

**PROPOSAL TO FORM A CIVIL RIGHTS LAW SECTION
OF THE SOUTH CAROLINA BAR**
(Rev. 7-8-2021)

BACKGROUND: In the Fall of 2020, the South Carolina Bar Association stood up a Civil Rights Task Force, for the purpose of exploring how the Bar could address this issue and related substantive practice areas. Prior to standing up the Task Force, approximately 60 Bar members had already expressed interest in participating. The Bar tapped Nekki Shutt to chair the Task Force. Between Bar members who expressed interest and practitioners who work in this area, the Task Force was assembled and currently includes the following Bar members:

1. Andrews, Stuart
2. Bender, Jay
3. Bryant, Christopher James
4. Burke, Lewis
5. Derfner, Armand
6. Dunn, Susan
7. Erickson, Eric
8. Evering, Sidney
9. Hall, Kevin
10. Harrison, Patricia Logan
11. Harvin, Doward Keith
12. Hightower, Kay
13. Mills, J. Christopher
14. Sellers, Bakari
15. Shutt, Nekki
16. Strickland, Judge
17. Washington, Ayesha
18. White, Andrea

The Task Force has met monthly for the last seven months. We have conducted research into what civil rights law groups other state bar associations, the Federal Bar Association, and the American Bar Association have. In the process, the Task Force concluded unanimously to recommend standing up a section for Civil Rights Law. Unlike the Bar's Diversity Committee, which promotes diversity and inclusion generally throughout the Bar, the purpose of the Civil Rights Law Section would be to support and promote the practice of civil rights law in the State of South Carolina.

Task Force Chair Nekki Shutt appeared at the South Carolina Bar's Board of Governor's meeting on June 10, 2021 to present this proposal. The BOG voted unanimously to advance the Task Force's formation of a Section.

Today, we ask the House of Delegates to also approve formation of a Civil Rights Law Section effective August 1, 2021, with initial dues to be paid by January 1, 2022.

The Task Force has prepared the attached draft Bylaws as **Exhibit 1**.

A list of South Carolina Bar members who expressed interest in participating in a civil rights group is attached as well as **Exhibit 2**.

SECTION MISSION: The purpose of this Section shall be to promote and further to support South Carolina practitioners who work in the area of constitutional and civil rights practice and policy, to educate other South Carolina Bar members about these practice areas, to promote these practice areas, and to work with the community at large to identify and address civil rights issues affecting historically-marginalized populations. Constitutional and civil rights practice and policy includes but is not limited to the following areas: (1) criminal justice issues like police misconduct, excessive force, prisoner rights, and similar litigation under 42 U.S.C. § 1983; (2) disabilities and special needs law under the Rehabilitation Act (29 U.S.C. §§ 42 U.S.C. 701-97b) and the Americans with Disabilities Act (42 U.S.C. §§ 12101-12213); (3) education law under Title IX (10 U.S.C. §§ 1681-1688); (4) election law; (5) employment law under Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e to 2000e-17) which includes protection for race, nationality, color, sex, age, religion, disability, sexual orientation, and gender identity; (6) free speech, freedom of the press, and First Amendment law; (7) the Federal Tort Claims Act (28 U.S.C. §§ 2671-2680); (8) healthcare; (9) housing and public accommodations; (10) LGBTQ rights; (11); Native American and tribal rights; (12) privacy law; (13) racial injustice; (14) religious freedoms; (15) poverty; (16) homelessness, (17) treatment of the elderly, and (18) voting rights.

- Organizing CLEs: We already have three CLEs planned for the next 12 months. They include:
 - August 19, 2021 - **Justice Deferred:** Half day CLE built around the new book authored by South Carolina Bar member, Armand Derfner, and Clemson Professor Orville Vernon Burton on race and the U.S. Supreme Court. The book comprehensively charts the Court's race jurisprudence in 200 cases.
 - Fall 2021 – **The Legacy of Justice Ruth Bader Ginsburg:** Full day CLE on her jurisprudence, her work in South Carolina, and her role as a cultural icon. The CLE will feature Judge Nancy Gertner, a retired federal judge who clerked for Justice Ginsburg and whose book on her drops this Fall. Judge Gertner is on the Harvard faculty.
 - January 2022 – **Section 1983 demystified:** A half day CLE at the SC Bar Convention on the nuts and bolts of how to bring a lawsuit under 42 U.S.C. section 1983.
- Hosting a Listserv for members.
- Publishing a newsletter.
- Establishing a landing page for this practice area on the Bar's website.
- Creating a speaker's bureau.
- Promoting the development of sound laws and policies in the civil rights field.
- Maintaining high standards of professional competence and ethical conduct in the practice of civil rights law.
- Recommending submission of amicus briefs on civil rights issues to the Board of Governors as warranted.

- Serving as a resource for the public on civil rights law.
- Advancing student interest in civil rights practice.

Respectfully submitted by:



Nekki Shutt
Chair, SC Bar Civil Rights Task Force

Burnette Shutt & McDaniel, P.A.

812 Lady Street, Second Floor
Columbia, South Carolina 29201

P: 803.904.7912

F: 803.904.7910

nshutt@burnetteshutt.law

**BYLAWS OF THE CIVIL RIGHTS LAW SECTION
OF THE SOUTH CAROLINA BAR**

**ARTICLE I
Name and Purpose**

Section 1. This Section shall be known as the Civil Rights Law Section of the South Carolina Bar.

Section 2. The purpose of this Section shall be to promote and further to support South Carolina practitioners who work in the area of constitutional and civil rights practice and policy, to educate other South Carolina Bar members about these practice areas, to promote these practice areas, and to work with the community at large to identify and address civil rights issues affecting historically-marginalized populations. Constitutional and civil rights practice and policy includes but is not limited to the following areas: (1) criminal justice issues like police misconduct, excessive force, prisoner rights, and similar litigation under 42 U.S.C. § 1983; (2) disabilities and special needs law under the Rehabilitation Act (29 U.S.C. §§ 42 U.S.C. 701-97b) and the Americans with Disabilities Act (42 U.S.C. §§ 12101-12213); (3) education law under Title IX (10 U.S.C. §§ 1681-1688); (4) election law; (5) employment law under Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e to 2000e-17) which includes protection for race, nationality, color, sex, age, religion, disability, sexual orientation, and gender identity; (6) free speech, freedom of the press, and First Amendment law; (7) the Federal Tort Claims Act (28 U.S.C. §§ 2671-2680); (8) healthcare; (9) housing and public accommodations; (10) LGBTQ rights; (11); Native American and tribal rights; (12) privacy law; (13) racial injustice; (14) religious freedoms; (15) poverty; (16) homelessness, (17) treatment of the elderly, and (18) voting rights.

**ARTICLE II
Membership**

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

Section 2. Voting and privileges of the floor at any meeting of the Section shall be limited by the Bylaws of the South Carolina Bar to members in good standing as of thirty (30) days prior to the opening day of that meeting, as determined by the membership list, certified to the Section Secretary, by the Executive Director, such list to be open for inspection at any meeting for which it is certified.

ARTICLE III
Officers

Section 1. The officers of this Section shall be a Chair, a Chair-Elect, a Vice Chair and a Secretary.

Section 2. There shall be a Council, the voting membership of which shall consist of the Chair, Chair-Elect, Vice Chair, Secretary, the Immediate Past Chair, the Committee Chairs, and Section representative to the House of Delegates.

Section 3. The Chair-Elect, Vice Chair, and Secretary shall be nominated and elected, in manner hereinafter provided, at each annual meeting of this Section, to hold office for one year beginning July 1st and ending June 30th, and until their successors shall have been elected and qualified. No officer shall succeed himself or herself in the same office except that person may hold the office of Secretary for not more than two successive one-year terms.

Section 4. Any vacancy existing in membership on the Council shall be filled by the Council 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 or her predecessor was elected.

Section 5. If any elected member of the Council shall fail to attend three successive meetings of the Council, and such failure has not been excused for cause by the Chair or the majority vote of the Council, the Chair may, by letter to all Council members, declare such member to have automatically resigned and he or she shall be replaced for his or her unexpired term as provided in Section 4 of this Article.

Section 6. At the end of his or her term the Chair-Elect shall automatically assume the office of Chair and thereupon the immediately retiring Chair shall become and remain a member of the Council for the ensuing year.

ARTICLE IV
Nomination and Election

Section 1. Not later than June 30th of each year, the Council shall meet and nominate Officers, Council Members, Committee Chair and Section Delegate for the ensuing year. The nominations proposed shall be by the concurring vote of not less than the majority of the members of the Council, shall be published in the *South Carolina Bar News*, or otherwise mailed or communicated to the membership through U.S. mail, email, posting to the Website generally accessible to the membership, or any other method permissible under the South Carolina Bar rules and policies.

Section 2. No later than September 1st not less than ten members of this Section, in good standing, may file, by mail, with the Chair of this Section a petition containing signatures and printed names and addresses of the Section members nominating a candidate for one or more of the offices to be filled. Such petitions must be accompanied by the written consent of any person nominated. Nominations will be closed on September 2nd.

Section 3. All elections may be by written ballot unless otherwise ordered by resolution duly adopted by the Section at its annual meeting at which the election is held. Should there be more than two nominations for any one office, that 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 the time of the election shall, by majority vote, declare the winner.

Section 4. At the completion of a term, the Immediate Past Chair continuing as a member of the Section in good standing, shall become the Section Delegate to the House of Delegates for a one-year term. If for any reason an Immediate Past Chair cannot serve, a nominee for Section Delegate to the House of Delegates may be nominated and elected in the same manner as Council Members. Any Section Delegate to the House of Delegates may be elected to succeed him or herself.

ARTICLE V

Duties of Officers

Section 1. Chair. The Chair shall be the Chief Executive Officer of the Section during his or her term of office, and, in the carrying out of his or her administrative duties, shall make all such appointments to the general committees and be possessed of such authority as is customarily associated with such office. The Chair, or successively the Chair-Elect or Vice Chair in the absence of the Chair, shall preside at all meetings of the Section and of the Council.

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

Section 3. Vice Chair. Upon the death, resignation or during the disability of the Chair-Elect, or upon his or her refusal to act, the Vice Chair shall perform the duties of the Chair-Elect for the remainder of the Chair-Elect's term, except in case of disability of the Chair-Elect, and then only during so much of the term as the disability continues.

Section 4. Secretary. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council. He or she, in conjunction with the Chair, as authorized by the Council, shall attend generally to the business of the Section and he or she shall review the record of all monies appropriated to and expended for the use of the Section.

ARTICLE VI

Duties and Powers of the Council

Section 1. The Council shall have the general supervision 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 the Section. It shall authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditures of all monies appropriated for the use or benefit of the Section. It shall not, however, authorize commitments or contracts which shall 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 Council.

Section 2. A majority of the Council shall constitute a quorum for the transaction of business.

Section 3. The Council may authorize the 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, if, prior to such action, a written consent or consents thereto have been filed with the Chair and signed by a majority of all members of the Council and such consent or consents are filed by the Secretary with the proceedings of the Council.

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

Section 6. The Council shall have complete authority to act on behalf of and to bind the Section on any and all matters arising between meetings of the Section.

Section 7. The Council may authorize such committees as it deems necessary or desirable to carry out the activities and work of the Section, may terminate any of such committees as circumstances warrant, and may appoint such special committees as herein provided.

ARTICLE VII

Meetings

Section 1. An annual meeting of the Section may be held at a date and time determined by the Chair, 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.

Section 2. Special meetings of the Section may be called by the Chair, upon approval by the Council at such time and place as the Council may determine.

Section 3. The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

Section 4. All binding actions of the Section shall be by a majority vote of the members present.

ARTICLE VIII
Motions-Resolutions-Procedures

Section 1. Limitation on Speaking. 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
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 before being forwarded to the Executive Director of the South Carolina Bar for payment, shall be approved by the Council or its designated representative.

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 or House of Delegates of the South Carolina Bar before the same becomes effective as the action of the South Carolina Bar.

Section 4. The Chair shall have the right and responsibility to keep good order and run the meeting of the Section in such a manner as to allow all person eligible to speak equal opportunity to do so.

ARTICLE X
Amendments

These Bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall not be inconsistent with the Constitution and Bylaws of the South Carolina Bar. Such amendment, however, will not become effective until it has been approved and ratified by the House of Delegates of the South Carolina Bar.

Approved at the HOD meeting on _____, 2021.

EXHIBIT 2

Name	Organization	Street Address
Brook Bowers Andrews	U.S. Attorney's Office	1441 Main St.
Allison Dawn Argoe	Goldfinch Winslow LLC	11943 Grandhaven Drive
Annie Day Bame		451 South Pickens Street
Lauren Alexis Barnes	S.C. Attorney General's Office	Office Of The Attorney General
Maryann Elizabeth Blake	Maryann Blake, Attorney at Law, LLC	PO Box 2161
Maisha Mstari Blakeney	Johnston Allison & Hord, PA	843 Sebring Dr. Apt 301
Cameron Jane Blazer	Blazer Law Firm, P.C.	1037-D Chuck Dawley Blvd.
Elizabeth Marie Bowen		1418 Laurel Street, Suite A
Barbara Murcier Bowens	U.S. Attorney's Office	1441 Main St., Ste. 500
Brennan Tyler Brooks	Law Office of B. Tyler Brooks, PLLC	4050 Yellowfield Way
Christopher James Bryant		700 Thirteenth Street NW
Cody James Burgin	Robert J Reeves PC	PO Box 1297
M. Malissa Burnette	Burnette Shutt & McDaniel, PA	PO Box 1929
Robert J. Butcher	The Camden Law Firm, PA	PO Box 610
James Christopher Clark	McAngus Goudebeck & Courie, LLC	PO Box 1349
Jennie E Clark	Jennie Elizabeth Clark Attorney at Law	35 Dinwood Cir
Jack E. Cohoon	Burnette Shutt & McDaniel, PA	PO Box 1929
Gregory Brian Collins	Savage Royall & Sheheen	PO Drawer 10
Michael Thomas Cooper	McLeod Law Group, LLC	3 Morris Street
Lir Patrick Derieg		436 Greene Street
Allison Krause Elder		146 W Mcelhaney Rd
Eric J. Erickson	Erickson Law Firm, LLC	One Beaufort Town Center
Sha'Mya LaTaye Green		1831 West Evans Street
Shanise Alise Betty Greenfield		655 H Fairview Rd
Doward Keith Karvel Harvin	The Law Office of Doward Keith Harvin	Attorney Doward Keith Harvin
Olivia Hassler	Strom Law Firm, LLC	6923 North Trenholm Road
Margaret McClurkin Held	Third Circuit Solicitor's Office	215 North Harvin Street
Brittany Sharmaine Holmes	Brittany Holmes Law	PO Box
Cassandra L. Hutchens	Jamrosyk Law Firm, LLC	21 Gamecock Avenue
Bryan S. Jeffries	S.C. Human Affairs Commission	1026 Sumter St. Ste. 101
Jessica Elizabeth Kinard	Jessica E. Kinard, Attorney at Law, LLC	PO Box 333
Courtney Michelle Laster	S.C. State Ethics Commission	SC State Ethics Commission
Carey Taylor Markel	Office of Disciplinary Counsel	POB 12159
Kathleen McColl McDaniel	Burnette Shutt & McDaniel, PA	PO Box 1929
John Christopher Mills	J. Christopher Mills, LLC	2118 Lincoln Street
Ivory L. Narcisse		2014 Graham Rd
Nicole Lynne Paluzzi	Charleston Pro Bono Legal Services	PO Box 1116
Jacqueline Marie Pavlicek	City of Columbia	PO Box 667
Adam Protheroe	S.C. Appleseed Legal Justice Center	1518 Washington Street
Phyllis Alesia Rico Flores	City of Charleston	Municipal Court
John Edward Robinson	Law Offices of John E. Robinson, LLC	PO Box 670
Laura W. Robinson	Laura Robinson Law, LLC	16 New Street
Nekki Shutt		PO Box 1929
Amy Miller Snyder	Clawson & Staubes, LLC	1000 E. North St.
Steven R. Spreeuwiers	Lindemann, Davis & Hughes, PA	PO Box 6923
Leonidas Emanuel Stavrinakis	Stavrinakis Law Firm	One Cool Blow Street, Ste. 201

Ellen S. Steinberg	Charleston County	1720 Sam Rittenberg Blvd
Wesley Aaron Vorberger	Greenville County Sheriff's Office	4 Mcgee Street
Kathleen Ashley Warthen	Richland County Public Defender's O	1701 Main St.
Kyle Jason White	White, Davis & White Law Firm, PA	209 E. Calhoun St.
Ralph James Wilson, Jr.	Ralph Wilson Law PC	PO Box 860