

# Report of the President

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## 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.scbare.org/ethics](http://www.scbare.org/ethics).

### **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.