

Report of the President

January 17, 2019
M. Dawes Cooke, Jr.

SC Bar Programs and Services

Communications

E-Blast is delivered to members' inboxes twice each week and features advance sheet summaries, CLE information, court news, summaries on pending legislation, tech tips, job openings, firm announcements and other legal information.

SC Lawyer magazine is published in January, March, May, July, September, and November. Members may opt to receive just the digital edition; visit www.sctbar.org/sclawyer for more information. Past articles can be found at the link above (including subject and author indices) and through Fastcase.

The Bar communicates daily with members and the public on social media, including photos from events, public programs, CLE programs, and other important news. Currently, Facebook has more than 3,300 likes. The top performing post in the last six months was one about Judge George McFaddin on adoption day, which reached 8,300 people, garnered 976 likes, comments, and shares. Twitter has 4,561 followers and averaged 68,000 impressions in December 2018. Under the leadership of new communications director Mary-Kathryn Craft, an updated digital content strategy includes featuring members, their stories and how they are making a difference in South Carolina, which engages both our members and public audiences.

Continuing Legal Education

New Programming Options

The CLE Division, under the leadership of Terry Burnett, continues to offer a number of programs in various formats and locations around the state to give members the best value, variety and flexibility in CLE programming. Available formats include live seminars, teleseminars (via phone), online seminars and live webcasts. In 2017, the Division introduced Webcast Wednesdays, live one-hour programs held during the lunch hour, and the CLE Big Ticket, which allows members to pay one price for unlimited CLEs for one year. Since July 2018, 68 Big Ticket subscriptions have been sold, bringing the total to more than 250 since the program's inception.

In the fall of 2018, the Division introduced the On-Demand Big Ticket, which is a one-year unlimited subscription to more than 400 archived online programs.

Free Course Materials

Bar members have online access to past seminar materials. There are now 54 sets of free course books (up from 31 last year). More are added monthly.

Live Seminars

Since July 1, 2018, the CLE Division hosted 46 live programs with a total paid attendance of 1,635. During this time, more than 250 SC Bar members served as volunteer course planners or faculty.

Representative seminars have included: Community Association Law; Civil and Family Mediation Training; 2018 Family Law Hot Tips; 2018 Probate, Masters in Equity and Family Court Bench Bar

seminars; an SC Bar staff-led Ethics and Technology program in Anderson; Business Law: A Practice Guide for Business Owners, Entrepreneurs, and Their Counsel; and a two-day program on changes to Guardianships and Protective Proceedings Under the New Article 5 of the Probate Code.

Alternatively Delivered Programming

The CLE Division now offers more than 450 on-demand programs. Members can watch live webcasts of seminars in real time, or pause, rewind and review archived webcasts and online programs for up to 30 days. The Division released 47 new on-demand programs since July, held 16 live webcasts, hosted 116 teleseminars, and had 633 individual sales.

Publications

The robust publications department of the CLE Division, led by Alicia Hutto, continues to publish a number of new books, supplements, and software programs across various practice areas. Titles published since July include:

- *Estate Planning in SC, Second Edition, Volume V: Trusts*
- *Family Law Essentials: A Primer for Private Practice Before the Family Court in SC*
- *SC Business Law Handbook: A Practical Guide for Business Owners, Entrepreneurs and Their Counsel*
- *SC Consumer Protection Code 2018 Cumulative Supplement*
- *SC Criminal Offenses and Penalties 2017 Edition (book and CD)*
- *SC Evidence Handbook Annotated, 13th Edition*
- *SC Rules of Procedure Annotated 2018*
- *So You Have A Judgment, Now What?, 2nd Edition*
- *So You're Going to Try Your First Case..., 5th Edition*

A complete list of CLE publications, as well as a list of recent releases, are available for browsing in at www.scbare.org/shop-cle.

Marketing

The Division promotes its programs to members through seminar brochures, e-brochures, E-Blast, the weekly CLE email digest, signage, social media, and Bar publications. Members can opt in to targeted contact lists by logging in to their member profile on the Bar website. In late July, the Division mailed a "Seminars at Glance" booklet to all in-state Bar members. The publication listed all live CLE programs available September through March.

Government Affairs

The Bar continues to monitor and advise on legislation pertaining to the interests of members. Members benefit from these monitoring services through The Legislative Update, a summary of all significant legislation passed; Weekly Legislative Reports on the Bar website during the legislative session; and an online legislative tracking system. The Bar encourages members to help inform state legislators of the issues and concerns of lawyers.

Lawyers Helping Lawyers

The Lawyers Helping Lawyers (LHL) program continues to assist lawyers affected by depression, anxiety, substance use disorders, and/or other mental illnesses or stress-related disorders. LHL, led by Robert Turnbull and Beth Padgett, provides referral services, peer support and monitoring services. Call LHL at

(866) 545-9590 for free and confidential assistance, advice or referral. Members may also call CorpCare, which provides up to five free hours of anonymous intervention counseling, at (855) 321-4384. LHL and CorpCare phone lines are staffed 24 hours a day. CorpCare has increased its roster of providers across most of the state and is working to strengthen coverage in areas of the state identified by the SC Bar team as potential high need.

The LHL staff maintains a periodic on-site presence at the USC School of Law and Charleston School of Law. Beth Padgett presented a mindfulness-based stress management series in October at the Charleston School of Law.

The American Bar Association's Commission on Lawyers Assistance Programs (Co-LAP) Annual Conference and International Lawyers in AA Meeting was held in Charleston during the last week of September, with great success. Beth Padgett serves as chair of the Co-LAP Conference Planning Committee for the 2019 conference to be held in Austin, Texas in September 2019.

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 below statewide programs.

Middle School Mock Trial

Heathwood Hall Episcopal School won its first Middle School Mock Trial State Championship in December at the Richland County Central Court at Decker Center. Buist Academy was named the first runner-up, and Chapin Middle School was awarded the Professionalism and Civility Award. A total of 46 middle schools will have competed between the fall competitions and a special spring competition rescheduled due to the flood for Conway schools. Hundreds of volunteer attorneys, who served as coaches and judges, made this event a success.

High School Mock Trial

LRE released the 2019 High School Mock Trial case October 31. There are 56 teams registered to compete, which is an increase from 43 teams last year. Plans are underway for the high school teams to compete in five regional competitions on February 23 in Columbia, Conway, Georgetown, Greenville, and Lexington with a culminating state competition March 8 and 9.

S.C. Supreme Court Institute

The LRE Division co-hosted the S.C. Supreme Court Institute, a program aimed at middle and high school social studies and U.S. government/history teachers, in June. The institute featured presentations by members of the S.C. Supreme Court and Bar members; tours of the Supreme Court building; interactive opportunities; and several lesson building opportunities.

James Madison Legacy Project Grant

In 2016, the Division received a three-year James Madison Legacy Project grant to work with *We the People* teachers in recruitment, mentorship and professional development. Year three of the grant concluded September 30 with 82 teachers trained, who also participated in follow-up professional development. Final grant documentation and budget were prepared and submitted.

School Resource Officer Manual

In collaboration with the Young Lawyers Division, the LRE Division completed development of a manual for school resource officers used in trainings at the S.C. Criminal Justice Academy. The manual includes 24 lesson plans and supplemental materials. The materials have been well received by school resource officers attending the course at the S.C. Criminal Justice Academy. Suggestions have been received for additional lessons to benefit the officers working with students throughout our state.

Teacher Newsletter

The LRE Division continues to distribute an electronic newsletter to educate teachers about law related programs and communicate relevant news and upcoming events. The newsletter is distributed up to three times each year. The Division also keeps students and teachers up to date through social media.

Trainings

The Division hosted webinar trainings for Mock Trial and Law for Teachers. Trainings were held statewide to prepare teachers for implementation of LRE programs.

We the People Contest

Wando High School won its second We the People: The Citizen and the Constitution competition on December 7 in Lexington. The first runner-up was River Bluff High School in Lexington. The Wando High team will represent South Carolina in the national finals April 27-29 in Washington, D.C. The LRE Division thanks the dedicated volunteers who generously gave their time and energy to participate in the 2019 program: John DeLoache, Peg Fox, Susan Hackett, Leslie Harvel, Eric Johnsen, Erica Lybrand, Rachel McKain, Melissa Mosier, Tiffany Richardson, Sarah Smith, Stephanie Weissenstein and Ericka Williams.

The LRE programs noted above are funded by an Interest on Lawyers' Trust Accounts (IOLTA) grant from the S.C. Bar Foundation and the Bar. Competitions are made possible through the efforts of members of the legal community who volunteer to serve as attorney coaches, district coordinators, scoring judges and presiding judges.

Membership Services

Member Benefits

The Bar offers discounts on a number of products and services, such as wellness providers, travel services and office products. An insert outlining these benefits appeared in the January 2019 issue of *SC Lawyer*. New benefits include discounts to Carowinds and Riverbanks Zoo. For more information, visit www.scbar.org/benefits.

2019 Leadership Academy

The 11th installment of the Bar's Leadership Academy will launch in February. This highly selective program is designed to train the next generation of Bar members and community leaders. Participants will be equipped with networking opportunities, professionalism training, community awareness, and other skills necessary to give back to the profession and position themselves as leaders in their communities. Fifteen members were selected for the program, and graduates will be recognized during the House of Delegates meeting in May.

Paralegal Certification Program

The SC Supreme Court implemented a program for the voluntary certification of paralegals in South Carolina. The program, which is administered by the Bar, identifies qualified individuals to perform substantive legal work under the direction and supervision of a lawyer. There are currently 69 South Carolina Certified Paralegals. Bar members can search an online database to verify certification and status. The Bar's CLE Division has been working to develop specialized training for paralegals.

Practice Management Assistance Program (PMAP)

Practice Management Advisor Courtney Troutman provides personalized assistance by phone and email to lawyers with questions about running a law firm. Guidance is offered for lawyers seeking help with opening a law practice, partnerships and mergers, retirement, and more. The Practice Management Advisor and Assistant Emily Worley track the ever-changing technology landscape, including reviewing new products. New information is continually added to the "Managing Your Law Practice" portion of the Bar's website and disseminated in E-Blast and Twitter. Weekly free software webinars from vendors are posted online. In 2018, PMAP supported the new Technology Committee, which is charged with offering guidance to Bar members on critical technology changes and helped organize the technology CLE for the Bar Convention.

PMAP also supported the Solo & Small Firm Section, which recognized Meagan Gentry of Charleston as its "Solo & Small Firm Lawyer of the Year." The PMAP Assistant provided assistance to the Judicial Qualifications Committee. PMAP also provides assistance to members with Fastcase free legal research, which launched a new version. New titles were added to the PMAP Lending Library of technology and practice management books. Five law firms donated used law libraries to other lawyers using the Bar Book Exchange.

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.

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.

Free Legal Clinics

The Public Services Division, through volunteer Bar members, continues to host free legal clinics around the state to educate the public on such issues as bankruptcy, divorce, wills, and other legal matters. More than 50 clinics were held during the fall. The Division also partnered with the Central Midlands Area Agency on Aging and USC School of Law Pro Bono Program to sponsor monthly "My Will" clinics to offer qualified citizens assistance with creating a simple will.

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 are being scheduled for spring.

Lawyer Referral Service

The Lawyer Referral Service currently has 327 Bar members participating. The service is promoted through radio and online advertising and a Google AdWords campaign. 8,488 referrals were made from July through December.

Law School for Non-Lawyers

Installments of the Law School for Non-Lawyers were held during the fall in Pendleton, Spartanburg and Orangeburg. 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.

Lawyers' Fund for Client Protection

The Lawyers' Fund for Client Protection, which reimburses clients for money or property mishandled by Bar members, received 27 new claims this year, and paid 26 for \$161,475.76 to former clients.

Pro Bono Program

Our new Pro Bono Program director, Betsy Goodale, started in September, and the Pro Bono Board met in October. In November, the Board of Governors voted to pilot the scprobono.org software and expand it to the 16th Judicial Circuit. Under the leadership of Justice Few, the project began with the Greenville County Bar Association Pro Bono Foundation. It uses state-of-the-art technology to match attorneys with clients in need.

The South Carolina Supreme Court agreed to establish a Pro Bono Honor Roll, which began on January 1, 2019 and will be published in February 2020. Information and pro bono opportunities on website has been updated and made more user friendly. Pro Bono partner organizations are participating in the Bar's Pro Bono Program booth at the Bar convention as well as in a roundtable discussion on Saturday morning to determine how the pro bono needs of those programs can best be met. The Pro Bono Board will continue to work to establish circuit pro bono committees and to meet with those committees and members of the local bars to determine how to address pro bono needs around the state.

The Pro Bono Program received a \$5,000 donation from the American Bar Association's Fund for Justice and Education to be used for training, developing an annual disaster legal services-related CLE, and to recruit and train attorney volunteers to provide pro bono legal assistance during disasters.

Risk Management and Mentoring

Risk Management Director Nichole Davis oversees implementation of the Lawyer Mentoring Program in addition to administering the Ethics Hotline and other parts of the program such as ethics advisory opinions.

Mentoring Program

The Bar administers the mandatory Lawyer Mentoring Program, including recruitment of new mentors and ongoing support of mentees. The program is working to match nearly 282 new attorneys sworn in this past fall and is planning the spring Mentoring Luncheon & CLE programs. The nomination period for the G. Dewey Oxner Jr. Mentor of the Year Award is now open.

Ethics Hotline

A trained Bar lawyer 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 email ndavis@sbar.org.

Committees, Divisions and Sections

Diversity Committee

The Diversity Committee partnered with the Young Lawyers Division to host two successful events in fall 2018. In October, a CLE titled "Seeking Solutions: How Does the Charleston Legal Profession Move Forward in a post-Mother Emanuel Community?" was held in Charleston. The YLD's diversity committee organized a community panel discussion, "To Kneel or Not to Kneel? A Discussion on the Protest Against Police Violence" in November in Columbia. More than 75 community members attended.

Lawyers Helping Lawyers Committee

The Board of Governors approved funding to provide training in Mental Health First Aid to 100 attorneys. This CLE will be offered in five sessions from January through April. A CLE on Question, Persuade, Refer (QPR) to prevent suicide will be held the second Friday of February.

Judicial Qualifications Committee

The Judicial Qualifications Committee released reports on judicial candidates in October. 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 oversaw the 2018 Judicial Qualifications Report process.

Senior Lawyers Division

Essay Contest

The Senior Lawyers Division, under the leadership of Judge Mark Hayes, sponsored its annual statewide Law Day Essay Contest. Students were invited to write an essay of 1,000 words or less on "Separation of Powers: Framework for Freedom." The 2018 overall winner, a current freshman at Duke university and the valedictorian of Spartanburg High School's class of 2018, will be recognized during the Bar Convention.

Nifty Fifty

The Senior Lawyers Division honored law school graduates from the class of 1968 during a lunch September 21. Honorees were recognized by SC Bar President Dawes Cooke, Senior Lawyers Division President Darra W. Cothran and Dean Robert Wilcox of the USC School of Law.

Wellness Initiative

The Senior Lawyers Division included a wellness corner in its quarterly newsletter. The committee is planning a wellness challenge for 2019.

Wellness Committee

The CLE Division has agreed to include wellness tips on its self-mailers for free as another way to reach members with wellness messages. The Wellness Committee will host a seminar at the Convention. The committee is planning a wellness challenge for 2019.

Young Lawyers Division

The YLD won the following national awards in 2018:

- The 2018 NABE LexisNexis Community & Education Outreach Award for The Your Big Idea Scholarship Contest;
- The ABA YLD's Diversity Award of Achievement for the diversity program, "The Legacy of the Confederacy -- A Town Hall Discussion About The Past, Present, and Future Impact of Confederate Relics in South Carolina;"
- The ABA YLD's Awards of Achievement's Comprehensive Award for the most successful projects conducted during the last year for our size.

The SC Bar YLD helped host the ABA YLD and GPSolo Conference "Where Tradition Meets Innovation" in October in Charleston. Tommy Preston of Charleston serves as chair of the ABA YLD and was instrumental in planning and hosting the conference.