

Report of the President

January 2022

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Communications

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

The team launched the **Saturday Shoutout** feature on Facebook in May 2021 to showcase member successes. Recent successful social media campaigns also highlighted veterans, videos about the impact of mediation and a month-long Palmetto Pro Bono campaign in October 2021.

The **South Carolina Lawyers Deskbook** 2021-22 edition was mailed in November to members who pre-ordered. Members had the option to order 2022-23 editions on their license fees. The number of orders received will determine if a print edition will be produced for 2022-23.

SC Lawyer magazine published on schedule throughout 2021. A Q&A feature called “The Closing Statement,” that highlights Bar members’ contributions to the profession and South Carolina continues and included an interview with Judge James Lockemy in January 2022. The Editorial Board is always looking for article contributions and is currently exploring improving the magazine’s digital experience for readers.

In addition to news items and announcements, **eBlast** featured member spotlights including pro bono volunteers and mediators in October. The e-newsletter is distributed twice a week (Tuesday and Thursdays) and features court summaries on Thursdays.

Social media update since May 2021:

There were 107 new Twitter followers for a total of 5,655. The top-performing tweet in that timeframe was a Veterans Day tribute to member Anthony Livoti.

There were 287 new Facebook likes for a total of 5,065. The top post was about Adoption Day with Judge George McFaddin.

There were 53 new LinkedIn followers for a total of 1,564. The top post was about Michael Abro joining the Lawyers Helping Lawyers program.

The YLD Instagram account has 1,549 followers, an increase of 19.

The Communications Division led an effort to update the SC Bar’s **main phone line** in summer and fall 2021 to improve customer service to members and the public. The revamped menu includes a Spanish option and voicemail. The Pro Bono Program in partnership with the University of South Carolina School of Law students assists these callers.

Continuing Legal Education

By order dated March 31, 2021, the S.C. Supreme Court extended the waiver for in-person CLE through the 2022 MCLE compliance deadline of March 1, 2022. However, to make Bar-sponsored CLE more

accessible, the CLE Division began offering in-person, live webcast, and archived on-demand program options for almost all its seminars and workshops in July 2021.

Through the compliance period, the Division will have offered 52 live and live webcast seminars on a wide variety of topics including federal practice, family law, civil and family mediation certification, criminal law, real estate, estate planning and probate, equity, evidence, practice management, technology, substance abuse and mental health, torts and trial practice, construction, employment, and business law.

In addition, the Division has more than 700 archived on-demand programs covering more than 50 practice areas and ranging in duration from 30 minutes to six hours.

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 ABA Judicial Division to present significant CLE programming.

The CLE Big Ticket continues to gain momentum as more and 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.

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.

CLE Publications

The following titles were published from May-December 2021:

- *A Guide to Civil Practices and Procedures in Magistrate Court*
- *Elements of Civil Causes of Action, Sixth Edition*
- *Masters-in-Equity and Special Referees in SC, Fifth Edition*
- *Practicing before the US Court of Appeals for the Fourth Circuit: A Guide from Start to Finish*
- *SC Business Torts*
- *SC Drug Case Tool Kit, Third Edition*
- *SC Evidence Annotated, Sixteenth Edition*
- *SC Family Law Mediation: A Guide for Attorneys and Mediators*
- *The SC Guardian ad Litem's Toolkit, Second Edition*
- *The SC Law of Legal Malpractice, Second Edition*
- *SC Litigation Handbook, Second Edition*
- *SC Rules Annotated 2021*
- *Service of Process in SC, Fifth Edition*
- *Traumatic Brain Injury Litigation*
- *Trust Accounting for SC Lawyers: An Annotated Practice Manual*

Three active formatting and editing projects are underway, and the annual after-Thanksgiving sale ran from November 29 - December 10, 2021.

Convention

The 2022 SC Bar Convention in Greenville features:

- 26 seminars with 160+ speakers

- 30 Exhibitors; 25 Sponsors (corporate and law firm)
- A variety of events including the President's Welcome Reception at Old Cigar Warehouse, the Plenary Luncheon, MakeMade Jewelry, Judicial and Legislative Receptions, Stone Pin Bowling, TopGolf, and Wine Dinner with local pianist Emile Pandolfi.

The 2023 Convention will be held January 19-22, 2023, at Columbia Metropolitan Convention Center.

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 South Carolina General Assembly adjourned sine die in May 2021 but continued to meet sporadically through December to address various COVID related measures, funding, and redistricting.

Bills were pre-filed in the House of Representatives on November 10 and November 17. No bills have been pre-filed in the Senate as of mid-December.

Lawyers Helping Lawyers

Since July 2021, Lawyers Helping Lawyers staff (including Michael Abro, Beth Padgett, and Robert Turnbull):

- Served as moderators during the national 2021 Commission on Lawyers Assistance Programs Conference.
- Provided continuing legal education related to SA/MH to approximately 485 lawyers.
- Trained 21 lawyers and law students in Mental Health First Aid.
- Continue to provide columns on a quarterly basis for the SC Lawyer Magazine
- In-person office hours at both law schools were held during this fall semester and will continue in spring semester 2022.

In 2022, the Lawyers Helping Lawyers will:

- Lead an engagement group on the Charleston School of Law campus starting in January.
- Host additional Mental Health First Aid trainings.
- Host a three-seminar diversity CLE series with seminars in February, May, and September.
- Continue to provide continuing legal education related to SA/MH. Seminars are currently scheduled through September of 2022.
- Expand education and outreach services to previously underserved lawyers in previously underserved geographic areas.

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 analyzed the situation with schools participating in-person and virtually compared with what courthouses were permitting for competition purposes. As a result, virtual competitions were planned for the 2021-22 school year. In preparation for those competitions, the virtual rules, process, and case were developed. LRE also worked with the Zoom representative in acquiring the necessary Zoom accounts to meet the competition needs. In addition, the Mock Trial Coaches' Manual had sections updated and released in addition to updated Mock Trial trainings.

Middle School Mock Trial: The virtual regional competition was held November 12 and 13 with 14 teams competing. There were 81 attorney volunteers serving as attorney coaches and judges for the two-day virtual competition. The 2021 Regional Winner was J-E-T Middle School in Edgefield County with its second win in a row. The first runner-up was Dent Middle School in Richland County.

High School Mock Trial: Preparations are underway for three virtual regional competitions planned for February 25-26, 2022, with 49 teams competing. Twelve teams will be announced as advancing to the second virtual state competition planned for March 10-12, 2022. The National High School Mock Trial Board has not decided if the May 2022 competition will be in-person or virtual.

We the People: The Citizen and the Constitution: Ten teams competed in the virtual competition on December 9, 2021. The state high school winner was River Bluff High of Lexington, which will represent South Carolina at the National Finals in April 2022. Palmetto Academy of Success in Myrtle Beach won the middle school division. LRE is anticipating a decision to be made by the Center for Civic Education on the proposed format for the national We the People competition.

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

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

Media Services and IT

From June to December 2021, the Media Services team:

- Broadcast/Webcast and provided A/V support for over 20 CLEs including the Essentials series for new attorneys and two UofSC Law School programs (ABA Celebration and YLD Litigation Jungle).
- Worked with NC Bar on two joint CLEs in Charleston; Construction Law (Sept. 17) and NC/SC Employment & Labor Conference (Oct. 29-30). The Employment & Labor Conference was also streamed to NC attorneys.
- Provided A/V support for House of Delegates meeting in Beaufort.
- Shot/edited NextGen videos for Communications Division. Videos designed to engage/enlist new attorneys to consider joining committees and/or sections of the Bar.
- Shot/edited an updated phone messages for all departments of the SC Bar.
- Shot/edited short ads for upcoming/new SC Bar publications.
- Began testing Windows 11 for future company-wide implementation.

Membership Services

- Membership Services staff processed 345 new admittees since June 1, 2021.

- The 2022 License Fee collection is in process.
- The annual meeting of Bar chairs was held in September 2021.
- Staff attended the 6th Circuit holiday party and made Bar photo IDs for attendees.
- Nominations are being collected for **odd circuit** and **out-of-state delegates** to the House of Delegates.
- The **Memory Hold the Door Committee** will honor 12 members at the January 2022 ceremony.
- Membership Services director serves as chair of the National Association of Bar Executives Scholarship Committee and as a member of the Membership Committee.
- **SC Board of Paralegal Certification** met several times and made a presentation to the Access to Justice Commission on expanded roles for paralegals. There are currently 76 SC Certified Paralegals.

Practice Management Assistance Program (PMAP)

PMAP Director Courtney Troutman assisted lawyers with practice management related questions, including opening and closing a practice, succession planning and retirement, partnership dissolutions, choosing and using law office technology, internet fraud, insurance, trust accounting, internet marketing, and more.

The director:

- Assisted lawyers with Microsoft 365 and practice management questions via individual Zoom consultations. The director planned and moderated a CLE webinar on internet marketing.
- Authored articles and edited contributions to the Bar Bytes column for *South Carolina Lawyer* and was a contributor to the Attorney at Work web publication.
- Moderates the bar's 387-member Solo listserv and monitors and responds to bar or practice-related inquiries posted by bar members on the 2900-member My Legal BFF Facebook account.
- Is active in the ABA LP Division's Ethics and Professionalism committee.

The PMAP team continually updated its web page content and refreshed the look of numerous pages.

- Online forms were monitored and updated as needed.
- More than 126 free law office specific management or technology webinars were posted on the PMAP Webinars page between April and December 2021.

The PMAP assistant oversaw Bar Book Exchange donations of almost 15,000 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, tested law office software, trained in LEAP case management software, attended Practice Management Advisors of North America meetings, and attended a number of virtual CLEs.

Member discounts - PMAP continued oversight and management of the member benefits discounts program, including accounting, responding to current and new vendors, answering bar member's questions, reviewing new promotional materials, working with Communications staff, and assisting the Member Benefits Taskforce and the Bar director.

Fastcase – PMAP answered member questions, provided Fastcase tips through social media, posted Fastcase 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

Over 800 messages have been left on the COVID-19 Pro Bono Hotline since it went live in April 2020.

Palmetto Volunteer Lawyer Project

The Palmetto Volunteer Lawyer Project continues to be available for Bar members to look at 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 are able to post cases on the site. By partnering with organizations around the state, the PVLP can bring attention to the organizations and their need for pro bono attorneys and to provide a wide selection of pro bono opportunities to Bar members.

The PVLP does not require registration, a username, or a password. Instead, available cases can be viewed by simply going to the Pro Bono Program page on the Bar website. 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.

Finally, all a volunteer must do is click the "Interested?" button on the case card, provide some basic information (name, email address, phone number, and Bar number) and click "Submit." The partner program that posted the case will receive an email and follow-up with additional information about the case so that the volunteer attorney can make a final decision whether to accept the case. **Clicking the "Interested?" button does NOT result in automatic assignment of the case.** An FAQ sheet is being prepared and will be distributed once the additional partners have completed the onboarding process.

Pro Bono Calls/Referrals

In the last several months, the Pro Bono Program has seen a significant increase in the number of calls received. The average number has increased from 300 calls to 350 per month to its non-COVID lines. In 2021, South Carolina Bar members have accepted referral of approximately 50 pro bono cases.

South Carolina Supreme Court Honor Roll

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

Wills Clinics

The Pro Bono Program continues to partner with the USC School of Law Pro Bono Program to provide wills and powers of attorney for indigent citizens around the state. We have been able to expand the reach of these clinics by using the new Palmetto Leader bus. Clinics have been held in Darlington, McColl, Ridgeland, and Kingstree. 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 once a month Free Legal Answers Blitzes with the USC School of Law students and had one in partnership with the Charleston School of Law and Butler Snow in Charleston.

Family Court Summit

Pro Bono Program Director Betsy Goodale continues to work with Hannah Honeycutt, Executive Director of the South Carolina Access to Justice Commission, Brett Lamb, Pro Bono Board Chair and family law practitioner, and Lauren Barnwell of the South Carolina Victim Assistance Network, to plan a Family Court Summit scheduled for March 18, 2022. This summit will address the issue of self-represented litigants in family court and how the Pro Bono Program and other organizations can provide assistance to the family court. The planning committee is working with the National Center for State Courts, the Institute for the Advancement of the American Legal System, and the Self Represented Litigant Network in choosing and scheduling speakers and topics. Chief Justice Beatty has designated a family court judge from each circuit to attend.

Family court clerks of court will also be invited, as well as representatives of organizations that represent clients in family court and some private family law practitioners.

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 – Fall 2021 sessions were held in person at York Technical College and Tri-County Technical College. The sessions allow members of the public to interact with lawyers and learn about various topics such as the court system, family law, landlord tenant and others. The Division is in the process of scheduling the spring sessions.

A total of 58 **free, educational legal clinics** were held across the state from September through December 2021. Most of those returned to in-person presentations. Greer Relief/VISTA and the Chapin Memorial Library continued to offer the programming via a web-based platform. In-person sessions were held at the Conway Library, the Lake Wylie Library and various branches of the Lexington, Charleston, Pickens, and Spartanburg County library systems. The Division is currently scheduling sessions for the Spring 2022.

The **Resolution of Fee Disputes Board** processed 57 new claims since July 1. Of those, 41 were sent out for assignment and 16 were returned to the complainants. There are currently 58 claims pending.

Since July 1, **the Lawyers' Fund for Client Protection Program** received 18 new claims, resolved 21 and had 28 pending as of December 6, 2021.

The **Lawyer Referral Service** operators continue to operate remotely due to COVID concerns. From January 1, 2020, to December 6, 2020, the service made 18,519 referrals. From January 1, 2021, to December 6, 2021, the service made 21,185 referrals, with represents an increase of 2,666 referrals.

Risk Management and Mentoring

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

Mentoring Program

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

Ethics Hotline

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

Recent **presentations** include:

- *Protecting Yourself While Advocating for Your Client* - 2021 Lawyers Fund CLE
- *Ethical Considerations and Best Practices for Attorneys in Education Law* – 2021 SC Council of School Attorneys
- *Ethical Best Practices in Labor & Employment Law* – 2021 NC/SC Labor and Employment Law Conference
- *Back to Basics: An Ethics Overview* – 2021 SC Black Lawyers Association Conference
- *Implicit Bias in the Legal Profession* – 2021 SCWCEA Conference
- *Implicit Bias and Leadership* – 2021 Leadership South Carolina

Committees, Divisions and Sections

The **Alternative Dispute Commission** proposed changes to Rules 2, 3, 5, 9 and 20 and Mediator Standards of Conduct IV. Two members of the Commission, Carol Sanders, and Pamela Deal, retired. New members Almond Barron and Holly Wall were appointed to those seats.

The **Dispute Resolution Section** offered one CLE program via webcast as a member benefit. Its plans include working with the CLE Division to offer more CLE programming in the on-demand format. The Section Council also proposed an amendment to SCRCP 43(k) which has been filed with the South Carolina Supreme Court.

The **Family Law Section Council** has been involved in discussions about the use of technology in hearings going forward. They recently invited several family court judges and Justice Kittredge to their meeting to discuss these issues.

The **Diversity Committee** reviewed and distributed the results of the member survey and will be meeting with other stakeholders in the profession. The Committee hosted a pre-law advisor training attended by representatives from 25 colleges across the state and established a Diversity Law Clerk program that will begin in the summer of 2022.

The **Ethics Advisory Committee** has issued two Ethics Advisory Opinions (EAO 21-01 and EAO 21-02) and is currently working on other opinions.

The **Intellectual Property and Innovation Committee** met January, February, March, April, June, August, September, and October with guest speakers from the business and legal communities. Two members of the IPI committee joined the Technology committee focus group on proposed ethics rule changes.

The **Judicial Independence and Impartiality Committee** was established by the Board of Governors. Beverly Carroll of Rock Hill serves as chair. Its purpose is to promote the importance of an independent judiciary by: responding to unjust criticism when rules of conduct prevent individual judges from making

public statements; addressing inaccuracies and misinformation reporting criticism of judges and courts, serving as a resource for unbiased information concerning judicial activities and court process; and educating the public on the role of judges and lawyers in our democracy.

The committee wrote a commentary that was published in *The Post and Courier* in late October 2021. Going forward, the committee will meet regularly and plans to post responses on its website and share with Bar members via eBlast, as it did in October.

The Judicial Qualifications Committee conducted a robust screening cycle from July to September. The Committee employed a computerized form designed by Donald Lanier to conduct surveys that was very well received by our members. It conducted interviews with all the incumbent judges and judicial candidates via the Zoom platform.

The **Professional Responsibility Committee** prepared several proposals to be presented to the SC Bar House of Delegates.

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

The **Senior Lawyers Division** hosted the Nifty Fifty event, a fall retreat and is coordinating a 2022 trip to Scotland.

The **Technology Committee** met in April, July, and October 2021. The committee formed a focus group which met in September to study proposed ethics rule changes regarding internet marketing.

The **Young Lawyers Division** held several summer law clerk receptions in Myrtle Beach, Charleston, and Columbia as well as new member receptions in Columbia, Rock Hill, Lancaster, and Charleston.

The Division held a networking event with the South Carolina Bankers Association, a professional development event with State Representative Seth Rose and a disaster relief CLE. It hosted a summer backpack drive, a Voices Against Violence necessities drive and a Families Forever toy drive. Members participated in a Pro Bono lunch and learn and the Steppin' Up to Health Challenge.