

Report of the President

May 6, 2020

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South Carolina Bar Programs and Services

Communications

The Communications Division in partnership with other divisions, sections and committees continues to highlight Bar member success stories, Pro Bono Program volunteers, wellness information and resources and ways to get involved with Bar service across digital and print channels.

The team created a **COVID-19 website** (www.scbar.org/covid19) to communicate critical information to members—primarily courts operation updates—during the pandemic. It also created a page targeted to the **general public** (www.scbar.org/covidhelp) that includes information about the Pro Bono COVID-19 hotline. News releases were distributed statewide promoting the hotline and reminding South Carolinians about available assistance for evictions and housing-related matters. The Communications team worked with the Pro Bono Program on a digital campaign in February and March 2021, again promoting the hotline to those facing evictions after insight from callers revealed many were waiting too late to seek help on evictions moratorium paperwork and proper steps.

The South Carolina Bar **Membership Guide** was mailed to all active Bar members in October 2021. It highlights services, programs and benefits of Bar membership as well as ways to connect with colleagues and get involved with Bar sections, committees and leadership. It is available online at www.scbar.org/guide.

SC Lawyer magazine published on schedule throughout 2020-21 with timely pandemic related cover stories in September (housing crisis) and November (COVID and contracts). A new Q&A feature called “The Closing Statement,” that highlights Bar members’ contributions to the profession and South Carolina debuted in September.

Eblast featured COVID-related content as well as more member profiles and stories such as the Black History Month and Women’s History Month spotlights. In summer 2020, it began including a regular section for CLE information in the place of weekly CLE seminars email and on-demand program email. The e-newsletter will be distributed once a week (Thursdays) from May 31 through September 7.

Social media update since May 2020: 409 new Twitter followers for a total of 5,548; top-performing tweet in that time was a tribute to Judge Gary Clary’s service following his farewell speech to the General Assembly; 478 new Facebook likes for a total of 4,778; top post was the Black History Month spotlight featuring Twana Burris-Alcide; 338 new LinkedIn followers for a total of 1,369. Top post was about Judge J. Michelle Childs being named chair of the ABA Judicial Division. The YLD Instagram account has 1,445 followers, up 183 from May 2020.

Continuing Legal Education

Seminars and Alternatively Delivered Programs

Starting in March 2020, the CLE Division began offering all of its regular (live) CLE programs in a virtual environment. Over the course of the year, the Division offered 70 live webcasts, as well as more than 700 on-demand web-based seminars on a variety of topics.

Our programs offered local and national speakers and covered a broad spectrum of practice areas including family and children's law, probate and estate, criminal practice, personal injury, Workers' Compensation, real estate and equity, business and corporate practice, employment and labor, as well as programs covering ethics, mental health and substance abuse, evidence, diversity and inclusion, trial practice and law office management and technology.

In addition, the Division assisted the South Carolina Judicial Branch and several county and specialty bar associations with recording and publishing specific content for their members.

Total attendance at CLE Division online programs—both live webcasts and archived seminars—was very strong, which is a testimony to the quality of our voluntary course planners and faculty, and to the loyalty of Bar members during a time of great upheaval and uncertainty.

By Order dated March 31, 2021, the SC Supreme Court has extended the waiver for in-person CLE through the 2022 compliance deadline. However, the CLE Division anticipates that starting in July and August 2021, it will, with appropriate precautions and protocols, be able to offer live (in-person) seminars at the SC Bar Conference Center and possibly at some satellite sites statewide.

The Division will continue to offer most seminars in a live webcast, as well as an on-demand format for maximum convenience to Bar members statewide.

CLE Publications

Titles published May 2020 – April 2021 include:

- *A Practical Guide to Elder and Special Needs Law in SC, Second Edition*
- *Annotated SC Rules of Professional Conduct 2021 Edition*
- *Book of Estate Planning Questions and Answers, Fourth Edition*
- *Drug Litigation in SC, Fifth Edition*
- *Effective Courtroom Advocacy*
- *Marriage and Divorce for the Layperson, Fifth Edition*
- *The Paralegal Survival Guide, Facts & Forms, Third Edition (2 volumes)*
- *SC Civil Procedure, Fourth Edition with 2020 Supplement (2 volumes)*
- *SC Evidence Annotated, Fifteenth Edition*
- *SC Foreclosure Law Manual, Fourth Edition*
- *SC Limited Liability Companies, Fifth Edition*
- *SC Rules Annotated 2020*
- *Tax Sales of Real Property and Mobile Homes in SC, Fourth Edition*

There are currently two books at the printer and four active formatting and editing projects underway.

The annual after-Thanksgiving sale ran from November 30-December 11, 2020. Gross sales totaled approximately \$19,000. Publications exhibited at the 2021 Virtual SC Bar Convention, and the Convention book sale was extended through January 29, 2021.

Throughout April, CLE publication hosted the first-ever Spring Book Festival spotlighting selected CLE titles through author videos on the Bar's social media accounts and email blasts.

Government Affairs Division

The Government Affairs Division continues to be active in State House matters, monitoring and advising on a variety of issues important to the legal community. We also serve as a resource for South Carolina's lawyer legislators. The Government Affairs Division has worked with sections and committees, Bar members, legislators, the Governor's Office, state agencies and the Judicial Branch during the continuing COVID-19 pandemic. The primary legislative issues this year include electronic notary, family court issues (private and government cases), probate matters, selected criminal court matters, court proceedings, arbitration issues and court funding.

Law Related Education Division

The SC Bar's Law Related Education (LRE) is a service arm of the Bar that, since the mid-1980s, has provided teachers, school resource officers, juvenile justice personnel, and lawyers with resources, materials and technical assistance to teach law and citizenship education. Director Cynthia Cothran along with Manager Donald Lanier and Coordinator Marian Kirk carry out the statewide programs and since last May have organized the following programs:

The LRE Division did a detailed analysis of how to convert in-person competitions to virtual competitions. As a result, detailed virtual rules were created; online forms were created, Zoom trainings were created for virtual room hosts, teachers, and judges; and working with a Zoom account representative on the *We the People* and Mock Trial competition needs was necessary. Twenty Zoom accounts were established for the virtual courtrooms. While virtual participation was lower than normal, 40 schools participated in the virtual Mock Trials and six schools participated in the *We the People* competition. In addition to adapting the Mock Trial program for virtual, the staff began an in-depth re-work of the Mock Trial Coaches' Manual.

Middle School Mock Trial: The virtual competition was delayed until spring to allow 11 teams time to adapt to the virtual format within their schools as well as Mock Trial. The 2021 Regional Winner was J.E.T. Middle School in Edgefield County and the first runner-up was Bob Jones Academy of Greenville.

High School Mock Trial: Four regional competitions were held virtually with 29 teams. Twelve teams were announced as advancing to the first virtual state competition. Bob Jones Academy won the state championship title, and Carolina Forest High School of Myrtle Beach won first runner-up. Bob Jones Academy was formally presented with their awards and the Westbrook Traveling cup on April 30.

We the People: The Citizen and the Constitution: Six schools competed in the virtual competition in December 2020. Mr. Lanier has assisted countless states as they prepared for *We the People* to be adapted to the Zoom platform. River Bluff High School of Lexington won its fourth state championship title. However, due to not being able to compete in the National Finals in April 2021, first runner-up team, Wilson Hall of Sumter will represent South Carolina at the national competition. The 2020-21 Middle School State champion was Palmetto Academy of Myrtle Beach. In addition, South Carolina hosted a separate competition for North Carolina teams as North Carolina did not have a host this year. By South

Carolina hosting, it allowed many students to continue on with the *We the People* experience and advance to the national competition as well.

SC Supreme Court Institute for Teachers: The 2021 SC Supreme Court for Teachers Institute, usually held in the summer, was cancelled due to COVID-19's impact on an extended school year impacting attendance for the second week in June.

Awards and Scholarships: The LRE Awards Committee met in April. Eight Mock Trial Scholarships and one We the People Scholarship is to be awarded upon finalizing review scores. In addition to scholarships the following awards will be presented:

LRE Middle School Teacher of the Year, Robert DeCerbo – Palmetto Academy
LRE High School Teacher of the Year, Anthony Antolak – Carolina Forest High School
LRE Lawyer of the Year, Ryan Newkirk
LRE Citizen of the Year, Debbie Courtney
LRE Legacy Award, Cheryl Guy

Trainings: The Division hosted webinar trainings for Mock Trial. Virtual School Resource Officer trainings were conducted at the SC Criminal Justice Academy's studio for virtual attendance.

Other: Mr. Lanier assisted with the Judicial Qualification Zoom process, format, and Zoom oversight the days it took place.

Lawyers Helping Lawyers

Lawyers Helping Lawyers (LHL) was able to train over 60 attorneys in Mental Health First Aid via Zoom.

LHL Co-Director Beth Padgett provided a Mindfulness Stress Management series for Charleston School of Law in February via Zoom.

Character and Fitness hearings are being held via video conferencing for July 2021 (or other dates as necessary) Bar applicants, and our LHL directors continue to be able to attend these hearings for LHL clients using the online platform.

Ryan Pasquini, former LHL intern and current LHL volunteer, took the lead in compiling the Second LHL Annual Report.

LHL saw an increase of 137% in usage of the free counseling sessions.

LHL had an "in person" utilization rate of 1.067%, increased from LHL's utilization rate of 0.6125% in 2019.

LHL has hired Michael Abro to be the new Education and Outreach Coordinator for LHL. She will begin work on July 1, 2021.

Media Services and IT

From September to December 2020, the Media Services and IT team taped, edited, streamed 20 individual programs, including several that were streamed remotely due to COVID.

In October 2020, the team tested and launched a new CLE storefront website (cle.sctbar.org).

It successfully streamed all 27 virtual programs (usually three at a time) as part of the 2021 Virtual Convention. These programs were also uploaded immediately following their completion to be made available to all Convention attendees.

Finally, it tested and launched Euclid pay, which replaces Authorize.net for payments.

Membership Services Division

Membership Services Committees and Sections continue to meet regularly in virtual format and have prepared several proposals for the July 30 in-person House of Delegates meeting.

The Board of Governors established the following new Task Forces:

- Bar Admissions Task Force
- Diversity Strategic Plan Implementation Task Force
- Civil Rights Task Force

Practice Management Assistance Program (PMAP)

PMAP Director Courtney Troutman assisted lawyers with practice management related questions, including opening and closing a practice, succession planning and retirement, partnerships, choosing law office technology, law firm finances, internet fraud, insurance, IOLTA, marketing, utilizing technology, and more. The director presented CLEs for the Bar on Microsoft 365, legal ethics and technology, and was a CLE presenter for the Wisconsin Bar and at ABA TECHSHOW®. The director also helped plan CLE webinars on wellness and cybersecurity. She authored articles and edited contributions to the Bar Bytes column for *SC Lawyer* magazine. The director assisted lawyers with Microsoft 365 and practice management questions via individual Zoom consultations. She moderates the Bar's Solo listserv and also monitors and responds to Bar or practice-related inquiries on the 2,800-member My Legal BFF Facebook account.

The PMAP team continually updated its webpage and launched a new page of pandemic resources with comprehensive guidance on working from home and links to government aid. More than 247 free law office specific management or technology webinars were posted on the PMAP Webinars page between April 2020 and April 2021. The PMAP team also coordinated the Bar Book Exchange, with 17 law firms contributing their law libraries to lawyers in the Solo & Small Firm Section. The PMAP assistant contributed research assistance on numerous projects for lawyers and CLE programs, drafted and shared regular tips for e-Blast and Twitter, and managed Lending Library circulation. The PMAP team took part in twice monthly virtual technology product demonstrations and meetings with practice management advisors from other Bars, and attended a number of virtual CLEs, including Clio Con and ABA TECHSHOW® 2021.

Member discounts - PMAP continued oversight and management of the member benefits discounts program, including accounting, responding to current and new vendors, reviewing new promotional

materials, and assisting the Member Benefits Taskforce. PMAP conducted research on other state Bar's programs and prices charged for website advertising, and worked with Communications division to make changes to vendor discount pages and explore creation of a searchable vendor directory with interactive application forms and online payment options for vendors.

Fastcase – PMAP worked with Fastcase and the Communications Division to publicize the release of the new version of Fastcase free legal research and launch of Bar publications in Fastcase; updated Fastcase web page; responded to over 200 member requests for Fastcase assistance; and provided members with Fastcase tips through social media.

Pro Bono Program

COVID-19 Pro Bono Hotline

Over 700 messages have been left on the COVID-19 Pro Bono Hotline since it launched in April 2020. Each message has been taken off of the hotline by Pro Bono Program Director Betsy Goodale, with the assistance of students from the USC School of Law. The calls are returned by the PBP Director or a student. If the caller simply has questions about the eviction moratorium or where they can obtain rental assistance, the PBP Director will handle the call. If the caller needs legal assistance with an eviction or other issue related to the pandemic, such as employment or unemployment, a screening form is completed. The screening forms are forwarded to South Carolina Legal Services or a South Carolina Bar volunteer attorney for assistance. South Carolina Legal Services has handled a vast majority of the cases and has done so without tapping into their Private Attorney Involvement attorneys. Callers are sometimes referred to Charleston Pro Bono Legal Services or Charleston Legal Access.

In speaking with tenants calling the hotline, it has become apparent that many believe the Centers for Disease Control moratorium automatically applies to stay evictions without the tenant taking any action (completing and submitting the CDC Declaration). Also, applicants often wait until the day before a hearing on a Rule to Vacate or until they receive a Writ of Ejectment to seek legal assistance.

Palmetto Volunteer Lawyer Project

The Palmetto Volunteer Lawyer Project continues to expand as additional organizations are now posting available pro bono cases. Currently, the Pro Bono Program, Charleston Pro Bono Legal Services, Root & Rebound SC, South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA) and the Midlands Fatherhood Coalition are able to post cases on the site. By partnering with organizations around the state, the PVLP is able to bring attention to the organizations and their need for pro bono attorneys and to provide a wide selection of pro bono opportunities to Bar members. However, there has been very little participation by Bar members.

The PVLP does not require registration, a username or a password. Instead, available cases can be viewed by simply going to the Pro Bono Program page on the Bar website (www.sbar.org/pvlp). In addition, available cases can be "embedded" on other websites. For instance, Greenville cases are currently embedded on the Greenville Bar website, and Charleston Pro Bono Legal Services cases are embedded on their website. The Family Law Section and the Probate, Estate Planning and Trust Section will be entertaining requests by the Pro Bono Program to have available cases in those practice areas embedded on their section pages. This will increase opportunities for Bar members to view cases.

All a volunteer has to do is click the "Interested?" button on the case card, provide some basic information (name, email address, phone number, and Bar number) and click submit. The partner

program that posted the case will receive an email and follow-up with additional information about the case so that the volunteer attorney can make a final decision whether to accept the case. Clicking the "Interested?" button does NOT result in automatic assignment of the case.

Pro Bono Calls/Referrals

The Pro Bono Program continues to receive, on average, 300 calls per month to its non-COVID lines. Thus far in 2021, South Carolina Bar members have accepted referral of 20 pro bono cases.

South Carolina Supreme Court Honor Roll

The SC Supreme Court published the 2020 Pro Bono Honor Roll with 298 names of SC Bar members.

Wills Clinics

The Pro Bono Program continues to partner with the USC School of Law Pro Bono Program to provide wills and powers of attorney for indigent citizens around the state. We have been able to expand the reach of these clinics by using the new Palmetto Leader bus. Two clinics were held in Darlington in March and two will be held in McColl in May. Not only has the bus allowed for further outreach to clients, it also has allowed Bar members in these locations an opportunity to provide pro bono legal assistance. About five attorneys from the Darlington area met the bus at the Darlington County Free Legal Clinic to assist in drafting wills and powers of attorney.

South Carolina Free Legal Answers

The SC Free Legal Answers website continues to see heavy traffic from South Carolinians seeking answers to civil legal questions. We have had quite a few attorneys register as volunteers on the website in 2021, but very few of them have answered questions. Many of the questions posted involve family law issues so an appeal was made in March for family law attorneys to answer questions posted on the website, but the appeal generated very little interest.

ABA Day 2021

The Pro Bono Program Director will be advocating for funding for Legal Services Corporation by communicating with South Carolina's Congressional delegation in various ways, including providing statistical information on the type and amount of legal services South Carolina Legal Services provides across the state, recording video messages from members of the Bar about the importance of South Carolina Legal Services and the need for funding, and establishing a regular dialogue with one or more staffers locally and in Washington so that the delegation understands how important this Pro Bono Program partner is to South Carolina.

Miscellaneous

The Pro Bono Program Director continues to prepare a column for every other issue of *SC Lawyer* magazine; participate in monthly Legal Service Provider meetings; participate in SC Emergency Management Division disaster recovery meetings; participate in monthly meetings of Southeast Access to Justice Providers; and South Carolina Access to Justice Commission meetings. The Pro Bono Program filled the open paralegal position in April with Karen Elliott.

Public Services

The Bar offers a variety of free, public programs designed to connect volunteer attorneys with their communities. Cindy Coker leads this division, which in addition to the Pro Bono Program, includes clinics

and the statewide Lawyer Referral Service. In response to the COVID-19 pandemic, many public programs were moved to a virtual format.

Law School for Non-Lawyers – Fall 2020 sessions were held virtually at Piedmont, Tri-County and York Tech. Spring sessions scheduled for Aiken, Florence-Darlington and Central Carolina Technical Colleges were moved to the fall in the hopes that in-person classes were possible.

Free legal clinics were held in the fall virtually. Charleston County Library, Lexington County Library, the Chapin Memorial Library (Myrtle Beach), Pickens County Library and Greer Vista Relief participated. Clinics continued in the spring virtually with Lexington County Library, Horry County Library, Charleston County Library, Chapin Memorial Library (Myrtle Beach), Spartanburg County Library and Greer Relief/Vista. The team is currently scheduling for clinics through the remainder of the year.

Fee Disputes – There were 46 pending cases as of March 31. Daniel Draisen, on behalf of the Resolution of Fee Disputes Board, has filed 2 motions to dismiss in fee dispute related cases in Richland County.

Lawyer Referral Service operators continue to work remotely.

Risk Management and Mentoring

Risk Management Director Nichole Davis oversees implementation of the Lawyer Mentoring Program, serves as a faculty member for ethics CLE programs, provides diversity training, and administers the Ethics Hotline, and provides substantive and administrative support to the following committees: Ethics Advisory, Professional Responsibility, and Professional Liability.

Mentoring Program

The Bar administers the mandatory Lawyer Mentoring Program, which includes recruiting new mentors, providing mentor training, and fostering mentor/mentee relationships. Bar members have continued to volunteer to serve as mentors throughout the pandemic.

Ethics Hotline

Nichole Davis is available to answer members' ethics questions, provide analysis of the Rules of Professional Conduct as applied to certain facts, and make recommendations regarding risk management, while leaving final decisions to the inquiring Bar member. All conversations are confidential and protected by Rule 8.3(f) of the S.C. Rules of Professional Conduct. Members can call (803) 576-3820 or send an email to ndavis@scbar.org.

Committees, Divisions and Sections

The **Alternative Dispute Resolution Commission** submitted proposed ADR Rule changes to the Court which has sent them on the General Assembly, with anticipation of the rules becoming effective the end of April.

The **Conventions Committee** met via conference call March 30 and will reconvene in June to discuss the 2022 Convention seminar schedule, sponsor recruitment and finalize ticketed events.

- Seminar Election-to-Conduct forms have been sent to all Section and Committee Chairs. Reply is due to Convention staff by May 21.
- Sponsor/Exhibitor forms will be updated and distributed to immediate past partners in June. Additional outreach will be made in July to other potential sponsors and exhibitors.

- 2022 dates are January 20-23 at Hyatt Hotel in Greenville.

The **Dispute Resolution Section Council** presented proposed changes to the SC Uniform Arbitration Act to the Board of Governors. Those proposed changes were approved. Currently working with the Government Relations Director to find a sponsor for the bill.

The **Diversity Committee** launched the Virtual Fireside Chats: Beyond the Robe series and held live programs on the Bar's Facebook page and website from October 2020 through April 2021. The candid discussions featured a variety of judges discussing their journeys to the bench and legacies. The committee also partnered with Communications to highlight a variety of members and their contributions to the profession and the community as part of Black History Month and Women's History Month. Both campaigns resulted in record-breaking engagement on the Facebook page.

The **Ethics Advisory Committee** has issued three Ethics Advisory Opinions (EAO 20-01, EAO 20-02, EAO 20-03) and is currently working on three additional opinions.

The **Judicial Qualifications Committee** had a successful screening cycle in fall 2020 via a remote platform.

The **Intellectual Property and Innovation Committee** met in July 2020, and in January 2021 began regular monthly video meetings with guest speakers from the business and legal community. The IPI Committee has a member liaison with the Technology Committee.

The **Lawyers Fund for Client Protection Committee** continues to meet via conference call to handle claims. There are currently 38 pending claims.

The **Professional Liability Committee** has distributed questionnaires to insurance carriers that are interested in remaining and/or becoming preferred providers.

The **Professional Responsibility Committee** has prepared a few proposals to be presented to the HOD. It also submitted a proposal to the Board of Governors requesting that a task force be created to review the character and fitness requirements of Bar Admissions, which was approved. The proposal was approved.

The **Solo and Small Firm Section** grew to almost 900 members with over one third participating in the PMAP moderated section listserv. Section council met in in April, August, and December 2020 and April 2021. The Section sponsored two free CLE webinars for its members, which the PMAP director planned. Section Council chose Michael J. Polk as the recipient of the 2020 Solo & Small Firm Lawyer of the Year award.

The **Senior Lawyers Division** members volunteered for Pro Bono "Friday Blitz" answering questions on SC Free Legal Answers in partnership with law students. The Division is coordinating a Nifty Fifty event for the Classes 1970 & 1971 in September and continues to compile information for a succession resource guide.

The **Technology Committee** met in April and August of 2020 and February and April 2021. The committee launched a cybersecurity subcommittee in 2020. The committee has a member liaison on the

Professional Responsibility Committee to ensure that technology matters being considered by other Bar groups are brought to the committee's attention.

The Young Lawyers Division partnered with the Wellness Committee to produce a CLE for the Bar Convention, offered two virtual 5k/10ks and two wellness from home month-long challenges. The Division offered a CLE on domestic violence, a professional development event for those just starting out and partnered with Clemson University's pre-law advisor to offer a Diversity in the Law Day.

The YLD Birdies for Belief **golf tournament benefitting Make-A-Wish SC** will be held May 26.

The **Wellness Committee** held a challenge in February 2021 with exercise activities for 18 days. It also featured committee member "takeovers" on social media, who highlighted personal mental and physical health and well-being tips and practice. The committee and Communications are working on redesigned the Living Above the Bar website.