

Report of the President

May 16, 2019
M. Dawes Cooke, Jr.

SC Bar Programs and Services

Communications

E-blast—the SC Bar’s email newsletter for members that features important news items, advance sheet summaries, court news, job openings, tech tips, and firm announcements—moves to weekly distribution for the summer (Thursday afternoons) starting after Memorial Day. Twice a week distribution, on Tuesdays and Thursdays, runs from Labor Day until Memorial Day.

SC Lawyer magazine will publish its first-ever themed issue in November. The focus is on lawyer wellness, and the Editorial Board and staff have and will continue to partner with the Wellness Committee and Lawyers Helping Lawyers on this issue.

The Communications team continues to deploy a **digital communications strategy** to showcase member stories and successes. In March, the “SC Lawyer Story Behind the Story” debuted online and via social media to highlight authors of magazine articles and tell their experiences. The story about Trey Ingram, who wrote an update on adoption law, garnered a reach of 6,870 on Facebook, more than 500 clicks from eBlast, and 314 clicks from social media promotion.

Currently, the Bar’s Twitter (@SCBar) has 4,711 followers with an average of 54,000 impressions per month; Facebook has 3,536 likes and with an average reach of 20,000.

From January to March, the YLD’s Cinderella Project Facebook page was activated to promote the signature event that collects and distributes prom dresses to students in need. The page received 143 new likes in 2019 and yielded 26,222 active daily page engaged users. We received multiple thank you messages from parents whose children found prom outfits and accessories.

Continuing Legal Education

New Programming Options

The CLE Division continues to offer a variety of program options featuring a wide range of content, as well as pricing options, formats and locations around the state to give members the best value, variety and flexibility. Available formats include live seminars and hands-on interactive workshops, audio webcasts, teleseminars (via telephone), and live and on-demand audio/video webcasts. The Division now offers both the live and on-demand CLE Big Ticket, which are one-year subscription “passports” to virtually all live (in-person), live webcast, and on-demand CLE programs.

Free Course Materials

Bar members have online access to past seminar handout materials. These are free to all members. There are now 74 sets of free course books (up from 31 last year). The range now available includes January 2017- February 2019. More are added monthly.

Live Seminars

Since January, the CLE Division has hosted 30 live seminars, including both Family and Civil Mediation, Anatomy for Lawyers, our annual SC Tort Law Update and Criminal Practice in SC programs, seminars on negotiation skills, law firm management, traumatic brain injuries, ethics, wellness, trial skills, and employment law.

Alternatively Delivered Programming

The CLE Division offers more than 450 on-demand programs in more than 50 substantive and practical skills categories and ranging in length from 30 minutes to 6 hours. Members can watch live webcasts of seminars in real time, or pause, rewind and review archived online programs for up to 30 days. The Division has released 38 new online programs, held 17 live webcasts, and hosted 70 teleseminars since January.

Convention

A successful 2019 Convention was held January 17-20 at Myrtle Beach Marriott Resort and included:

- 1,130 attendees (judges, attorneys, speakers, guests, and exhibitors)
- 25 seminars with 133 speakers, including Senior Lawyers Symposium
- 30 Exhibitors; 22 Sponsors (Corporate and Law Firm)
- Fun, enjoyable social and ticketed events (Pottery Workshop, Landshark/SkyWheel Experience, Wine Tasting at La Belle Amie Vineyard, Beach Music Party).

Planning has begun for the 2020 Convention, which will be January 23-26 in Columbia.

Publications

Titles published since February 2019 include:

- Guide to SC Liability and Property Insurance Law
- SC Law of Torts, 2018 Cumulative Supplement
- Traxler's Alimony Calculator 2019 Version and Traxler's Child Support Calculator Software Update

Gross book sales for the 2019 Convention totaled approximately \$11,000.

Alyssia Dangler was hired full-time as the CLE publications coordinator. Arlene McMillian will resume her role as the CLE Convention Center/administrative coordinator.

Government Affairs

The Bar continues to monitor and advise on legislation pertaining to the interests of members. The Bar's government affairs director has attended subcommittee, committee and floor debates throughout the current legislative session. Our government affairs team arranges for members to testify in their areas of expertise at the subcommittee level with regularity. We are either actively working on or watching legislation pertaining to elder law, e-notary/remote notary, family law, and general sessions docketing.

Lawyers Helping Lawyers

The Lawyers Helping Lawyers team has trained 62 lawyers in Mental Health First Aid to date. This free course helps participants learn risk factors and warning signs for mental health and addiction concerns, strategies for how to help someone in both crisis and non-crisis situations, and where to turn for help. While the basic course addresses these issues for the general population, our course focused on the major mental health challenges of lawyers. The interventions discussed were targeted to lawyers,

delving into our personality attributes, values and needs, experiences, and special environments. Most recent training was held in Greenville with 19 trainees. Two more sessions are scheduled.

Lawyers Helping Lawyers completed another year of regular office hours in both law schools.

The team continues to work with the Communications and the Wellness Committee on marketing, including short videos encouraging lawyers to seek help early. Plans also include an audio of a mock call to CorpCare, the intervention counseling that all members may receive, to reduce the fear of making the call.

Beth Padgett is participating in a Lawyers Assistance Program directors working retreat in Salt Lake City on May 3-5.

Law Related Education

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

- The State Middle School Mock Trial Competition with Heathwood Hall Episcopal School as the state winner;
- Five regional High School Mock Trial competitions in Columbia, Conway, Georgetown, Greenville, and Lexington;
- 12 teams in the State High School Mock Trial competition in Columbia with Strom Thurmond High School winning their seventh state championship title. The team will compete at nationals in Athens, Georgia in May;
- A make-up Middle School Mock Trial competition in Conway for the schools that experienced flooding in the earlier part of their school year.

The LRE team also participated in the 2019 Skills USA competition in Greenville, marketed the Bar's LRE programs at the SC Middle School Conference in Myrtle Beach, and reviewed scholarships and nominations for the 2019 awards.

Membership Services

2019 Leadership Academy

The 11th installment of the Bar's Leadership Academy ran February through May 15. The 2020 class graduates will be recognized at the House of Delegates meeting. Applications for the 2020 program will go out in July. This highly selective program is designed to train the next generation of Bar members and community leaders.

Staff prepared materials for and worked with new admittees that were part of the May 7 swearing-in ceremony.

The Board of Paralegal Certification is working on a white paper for the Court in re roles of paralegals. The Best Practices for South Carolina Paralegals CLE was held May 10.

Membership Services will promote 2019-20 Committee sign-ups throughout May. The sign-up form is available online at www.scbare.org/getinvolved. An ad is in the May *SC Lawyer*, and the complete sign-up form can also be downloaded and printed at the above address.

Practice Management Assistance Program (PMAP)

The program staff including director Courtney Troutman and assistant Emily Worley assisted Bar members with practice management and technology questions and with Fastcase, as well as provided tips on the PMAP Twitter account, informed members about new practice management and technology webinars, and kept PMAP webpages up to date.

Since February 2019, the team also began reorganization of www.scbare.org/pmap pages. PMAP's Twitter feed (@SCBar_PMAP) hit 1012 followers.

PMAP manages the Bar's Lending Library, which includes books on practice management and technology. Members may check out an item in person or by mail. Seven new ABA practice management and technology books have been purchased since the beginning of 2019. In addition, the PMAP team facilitated donation of law books through the Bar Book Exchange and donated old Lending Library books to USC School of Law Library and Midlands Tech.

PMAP Director Courtney Troutman has completed training on the new Fastcase beta version (7.4 aka Fastcase Venus), and the Bar is promoting information about this beta version.

Pro Bono

The pro bono software (www.scprobono.org) was launched in the 16th Circuit on March 1. Nine attorneys from the 16th Circuit have registered as volunteer attorneys. One attorney has already accepted assignment of a case. Eleven York County cases have been successfully uploaded to the website and are awaiting a volunteer attorney.

- Upgrades and improvements are being made to the pro bono software with funds from the South Carolina Bar Foundation grant received by the Access to Justice Commission. These should be completed in May.
- The vacancies for circuit representatives on the Pro Bono Board have been filled with the exception of the 9th Circuit (Charleston/Berkeley).
- Dawes Cooke, David Ross, Betsy Goodale and George Cauthen participated in ABA Day on Capitol Hill on April 10. They visited the offices of the members of the South Carolina Congressional Delegation to encourage them to fund Legal Services Corporation and to continue the public service loan forgiveness program.
- CLEs on providing legal assistance following a disaster are being offered free of charge at Coastal Carolina and Charleston School of Law in late May.

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 includes the Pro Bono Program, clinics, and the statewide Lawyer Referral Service.

Law School for Non-Lawyers— Law School for Non-Lawyers

Installments of the Law School for Non-Lawyers were held during the spring in Florence, Graniteville and Rock Hill. The courses covered an overview of the court system, living wills, family law, landlord/tenant issues, employment law, workers' compensation and a variety of other topics. Fall sessions are scheduled for Tri-County Technical College (Pendleton), Spartanburg Community College (Spartanburg), and Midlands Technical College (Columbia).

Free Legal Clinics

More than 50 clinics were held statewide since January. The clinics continue through June 6 and will be offered again starting in September.

Ask A Lawyer

The Bar continues to sponsor periodic, regional Ask-A-Lawyer programs, which consist of televised phone banks and web chats, in an effort to assist the public with legal questions. This program emphasizes the positive role lawyers play in their communities. Events were held at WLTX in Columbia and two at WCSC in Charleston. For FY18-19, 675 callers were able to speak with a lawyer about their issues.

Lawyers' Fund for Client Protection

The Lawyers' Fund for Client Protection, which reimburses clients for money or property mishandled by Bar members, is working on proposed changes to Rule 411 and procedural rules. There are currently 25 claims pending. The group will be seeking nominations for new members.

Fee Disputes

Fifty-five cases have been processed and are pending. There are approximately 25 to be processed. One regional CLE for volunteers is set for May in Columbia.

Lawyer Referral Service

Lawyer Referral Service is moving to a new software what will allow members to add more information about their practice on the member's LRS profile. Staff has begun the transition to the Community Lawyer platform software and anticipate being on the new system by the end of June. It will be more user friendly for both the lawyer and clients seeking online referrals.

Free Legal Answers

SC.FreeLegalAnswers.org allows individuals who meet certain qualifications to post legal questions to volunteer attorneys. It is accessible 24 hours a day, seven days a week, allowing both the attorney and client to use the resource at their convenience. Questions are sorted based on topic, including benefits, consumer law issues, health care, family, work related issues and more. The identity of the attorney is not made known to the inquirer. Questions to the site are often answered during "Friday Blitzes," which provide an opportunity for law students to see real world questions and interact with local lawyers. The platform has been promoted in SC Lawyer magazine and via social media. Between July 1, 2018 and April 30, 2019, 1571 questions were posted to the site; 1,369 were answered by lawyers; 1,293 unique clients were served; 28 lawyers answered questions and eight Friday Blitzes were held.

Risk Management and Mentoring

Risk Management Director Nichole Davis oversees implementation of the Lawyer Mentoring Program, serves as faculty for ethics CLE programs, provides diversity training, and administers the Ethics Hotline and other parts of the risk management program, including the following committees: Ethics Advisory, Professional Responsibility, Unauthorized Practice of Law, and Professional Liability. Our new Risk Management Counsel, Jennifer Roberts, serves as staff liaison to the committees.

Mentoring Program

The Bar administers the mandatory Lawyer Mentoring Program, which includes recruiting new mentors, providing mentor training, and fostering mentor/mentee relationships. David Koysza, Stephanie Nye, and Jane Merrill have been selected as recipients of the 2019 G. Dewey Oxner Jr. Mentor of the Year Award. They were recognized at the Mentor of the Year Award Luncheon held on May 9 at The Palmetto Club in Columbia.

Ethics Hotline

Nichole Davis is available to answer our 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 up to the 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) 799-6653, ext. 178 or send an email to ndavis@scbar.org.

Committees, Divisions and Sections

The Children's Law Committee continues working on Daniel's Law education.

The **Conventions Committee** met March 12. Committee Chair Carolyn Matthews will head an Ad Hoc Committee to review options for future Conventions (identifying optimum dates, locations, format, and programs). The Committee will reconvene in June to discuss 2020 Convention seminars (including possible keynote speaker and Breakfast Ethics speaker) and sponsor recruitment and to finalize ticketed events.

Seminar Election-to-Conduct forms have been sent to all Section and Committee Chairs. Reply is due to Convention staff by May 17. Sponsor/Exhibitor forms will be updated and distributed to immediate past partners in May. Additional outreach will be made in late June to other potential sponsors and exhibitors.

The **Diversity Committee** held an event with the South Carolina Chamber of Commerce in April called "A Discussion of Inclusion in Law and Business." Speakers included Sidney Evering, Cliff Bourke, Mills Gallivan and business leaders Lou Kennedy, Rick Wade and Cynthia Walters. Approximately 60 attorneys and business people attended.

Dawes Cooke appointed an ad hoc committee of the Board of Governors to work with the Diversity Committee to look at integrating diversity initiatives, language, and policy into the BOG's overall strategic plan and to facilitate achievement of the Diversity Committee's goals.

The Drone Task Force was transferred to Courtney Troutman, Practice Management Assistance Program director, to serve as staff liaison. The Task Force seeks to move under the Technology Committee umbrella as a subcommittee. Projects are being completed, including a prospective legal white paper on

the use of non-military unmanned aerial vehicles (UAVs, also known as unmanned aerial systems (UAS) or drones) in South Carolina.

The **Dispute Resolution Section** is working on Convention CLE. It also will be providing input for changes to the auto arbitration statute.

The Elder Law Committee is working on publishing a Guardian ad Litem training manual for the Probate Courts. The month of May is Elder Law Month, and the committee worked with communications to show elder law resources for attorneys and members of the public.

The Intellectual Property and Innovation Committee was reactivated and transferred to Courtney Troutman to get the committee off the ground.

The **Judicial Qualifications Committee** released reports on judicial candidates for the resident circuit seat in Aiken in March. The committee will conduct fall 2019 screenings. The end goal of a competent and respected judiciary continues to be of the utmost importance to the Bar. SC Bar Government Affairs Director Kali Turner will oversee the 2019 Judicial Qualifications Report process.

Senior Lawyers Division

The SLD Lawyer Assistance Program (LAP) will be offering virtual cognitive assessment training to solicit new volunteers and will develop and facilitate a two-hour cognitive engagement training for the current volunteers.

The Senior Lawyers trip to Ireland (Oct. 20-Nov. 2) is sold out.

The Nifty Fifty event honoring the class of 1969 will be Oct. 18 at Senate's End in Columbia.

Solo and Small Firm Section

PMAP supported the Solo and Small Firm Section and moderated the listserv. Currently, 350 members utilize the listserv, which is moderated by Courtney Troutman. Planning continued for a Section practice management and technology CLE in December with Barron Henley of Ohio chosen to speak. The section webpage was updated to add new member spotlights, and the 2018 Solo and Small Firm Section Award Winner – Meagan Gentry. The SC Small Firm blog is updated regularly to provide resources to members.

Technology Committee

PMAP supported the Technology Committee, which met by conference call in March. The next meeting is June 6. The committee webpage was updated, and more resources were added to the Technology Competency/Best Practices page. Committee members contributed blog posts and Bar Bytes articles for *SC Lawyer* magazine. The South Carolina Courtroom Technology Initiative was transferred to the Court. Planning began for a technology seminar at the 2020 South Carolina Bar Convention with speakers Sharon Nelson and John Simek.

The **Trial & Appellate Advocacy Section** is planning a trial workshop for the Fall

The Wellness Committee is planning a destination walk challenge for the summer, and all members will be invited to participate.

Young Lawyers Division

The YLD's Leadership planning retreat was held April 26-28.

Other activities include Color of Justice events in Columbia and Rock Hill, a statewide book drive, Courthouse Keys Lunches in Charleston and Orangeburg, Brews and News events in Columbia and Charleston, a statewide food drive, a golf tournament to benefit Make-A-Wish Foundation, and events with Special Olympics in Columbia. The YLD also held a lunch and learn session May 13 on Emojis and the Law.

The 18th Annual Cinderella Project was held in Anderson, Aiken, Charleston, Columbia, Greenville, Greenwood, and Orangeburg in March. The project collects gently-worn prom dresses from community members, sets up boutiques in seven different cities, and allows high school students to come shop for free. More than 800 dresses were distributed thanks to 250 volunteers statewide.