



**South  
Carolina  
Bar**

**House of Delegates**



May 2022

Dear Member of the House:

The House of Delegates of the South Carolina Bar will convene at 3:00 p.m. on Thursday, May 12, 2022, at Central Energy, 2030 Gregg Street, Columbia, SC 29201. 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 book. You may remove for discussion any item from the Consent Agenda before the agenda is adopted at the start of the meeting. Please remember the restrictions on positions which may be supported by a mandatory bar association. 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 agenda items being debated.

During the Assembly, Hagood Tighe will be sworn in as President of our Bar by the Honorable J. Michelle Childs. There will be a reception in Hagood's honor beginning at 5:00 p.m. at the venue.

It has been a pleasure serving as your chair for the last two years. If I can assist you in any way prior to the meeting, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink that reads "Chris Koon".

Christopher R. Koon  
Chair



May 2022

Dear House Member:

Thank you for your service to our Bar through your membership in the House of Delegates. The House sets the policies of the Bar and speaks for all our members. I look forward to discussing with you the matters on our agenda.

During the course of the meeting, a portion of our agenda is allotted for me to address the House with brief remarks and a summary of the year's highlights. I am excited about sharing a few of our accomplishments with you.

At the beginning of our meeting, we will recognize the graduates of the Bar's Leadership Academy, the Law Related Education Lawyer of the Year, and the Pro Bono Award winner. Criteria for these awards, along with a listing of previous recipients, are located under Tabs 3 & 4 of these materials.

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

It has been a pleasure serving as your Bar President for the past year and I look forward to seeing you in Columbia!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mary E. Sharp'.

Mary E. Sharp  
President

**AGENDA**  
**SOUTH CAROLINA BAR HOUSE OF DELEGATES**  
May 12, 2022 @ 3:00 p.m.

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

Christopher R. Koon  
Chair

- |     |   |   |
|-----|---|---|
| 1.  | Approval of Consent Agenda  | Christopher R. Koon                     |
|     | a. Approval of Minutes of Meeting Held on January 20, 2022  | Chair                                   |
|     | b. Receipt of March Financial Statements  |   |
|     | c. Request from Trial and Appellate Advocacy Section to Amend Bylaws  |   |
|     | d. Request from Solo and Small Firm Section to Amend Bylaws   |   |
| 2.  | Recognition of Leadership Academy Graduates   | Mary E. Sharp<br>President              |
| 3.  | Presentation of Law Related Education Lawyer of the Year  | Hon. John M. Rucker<br>Committee Chair  |
| 4.  | Presentation of Pro Bono Award  | TBD                                     |
| 5.  | Update on YLD Feeding Frenzy Project  | M. Paige Ornduff<br>YLD President Elect |
| 6.  | Report on the Activities of the SC Bar Foundation   | S. Venus Poe<br>Foundation President    |
| 7.  | Report of the President   | Mary E. Sharp<br>President              |
| 8.  | Request from Practice and Procedure Committee to Amend Rule 3, SCRCP, Commencement of Action                | Guy J. Vitetta<br>Committee Chair       |
| 9.  | Request from Practice and Procedure Committee to Amend Rule 71.2(E), SCRCP, Remote Communication Technology | Guy J. Vitetta<br>Committee Chair       |
| 10. | Request from Professional Responsibility Committee to Amend Rule 5.5 of the Rules of Professional Conduct   | Michael J. Virzi<br>Committee Member    |
| 11. | Election of the Members of the Nominating Committee   | Shaheena R. Bennett<br>Secretary        |
| 12. | Approval of Bar and CLE Division Budgets  | TBD                                     |
| 13. | Recognition of Outgoing President   | J. Hagood Tighe<br>President-Elect      |
|     | Recess to Convene Assembly  | Mary E. Sharp<br>President              |

**\* Special Order**

**Installation of Board Members, Officers and President**

President	J. Hagood Tighe
President-Elect	Russell T. Infinger
Treasurer	Shaheena R. Bennett
Secretary	Christopher R. Koon
Chair, House of Delegates	Lindsay A. Joyner
Board 1 <sup>st</sup> Judicial Region	Frank L. Eppes
Board, 2 <sup>nd</sup> Judicial Region	Sheila M. Willis
Board, 3 <sup>rd</sup> Judicial Region	Kenneth S. Generette
Board, At Large	Nekki Shutt
Board, YLD Representative	Taylor D. Gilliam
Board, YLD Representative	Jeanmarie Tankersley
Board, SLD Representative	John O. McDougall
Board, SLD Representative	Greg Ohanesian
ABA State Bar Delegate	Beverly A. Carroll
ABA State Bar Delegate	John D. Elliott
ABA State Bar Delegate	La'Jessica Stringfellow
SLD President	Greg Ohanesian
YLD President	M. Paige Ornduff

Keller v. State Bar of California, 496 U.S. 1 (1990)

“Here the compelled association and integrated bar are justified by the State’s interest in regulating the legal profession and improving the quality of legal services. The State Bar may therefore constitutionally fund activities germane to those goals out of the mandatory dues of all members. It may not, however, in such manner fund activities of an ideological nature which fall outside of those areas of activity.” 496 U.S. at 13-14.

“Precisely where the line falls between those State Bar activities in which the officials and members of the Bar are acting essentially as professional advisors to those ultimately charged with the regulation of the legal profession, on the one hand, and those activities having political or ideological coloration which are not reasonably related to the advancement of such goals, on the other, will not always be easy to discern.” 496 U.S. at 15.



Minutes  
House of Delegates  
January 20, 2022

The House met this date at the Hyatt Regency Greenville. Participating were Margaret Elise Baker; Martin Rast Banks; J. Leeds Barroll, IV; Cherie T. Barton; Samuel Robert Bass, II; Mark S. Berglind; Susan B. Berkowitz; Joseph Pawel Bias; Maryann Elizabeth Blake; Kristine Jay Braswell-Amin; Derek Mitchell Bush; Beverly A. Carroll; George B. Cauthen; Aleksandra Boguslawa Chauhan; John Ford Connell, Jr.; M. Dawes Cooke, Jr.; Leslie A. Cotter, Jr.; A. Sandy Cruickshanks, IV; Larry Cunningham; Elnora Jones Dean; Steven David Dluzneski; Robert Scott Dover; Jane Harris Downey; Martin S. Driggers, Jr.; Walter George Dusky; John D. Elliott; Eric K. Englehardt; Frank L. Eppes; F. Cordes Ford; Debra J. Gammons; Michael Frederick Gillen; Doward Keith Harvin; Russell Thomas Infinger; James Matthew Johnson; Justin S. Kahn; D. Michael Kelly; Catherine H. Kennedy; Christopher R. Koon; Roy Free Laney; Angus H. Macaulay; Garry Donald Malphrus; John O. McDougall; Elizabeth Holland McFarland; S. Leslie McIntosh; E. Scott Moise; Meredith Brooks Moss; Adam Christopher Ness; Benjamin Edward Nicolson, V; Vincent Charles Northcutt; Ross Buchanan Plyler; S. Venus Poe; Michelle Duncan Powers; Frederick Elliott Quinn, IV; Joseph Louis Raad; Robert Lawrence Reibold; Bradley Keith Richardson; Carmelo Barone Sammataro; Mary Elizabeth Sharp; N. Gruber Sires; Jasmine Denise Smith; Krystal Watson Smith; Fred W. Suggs, Jr.; Robert Ernest Sumner, IV; Jeanmarie Tankersley; David L. Tedder; John Hagood Tighe; Michael J. Virzi; Regina Bechtler Ward; Zachery Lee Weaver; Mitchell Willoughby; William Marvin Wilson, III; Nicole Nichols Workman and Clinton Joseph Yarborough.

Guests present were Daniel L. Draisen, Bess J. DuRant, Judge J. Mark Hayes, II, and Donald B. Wildman.

Representing the Bar staff were Cindy A. Coker, Mary-Kathryn Craft, Nichole Davis, Jeremy Frazier, Charmy Medlin, David M. Ross, and Jason Stokes.

Chair Chris Koon 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.

Chairperson Koon advised the House that Agenda Item 5, Request from the Practice and Procedure Committee to amend Rule 26, SCRCP, and Agenda Item 8, Request from the Professional Responsibility Committee to Revise the SC Rules of Professional Conduct in re Lawyer Advertising, had been removed from the agenda. The amended agenda was adopted by acclamation.

Mr. Tedder moved to approve the Consent Agenda - approval of the minutes of the July 30, 2021, meeting and receipt of November Financial Statements. The motion was seconded, and it was approved.



Ms. DuRant recognized the 2021 Trial and Appellate Advocate of the Year, Thornwell F. “Biff” Sowell, III.

Mr. Cruickshanks reviewed the history of the Senior Lawyers Division Law Day Essay Contest and noted that the contest had been renamed the J. Mark Hayes, II, Law Day Essay Contest to honor Judge Hayes’ development of and commitment to the project. Mr. Wildman elaborated on Judge Hayes’ leadership skills and contributions. Judge Hayes recognized the 2021 Law Day Essay Contest winner David White of Pickens High School.

Under Report of the President, Ms. Sharp provided updates on the Bar’s Diversity efforts and reviewed the results of the Bar member survey. She noted the Lawyers Helping Lawyers program including the increase in usage of the free counseling services, the addition of new staff and the adoption of a three-year strategic plan. She reviewed the results of the recent Access to Justice Commission justice gap survey and the efforts of the Bar’s Pro Bono Program. In closing, she noted the work on the Bar’s strategic plan.

Next, Ms. Poe provided an update on the activities of the SC Bar Foundation. She reviewed the mission of the Bar Foundation and provided statistics on donations and grantees. In closing, she encouraged members of the House to become donors and provided information on methods of donation.

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

Next, Mr. Draisen presented a request from the Resolution of Fee Disputes Board to amend its rules. The proposed changes would give the Board quasi-judicial immunity and eliminate language allowing for the appointment of a lawyer to represent a claimant at a panel hearing. Mr. Barroll moved approval of the proposed amendments to Rule 4. The motion was seconded, and it was approved. Mr. McDougall moved approval of the proposed amendments to Rule 14. The motion was seconded, and it was approved.

Next, Mr. Virzi presented a request from the Professional Responsibility Committee to amend Rule 1.15(e). The proposed changes would allow clients to have timely access to funds or other property in cases where a third-party claim had been raised but not actively pursued. He moved approval of the request. The motion was seconded, and it was approved.

There being no further business, the meeting was adjourned.

TO: House of Delegates

FM: Russell T. Infinger, Treasurer

DT: April 2022

RE: Financial Reports

The fiscal year financial reports through March 30, 2022, are attached. Page 1 is the balance sheet for general, section, grant and other funds. Page 10 includes the balance sheet for the Lawyers' Fund for Client Protection. Page 11 is the CLE Division balance sheet.

The deviations of \$25,000 or more in year-to-date SC Bar revenues as compared to YTD budget are:

**LICENSE FEES \$505K & FEES TOWARD BUILDING (\$494K):** In the past, a portion of license fees has been reclassified to fees toward building, however because the revenues represent license fees, it is more representative to leave them reported as license fees. Going forward there will no longer be a budget line for "Fees toward Building", rather any funds to be invested in the building or other capital improvements which are capitalized and depreciated over their useful life, will be budgeted in the capital expenditure budget. Aggregating the two variances results in a net variance of (\$10k).

**LRS PERCENTAGE FEE \$78K:** Percentage fees higher than anticipated.

**STAFF SUPPORT \$37K:** Fees collected higher than anticipated.

**OTHER INCOME \$731K:** Paycheck Protection Program ("PPP") Loan forgiveness was granted by the bank in March which resulted in the recognition of income for the forgiveness of this debt along with the write-down of the PPP liability. As of March 31, 2022 there is no longer any debt related to PPP reflected on SC Bar's books.

The deviations of \$25,000 or more in expenses as compared to YTD budget are:

**EQUIPMENT MAINTENANCE & LICENSES \$63K:** Budget spread evenly throughout year variance due to timing.

**PROFESSIONAL FEES (\$36K):** Consultant fees include costs for the prior year audit, costs for CFO consulting services, as well as some small legal fees.

**DELEGATE EXPENSE \$38K:** Budget spread evenly throughout year variance due to timing. Less than anticipated in person meetings.

**MEMBERSHIP SERVICES (\$49K):** Budget spread evenly throughout year. Unplanned HOD and Board of Governors meetings held in July which was postponed from prior year.

**GOVERNMENT RELATIONS \$39K:** Budget spread evenly throughout year variance due to timing.

**LAW RELATED EDUCATION \$93K:** Trainings have been cancelled or moved virtual, and all

LRE competitions for the full year have been moved to virtual. This underspend will continue through the rest of the fiscal year.

SC LAWYER (\$37K): Budget spread evenly throughout year variance due to timing.

CREDIT CARD FEES (\$49K): Higher credit card merchant fees than anticipated. More members are paying their dues online by credit card.

The deviations in CLE revenues of \$25,000 or more are:

SEMINARS (\$68K): Lower than anticipated seminar registrations continue due to the COVID.

ECLE \$560K: Higher than anticipated ECLE registrations continue due to the COVID.

CONVENTION \$43K: Registrations, sponsorships, and booth revenue higher than anticipated.

The deviations in CLE expenses of \$25,000 or more are:

SALARIES \$95K: Favorable variance due to unfilled positions.

BENEFITS \$48K: Favorable variance due to unfilled positions.

SOUTH CAROLINA BAR  
BALANCE SHEET  
For the Nine Months Ending Thursday, March 31, 2022

	<u>YTD</u>
<b>CURRENT ASSETS</b>	
CHECKING ACCOUNT	\$1,722,683.88
MONEY MARKET	5,416,870.23
INVESTMENTS	1,736,738.52
ACCOUNT RECEIVABLES	18,076.00
PREPAID EXPENSES	134,520.16
CONTRA ACCOUNTS DUE	124,510.99
<b>TOTAL CURRENT ASSETS</b>	<b><u>\$9,153,399.78</u></b>
 <b>PLANT</b>	
OFFICE EQUIPMENT	210,992.88
BUILDING & LAND	598,618.06
BUILDING # 2	6,115,290.69
<b>TOTAL PLANT FUND</b>	<b><u>\$6,924,901.63</u></b>
 <b>TOTAL ASSETS</b>	<b><u><u>\$16,078,301.41</u></u></b>
 <b>CURRENT LIABILITIES</b>	
ACCOUNTS PAYABLE	25,919.79
PREPAID RENT	1,125.00
PERSONNEL PAYABLES	243,868.20
DUE:BF & COUNTY BAR	15.00
DEFERRED REVENUE	92,619.35
OTHER LIABILITIES	990,775.00
NOTES PAYABLE-CURRENT	569,413.56
<b>TOTAL CURRENT LIABILITIES</b>	<b><u>\$1,923,735.90</u></b>
 <b>LONG TERM LIABILITIES</b>	
 <b>TOTAL LIABILITIES</b>	<b><u><u>\$1,923,735.90</u></u></b>
  BEGINNING OF YEAR GENERAL FUND BALANCE	10,641,915.17
BEGINNING OF YEAR LAWYER REFERRAL FUND	382,722.79
BEGINNING OF YEAR GRANT FUND BALANCE	315,946.72
BEGINNING OF YEAR SECTION FUND BALANCE	371,027.97
TOTAL BEGINNING OF YEAR FUND BALANCE	<u>11,711,612.65</u>
 YTD REVENUE	7,253,257.46
YTD EXPENSES	4,810,304.60
NET CHANGE	<u>2,442,952.86</u>
 <b>FUND BALANCE</b>	<b><u>\$14,154,565.51</u></b>
 <b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b><u><u>\$16,078,301.41</u></u></b>

SOUTH CAROLINA BAR  
Income Statement  
For the Nine Months Ending Thursday, March 31, 2022

	MONTHLY ACTUAL	MONTHLY BUDGET	YTD ACTUAL	YTD BUDGET	ANNUAL BUDGET
<b>REVENUE</b>					
LICENSE FEES	\$1,077.50	\$0.00	\$4,255,217.20	\$3,749,700.00	\$3,749,700.00
FEES TOWARDS BUILDING	0.00	0.00	0.00	493,800.00	493,800.00
INTEREST/INVESTMENT INCOME	2,943.12	1,600.00	23,189.73	14,400.00	20,000.00
LRS PERCENTAGE FEE	22,955.55	30,000.00	348,052.68	270,000.00	360,000.00
LRS SUBSCRIPTION FEE	6,871.30	5,500.00	65,687.53	50,000.00	50,000.00
MARKETING FEES	5,603.77	2,500.00	41,920.14	22,500.00	30,000.00
SC LAWYER	13,799.98	7,000.00	72,000.51	63,000.00	84,000.00
LAWYERS DESK BOOK	0.00	0.00	29,715.00	40,000.00	40,000.00
STAFF SUPPORT	61,290.00	4,750.00	79,729.92	42,750.00	57,000.00
RENTS RECEIVED	3,669.00	3,700.00	33,021.00	33,300.00	44,000.00
ADR CERTIFICATION	11,150.00	6,700.00	83,050.00	60,300.00	80,000.00
OTHER INCOME	732,124.70	1,500.00	744,951.91	13,500.00	18,200.00
LAW STUDENT AFFILIATES	0.00	0.00	525.00	0.00	0.00
SALES TAX	0.00	300.00	0.00	2,700.00	3,400.00
<b>TOTAL REVENUES</b>	<b>\$861,484.92</b>	<b>\$63,550.00</b>	<b>\$5,777,060.62</b>	<b>\$4,855,950.00</b>	<b>\$5,030,100.00</b>
<b>EXPENSES</b>					
SALARIES	148,494.68	168,700.00	1,398,019.71	1,517,900.00	2,024,000.00
FICA & EMPLOYEE BENEFITS	127,294.63	83,900.00	486,267.96	442,500.00	590,000.00
BUILDINGS	10,279.09	13,500.00	112,979.83	121,500.00	162,000.00
DEPRECIATION	0.00	0.00	0.00	0.00	0.00
EQUIPMENT & SOFTWARE	6,551.57	1,700.00	28,929.82	14,900.00	20,000.00
EQUIP. MAINTENANCE & LICENSES	14,730.65	20,000.00	116,884.96	180,000.00	240,000.00
OFFICE SUPPLIES	3,620.09	2,000.00	14,616.46	18,000.00	24,300.00
POSTAGE	2,020.82	750.00	14,392.48	6,750.00	9,000.00
TELEPHONE	4,414.56	1,500.00	24,974.87	13,500.00	18,500.00
PROFESSIONAL FEES	8,662.50	6,800.00	96,811.80	61,200.00	82,000.00
BOND/INSURANCE	387.65	1,300.00	20,512.77	12,400.00	16,300.00
STAFF EXPENSE	3,450.55	2,400.00	14,079.61	21,600.00	28,700.00
DUES/SUBSCRIPTIONS/BOOKS	0.00	250.00	1,915.00	2,250.00	3,000.00
CASUAL LABOR/HIRING	0.00	100.00	0.00	1,700.00	2,000.00
DELEGATE EXPENSE	2,855.51	5,800.00	14,641.29	52,200.00	69,600.00
OFFICERS' EXPENSE	3,878.26	350.00	3,980.19	3,150.00	4,200.00
MEMBERSHIP SERV. COMMITTEES	8,355.49	3,600.00	182,767.38	134,200.00	174,300.00
PRACTICE MANAGEMENT ASST.	(150.00)	1,500.00	4,424.93	13,500.00	17,800.00
RISK MANAGEMENT	1,201.41	650.00	9,925.63	5,850.00	7,800.00
LAWYERS HELPING LAWYERS	5,543.89	6,400.00	33,223.16	57,250.00	76,450.00
MEMBERSHIP BENEFITS	8,082.29	9,500.00	71,869.57	85,500.00	113,800.00
YOUNG LAWYERS	24,093.05	16,200.00	144,839.89	145,800.00	194,700.00
SENIOR LAWYERS	4,487.43	4,500.00	31,820.76	40,500.00	54,000.00
GOVERNMENT RELATIONS	223.00	4,600.00	2,465.54	41,400.00	55,800.00
JUDICIAL EVALUATION	0.00	900.00	1,741.32	8,100.00	11,000.00
PRO BONO	6,741.01	3,500.00	38,565.76	31,500.00	42,200.00
ASK-A-LAWYER	0.00	2,500.00	5,620.67	22,500.00	29,700.00
CLIENT ASSISTANCE PROGRAM	0.00	100.00	0.00	900.00	1,000.00
ADR CERTIFICATION	0.00	700.00	248.97	6,300.00	8,500.00
REFERRAL SERV. MARKETING	7,213.76	10,400.00	75,902.24	93,600.00	125,000.00
LAW RELATED EDUCATION	4,965.18	24,500.00	18,131.97	110,800.00	302,600.00
PUBLIC RELATIONS	6,132.15	1,000.00	15,526.52	9,000.00	11,900.00
SC LAWYER	42,620.16	18,600.00	204,046.71	167,400.00	222,600.00
LAWYERS DESK BOOK	0.00	2,900.00	38,836.43	26,100.00	34,500.00
CONTRIBUTIONS	0.00	1,000.00	4,936.56	9,000.00	11,500.00
CREDIT CARD FEES	19,448.58	7,800.00	119,001.92	70,200.00	93,000.00
SHORT TERM PROJECTS	0.00	400.00	0.00	3,600.00	5,000.00
LAW STUDENT AFFILIATES	0.00	400.00	0.00	3,600.00	4,500.00
SALES TAX	0.00	300.00	2,887.17	2,700.00	3,400.00
BUILDING AND LAND DEBT	5,564.58	7,900.00	49,279.73	71,100.00	94,700.00
CONTINGENCY EXPENSES	0.00	0.00	0.00	0.00	0.00
<b>TOTAL EXPENSES</b>	<b>\$481,162.54</b>	<b>\$438,900.00</b>	<b>\$3,405,069.58</b>	<b>\$3,629,950.00</b>	<b>\$4,989,350.00</b>
<b>NET CHANGE</b>	<b>\$380,322.38</b>	<b>(\$375,350.00)</b>	<b>\$2,371,991.04</b>	<b>\$1,226,000.00</b>	<b>\$40,750.00</b>

**SOUTH CAROLINA BAR**  
**Government Relations**  
**Statement of Revenue and Expenses**  
For the Nine Months Ending Thursday, March 31, 2022

	<b><u>MONTHLY ACTUAL</u></b>	<b><u>MONTHLY BUDGET</u></b>	<b><u>YTD ACTUAL</u></b>	<b><u>YTD BUDGET</u></b>	<b><u>ANNUAL BUDGET</u></b>
<b>REVENUE</b>					
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>EXPENSES</b>					
SALARIES	0.00	0.00	0.00	0.00	0.00
FICA & EMPLOYEE BENEFITS	0.00	0.00	0.00	0.00	0.00
EQUIPMENT & FURNITURE	0.00	0.00	0.00	0.00	0.00
EQUIPMENT & MAINTENANCE	0.00	0.00	0.00	0.00	0.00
OFFICE SUPPLIES	0.00	0.00	0.00	0.00	0.00
POSTAGE	0.00	0.00	0.00	0.00	0.00
TELEPHONE	0.00	0.00	0.00	0.00	0.00
PROFESSIONAL FEES	0.00	0.00	0.00	0.00	0.00
STAFF EXPENSE	0.00	0.00	0.00	0.00	0.00
GOVERNMENT RELATIONS	223.00	0.00	2,465.54	0.00	0.00
<b>TOTAL EXPENSES</b>	<b><u>\$223.00</u></b>	<b><u>\$0.00</u></b>	<b><u>\$2,465.54</u></b>	<b><u>\$0.00</u></b>	<b><u>\$0.00</u></b>
<b>NET BALANCE</b>	<b><u>(\$223.00)</u></b>	<b><u>\$0.00</u></b>	<b><u>(\$2,465.54)</u></b>	<b><u>\$0.00</u></b>	<b><u>\$0.00</u></b>

**Lawyer Referral Service**  
**Statement of Revenue and Expenses**

<b>REVENUE</b>					
LRS PARTICIPATION FEES	\$22,955.55	\$0.00	\$348,052.68	\$0.00	\$0.00
LRS SUBSCRIPTION FEES	6,871.30	0.00	65,687.53	0.00	0.00
<b>TOTAL REVENUES</b>	<b><u>\$29,826.85</u></b>	<b><u>\$0.00</u></b>	<b><u>\$413,740.21</u></b>	<b><u>\$0.00</u></b>	<b><u>\$0.00</u></b>
<b>EXPENSES</b>					
SALARIES	8,822.49	0.00	77,002.41	0.00	0.00
FICA & EMPLOYEE BENEFITS	(35.75)	0.00	9,965.60	0.00	0.00
BUILDING	0.00	0.00	0.00	0.00	0.00
EQUIPMENT & FURNITURE	0.00	0.00	0.00	0.00	0.00
EQUIPMENT & MAINTENANCE	0.00	0.00	0.00	0.00	0.00
OFFICE SUPPLIES	0.00	0.00	0.00	0.00	0.00
POSTAGE	0.00	0.00	0.00	0.00	0.00
TELEPHONE	0.00	0.00	0.00	0.00	0.00
PROFESSIONAL FEES	0.00	0.00	0.00	0.00	0.00
STAFF EXPENSE	0.00	0.00	0.00	0.00	0.00
BOND / INSURANCE	0.00	0.00	0.00	0.00	0.00
DUES /SUBSCRIPTIONS	0.00	0.00	0.00	0.00	0.00
CASUAL LABOR	0.00	0.00	0.00	0.00	0.00
ADVERTISING	7,213.76	0.00	75,902.24	0.00	0.00
GENERAL EXPENSES	0.00	0.00	0.00	0.00	0.00
<b>TOTAL EXPENSES</b>	<b><u>\$16,000.50</u></b>	<b><u>\$0.00</u></b>	<b><u>\$162,870.25</u></b>	<b><u>\$0.00</u></b>	<b><u>\$0.00</u></b>
<b>NET BALANCE</b>	<b><u>\$13,826.35</u></b>	<b><u>\$0.00</u></b>	<b><u>\$250,869.96</u></b>	<b><u>\$0.00</u></b>	<b><u>\$0.00</u></b>

SOUTH CAROLINA BAR  
SECTIONS FUND BALANCES  
For the Nine Months Ending Thursday, March 31, 2022

	<b>YTD</b>
CONSTRUCTION LAW SECTION	
BEGINNING FY FUND BALANCE	\$31,181.14
YTD REVENUE	7,506.70
YTD EXPENSES	6,869.86
FUND BALANCE	<u>\$31,817.98</u>
CONSUMER LAW SECTION	
BEGINNING FY FUND BALANCE	4,956.53
YTD REVENUE	2,500.00
YTD EXPENSES	2,921.52
FUND BALANCE	<u>\$4,535.01</u>
CORPORATE, BANKING & SECURITIES SECTION	
BEGINNING FY FUND BALANCE	30,558.58
YTD REVENUE	5,745.00
YTD EXPENSES	6,115.15
FUND BALANCE	<u>\$30,188.43</u>
CRIMINAL LAW SECTION	
BEGINNING FY FUND BALANCE	19,557.33
YTD REVENUE	5,740.00
YTD EXPENSES	4,366.18
FUND BALANCE	<u>\$20,931.15</u>
DISPUTE RESOLUTION SECTION	
BEGINNING FY FUND BALANCE	9,270.05
YTD REVENUE	5,205.00
YTD EXPENSES	5,117.57
FUND BALANCE	<u>\$9,357.48</u>
EMPLOYMENT AND LABOR LAW SECTION	
BEGINNING FY FUND BALANCE	8,317.65
YTD REVENUE	7,807.60
YTD EXPENSES	7,181.15
FUND BALANCE	<u>\$8,944.10</u>
ENVIRONMENTAL & NATURAL RESOURCES SECTION	
BEGINNING FY FUND BALANCE	14,314.81
YTD REVENUE	3,875.00
YTD EXPENSES	5,527.54
FUND BALANCE	<u>\$12,662.27</u>
FAMILY LAW SECTION	
BEGINNING FY FUND BALANCE	31,388.30
YTD REVENUE	17,264.54
YTD EXPENSES	14,397.08
FUND BALANCE	<u>\$34,255.76</u>
GOVERNMENT LAW SECTION	
BEGINNING FY FUND BALANCE	6,315.02
YTD REVENUE	4,590.00
YTD EXPENSES	2,608.61
FUND BALANCE	<u>\$8,296.41</u>
HEALTH CARE LAW SECTION	
BEGINNING FY FUND BALANCE	11,691.79
YTD REVENUE	4,900.00
YTD EXPENSES	2,482.13
FUND BALANCE	<u>\$14,109.66</u>

SOUTH CAROLINA BAR  
SECTIONS FUND BALANCES  
For the Nine Months Ending Thursday, March 31, 2022

	<u>YTD</u>
MILITARY LAW SECTION	
BEGINNING FY FUND BALANCE	1,353.65
YTD REVENUE	1,830.00
YTD EXPENSES	<u>2,523.75</u>
FUND BALANCE	<u>\$659.90</u>
PROBATE, ESTATE PLANNING AND TRUST	
BEGINNING FY FUND BALANCE	16,591.91
YTD REVENUE	11,490.00
YTD EXPENSES	<u>10,570.67</u>
FUND BALANCE	<u>\$17,511.24</u>
REAL ESTATE PRACTICE SECTION	
BEGINNING FY FUND BALANCE	43,347.78
YTD REVENUE	16,515.00
YTD EXPENSES	<u>11,609.75</u>
FUND BALANCE	<u>\$48,253.03</u>
SOLO AND SMALL FIRM PRACTITIONERS	
BEGINNING FY FUND BALANCE	45,856.19
YTD REVENUE	21,775.00
YTD EXPENSES	<u>10,283.20</u>
FUND BALANCE	<u>\$57,347.99</u>
TAX LAW SECTION	
BEGINNING FY FUND BALANCE	7,266.52
YTD REVENUE	5,780.00
YTD EXPENSES	<u>5,795.71</u>
FUND BALANCE	<u>\$7,250.81</u>
TORTS AND INSURANCE PRACTICE SECTION	
BEGINNING FY FUND BALANCE	57,616.98
YTD REVENUE	10,760.00
YTD EXPENSES	<u>7,057.92</u>
FUND BALANCE	<u>\$61,319.06</u>
TRIAL AND APPELLATE ADVOCACY SECTION	
BEGINNING FY FUND BALANCE	22,501.43
YTD REVENUE	9,770.00
YTD EXPENSES	<u>6,844.87</u>
FUND BALANCE	<u>\$25,426.56</u>
WORKERS' COMPENSATION SECTION	
BEGINNING FY FUND BALANCE	12,329.56
YTD REVENUE	9,480.00
YTD EXPENSES	<u>8,535.74</u>
FUND BALANCE	<u>\$13,273.82</u>
CIVIL RIGHTS SECTION	
BEGINNING FY FUND BALANCE	0.00
YTD REVENUE	2,350.00
YTD EXPENSES	<u>2,332.31</u>
FUND BALANCE	<u>\$17.69</u>
BEGINNING OF YEAR FUND BALANCE	374,415.22



SOUTH CAROLINA BAR  
SECTIONS FUND BALANCES  
For the Nine Months Ending Thursday, March 31, 2022

	<b>YTD</b>
YTD REVENUE	154,883.84
YTD EXPENSES	120,808.40
TOTAL NET ASSET CHANGE	34,075.44
ENDING FUND BALANCE	<u><u>\$408,490.66</u></u>

**GRANTS & OTHER  
FUND BALANCES**  
For the Nine Months Ending Thursday, March 31, 2022

	<b>YTD</b>
ASK-A-LAWYER 19/20	
BEGINNING OF YEAR FUND BALANCE	\$30,000.00
YTD REVENUE	0.00
YTD EXPENSES	1,472.66
FUND BALANCE	<u>\$28,527.34</u>
ASK-A-LAWYER 20/21	
YTD REVENUE	22,500.00
YTD EXPENSES	0.00
FUND BALANCE	<u>\$22,500.00</u>
LRE GRANT FUND	
YTD REVENUE	135,000.00
YTD EXPENSES	135,000.00
FUND BALANCE	<u>\$0.00</u>
LRE SALES AND REGISTRATIONS	
BEGINNING OF YEAR FUND BALANCE	0.00
YTD REVENUE	1,050.00
YTD EXPENSES	0.00
FUND BALANCE	<u>\$1,050.00</u>
PRO BONO BOARD DESIGNATED	
BEGINNING OF YEAR FUND	192,437.86
YTD REVENUE	0.00
YTD EXPENSES	26,677.00
FUND BALANCE	<u>\$165,760.86</u>
PB INDIGENT SERVICE FEE	
BEGINNING OF YEAR FUND	57,611.18
YTD REVENUE	131,169.00
YTD EXPENSES	98,420.67
FUND BALANCE	<u>\$90,359.51</u>
DISCIPLINARY FUND	
BEGINNING OF YEAR FUND	8,825.00
YTD REVENUE	987,650.00
YTD EXPENSES	987,650.00
FUND BALANCE	<u>\$8,825.00</u>
DISPUTED FEES	
BEGINNING OF YEAR FUND	0.00
YTD REVENUE	0.00
YTD EXPENSES	0.00
FUND BALANCE	<u>\$0.00</u>
LAWYER REFERRAL SERVICE	
BEGINNING OF YEAR FUND	382,722.79
YTD REVENUE	0.00
YTD EXPENSES	0.00
FUND BALANCE	<u>\$382,722.79</u>

GRANTS & OTHER  
FUND BALANCES  
For the Nine Months Ending Thursday, March 31, 2022

	<u>YTD</u>
LGOA GRANT - PRO BONO	
BEGINNING OF YEAR FUND BALANCE	4,351.57
YTD REVENUE	0.00
YTD EXPENSES	552.72
FUND BALANCE	<u>\$3,798.85</u>
PARALEGAL CERTIFICATION	
BEGINNING OF YEAR FUND BALANCE	14,375.50
YTD REVENUE	5,600.00
YTD EXPENSES	0.00
FUND BALANCE	<u>\$19,975.50</u>
BANK OF AMERICA GRANT	
BEGINNING OF YEAR FUND BALANCE	2,934.28
YTD REVENUE	26,249.00
YTD EXPENSES	29,183.28
FUND BALANCE	<u>\$0.00</u>
LAWYERS HELPING LAWYERS	
BEGINNING OF YEAR FUND BALANCE	5,411.33
YTD REVENUE	0.00
YTD EXPENSES	0.00
FUND BALANCE	<u>\$5,411.33</u>
BEGINNING OF YEAR FUND BALANCE	698,669.51
YTD REVENUE	1,321,313.00
YTD EXPENSES	1,282,244.31
TOTAL CHANGE IN NET ASSETS	<u>39,068.69</u>
ENDING FUND BALANCE	<u>\$737,738.20</u>

SOUTH CAROLINA BAR  
Statement of Revenue and Expense  
Young Lawyers Division  
For the Nine Months Ending Thursday, March 31, 2022

	<b>MONTHLY ACTUAL</b>	<b>MONTHLY BUDGET</b>	<b>YTD ACTUAL</b>	<b>YTD BUDGET</b>	<b>ANNUAL BUDGET</b>
<b>REVENUE</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>EXPENSES</b>					
ANNUAL CONVENTION	0.00	0.00	0.00	0.00	0.00
SERVICE TO THE PUBLIC	0.00	0.00	(1,083.20)	0.00	0.00
SERVICE TO THE BAR	0.00	0.00	(3,281.13)	0.00	0.00
STRATEGIC PLANNING	0.00	0.00	0.00	0.00	0.00
DELEGATE EXPENSE	0.00	0.00	0.00	0.00	0.00
ADMINISTRATIVE	24,093.05	0.00	149,204.22	0.00	0.00
PUBLICATIONS/SCYL	0.00	0.00	0.00	0.00	0.00
PROJECT COMPLETION	0.00	0.00	0.00	0.00	0.00
<b>TOTAL EXPENSES</b>	<b>\$24,093.05</b>	<b>\$0.00</b>	<b>\$144,839.89</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>NET BALANCE</b>	<b>(\$24,093.05)</b>	<b>\$0.00</b>	<b>(\$144,839.89)</b>	<b>\$0.00</b>	<b>\$0.00</b>

LAWYERS' FUND  
STATEMENT OF REVENUE AND EXPENSES  
WITH BALANCE SHEET  
For the Nine Months Ending Thursday, March 31, 2022

	March	YTD
<b>REVENUES</b>		
ANNUAL ASSESSMENTS	\$0.00	\$5,172.00
CONTRIBUTIONS	1,712.06	55,642.40
INVESTMENT INCOME	8,399.61	8,801.91
<b>TOTAL REVENUES</b>	<b>\$10,111.67</b>	<b>\$69,616.31</b>
<b>EXPENSES</b>		
AWARDS	15,327.16	50,277.30
GENERAL EXPENSES	0.00	80.59
<b>TOTAL EXPENSES</b>	<b>\$15,327.16</b>	<b>\$50,357.89</b>
<b>NET CHANGE</b>	<b>(\$5,215.49)</b>	<b>\$19,258.42</b>

**BALANCE SHEET**

<b>ASSETS</b>	
LFCP CHECKING	90,392.63
LFCP MONEY MARKET	988,562.69
INVESTMENTS	1,673,177.64
<b>TOTAL ASSETS</b>	<b>\$2,752,132.96</b>
<b>LIABILITIES</b>	
<b>FUND BALANCE</b>	
BEGINNING OF YEAR FUND BALANCE	2,732,874.54
YTD REVENUE	69,616.31
YTD EXPENSES	50,357.89
NET CHANGE	19,258.42
<b>FUND BALANCE</b>	<b>\$2,752,132.96</b>
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$2,752,132.96</b>

**SOUTH CAROLINA BAR CLE - DIVISION**  
**BALANCE SHEET**  
**For the Nine Months Ending Thursday, March 31, 2022**

**CURRENT ASSETS**

SCBT CHECKING	\$1,441,727.87
MONEY MARKET/INVESTMENTS	788,420.35
PETTY CASH	150.00
ACCOUNT RECEIVABLES	10,530.50
PRE-PAID EXPENSE	54,190.29
GENERAL INVENTORY	196,636.62
<b>TOTAL CURRENT ASSETS</b>	<b>\$2,491,655.63</b>

CAPITAL ASSETS	0.00
<b>TOTAL ASSETS</b>	<b>\$2,491,655.63</b>

**CURRENT LIABILITIES**

ACCOUNTS PAYABLE	133,643.60
DUE:COMPANY 1	0.00
REFUNDS PAYABLE	0.00
CLE VACATION PAYABLE	90,942.70
FACILITIES PAYABLE	0.00
SEMINAR DEFERRED REVENUE	606,847.85
CASH HOLDING ACCOUNT	0.00
CONVENTION DEFERRED REV.	0.00
SALES TAX RECEIVED	0.00
<b>TOTAL CURRENT LIABILITIES</b>	<b>\$831,434.15</b>

BEGINNING OF YEAR FUND BALANCE	1,294,172.76
YTD REVENUE	2,223,888.32
YTD EXPENSE	1,857,839.60
<b>NET CHANGE</b>	<b>366,048.72</b>

FUND BALANCE	\$1,660,221.48
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$2,491,655.63</b>

**SOUTH CAROLINA BAR CLE - DIVISION**  
**INCOME STATEMENT**  
**For the Nine Months Ending Thursday, March 31, 2022**

	<b>MONTHLY ACTUAL</b>	<b>MONTHLY BUDGET</b>	<b>YTD ACTUAL</b>	<b>YTD BUDGET</b>	<b>ANNUAL BUDGET</b>
<b>REVENUE</b>					
SEMINAR INCOME	\$4,105.00	\$50,900.00	\$389,543.44	\$457,300.00	\$810,000.00
E-CLE ACCESS	34,798.56	20,300.00	1,036,814.84	476,400.00	1,000,000.00
PUBLICATION INCOME	31,341.60	32,500.00	320,993.31	292,500.00	390,000.00
SCJ ROYALTY INCOME	0.00	0.00	59,822.27	50,250.00	100,500.00
CONVENTION	841.00	0.00	387,913.37	344,600.00	344,600.00
INTEREST INCOME	(182.53)	200.00	(63.76)	1,800.00	2,400.00
BUILDING RENTAL	300.00	200.00	2,600.00	1,400.00	2,000.00
SHIPPING REVENUE	2,270.00	2,100.00	26,264.85	18,700.00	25,000.00
<b>TOTAL REVENUE</b>	<b>\$73,473.63</b>	<b>\$106,200.00</b>	<b>\$2,223,888.32</b>	<b>\$1,642,950.00</b>	<b>\$2,674,500.00</b>
<b>EXPENSE</b>					
CLE SALARIES	69,348.75	79,800.00	623,228.55	717,800.00	957,200.00
BENEFITS	34,203.88	49,000.00	215,525.29	263,100.00	350,800.00
BUILDING ACCOUNT	2,616.99	5,300.00	64,056.97	47,700.00	63,600.00
EQUIPMENT & FURNITURE	0.00	0.00	8,695.20	4,000.00	4,000.00
EQUIPMENT MAINTENANCE	14,613.71	6,100.00	54,423.23	54,900.00	74,000.00
OFFICE SUPPLY EXPENSE	607.57	600.00	4,343.34	5,400.00	6,800.00
POSTAGE EXPENSE	155.67	0.00	160.47	0.00	500.00
SHIPPING EXPENSE	2,573.00	2,100.00	28,639.78	18,700.00	25,000.00
TELEPHONE EXPENSE	741.75	900.00	5,074.91	8,100.00	10,800.00
STAFF EXPENSE	751.27	800.00	3,495.25	7,200.00	9,100.00
STAFF EDUCATION	0.00	300.00	0.00	2,600.00	3,500.00
CLE COMMITTEE EXPENSE	116.62	0.00	457.65	0.00	500.00
BOND & INSURANCE	42.93	1,000.00	4,998.20	9,000.00	12,000.00
PROFESSIONAL FEES	0.00	0.00	10,345.50	0.00	32,000.00
CASUAL LABOR	0.00	0.00	0.00	0.00	500.00
SEMINAR DIRECT	4,765.76	22,900.00	211,108.69	206,300.00	275,000.00
E-CLE ACCESS	8,322.53	9,300.00	74,821.58	83,700.00	111,600.00
PUBLICATION DIRECT	8,242.31	11,000.00	94,623.14	99,600.00	132,600.00
PUBLICATION ROYALTIES	0.00	0.00	47,257.21	46,800.00	93,600.00
CONVENTION	3,190.64	0.00	318,858.84	305,900.00	305,900.00
MEDIA SERVICES DIRECT	335.87	400.00	2,241.57	3,600.00	5,000.00
BANKCARD CHARGES	16,472.95	4,200.00	60,090.28	37,800.00	50,000.00
MARKETING	971.69	4,100.00	25,393.95	37,700.00	50,000.00
<b>TOTAL EXPENSE</b>	<b>\$168,073.89</b>	<b>\$197,800.00</b>	<b>\$1,857,839.60</b>	<b>\$1,959,900.00</b>	<b>\$2,574,000.00</b>
<b>NET CHANGE</b>	<b>(\$94,600.26)</b>	<b>(\$91,600.00)</b>	<b>\$366,048.72</b>	<b>(\$316,950.00)</b>	<b>\$100,500.00</b>



## **Trial and Appellate Advocacy Section**

### **MEMORANDUM**

TO: House of Delegates  
FROM: Amie L. Clifford, Chair  
RE: Amendments to the Trial and Appellate Advocacy Section Bylaws  
DATE: April 16, 2022

After several months of work by a subcommittee and input by Council members, the Trial and Appellate Advocacy Section Council has adopted amendments to its Bylaws. The Bylaws as so amended are attached for the review and consideration of the House of Delegates.

Please feel free to contact any member of the Council if you have questions about the amendments. A roster of the Section Council, with contact information, is attached.

Attachments (as stated)





## **Trial and Appellate Advocacy Section**

### **Officers**

#### **Chair**

Amie Clifford  
P.O. Box 5010  
Columbia, SC 29250  
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[aclifford@cpc.sc.gov](mailto:aclifford@cpc.sc.gov)

#### **Vice Chair**

Benjamin Gooding  
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(803) 231-7821  
[bgooding@sowellgray.com](mailto:bgooding@sowellgray.com)

#### **Chair-Elect**

William "Grayson" Lambert  
1100 Gervais Street  
Columbia, SC 29201  
(803) 734-2100  
[glambert@governor.sc.gov](mailto:glambert@governor.sc.gov)

#### **Secretary**

Lindsay Joyner  
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### **Immediate Past Chair/Section Delegate**

Zachary "Zach" Weaver  
55 Beattie Place, Ste. 1200  
Greenville, SC 29601  
(864) 241-7007  
[zweaver@gwblawfirm.com](mailto:zweaver@gwblawfirm.com)

### **Council Members**

Lyndey Bryant (**exp. 2022**)  
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[lyndey.bryant@arlaw.com](mailto:lyndey.bryant@arlaw.com)

Brittany Clark (**exp. 2023**)  
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Suite 400  
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Brett Bayne (**exp. 2024**)  
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Reese R. Boyd (**exp. 2022**)  
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Susan Hackett (**exp. 2023**)  
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Bess DuRant (**exp. 2024**)  
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**BYLAWS OF THE  
TRIAL AND APPELLATE ADVOCACY SECTION  
OF THE SOUTH CAROLINA BAR**

**ARTICLE I  
Name and Purpose**

**Section 1.** This Section shall be known as the Trial and Appellate Advocacy Section of the South Carolina Bar.

**Section 2.** The purpose of this Section shall be to promote, by appropriate means, the objects of the South Carolina Bar and to improve the art and techniques of trial and appellate advocacy in the State state and federal courts of South Carolina.

**ARTICLE II  
Membership**

**Section 1.** Each member of the Section shall pay ~~to the South Carolina Bar~~ annual Section dues to the South Carolina Bar in the amount of \$20.00 for annual membership. The Council, at any regular Council meeting, may change the annual Section dues to the extent determined necessary; ~~provided that any. Any~~ such change in section dues, after approval by the Board of Governors or the House of Delegates of the South Carolina Bar, shall be published in as early an issue as practicable of the South Carolina Bar ~~News as shall be practicable.~~ “e-blast” and/or by email communication via the South Carolina Bar listserv. Any member of the South Carolina Bar, upon the member’s request and upon payment of dues for the current year, shall be enrolled as a member of this Section. ~~Thereafter, said~~ For existing members, dues shall be paid in advance each year, beginning on the ~~January~~ July 1st next succeeding each enrollment. ~~Any member~~ Existing members of this Section ~~whose who pay~~ annual dues ~~shall be more than six (6) months past due shall thereupon cease to be a member of this the~~ Section. ~~Members so enrolled and whose dues are so paid shall constitute the by July 1 of the subsequent calendar years continue~~ membership ~~of this in the~~ 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. without interruption.~~

**Section 2.** Voting privileges ~~of the floor at any meeting of the Section~~ shall be limited to Section members in good standing as ~~of thirty (30) days prior to the opening day of the meeting, as~~ determined by the official membership list, ~~as certified to the Section Secretary, by the Executive Director, such. The~~ official membership list is to be kept by the Section Secretary, and is to be certified by Secretary no later than 30 days before the opening day of any scheduled meeting of the general membership and/or vote or election. The official membership list shall be open for inspection at on the floor of any meeting for of the Section at which it member voting is certified scheduled.

### ARTICLE III Officers and Council

**Section 1.** The ~~officers~~Officers of this Section shall ~~be include:~~ a ~~ChairmanChair~~, a ~~ChairmanChair~~-Elect, a Vice-~~ChairmanChair~~, and a Secretary, and an Immediate Past Chair.

**Section 2.** There shall be a Council, the membership of which shall consist of the ~~Chairman, ChairmanChair, Chair~~-Elect, Vice-~~ChairmanChair~~, Secretary, the Immediate Past ~~ChairmanChair~~, and the Section Delegate, together with six ~~(6)~~-general Council members" to be elected by the Section as ~~hereinafter~~provided by these Bylaws.

**Section 3.** The ~~ChairmanChair~~-Elect, Vice-~~ChairmanChair~~, and Secretary, and Section Delegate shall be nominated and elected, ~~in manner hereinafteras~~ provided by these Bylaws, ~~at each annual meeting of this Section, to hold office for the term beginning at the close of the annual meeting at which they shall have been elected. The Chair-Elect, Vice-Chair, and ending at the close of the next succeeding annual meeting of the Section, and until their successors shall have been elected and qualified. The Secretary shall hold office for not more than four (4) successive a term of one-year terms, unless re-elected.~~

~~**Section 4.** At the first annual meeting six Council members will be elected, two for a three-year term, two for a two-year term, and two for a one-year term by express designation upon nomination. Thereafter, two~~

**Section 4.** Two general members of the Council shall be nominated and elected as ~~herein~~ provided by these Bylaws at each annual meeting each year for terms of office to begin July 1 ~~immediately at the end of the meeting at which they were elected~~ and to continue for three years.

**Section 5.** Any vacancy existing in membership on the Council shall be filled by the Council ~~for the remainder of the unexpired term until the next annual meeting at which time the membership shall elect a replacement member. Such replacement member shall serve only to the end of the term to which his predecessor was elected.~~

**Section 6.** No ~~person~~person shall be eligible for election as a general member of the Council if he is then a general member of the Council and has been such a member continuously for a period of ~~two~~six years or more.

**Section 7.** If any elected member of the Council ~~shall fail~~fails to attend three ~~successive~~ meetings of the Council, and such failure has not been excused for cause by the ~~ChairmanChair~~ or ~~the~~by a majority vote of the Council, the ~~ChairmanChair~~ shall ~~by letter declare through written notice~~ to all Council members ~~declare that~~ such member is deemed to have ~~automatically~~-resigned ~~and he from the Council position. The resulting vacancy shall be replaced~~filled for ~~his~~the remainder of the resigning member's unexpired term as provided in Section 4 of this Article.

**Section 8.** The ~~ChairmanChair~~-Elect shall ~~at the end of the next annual meeting on~~ July 1

automatically assume the office of ~~Chairman~~Chair, and thereupon the Immediately Retiring ~~Chairman~~Chair shall become and remain a member of the Council for the ensuing year.

## ARTICLE IV Nomination and Election

~~**Section 1.** The steering committee appointed to create this Section shall prepare a slate of officers and Council members to serve on an interim basis until the annual meeting in May of 1980. This prepared slate shall be presented to an announced meeting of those Bar members indicating an interest in the formation of this Section. Additional nominations may be made from the floor. Upon approval, the elected officers and Council members shall serve on an interim basis until the end of the 1980 annual meeting in accordance with the terms of these Bylaws.~~

~~**Section 2.**~~**Section 1.** Not later than November 15th of each year, the Council shall meet and nominate such Officers, Council Members, and Section Delegate as are scheduled to be elected before the end of the next Bar year by the members at the next annual meeting. The nominations proposed shall be by the concurring vote of not less than a majority of the members of the Council, and shall be published not later than the December issue of South Carolina Bar "e-blast" and/or by email communication via the South Carolina Bar News, listserv or otherwise mailed to the membership in December and shall be notice to the membership of the Section of such nomination.

**Section 32.** In each even-numbered year there shall be included in the nominations, ~~as aforesaid,~~ a nominee for Section Delegate to the House of Delegates, for a two-year term, beginning ~~with the adjournment of the annual meeting at which he is elected~~ on July 1. Any Section Delegate to the House of Delegates may be elected to succeed himself.

**Section 43.** No later than February 15~~th~~ ~~preceding the annual meeting,~~ not less than ten members of the Section in good standing may ~~file submit by registered mail with to~~ the ~~Chairman~~Chair of the Section by e-mail or U.S. Mail a nominating petition, which may be in parts, duly signed, with the signatures and printed names and addresses, making nominations for one or more of the offices of ~~Chairman~~Chair-Elect, Vice-~~Chairman,~~Chair, and Secretary, and such Council members as are due to be elected, and, in even-numbered years, the Section Delegate to the House of Delegates. ~~If not submitted by a person being nominated, a~~ All such petitions shall be accompanied with the written consent of any person so nominated. Nominations shall be considered closed on February 16th of each year.

**Section 54.** All elections shall be by written ballot of the Council except for any positions for which there are more persons unless otherwise ordered by resolution duly adopted by the Section at the Annual Meeting at which the election is held. nominated than there are offices or seats to be filled. Written ballots may be distributed and returned by e-mail, U.S. Mail, or any other method authorized by the Council. Should there be more than two nominations for any one office, ~~that~~the candidate receiving the highest vote shall be

declared elected. If two candidates receive an equal number of the votes cast, the Council ~~in office at members as of~~ the time date of the election shall, ~~by majority vote~~, declare the winner by a majority vote.

## ARTICLE V

### Duties of ~~Officers~~ Office

**Section 1. ChairmanChair.** The ChairmanChair shall be the chief executive officer of the Section during his or her term of office and, in the carrying out of his administrative duties, he or she shall make all such appointments to the general committees and be possessed of such authority as is customarily associated with such office. He or she shall perform such other duties and acts as usually pertain to his or her office. The ChairmanChair, or successively the ChairmanChair-Elect, or Vice-ChairmanChair, in the absence of the ChairmanChair, shall preside at all meetings of the Section and of the Council. ~~He or she shall formulate and present at the business meeting of the Section at the Annual Meeting an annual~~ analysis of the state of the Section together with a message concerning the improvement of the work of the Section and the administration of justice in the field of law encompassed by the Section.

**Section 2. ChairmanChair-Elect.** Upon the death, or resignation, ~~or of~~, during the disability of ~~the Chairman~~, or upon ~~his~~the refusal to act, by the Chairman Chair, the Chair-Elect shall perform the duties of the ChairmanChair for the remainder of the Chairman'sChair's term, except in case of the Chairman'sChair's disability and only during so much of the term as the disability continues.

**Section 3. Vice-ChairmanChair.** Upon the death, resignation, and/or refusal ~~during the disability~~ of the Chairman and/or the Chairman-Elect to act as required by these Bylaws, or upon their refusal to act, the, the Vice-ChairmanChair shall perform the duties of the ChairmanChair and/or Chairman Chair-Elect for the remainder of their term. In the event of a disability of the Chair and/or Chair-Elect, the Vice-Chair, except in case of disability of the Chairman and/or Chairman-Elect, shall perform the duties of the Chair and/or Chair-Elect and then only during so much of the term as the duration of the disability continues.

**Section 4. Secretary.** The Secretary shall be the custodian of all books, papers, documents, and other property of the Section except money. ~~He or she shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chairman, he shall prepare a summary or digest of the proceedings of the Section at its annual meeting.~~ He or she, in conjunction with the Chairman,Chair and as authorized by the Council, shall attend generally to the business of the Section and he or she shall keep an accurate record of all monies appropriated to and expended for the use of the Section.

**Section 5. Immediate Past-Chair.** The Immediate Past Chair shall chair the nominating and awards committees and perform any other duties as requested by the Chair.

**Section 6. Section Delegate.** The Section Delegate shall represent the Section's interests with respect to and shall attend meetings of the Bar's House of Delegates and shall keep

the Chairman and Council informed in a timely manner of agendas, issues, actions, and activities of the Bar's House of Delegates as they relate to the Section and its membership. If the Council shall vote on a matter to be considered by the House of Delegates, the Section Delegate shall vote as directed by the Council vote.

**Section 5.7.** The Council may authorize and create such committees as it deems necessary or desirable to carry out the activities and work of the Section, ~~and. The Council~~ may terminate any of such committees as circumstances warrant, ~~and may appoint such special committees as herein provided.~~

## ARTICLE VI

### Duties and Powers of the Council

**Section 1.** The Council shall ~~have the general supervision~~ supervise and control ~~of~~ the affairs of the Section, subject to the provisions of the Constitution and Bylaws of the South Carolina Bar and the Bylaws of this Section. It shall authorize all commitments or contracts which shall entail the payment of money and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. ~~It shall not, however, authorize commitments or contracts which shall entail the payment of or expend any money during any fiscal year which shall~~ would exceed the estimated receipts from dues, sales of Section publications, and appropriations of the Section for such fiscal year; provided, however, that the balance of the reserve fund credited to the Section shall be available for use by the Council ~~action~~.

**Section 2.** ~~The members~~ Forty percent (40%) of the Council ~~present at any meeting~~ shall be necessary and sufficient at all meetings to constitute a quorum for the transaction of business. ~~A minimum~~ The act of two members must be the majority of the Council members present at a meeting at which a quorum is present to conduct any business shall be the act of the Council, unless the act of a greater number is required by these Bylaws.

~~**Section 3.**~~ The Council may authorize the ~~Chairman~~ Chair to appoint committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the Constitution and Bylaws of the South Carolina Bar.

**Section 4.** Any action required or permitted to be taken at any meeting of the Council may be taken without a meeting upon approval of the Chair if, prior to such action, a ~~written consent or consents thereto have been filed with the Chairman and signed by a~~ majority of the ~~members of the Council and Councilmembers~~ consent and/or adopt such ~~consents are filed by the~~ action. The Secretary ~~with the proceedings of the Council shall maintain a record of the Councilmembers' consent and/or adoption. Consent and/or adoption may be provided electronically or in writing.~~

**Section 5.** The Council shall fill interim vacancies in the office of the ~~Chairman~~ Chair, the ~~Chairman~~ Chair-Elect, the Vice-~~Chairman~~ Chair, Secretary, Section Delegate, and ~~among their own~~ general Council members.

~~**Section 6.** The Council shall have complete authority to act on behalf of the Chairman, the Chairman-Elect, the Vice-Chairman, Secretary, Section Delegate and among their own members~~Council.

## ARTICLE VII Meetings

**Section 1.** ~~The annual meeting of the Section shall be held during the Annual Meeting of the South Carolina Bar in the same city or place as such Annual Meeting of the South Carolina Bar, with such program and order of business as may be arranged by the Council not inconsistent, or in conflict, with any program or directive of the South Carolina Bar~~The Council may conduct an annual meeting of the Section in whichever format it deems appropriate. In the absence of an annual meeting, the Council shall inform the members of the Section of the work of the Section, including but not limited to elections of officers and general members of the Council, events, continuing education, projects, and other opportunities for active involvement.

**Section 2.** Special meetings of the Section may be called by the ~~Chairman, upon Chair,~~only with the approval of the Council~~,. Such special meetings will be scheduled~~ at such time and place as the Council ~~may determine~~approves.

**Section 3.** ~~The Forty percent (40%) of the~~ members of the Section ~~present at any meeting shall~~shall be necessary and sufficient at all meetings to constitute a quorum for the transaction of business. The act of the majority of the Section members present at a meeting at which a quorum is present shall be the act of the Section, unless the act of a greater number is required by these Bylaws.

**Section 4.** All binding actions of the Section shall be by a majority vote of the ~~members present.~~ Section members who have participated in voting on the action.

## ARTICLE VIII Miscellaneous Provisions

**Section 1.** The fiscal year of the Section shall be the same as that of the South Carolina Bar.

**Section 2.** All bills incurred by the Section shall be approved by the Council or its designated representative before being forwarded to the Executive Director of the South Carolina Bar for payment~~, shall be approved by the Council or its designated representative.~~ When required by Bar policy, prior to the Section's undertaking of or commitment to any expense or liability, approval by the Executive Director of the South Carolina Bar shall be obtained.

**Section 3.** Any action by this Section pertaining to legislation, or South Carolina Bar policy, or public policy, must be approved by the Board of Governors of the South Carolina



Bar before the same becomes effective as the action of the South Carolina Bar. Any resolution adopted or action taken by this Section may, on request of the Section, be reported by the Chairman of the Section to the Annual Meeting of the South Carolina Bar for the Bar's action thereon.

~~**Section 4.** No person, except an invited speaker, shall speak in any meeting of the Section more than five minutes at a time nor more than twice on one motion or resolution.~~

## **ARTICLE IX**

### **Amendments**

These Bylaws may be amended at any ~~annual~~ meeting of the Section Council by a majority vote of the members of the Section Council present and voting, provided such proposed amendment ~~shall~~<sup>is</sup> not ~~be~~ inconsistent with the Constitution and Bylaws of the South Carolina Bar and has been published to the Section for comment and input. Such amendment, however, will not become effective until it has been approved and ratified by the House of Delegates of the South Carolina Bar.



## MEMORANDUM

**TO:** SC Bar House of Delegates  
**FROM:** Solo & Small Firm Section Council  
**DATE:** April 18, 2022  
**RE:** Proposed Amendment to Solo & Small Firm Section Bylaws

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The Council of the Solo & Small Firm Section of the South Carolina Bar submits the following proposed amendment to the Section Bylaws for approval. Article VI, Section 5, was amended to broaden the goal of diversity beyond geographic limits. This is the only diversity reference in the Bylaws and no other amendments were made.

### **ARTICLE VI SUCCESSION AND ELECTION**

**Section 5. Election of Council Representatives.** The Section liaison shall notify Council of all nominees by October 31. Election of new representatives of Council shall be held no later than December 1 by a simple majority of Section Council present and voting at a Section Council meeting. Council shall endeavor to ~~provide geographical diversity~~ pursue diversity of representation.



**South Carolina Bar**  
**2022 Leadership Academy**

The Leadership Academy is a selective program designed to train the next generation of Bar and community leaders. Participants were equipped with networking opportunities, professionalism training, community awareness and other skills necessary to give back to the profession and position themselves as leaders in our communities.

**Congratulations to the 2022 graduates:**

Margaret (Meggie) Baker

Joel (Jay) A. Berly IV

Joseph Bias

Lamar Fyall

Nicole M. Hair

Lee Health

Scott MacLatchie

Henry D. McMaster Jr

Jane H. Merrill

DeShawn Mitchell

Michelle Powers

Joseph Spate

Megan White

Cheryl A. Wright



## **LRE Lawyer of the Year**

*Margaret “Peg” Fox with Burr & Forman was named the 2022 LRE Lawyer of the Year. She has coached at Blythewood Middle and Blythewood High Schools. Ms. Fox has served as the Law Related Education Committee Chair, and co-authored the Mock Trial Coaches Manual. She continues to serve as editor each time the materials are updated. The Coaches Manual is available to anyone seeking to establish or improve a Mock Trial program. Ms. Fox is very deserving of this recognition as one who has inspired the joys of the Mock Trial program in innumerable ways. Further, she exemplifies volunteerism and instilling her passion of law in the next generation of citizens.*

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



## SOUTH CAROLINA BAR PRO BONO LAWYER OF THE YEAR

The South Carolina Pro Bono Awards program seeks to identify and honor individual lawyers, small and large law firms, government attorney offices, corporate law departments and other organizations and institutions in the legal profession that have enhanced the human dignity of others by improving or delivering volunteer legal services to our state's low income community. Award recipients may have provided direct representation to individual clients, contributed to the development of innovative programs, impacted legislative efforts or otherwise aided in promoting access to the legal system for those unable to afford those services.

### Past Pro Bono Awards

1987	W. Clarkson McDow Jr.	2005	The Benjamin Law Firm, LLC Jeffery P. Bloom
1988	Gary W. Poliakoff	2006	Jonathan S. Altman Stephanie E. Lewis D. Peters Wilborn Jr.
1989	Marcia R. Powell	2007	Ellis, Lawhorne & Sims, PA
1990	Jon Rene Josey	2008	Philip A. Middleton
1991	Harriet Daniels Hancock	2009	Kristen E. Horne Keri A. Olivetti
1992	Edward T. Kelaher	2010	Christopher Genovese Alex Paterra
1993	George B. Cauthen Nexsen Pruet Jacobs & Pollard	2011	Bradford T. Cunningham Louis T. "Tom" Runge Sowell Gray Stepp & Laffitte, LLC
1994	Herbert E. Buhl III Ellis Lawhorne Davidson & Sims, PA Harvey & Battey, PA	2012	Jason Scott Luck
1995	Freeman and Skinner Robinson, McFadden & Moore, PC Trefor Thomas	2013	Sharon Young Ward
1996	Bernard J. Warshauer Lowery, Thompson & King Suggs & Kelly, PA	2014	John E. Robinson
1997	James G. Long III Fairbanks & Lindsay, PA	2015	Tina Marie Cundari Laura Johnson Evans
1998	Julio E. "Rick" Mendoza Nelson Mullins Riley & Scarborough, LLP Wukela Law Firm	2016	J. Scott Bischoff II
1999	Anderson and Jordan Finkel and Altman, LLC Eric K. Graben	2017	Megan Dell
2000	John R. Lester Kathleen Palinski	2018	Nexsen Pruet Law Firm
2001	Daniel J. Fritze Nelson Mullins Riley & Scarborough, LLP Smalls Law Firm, PC	2019	Olivia Stafford Jones
2002	Anthony C. Hayes	2020	Jeffrey W. Kuykendall V. Brian Bevon Ian Watterson
2003	Jan M. Baker Moss & Reed, PA	2021	Robinson Gray Stepp & Laffitte, LLC
2004	Stuart M. Andrews Jr. Robert K. Whitney		





**There are no written materials for this item.**



**There are no written materials for this item.**



# Report of the President

May 12, 2022

Mary E. Sharp

## SC Bar Programs and Services

### Communications

The Communications Division in partnership with SC Bar divisions, sections, committees, and leadership continues to highlight across digital and print channels, Bar member success stories, and ways lawyers positively impact South Carolina.

The team launched the **“Raising the Bar”** campaign featuring how members give back to the profession and state in January. This initiative features social media and news release components resulting in increased engagement with members and the public. Visit [rtb.scbar.org](http://rtb.scbar.org) to see stories and nominate a colleague.

The SC Bar’s Instagram account was launched in January and has grown to 521 followers. Top posts include: 1. A shoutout to Joseph and Kiosha Dickey for their work with their non-profit; and 2. A post highlighting Judge Michelle Childs.

Some other story highlights include Black History Month spotlights in February, Women’s History Month spotlights in March, video features on Lawyer Mentoring Program in April, and Volunteer Month features on pro bono attorneys in April.

The Bar’s **LinkedIn page** has grown to 2,032 followers with a focus on professional development and CLE information in an engaging way including book author videos. The top post since January was the Black History Month spotlight on Tommy Preston.

Other **social media statistics** include: 6,139 Facebook followers; 5,734 Twitter followers; 1,674 Young Lawyers Division (YLD) Facebook followers; and 1,572 YLD Instagram followers. Top posts include a tweet about Jeopardy! Contestant Clark Dawson and Black History Month spotlight Facebook post on Judge Clifton Newman.

**Eblast**, the online newsletter delivered to member subscribers’ inboxes, will move to a weekly distribution on Thursdays starting June 2 through Labor Day.

### Continuing Legal Education

The Supreme Court has allowed its March 31, 2021, order waiving the requirement that members take at least six hours of in-person CLE, to expire for the 2022-2023 MCLE compliance year. Therefore, for the compliance year 2022-23, six of the 14 required MCLE hours must be completed in-person. The CLE Division has been holding hybrid (live and virtual) programs since July 2021 and will continue to do so. The Division will again offer in-person attendance at several satellite locations starting with the Sept. 9 Probate Bench Bar seminar.

During the period January-April, the Division offered 25 live and live webcast seminars, and added 36 on-demand programs. Currently, the Division offers 618 on-demand programs covering more than 50 practice areas and ranging in duration from 30 minutes to 6 hours.

On February 25, the Division hosted the documentary movie “A Crime on the Bayou” along with a CLE discussion. The program was led by noted SC Civil Rights attorney Armand Derfner and Charleston School of Law Professor Debra Gammons. The free program was co-sponsored by the Bar’s Diversity Committee, Civil Rights Section, and the Burnette Shutt McDaniel Law Firm.

The Division has also continued its important partnerships with Bar sections, committees and divisions, as well as with organizations such as the South Carolina Administrative and Regulatory Law Association, the American Board of Trial Advocates, the American Academy of Trial Lawyers, the American Academy of Matrimonial Lawyers, the South Carolina Association of Criminal Defense Lawyers, the Federal Bar Association, the South Carolina State Guard, and the American Bar Association Judicial Division to present significant CLE programming.

The CLE Big Ticket continues to gain momentum as more Bar members recognize the value of a one-year subscription with virtually unlimited access to the Bar’s CLE programs at a price that is less than that for two full-day seminars. Currently, there are more than 685 subscribers to the Big Ticket.

The Division will continue to offer a wide variety of content featuring the best speakers and materials possible in live, live webcast, and on-demand options for maximum convenience to Bar members statewide.

The Division has hired three new employees: Katie Montgomery as Registration/Publications Coordinator, Shelby Sheldon as Publications Manager and Maggie Macklen as Publications/Administrative Coordinator.

### **CLE Publications**

The following titles were published from January – April:

- *The SC Consumer Protection Code 2021 Cumulative Supplement*
- *SC Family Law Mediation: A Guide for Attorneys and Mediators*

One title is currently at the printer, and four active formatting and editing projects are underway.

Book sales from events and vendor opportunities:

- Sales from the 2022 SC Bar Convention grossed approximately \$8,500.
- 2022 Greenville County Bar CLE grossed approximately \$2,700.

### **Convention**

The 2022 Convention was held January 20-23 at Greenville Hyatt Regency with 866 attendees (judges, attorneys, speakers, guests, and exhibitors) after COVID and weather-related cancelations and transfers to other CLE programs.

- 26 seminars (including an add on one-hour substance abuse/mental health program this year) with 160+ speakers, some of which were virtual.
- 31 Exhibitors; 27 Sponsors (corporate and law firm).

- The 2023 Convention will be January 19-22 at Columbia Metropolitan Convention Center.
- The Conventions Committee met March 25. Discussions included:
    - CLE Seminar Election to Conduct Seminar forms are due to CLE staff by May 20.
    - Sections/Committees are encouraged to include diverse speakers and ethics topics.
    - Having a keynote speaker for the 2023 Convention.
    - Future Convention dates and locations.

## **Government Affairs**

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. It also serves as a resource for South Carolina's lawyer legislators. The legislative session began on January 11, 2022. While both House and Senate are meeting regularly on the floor, both Judiciary committees have been meeting less regularly until recently. House Ways and Means has passed a budget that included funding for the SC Law Institute at the USC School of Law which is being reconstituted to study and vet all the uniform law bills introduced in South Carolina. The Senate debated the budget on the floor the week of April 25.

The General Assembly conducted judicial elections on February 2. Justice Kaye Hearn was re-elected for a six-month term. Judge Bruce Williams was elected to serve as Chief Judge of the Court of Appeals. Judge Gary Hill was re-elected to another term on the Court of Appeals. New judges elected on Feb. 2 include Heath Taylor, 1<sup>st</sup> Circuit Circuit Court; Daniel Coble, 5<sup>th</sup> Circuit Circuit Court; Michael Murphy, 1<sup>st</sup> Circuit Family Court; Eugene Warr, 4<sup>th</sup> Circuit Family Court; Holly Wall, 12<sup>th</sup> Circuit Family Court and Melissa Frazer, 15<sup>th</sup> Circuit Family Court.

The Government Affairs division has announced that Marla Wood joined the Bar staff as the Membership Services Program Coordinator on February 16.

The House of Representatives is up for election this year. Primary elections will be held on June 14. Speaker James H. "Jay" Lucas from Hartsville has announced he will not run again as has Rep. Russell Fry of Myrtle Beach. Rep. Murrell Smith was elected as Speaker of the House on April 28.

## **Lawyers Helping Lawyers**

Beth Padgett spoke on a panel at the 14th Annual Law and Society Symposium at the Charleston School of Law in February.

Outreach coordinator Michael Abro has presented 10 CLEs since January. She has presented a lecture on vicarious trauma and a presentation on the Character and Fitness process with Beth Padgett for Judge Harrington's Externship class at Charleston School of Law.

Michael Abro coordinated Mental Health First Aid workshops at four locations across the state, including Charleston School of Law. There is one scheduled for August at the USC School of Law and Charleston School of Law.

Beth Padgett completed the Mindfulness Stress Management series at Charleston School of Law, offering classes on each Monday in February. The series was well-attended.

Beth and Michael developed a Stress and Burnout Engagement Group curriculum for use in various legal environments across the state. The first group is in process at CSOL. Michael is leading the group for the

first eight weekly sessions and will turn it over to student leaders once those sessions are completed. Beth and Michael will continue to be available for any assistance as needed. The sessions have been well-attended, and feedback has been positive. Two students have taken over lead of the group and are doing well.

Beth kept office hours at both law schools during spring semester for those who need referrals, support, or assistance with Character and Fitness reviews.

William Koontz, a rising 3L at USC Law School, has begun an internship with LHL.

New clients for Character and Fitness have begun coming during the month of April.

LHL is currently interviewing to fill its first administrative position.

### **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 H. Cothran along with Manager Donald Lanier and Coordinator Marian Kirk carry out the statewide programs and since last May have organized the following programs:

**In General:** The LRE Division updated the virtual Mock Trial competitions with improvements for a second year of implementation. As a result, detailed virtual rules were updated; online forms were enhanced; and Zoom trainings continued for Virtual Room Hosts, teachers, and judges. While virtual participation was lower than normal, 48 schools participated in the virtual Mock Trials and 9 schools participated in the *We the People* competition. In addition to adapting the Mock Trial program to be performed virtually for a second year, the LRE staff updated a portion of the Mock Trial Coaches' Manual.

**Middle School Mock Trial:** The virtual competition was held in November with 14 teams competing. The 2021 Regional Winner was J.E.T. Middle School in Edgefield County and the first runner-up was Dent Middle School. There were 65 volunteer judges and 16 attorney coaches.

**High School Mock Trial:** Three regional competitions were held virtually with 34 teams. Twelve teams were announced as advancing to the second virtual state competition. Strom Thurmond High School won their ninth state championship title, and Carolina Forest High School won first runner-up for a second year in a row. There were 191 volunteers and 59 attorney coaches. Strom Thurmond High School will be formally presented with their awards and the Westbrook Traveling cup on May 16.

**We the People: The Citizen and the Constitution:** Nine schools competed in the second virtual competition in December 2021. Donald assisted several states as they prepared for their virtual *We the People* competitions. River Bluff High School won its fifth State Championship title. However, the team elected not to participate in the National Finals in April 2022, due to the challenges of competing virtually. The first runner-up was Wilson Hall. The Middle School State champion was Palmetto Academy of Myrtle Beach for a second year in a row and the first runner-up was Southeast Middle School.

**SC Supreme Court Institute for Teachers:** The 2022 SC Supreme Court for Teachers Institute, usually held in the summer, was cancelled again this year due to a rise in COVID-19 numbers at the time the decision



needed to be made for the 2022 Institute. LRE and the Supreme Court Liaison, Jason Bobertz, plan to work on a new model for the Institute to implement in-person for 2023.

**Awards and Scholarships:** The LRE Awards Committee met in April. Eight Mock Trial Scholarships and one *We the People* Scholarship was awarded. In addition to scholarships the following awards were presented:

LRE Middle School Teacher of the Year:	Preston Pearman – Blythewood Middle
LRE High School Teacher of the Year:	Chuck Nicholas – Bob Jones Academy
LRE Lawyer of the Year:	Margaret “Peg” Fox
LRE Citizen of the Year:	Dr. Joseph Stewart
LRE Legacy Award:	Georgia Holley and Laurie Humphrey

**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.

### Media and IT Services

- Webcast/Broadcast/Provide A/V support for 20 plus CLE seminars including the 2022 SC Bar Convention, Memory Hold the Door, Hilton Head County Bar CLE, and American Board of Trial Advocates
- Taped/edited Mentoring videos
- Taped/edited over 20 videos highlighting new publications
- Helped YLD Youth Protection program by streaming Zoom interface to schools
- Met with Peach (our third-party streaming/OnDemand partner) about ways to post OnDemand programs faster
- Continued to monitor and update all Bar systems and applications

### Membership Services

**Leadership Academy** – Fourteen graduates will be recognized at the May House of Delegates meeting.

There have been 73 new SC Bar admittees since January, and the first in-person swearing in ceremony in two years will be held on May 16.

The Board of Governors sponsored local bar meetings in Edgefield and Laurens. Another is planned for Conway in September.

House of Delegates – Delegates from Odd Circuits and Out-of-State Delegates have been elected for the new fiscal year beginning July 1.

The **Memory Hold the Door** ceremony was held on April 8 at the USC School of Law. The Committee honored 12 Bar members. Bios and photos can be viewed on the Bar website and in the May *SC Lawyer* magazine.

**iCivics** – Lawyers are visiting schools in Columbia and Charleston on May 5.

Membership Services staff has overseen some building repairs and procured estimates for several necessary capital improvements.

**Paralegal Certification Program** – There are currently 78 SC Certified Paralegals. The Board for Paralegal Certification has met with the Access to Justice Commission and the Court and is working on proposals for expanded roles.

Membership Services Staff assisted with the reception honoring Chief Judge H Bruce Williams following his investiture on May 4.

Membership Services Director serves as Chair of the Scholarship Committee of the National Association of Bar Executives and the YLD and Diversity Coordinator serves as its Chair of the Diversity Committee.

## **Practice Management Assistance Program**

PMAP Director Courtney Troutman assisted lawyers with practice management related questions, including opening and closing a practice, succession planning and retirement, assisting family and other lawyers in situation where a lawyer died, partnership dissolutions, choosing and using law office technology, internet fraud, insurance, trust accounting, internet marketing, and more through Zoom, phone, and email. The director planned a SA/MH CLE held February 21 and began planning a full day tech and practice management CLE for the Solo and Small Firm Section. The director authored the Bar Bytes column, solicited other authors, and edited contributions for Bar Bytes. The director continued to moderate the Solo and Small Firm listserv. The director continued work on the ABA Law Practice Division's Ethics and Professionalism committee including a project for succession planning education.

Numerous free law office specific management or technology webinars were posted on the PMAP Webinars page. The PMAP assistant oversaw large Bar Book Exchange donations of used law books and assisted with numerous research projects for PMAP, drafted and shared regular tips for e-Blast and Twitter and managed the Lending Library. The PMAP team took part in twice monthly virtual technology product demonstrations from vendors and Practice Management Advisors of North America meetings, and attended a number of virtual CLEs, including ABA TECHSHOW.

**Fastcase** – PMAP staff answered member questions, provided Fastcase tips through social media and training webinars, worked with Communications staff to promote Fastcase to members, and coordinated with Fastcase on quality control and marketing.

## **Pro Bono Program**

### **COVID-19 Pro Bono Hotline**

The COVID-19 Pro Bono Hotline was deactivated. Nearly 1,000 messages were left on the hotline since it went live in April 2020. The calls were returned by Pro Bono Program staff and USC School of Law students. Assistance was provided to many of the callers by Pro Bono Program volunteers and South Carolina Legal Services staff.

### **Palmetto Volunteer Lawyer Project**

The Palmetto Volunteer Lawyer Project continues to be available for Bar members to review available pro bono cases online. 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 post cases on the site. By partnering with organizations around the state, the Palmetto Volunteer Lawyer Project brings attention to the organizations and their needs for

pro bono attorneys and provides a wide selection of pro bono opportunities to Bar members.

The Palmetto Volunteer Lawyer Project 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. 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 available cases.

### **Pro Bono Calls/Referrals**

The Pro Bono Program has seen a significant increase in the number of calls received. The average number has increased from 300 calls to 375 per month. In 2021, South Carolina Bar members accepted referral of approximately 64 pro bono cases.

### **South Carolina Supreme Court Honor Roll**

The SC Supreme Court published the 2021 Pro Bono Honor Roll with 322 names of SC Bar members. The Bar in partnership with the Supreme Court issued a joint news release about the honor roll in February 2021 that resulted in coverage across the state.

### **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 by way of the Palmetto Leader bus. Clinics have been held in Union and Kingstree and one will be held in Barnwell in May. Not only has the bus allowed for further outreach to clients, but it has also allowed SC Bar members in these locations an opportunity to provide pro bono legal assistance.

### **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 resumed having Free Legal Answers Blitzes with the USC School of Law students and had one with the Lexington County Bar Association. The American Bar Association recognized 5 individual attorneys and 2 law firms for answering 50 or more questions on Free Legal Answers in 2021. Those attorneys and firms received certificates and digital badges and have also been recognized by the Bar's Communications Division during Volunteer Appreciation Month.

### **Family Court Summit**

The Family Court Summit on self-represented litigants was held on March 18, 2022. Chief Justice Beatty designated a family court judge from each circuit to attend and clerks of court or their staff from most counties were present. Representatives from many organizations around the state that provide assistance in family court matters were also in attendance. There was great discussion about challenges the judges and clerks are facing with self-represented litigants and many good ideas exchanged about how to make the process more efficient. A report is being prepared for submission to Chief Justice Beatty. The Chief Justice has already taken steps to address some of the issues raised. Participants suggested several changes to forms and to the SRL divorce packet. The Chief Justice has reached out to the family court judges and clerks in attendance and asked them to submit proposed changes to the forms. Another issue that was raised by the clerks is the difficulty in determining what constitutes legal advice when speaking with self-represented litigants. The Chief Justice has asked Court Administration to look at manuals from

other states to determine what guidance can be provided to clerks of court to distinguish between legal information and legal advice. Efforts will continue to be made to implement many of the suggestions made at the summit.

## **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, the Law School for Non-Lawyers programs, the Client Assistance Program, the Resolution of Fee Disputes Board, the Lawyers' Fund for Client Protection Program, and the Lawyer Referral Service.

**Law School for Non-Lawyers** – Florence, Darlington and Orangeburg Calhoun Technical College cancelled their sessions due to low enrollment. Piedmont Technical College moved forward with a small class. The staff is currently scheduling for the fall for sessions at Aiken Technical College, Horry Georgetown Technical College, York Technical College, Tri-County Technical College, and Greenville Technical College.

**A total of 78 free, educational legal clinics** are currently scheduled for the fall. All are scheduled for libraries in Horry, Kershaw, Marion, Lexington, Charleston, Florence, Dorchester, and Berkeley counties. Staff is currently recruiting speakers.

The **Resolution of Fee Disputes Board** currently has 83 cases pending. Stephen Cox is the new chair for the 16<sup>th</sup> circuit. Sonny Barnes is retiring as the chair of the 12<sup>th</sup> circuit. Petition for rules changes is before the Supreme Court.

The **Lawyers' Fund for Client Protection Program** currently has 74 pending claims. Staff continue to work on revisions to the procedural rules and Rule 411.

Public Services staff are working with Jeremy Frazier to identify a software that will allow the Client Assistance Program, the Resolution of Fee Disputes Board and Lawyers Fund for Client Protection Program to keep a central database of claims/complaints. A potential program has been identified and is in a testing phase.

The **Lawyer Referral Service** – Jane Manion retired as LRS operator April 29. Barbara Areheart has been hired as the new LRS Operator. Staff worked with IT to move the initial application for membership on the service to a DocuSign format.

The Public Services Director presented training on advance directives for the staff at Saluda Nursing and Rehab Center. She continues to work with the Elder Law Committee on revisions to the Health Care Power of Attorney, living will and cremation statute. Proposals for revisions are expected to be presented to the House of Delegates in January 2023.

The Public Services Division shipped copies of the South Carolina Senior Citizens' Handbook to all probate courts in the state. It also distributed 100 cases of the handbook to the SC Department on Aging.

## **Risk Management and Mentoring Program**

The Ethics Hotline has received approximately 280 emails and calls since January 1.

Director Nichole Davis's presentations since January include:

- *Tips on Keeping Your Trust Account in Order* - Fidelity National Title
- *Cultural Competence and Ethics* - SC Commission on Prosecution Coordination
- *Why Mentoring is Essential to Leadership* - SC Bar Leadership Academy
- *Mentoring is a Tool for Success* – The Coastal Inn of Court
- *Back to Basics: An Ethics Overview* - Rule 425 Mentoring Day Program

Nichole served as course planner for the half-day CLE “Fireworks and Flameouts: Strategies and Resources for When Things Get Real on the Practice of Law.”

The Risk Management Division hired a new law clerk, DeKiah Baxter.

### **Mentoring**

Active participation in the Lawyer Mentoring Program (LMP) has increased.

The LMP has a new logo.

The LMP hosted a Speed Mentoring Breakfast at Bar Convention and co-hosted a Speed Mentoring Breakfast at Charleston School of Law.

The LMP also hosted a Rule 425 Mentoring Day event at the SC Bar Conference Center. The program included an SC Free Legal Answers segment and an ethics CLE.

## **Committees, Divisions and Sections**

### **Diversity Committee**

The committee will hold a joint event with the SC Chamber in Charleston on May 3. Its Pipeline Subcommittee organized and presented the Lawbound program at Columbia High School on April 22.

The committee met and heard a presentation regarding results from the SC Bar Membership Survey on April 26.

### **Elder Law Committee**

The committee launched its monthly newsletter to stakeholders in the health, human services, and non-profit sectors.

### **Ethics Advisory Committee**

The committee has published three opinions so far this year. They can be found at [www.scbarethics.org](http://www.scbarethics.org).

### **Judicial Independence and Impartiality Committee**

The committee continues to monitor news stories and commentaries, and meets monthly.

### **In-House Counsel Committee**

The committee is partnering with the SC Chapter of the Association of Corporate Counsel for a networking event, and a directory of SC In-House Counsel is being compiled.

**Intellectual Property and Innovation Committee**

The committee met in February and March.

**Professional Liability Committee**

The committee has approved the recommendation of two insurance companies to the list of preferred providers: Amity and Protexure.

**Professional Responsibility Committee**

The committee has three active subcommittees that are working on proposals.

**Technology Committee**

The committee met in February.

**Wellness Committee**

The committee took part in Well-Being in Law Week with features and tips shared via Bar social media and digital channels the first week in May.

**The Unauthorized Practice of Law Committee**

The committee is working on getting the UPL Commission proposal back to the Supreme Court. The Committee also worked on a joint proposal with the Professional Responsibility Committee on Rule 5.5 revisions.

**Senior Lawyers Division**

Members of the Senior Lawyer Division continue to volunteer at pro bono events. The Division's Wellness Committee is sponsoring a step challenge and is distributing pedometers. Prizes will be awarded. 26 Division members have been trained as Lawyer Assistant Program volunteers. The Division has planned a trip to Scotland with 26 attendees.

**Young Lawyers Division**

The 4<sup>th</sup> Circuit held an event at the Darlington Racetrack. Cinderella Project boutiques were hosted in Columbia, Charleston, Orangeburg, Greenville, and Anderson.

**Supreme Court's Commission on Alternative Dispute Resolution**

**Members** met on April 29. The Neutral Training Commission and the Certification Board met three times, with more to follow, to work on revisions to the ADR certification and training requirements. A survey was sent to all Clerks of Court to gather data about the preferred method of filing proof of ADR.

The **Civil Rights Section** has elected officers and is working on CLE projects.

The **Dispute Resolution Section** elected new officers in January at the Bar Convention. Section Council meets the first Thursday of the month via Zoom. It is currently working on its programming for the 2023 SC Bar Convention. The Section is working with the Bar IT division to move the initial mediator certification application to DocuSign.

**The Solo & Small Firm Section** council met in January and April.



## MEMORANDUM

**TO:** House of Delegates  
**FROM:** Guy J. Vitetta, Practice and Procedure Committee  
**DATE:** May 12, 2012  
**RE:** Amendment of Rule 3, South Carolina Rules of Civil Procedure

The Committee was approached by members of the Bar concerned that the rules for the determination of indigence in applications for *in forma pauperis* proceedings in a civil action are not clear and did not provide proper guidance to the courts when ruling on such applications. Members saw disparate rulings in such applications around the state and thus the need for a uniform rule.

The proposed rule amendment would require create a presumption of indigence if the plaintiff's net family income is less than or equal to the Poverty Guidelines established and revised annually by the United States Department of Health and Human Services and published in the Federal Register.

This rule revision tracks similar language used for determining indigency in Rule 602, SCACR, and Rule 608, SCACR.

The Committee believes this rule revision will be helpful to our courts by providing uniform standards that will be applied throughout our state in all applications for *in forma pauperis*.



### **Rule 3: Commencement of Action**

**(a) Commencement of civil action.** A civil action is commenced when the summons and complaint are filed with the clerk of court if:

- (1) the summons and complaint are served within the statute of limitations in any manner prescribed by law; or
- (2) if not served within the statute of limitations, actual service must be accomplished not later than one hundred twenty days after filing.

**(b) Filing *In Forma Pauperis*.**

- (1) Except as provided in (2) below, a plaintiff who desires to file an action *in forma pauperis* shall file in the court a motion for leave to proceed *in forma pauperis*, together with the complaint proposed to be filed and an affidavit showing the plaintiff's inability to pay the fee required to file the action. If the motion is granted, the plaintiff may proceed without further application and file the complaint in the court without payment of filing fees.

In making a determination whether the plaintiff is unable to pay the fee required to file the action, all factors concerning the plaintiff's financial condition should be considered including income, debts, assets, and family situation. A presumption that the plaintiff is unable to pay the fee required to file the action shall be created if the plaintiff's net family income is less than or equal to the Poverty Guidelines established and revised annually by the United States Department of Health and Human Services and published in the Federal Register. Net income shall mean gross income minus deductions required by law.

- (2) Where a party is represented in a civil action by an attorney working on behalf of or under the auspices of a legal aid society or a legal services or other nonprofit organization funded in whole or substantial part by funds appropriated by the United States Government or the General Assembly of the State of South Carolina, which has as its primary purpose the furnishing of legal services to indigent persons, or the South Carolina Bar Pro Bono Program, fees related to the filing of the action shall be waived without the necessity of a motion and court approval. Before the filing fees will be waived, the attorney representing the party must file with the clerk a written certification that representation is being provided on behalf of or under the auspices of the society, organization or program, and that the party is unable to pay the filing fees.

#### **Note to 2021 Amendment:**

This amendment added language to subsection (a) to provide guidance and create uniformity regarding who may proceed *in forma pauperis*. The language tracks that used for determining indigency in Rule 602, SCACR, and Rule 608, SCACR.



## MEMORANDUM

**TO:** HOUSE OF DELEGATES  
**FROM:** Guy J. Vitetta, Practice and Procedure  
**RE:** Proposed Rule 71.2 SCRC. Remote Communication Technology for Trial Court Hearings and Proceedings.  
**Date:** May 12, 2022

COVID has been a tragedy affecting every living person on Earth. It seemed to appear out of nowhere and in short order crippled our communities. We have had to make decisions regarding public safety quickly and based upon constantly changing facts in order to keep our public institutions operating.

As in all things, the bad contained a little bit of good. Lawyers were forced to make accommodations to protect our fellow citizens from a deadly virus while ensuring that our courts remained open to administer justice. The Supreme Court took the first step in enacting these new procedures in their emergency rule of April 2020. Over the next two years, we refined these rules and became familiar with the use of remote technology.

Shannon Chandler and Guy Vitetta of Practice and Produce drafted a proposed rule last year permitting the continued use of virtual hearing with the consent of all parties and the court. Amie Clifford of the Trial and Appellate Section became involved and revised Shannon and Guy's initial drafting with the rule being proposed today.

The Rule 71.2 would create uniform standards for the continued use of remote technology upon expiration of the current emergency. The procedures in Rule 71.2 are voluntary and are used only with the consent of all parties and the court.

The Appellate and Trial Advocacy Section is not opposed to our proposal, and the Family Law Section Counsel specifically endorsed our proposal. In addition, I polled the members of Family Law, Trial and Appellate Solo and Small Firm Sections. I received 11 responses all of which were supportive.

In summary, we have all spent the last two years learning how to maintain the administration of justice during a global emergency, and we have done very well. Remote technology has not just kept our courts running throughout the state of emergency. As we have all experienced, the use of remote technology has also had a positive impact on litigants and improved the quality of our practices and our lives.

As much as we would wish otherwise, we will have another emergency at some point in the future. We have spent two years learning how to efficiently run the courts during a global pandemic by using remote technology. Practice and Procedure believes we should formalize this rule, keep it in place for future emergencies, and continue use and develop remote technology as is necessary and agreed upon.

## **Proposed Rule 71.2 SCRPC. Remote Communication Technology**

### **A. Definitions.** For the purpose of this rule, the following definitions shall apply.

- (1) **Judge:** a judge of the circuit court, family court, and probate court, including masters-in-equity and special referees.
- (2) **Remote Communication Technology (RCT):** technology such as video conferencing and teleconferencing which allows audio and/or video to be shared at differing locations in real time. This can range from a telephone call or conference call which provides only audio to sophisticated software products like WebEx, Zoom or Microsoft Teams which allows both audio and video to be shared. When this order refers to using RCT, Enhanced Remote Communication Technology (ERCT) may be used instead.
- (3) **Enhanced Remote Communication Technology (ERCT):** a form of RCT such as WebEx, Zoom and Microsoft Teams which allows audio and video to be shared at differing locations in real time. When this order indicates ERCT is to be used, that form of RCT must be used.
- (4) **Trial Court:** The circuit court (including masters-in-equity court), family court, and probate court, when hearing non-criminal matters.

### **B. General Guidance Regarding Use of RCT.**

- (1) **Discretion of Judges.** Except as otherwise provided herein, the decision to allow RCT to be used rests in the discretion of the judge and with the consent of the parties. A judge may order a party's personal appearance in court for any hearing.
- (2) **Public Access.** If a hearing, trial or other court proceeding is of a nature that it would normally be open to the public, the judge shall take reasonable measures to provide public access to the portion of the proceeding that is conducted using RCT.
- (3) **Use of ERCT.** Even when the use of ERCT, an enhanced form of RCT, is not required by this order, courts shall consider using ERCT when the ability to both see and hear the persons participating remotely will assist in reaching a resolution of the matter under consideration.
- (4) **Recording Remote Proceedings.** Other than the judge or court staff assisting the judge, no person shall record any court proceedings which are conducted using RCT except when the recording is authorized by the judge under Rule 605, SCACR.

- (5) **Conducting Remote Proceedings to Facilitate Transcript Preparation in Courts of Record.** Where a court reporter or court monitor is unavailable, the judge shall conduct the RCT proceedings in a manner that will allow a court reporter to create a transcript at a later date. This would include, but is not limited to, making sure the names and spelling of all of the persons speaking or testifying are placed on the record; ensuring exhibits or other documents referred to are clearly identified and properly marked; controlling the proceeding so that multiple persons do not speak at the same time; and noting on the record the start times and the time of any recess or adjournment.
- (6) **Remote Administration of Oaths.** Where this order authorizes a hearing, trial or other matter to be conducted by RCT, any oath necessary during that hearing, trial or other matter may be administered using RCT. While it is preferable that the person administering the oath have both audio and visual communication with the person taking the oath, the oath may be administered if only audio communication is available, provided the person administering the oath can reasonably verify the identity of the person taking the oath. Notaries who are authorized to administer oaths may administer oaths utilizing RCT in the case of depositions. Nothing in this order shall be construed as authorizing remote administration of oaths for any other purpose than those contained in this order. For the purpose of this provision, the term "oath" includes an affirmation.
- (7) **Effect of Remote Proceedings; Direct Contempt.** Proceedings conducted using RCT shall have the same effect as if all of the participants had been physically present in the courtroom. For the purpose of any direct contempt, a person participating by RCT shall be deemed to be in the presence of the judge.
- (8) **Exhibits.** In the event an exhibit is to be introduced during the course of a proceeding conducted using RCT, the party introducing the exhibit shall ensure the judge, the other parties and counsel, and any court reporter all have a copy of the exhibit prior to the time it is introduced. This copy may be provided in paper or electronically. Nothing in this order shall be construed as preventing a judge from requiring the original of an exhibit to be presented to the court, made a part of the record, or, when appropriate, made available to the other parties and counsel for purposes of examination prior to any proceeding.

**C. Matters available for RCT and ERCT:**

- (1) Preliminary proceedings.
- (a) Proceedings Not Involving the Testimony of Witnesses

The decision to allow RCT or ERCT to be used rests for preliminary proceedings, including status conferences and motion hearings that do not involve the testimony of witnesses, is left to the sound discretion of the judge.

(b) Proceedings Involving the Testimony of Witnesses

- i. If all the parties consent, the judge may allow a proceeding to be conducted in whole or part using RCT or ERCT. The consent shall be placed on the record.
- ii. Without the consent of all parties, a judge may, upon motion, allow a witness to appear by ERCT if the Court finds there is an adequate justification for allowing the witness to testify by ERCT.

**(2) Jury Trials.**

- (a) With the consent of all parties, the judge may allow a witness to testify using ERCT. The consent shall be placed on the record.
- (b) Without the consent of all parties, a judge may, upon motion, allow a witness to testify using ERCT if the judge finds there is sufficient justification to do so.

**(3) Non-Jury Trials.**

- (a) If all the parties consent, the judge may allow a non-jury trial to be conducted in whole or part using RCT or ERCT. The consent shall be placed on the record.
- (b) Without the consent of all parties, a judge may, upon motion, allow a witness to appear by ERCT if the Court finds there is an adequate justification for allowing the witness to testify by ERCT.

**D. Confidential Attorney-Client Communication.** Provision shall be made to preserve the confidentiality of attorney-client communications and privilege in accordance with South Carolina law.

**E. Witnesses.** Any party desiring to call a witness by video conference shall file a notice of intention to present testimony by video conference at such time as to provide reasonable notice to all parties prior to the date of such testimony. Objections, if any, to a notice of intention to present testimony by video conference shall be filed at such time, prior to the date of such testimony, as to provide reasonable notice to all other parties. The discretion to allow testimony via video conference shall rest with the trial judge.

- F. **Recording of Hearings.** A record of any proceedings conducted by video conference shall be made in the same manner as all such similar proceedings not conducted by video conference. That portion of the proceedings conducted by video conference may be recorded by an audio-visual recording system and such recording shall be part of the record of the case and transmitted to courts of appeal as if part of a transcript. Proceedings shall be conducted in a manner that will allow a court reporter to create a transcript at a later date.
- G. **Technical Standards.** Any video-conferencing system utilized under this rule must conform to the following minimum requirements:
- (1) All participants must be able to see, hear, and communicate with each other simultaneously;
  - (2)
  - (3) All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, either by video, facsimile, or other method; and
  - (4) Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications.





## PR Committee Proposal to Amend Rule 5.5

The subcommittee proposes the following (redline) addition to Comment 4 to Rule 5.5:

### **Proposed Change**

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

Comment:

[4] Other than as authorized by law or this Rule, a lawyer who is not admitted to practice generally in this jurisdiction violates paragraph (b)(1) if the lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the lawyer is not physically present here. Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. See also Rules 7.1(a) and 7.5(b). On the other hand, a lawyer admitted in another jurisdiction does not establish a presence in this jurisdiction for the practice of law when the lawyer is physically located in this jurisdiction, temporarily or permanently, if the lawyer's work is limited to that which the lawyer is authorized to perform by the jurisdiction in which the lawyer is admitted and the lawyer does not hold out to the public that the lawyer has a professional presence in this jurisdiction.

### **Rationale**

The proposal is intended to address the increasing popularity of remote work across state lines. More and more lawyers are choosing to live in a state where they are not licensed and work from home through a firm located in another state where they are licensed. Approximately a dozen states plus the District of Columbia currently allow it with some restrictions. Arizona, Minnesota, New Hampshire, North Carolina, and Ohio allow it under explicit exceptions within Rule 5.5. Colorado similarly allows it by rule but on a temporary basis only, excluding lawyers domiciled there. Florida, Maine, New Jersey, Utah, Virginia, the District of Columbia, and the ABA have issued advisory opinions allowing it without amendments to Rule 5.5.

The common restrictions are 1) that the lawyer does not advertise in the home state (i.e. their presence is professionally “invisible”), and 2) that the lawyer’s work is limited either to exclude home state clients and matters or to include only work in the lawyer’s state of licensure. For example, Ohio’s Rule 5.5 allows it as long as the lawyer does not appear in court, “hold out” as admitted in Ohio, or solicit Ohio clients, and all public use of the lawyer’s name includes a disclaimer; Arizona’s Rule 5.5 allows it as long as the lawyer’s work does not involve Arizona law and each client gives informed consent; North Carolina’s Rule 5.5 allows it as long as the lawyer’s work is limited to federal law or the law of the jurisdiction in which the lawyer is admitted; and Connecticut’s Rule 5.5 excludes physical presence as a factor as long as the lawyer’s work is authorized by the state of licensure.

The rationale for allowing remote work is well summarized in the following passage from the New York State Bar Professional Responsibility Committee’s report on November 5, 2021, proposing a new exception within Rule 5.5:

To take the view that, say, Connecticut or New Jersey lawyers working from their residence in New York on Connecticut or New Jersey matters are engaged in the unauthorized practice of law in New York would be to discourage such lawyers from residing in this State, with all of the revenue and other benefits such residence brings to this State. It would also ignore the growing reality of “work from home” situations in law practice and a variety of other industries. Further, the New York rules against unauthorized practice are primarily designed to protect the New York public, and the public is not put at risk when lawyers happen to be working remotely from their New York residence while practicing law in other jurisdictions.

Similarly, many New York lawyers reside in adjoining states, such as Connecticut and New Jersey. Although we do not believe that New York considers those lawyers to be engaged in the unauthorized practice of law every time they cross the New York border to return home, our hope is that clarifying New York’s position will encourage such other states to reciprocate and thus provide similar comfort that New York lawyers need not fear that working from their homes in such states will result in liability for unauthorized practice of law claims.

Most recently, Florida codified its Ethics Advisory Opinion earlier this year, following the ABA approach. Rather than adding a new exception to the rule, Florida added a comment to Rule 5.5 explaining that this kind of “invisible” remote work from home does not violate the Rule 5.5(b) prohibition (and thus does not require an explicit exception) because it is not a “systematic and continuous presence for the practice of law,” whereas a professional office with signage or other home-state advertising would be.

The subcommittee voted unanimously to follow the ABA/Florida approach and add the comment shown above. It is consistent with some broader precedent in South Carolina that “[i]t is the *character* of the services rendered, not *where* they are rendered, which determines whether the acts constitute the practice of law.” *In re Peebles*, 297 S.C. 36, 41, 374 S.E.2d 674, 677 (1988), *citing State ex rel. Daniel v. Wells*, 191 S.C. 468, 5 S.E.2d 181 (1939) (emphasis in original).

This proposal departs from the Florida comment in a few minor but important ways. We added the language “temporarily or permanently” in response to concerns from some Florida lawyers that its language allows out-of-state lawyers to reside permanently in Florida but arguably does not allow temporary work. We also opted not to limit the lawyer’s work either narrowly to only licensure-state clients and matters or more broadly to simply exclude South Carolina clients and matters. Instead we chose language limiting the lawyer’s work to “that which the lawyer is authorized to perform by the jurisdiction in which the lawyer is admitted.” This would allow lawyers to work on multi-state matters and would not create any broader authorization under South Carolina’s rules than the rules of the state of licensure. The Florida approach also requires the lawyer to have an “employer” in the licensure state. This creates a problem for an out-of-state lawyer working for a multi-state firm that also has an office in South Carolina—a circumstance that should not operate to exclude the lawyer from remote work. Lastly, the Florida comment prohibits both the lawyer and the lawyer’s firm from holding out as having a presence in the home state. The subcommittee felt that naming the firm in that part of the comment is unnecessary because naming only the lawyer would nevertheless extend the prohibition to anyone acting on the lawyer’s behalf by virtue of Rules 8.4(a), 5.1, and 5.3.



TO: House of Delegates

FR: Shaheena R. Bennett, Secretary

DT: May, 2022

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 Mary Sharp. **The House needs to elect two delegates from Judicial Region I, and one delegate from Judicial Region IV.**

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, 2022.

	<u>Delegate</u>		<u>Term ends</u>
Region I	<b>Seat to be filled</b>		<b>2025</b>
	<b>Seat to be filled</b>		<b>2025</b>
Region II	Teckla S. Henderson	Blythewood	2023
	Robert E. Tyson, Jr.	Columbia	2024
Region III	Martin Driggers, Jr.	Hartsville	2023
	David B. Miller	Myrtle Beach	2024
Region IV	<b>Seat to be filled</b>		<b>2025</b>
	Shawan Gillians	Moncks Corner	2023

**JUDICIAL REGION I (Judicial Circuits 7, 10, 13, 16) Two seats to be filled.**

(Cherokee, Spartanburg, Anderson, Oconee, Greenville, Pickens, York, Union)

*Robert Scott Dover, Pickens**Term expires June 30, 2022**Sheally Venus Poe, Fountain Inn**Term expires June 30, 2022*

Samuel R. Bass, II	Spartanburg	William E. Grove	Greenville
Natalie Blythe Bialas	Greenville	Sean Joseph Hinton	Pickens
Kristine J. Braswell-Amin	Greenville	Jonathan W. Lounsberry	Spartanburg
John F. Connell, Jr.	Greenville	Elizabeth H. McFarland	Spartanburg
Westley P. Cox	Williamston	S. Leslie McIntosh	Anderson
Stephen David Dluzneski	Rock Hill	Meredith Brooks Moss	Gaffney
Walter George Dusky	Fort Mill	Cashida N. C. Okeke	Greenville
Frank L. Eppes	Greenville	Ross Buchanan Plyler	Greenville
Ashley R. Forbes	Greenville	N. Gruber Sires	Seneca
Allen O. Fretwell	Greenville	Reid T. Sherard	Greenville
Michael F. Gillen	Rock Hill	Krystal Watson Smith	Spartanburg
Jack D. Griffeth	Greenville	William M. Wilson, III	Greenville

**JUDICIAL REGION IV (Judicial Circuits 1, 2, 9, 14) One seat to be filled.**

(Calhoun, Dorchester, Orangeburg, Aiken, Bamberg, Barnwell, Berkeley, Charleston, Allendale, Beaufort, Colleton, Jasper, Hampton)

*Cheryl D. Shoun,**Term expires June 30, 2022*

Shedricka T. Anderson	Moncks Corner	Catherine Mubarak-Hunter	Orangeburg
Maria S. Averill	Daniel Island	Adam C. Ness	Bamberg
Jacob S. Barker	Charleston	I. Ryan Neville	Charleston
Mark S. Berglind	Bluffton	Elizabeth F. Nicholson	Charleston
Matthew M. Billingsley	N. Charleston	Benjamin R. Pogue, III	Charleston
Derek M. Bush	Aiken	Edward K. Pritchard, III	Charleston
Lee Deer Cope	Hampton	F. Elliotte Quinn, IV	Summerville
Megan Hunt Dell	Charleston	John E. Robinson	Charleston
John J. Dodds, IV	Charleston	John E. Rosen	Folly Beach
Megan Sarah Ehrlich	Charleston	Martha Kent Runey	Charleston
F. Cordes Ford, IV	Charleston	Nancy Doherty Sadler	Beaufort
Debra J. Gammons	Charleston	Megan Finch Stevens	Mt. Pleasant
Justin S. Kahn	Charleston	Randell Croft Stoney, III	Charleston
Tameaka A. Legette	Walterboro	Robert E. Sumner, IV	Charleston
Karla C. Martinez Lainez	N. Charleston	David L. Tedder	Beaufort
Joseph S. Mendelsohn	Charleston	Stephanie van der Horst	Charleston
Elizabeth Fulton Morrison	Mt. Pleasant	David W. Wolf	Charleston



TO: House of Delegates  
FR: Russell T. Infinger, Treasurer  
DT: April 2022  
RE: Proposed Budgets for FY 22-23

Attached are the proposed budgets for the next fiscal year. They project a decrease in Bar funds of \$286,700 and an increase in CLE Division funds of \$181,500. The budget contemplates receipt of IOLTA grants which will cover much but not all the cost of the Ask a Lawyer and Law Related Education programs. The budget also contemplates use of the voluntary Indigent Service Fee and a grant from the S.C. Bar Foundation to cover much of the cost of the Pro Bono Program.

A brief explanation of some of the budget items follows.

#### Bar Revenues

License Fees: The Bar expects to see a modest increase in the coming year.

LRS Percentage Fees: No change anticipated from prior year.

#### Bar Expenses

Salaries: Reflects additional staff and other salary adjustments.

FICA & Benefits: Increase due to increase cost of benefits and increase in salary line.

Buildings: The increase reflects increased cost of utilities and overall maintenance.

Equipment & Software: Increase in overall costs.

Equipment Contracts: Increase in overall costs.

Professional fees: The increase reflects cost of audit and tax returns, CPA, and other professional services.

Young Lawyers Division: No change from prior year.

Membership Services Committees: A decrease is projected.

Lawyers Helping Lawyers: An increase is expected due to continuation of expanded outreach.

#### CLE Revenues

Seminars: Increased revenue anticipated.

Convention: The convention will be in Columbia and increased revenues are expected.

#### CLE Expenses

Salaries: The budget reflects no vacant full-time positions and salary adjustments.

FICA & Employee Benefits: The budget reflects a decrease due to more accurate budgeting.

Convention: Budget reflects the higher costs of hosting the event in Columbia.



	SOUTH CAROLINA BAR FY 22-23 BUDGET PROPOSAL	
	2022-23	
	BUDGET	
<b>REVENUES</b>		
ADR	85,000	
GENERAL FEES	5,000	
INTEREST	21,000	
LAWYERS DESK BOOK	31,500	
LICENSE FEES	4,345,000	
LRS PERCENTAGE FEES	360,000	
LRS SUBSCRIPTION FEES	65,000	
RENTS RECEIVED	107,600	
ROYALTIES	21,000	
SC LAWYER	90,000	
STAFF SUPPORT	74,000	
<b>TOTAL REVENUES</b>	<b>5,205,100</b>	
<b>EXPENSES</b>		
SALARIES	2,356,700	
BENEFITS	719,300	
ADR	9,600	
ASK A LAWYER	17,100	
COMMUNICATIONS	275,900	
DELEGATE EXPENSE	61,950	
DIVERSITY COMMITTEE	20,000	
GENERAL AND ADMIN	752,900	
GOVERNMENT AFFAIRS	56,700	
INFORMATION/TECHNOLOGY	246,000	
LAWYERS HELPING LAWYERS	89,600	
LEADERSHIP ACADEMY	20,000	
LAW RELATED EDUCATION	172,200	
LAWYER REFERRAL SERVICE	120,300	
MEMBERSHIP SERVICES	157,300	
PRACTICE MANAGEMENT	114,300	
PRO BONO	9,700	
RISK MANAGEMENT	35,300	
SENIOR LAWYERS DIVISION	62,300	
YOUNG LAWYERS DIVISION	194,650	
<b>TOTAL EXPENSES</b>	<b>5,491,800</b>	
<b>NET GAIN (LOSS)</b>	<b>(286,700)</b>	
<b>LOSS COVERED BY NET ASSETS</b>	<b>286,700</b>	*
<b>NET GAIN (LOSS)</b>	<b>-</b>	
*Anticipated loss to be covered by grant awards, indigent service fee, and net assets		

	SOUTH CAROLINA BAR CLE FY 22-23 BUDGET PROPOSAL
	2022-23
	BUDGET
REVENUES	
BIG TICKET	250,000
CONVENTION	369,900
PUBLICATIONS	395,000
RENTS RECEIVED	7,000
ROYALTIES	105,000
SEMINARS	1,650,000
<b>TOTAL REVENUES</b>	<b>2,776,900</b>
EXPENSES	
SALARIES	1,013,200
BENEFITS	314,300
CONVENTION	317,700
ECLE	118,400
MEDIA	37,100
PUBLICATIONS	280,900
SEMINARS	513,800
<b>TOTAL EXPENSES</b>	<b>2,595,400</b>
<b>NET GAIN (LOSS)</b>	<b>181,500</b>



**There are no written materials for this item.**