers the budgeted expenses for the shipping costs incurred.

Paralegal Certification: Included in this year's budget, not previously budgeted.

In-Person Seminar Income: A decrease is projected based on fiscal year 2024 activity.

Live Webcast: A decrease is projected based on fiscal year 2024 activity.

On-Demand Courses: A decrease is projected based on fiscal year 2024 activity.

Convention: A slight decrease is projected.

Administrative Staff Support: This revenue represents support fees charged to the County Bars for the administrative support provided to them by the SC Bar. A decrease is projected.

CLE Big Ticket subscription: A decrease is projected for CLE Big ticket.

License Fees: Budgeted for an anticipated increase based on prior year increases.

Section dues: An increase is projected.

Investment Income: Budgeted for increase in interest income based on current rates through sweep accounts.

Rents/Royalties/Other revenue: Budgeted for an anticipated increase based on current actuals. These other revenues represent support fees charged to the Sections fees for administrative support provided to the Sections, rental income, and royalties, among other smaller revenue items.

## Expenses

**Direct expenses:** Includes Disciplinary fund expense to be paid to the Judicial Department and scholarships and awards.

**Personnel:** Reflects additional staff and other salary and benefit adjustments. Increase due to increased cost of benefits, positions being replaced and additional staff.

**Occupancy:** The increase of Occupancy expenses reflects the increased cost of utilities and overall maintenance as well as depreciation expense for long-lived assets.

**Professional fees:** An increase is projected. This line includes consulting, auditing, legal and investment fees.

**General and Administrative:** A decrease is projected for overall General & Administrative expenses which include Marketing/Advertising costs, Conferences, Meetings, and Conventions, Office supplies & equipment, and bank and merchant fees.

**SC Lawyer/Fastcase/Royalties:** An increase is projected. This line includes SC Lawyer publication expenses as well as subscriptions included as benefits to members.

## Capital Expenditures (Cap-X) Budget

Capital expenditures are budgeted as assets, rather than expenses, to be captured as long-lived fixed assets in the financial statements of the Organization when spent. Any asset purchased which is valued at \$5,000 and will benefit future periods is capitalized to fixed assets and is then depreciated over the useful life of the asset as depreciation expense. These expenditures are included in the attached Capital Expenditure budget showing the planned increase to assets for the year. The Cap-X costs budget for this year includes website/software, office equipment and building upgrades.

**South Carolina Bar**  
**SC Bar Consolidated Budget - P&L YTD Actuals vs Current & Future Budget**  
**As of March 31, 2024**

	Year To Date 03/31/2024 <u>P&amp;L YTD Actual</u>	Year Ending 06/30/2024 <u>ANNUAL BUDGET</u>	Year Ending 06/30/2025 <u>FUTURE BUDGET</u>
<b>Revenues over Expenditures</b>			
<b>Revenues</b>			
Contributions	1,570,147	1,130,100	1,124,000
Grant Revenues	146,400	180,000	216,000
<b>Program Service Revenue</b>			
<b>Program Revenue</b>			
4200 - LRS Subscript Rev. (BD Design.)	14,150	180,000	45,000
4205 - LRS Percentage Rev. (BD Design.)	369,296	350,000	400,000
4450 - SC Lawyer Advertising revenue	120,191	90,000	100,002
4500 - Lawyer Desk book sales	29,977	31,500	-
4505 - Publication income	334,657	370,000	390,000
4510 - Shipping revenue	15,793	48,100	35,000
4600 - Registration fees	26,205	25,800	24,975
4710 - ADR certification	68,050	86,000	75,000
4720 - Paralegal certification income	5,375	6,000	4,000
<b>Total Program Revenue</b>	<u>983,694</u>	<u>1,187,400</u>	<u>1,073,977</u>
<b>Revenue - Services</b>			
4300 - In-person Seminar income	977,630	1,084,400	834,500
4310 - Live Webcast	133,130	160,600	143,540
4315 - On-Demand Courses	450,866	510,500	472,500
4320 - Convention revenue	595,565	473,800	470,070
4850 - Administrative staff support	13,536	37,300	14,000
<b>Total Revenue - Services</b>	<u>2,170,727</u>	<u>2,266,600</u>	<u>1,934,610</u>
<b>Revenue - Subscriptions</b>			
4030 - CLE Big Ticket subscription	399,190	500,400	431,000
<b>Total Revenue - Subscriptions</b>	<u>399,190</u>	<u>500,400</u>	<u>431,000</u>
<b>Total Program Service Revenue</b>	<u>3,553,611</u>	<u>3,954,400</u>	<u>3,439,587</u>
<b>Membership Dues</b>			
4000 - License fees	4,773,413	4,370,000	4,883,500
4005 - License fees - penalties, NSF, etc.	34,570	15,000	15,000
4050 - Section dues	180,214	157,600	180,000
<b>Total Membership Dues</b>	<u>4,988,197</u>	<u>4,542,600</u>	<u>5,078,500</u>
Investment Income	413,238	52,800	342,000
Rents/Royalties/Other Rev.	336,179	413,000	419,908
<b>Total Revenues</b>	<u>11,007,772</u>	<u>10,272,900</u>	<u>10,619,995</u>
<b>Expenditures</b>			
<b>Direct</b>			
5305 - COGS-Printing	59,806	133,200	128,700
7390 - LFCP - Awards	336,772	-	-
8040 - Scholarships & Awards	16,942	26,400	14,500
9020 - Disciplinary fund expense	-	1,000,000	1,000,000
<b>Total Direct</b>	<u>413,520</u>	<u>1,159,600</u>	<u>1,143,200</u>
<b>Personnel</b>	3,210,580	4,895,700	5,109,756
<b>Occupancy</b>			
7010 - Equipment & Furniture	3,359	31,200	39,600
7012 - Rent/Mortgage	47,700	63,600	63,600
7015 - Maintenance Contracts	257,640	200,400	126,140
7020 - Repairs & maintenance	35,180	85,400	70,800
7045 - Utilities	106,808	133,200	141,600
7055 - Security	43,646	42,000	55,200
7060 - Storage	7,881	7,200	7,600
7100 - Bond/Insurance	26,418	43,200	93,600

South Carolina Bar  
 SC Bar Consolidated Budget - P&L YTD Actuals vs Current & Future Budget  
 As of March 31, 2024

	Year To Date 03/31/2024 <u>P&amp;L YTD Actual</u>	Year Ending 06/30/2024 <u>ANNUAL BUDGET</u>	Year Ending 06/30/2025 <u>FUTURE BUDGET</u>
9900 - Depreciation	244,532	-	326,400
Total Occupancy	<u>773,164</u>	<u>606,200</u>	<u>924,540</u>
Professional Fees	148,289	155,700	234,641
General and Administrative Expenses	2,761,629	2,938,150	2,544,429
SC Lawyer/Fastcase/Royalties	302,091	421,100	454,784
Total Expenditures	<u>7,609,273</u>	<u>10,176,450</u>	<u>10,411,350</u>
Total Revenues over Expenditures	<u>3,398,499</u>	<u>96,450</u>	<u>208,645</u>

## South Carolina Bar Capital Expenditure Budget

As of June 30, 2025

	CLE Year Ending 06/30/2025 <u>BUDGET</u>	LFCP Year Ending 06/30/2025 <u>BUDGET</u>	SC Bar Year Ending 06/30/2025 <u>BUDGET</u>	All Programs Year Ending 06/30/2025 <u>BUDGET</u>
<b>Assets</b>				
Long-term Assets				
Property & Equipment				
Office equipment	55,000	0	22,000	77,000
Website/Software	0	0	116,200	116,200
Equipment IT	0	0	45,000	45,000
Building	0	0	40,000	40,000
Total Property & Equipment	<u>55,000</u>	<u>0</u>	<u>223,200</u>	<u>278,200</u>
Total Long-term Assets	<u>55,000</u>	<u>0</u>	<u>223,200</u>	<u>278,200</u>
<b>Total Assets</b>	<b><u>55,000</u></b>	<b><u>0</u></b>	<b><u>223,200</u></b>	<b><u>278,200</u></b>
<b>Liabilities and Net Assets</b>				
Net Assets				
Change In Net Assets	655,265	0	(446,620)	208,645
Total Net Assets	<u>655,265</u>	<u>0</u>	<u>(446,620)</u>	<u>208,645</u>
<b>Total Liabilities and Net Assets</b>	<b><u>655,265</u></b>	<b><u>0</u></b>	<b><u>(446,620)</u></b>	<b><u>208,645</u></b>

**SC Bar**  
**Bar Budget - P&L YTD Actuals vs Current & Future Budget**  
**As of March 31, 2024**

	Year To Date 03/31/2024 <u>P&amp;L YTD Actual</u>	Year Ending 06/30/2024 <u>ANNUAL BUDGET</u>	Year Ending 06/30/2025 <u>FUTURE BUDGET</u>
<b>Revenues over Expenditures</b>			
<b>Revenues</b>			
Contributions	1,150,627	1,130,100	1,124,000
Grant Revenues	146,400	180,000	216,000
<b>Program Service Revenue</b>			
<b>Program Revenue</b>			
4200 - LRS Subscript Rev. (BD Design.)	14,150	180,000	45,000
4205 - LRS Percentage Rev. (BD Design.)	369,296	350,000	400,000
4450 - SC Lawyer Advertising revenue	120,191	90,000	100,002
4500 - Lawyer Desk book sales	29,977	31,500	-
4600 - Registration fees	26,205	25,800	24,975
4710 - ADR certification	68,050	86,000	75,000
4720 - Paralegal certification income	5,375	6,000	4,000
<b>Total Program Revenue</b>	<u>633,244</u>	<u>769,300</u>	<u>648,977</u>
<b>Revenue - Services</b>			
4850 - Administrative staff support	13,536	37,300	14,000
<b>Total Revenue - Services</b>	<u>13,536</u>	<u>37,300</u>	<u>14,000</u>
<b>Total Program Service Revenue</b>	<u>646,780</u>	<u>806,600</u>	<u>662,977</u>
<b>Membership Dues</b>			
4000 - License fees	4,773,412	4,370,000	4,883,500
4005 - License fees - penalties, NSF, etc.	34,570	15,000	15,000
4050 - Section dues	180,214	157,600	180,000
<b>Total Membership Dues</b>	<u>4,988,196</u>	<u>4,542,600</u>	<u>5,078,500</u>
Investment Income	262,247	50,400	228,000
Rents/Royalties/Other Rev.	230,585	315,800	313,908
<b>Total Revenues</b>	<u>7,424,835</u>	<u>7,025,500</u>	<u>7,623,385</u>
<b>Expenditures</b>			
<b>Direct</b>			
8040 - Scholarships & Awards	16,942	26,400	14,500
9020 - Disciplinary fund expense	-	1,000,000	1,000,000
<b>Total Direct</b>	<u>16,942</u>	<u>1,026,400</u>	<u>1,014,500</u>
<b>Personnel</b>			
	2,288,341	3,668,100	4,132,056
<b>Occupancy</b>			
7010 - Equipment & Furniture	32	31,200	39,600
7015 - Maintenance Contracts	3,582	172,800	75,740
7020 - Repairs & maintenance	1,165	62,400	62,400
7045 - Utilities	(4,997)	68,400	69,600
7055 - Security	-	42,000	55,200
7060 - Storage	7,880	7,200	7,600
7100 - Bond/Insurance	-	43,200	93,600
9900 - Depreciation	-	-	326,400
9990 - Occupancy-Allocated costs	402,789	-	-
<b>Total Occupancy</b>	<u>410,451</u>	<u>427,200</u>	<u>730,140</u>
Professional Fees	146,369	148,000	209,041
General and Administrative Expenses	1,631,678	1,923,400	1,639,664
SC Lawyer/Fastcase/Royalties	258,557	314,200	344,604
<b>Total Expenditures</b>	<u>4,752,338</u>	<u>7,507,300</u>	<u>8,070,005</u>
<b>Total Revenues over Expenditures</b>	<u>2,672,497</u>	<u>(481,800)</u>	<u>(446,620)</u>

**CLE**  
**CLE Budget - P&L YTD Actuals vs Current & Future Budget**  
**As of March 31, 2024**

	Year To Date 03/31/2024 <u>P&amp;L YTD Actual</u>	Year Ending 06/30/2024 <u>ANNUAL BUDGET</u>	Year Ending 06/30/2025 <u>FUTURE BUDGET</u>
Revenues over Expenditures			
Revenues			
Program Service Revenue			
Program Revenue			
4505 - Publication income	334,657	370,000	390,000
4510 - Shipping revenue	15,793	48,100	35,000
Total Program Revenue	<u>350,450</u>	<u>418,100</u>	<u>425,000</u>
Revenue - Services			
4300 - In-person Seminar income	977,630	1,084,400	834,500
4310 - Live Webcast	133,130	160,600	143,540
4315 - On-Demand Courses	450,866	510,500	472,500
4320 - Convention revenue	595,565	473,800	470,070
Total Revenue - Services	<u>2,157,192</u>	<u>2,229,300</u>	<u>1,920,610</u>
Revenue - Subscriptions			
4030 - CLE Big Ticket subscription	399,190	500,400	431,000
Total Revenue - Subscriptions	<u>399,190</u>	<u>500,400</u>	<u>431,000</u>
Total Program Service Revenue	<u>2,906,832</u>	<u>3,147,800</u>	<u>2,776,610</u>
Investment Income	96,083	2,400	114,000
Rents/Royalties/Other Rev.	41,953	97,200	106,000
Total Revenues	<u>3,044,868</u>	<u>3,247,400</u>	<u>2,996,610</u>
Expenditures			
Direct			
5305 - COGS-Printing	59,805	133,200	128,700
Total Direct	<u>59,805</u>	<u>133,200</u>	<u>128,700</u>
Personnel	922,239	1,227,600	977,700
Occupancy			
7010 - Equipment & Furniture	964	-	-
7012 - Rent/Mortgage	-	63,600	63,600
7015 - Maintenance Contracts	4,547	27,600	50,400
7020 - Repairs & maintenance	-	23,000	8,400
7045 - Utilities	4,997	64,800	72,000
9990 - Occupancy-Allocated costs	181,869	-	-
Total Occupancy	<u>192,377</u>	<u>179,000</u>	<u>194,400</u>
Professional Fees	-	7,700	25,600
General and Administrative Expenses	1,302,207	1,014,750	904,765
SC Lawyer/Fastcase/Royalties	43,534	106,900	110,180
Total Expenditures	<u>2,520,162</u>	<u>2,669,150</u>	<u>2,341,345</u>
Total Revenues over Expenditures	<u>524,706</u>	<u>578,250</u>	<u>655,265</u>