

Report of the President

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South Carolina Bar Programs and Services

Communications

The team created a dedicated **COVID-19 website** (www.scbar.org/covid19) to get critical information out to members on March 13, 2020 and has updated it around-the-clock since. It includes courts information (local to federal along with neighboring state information); CLE information; event updates and resources. Web analytics show the average user spends more than four minutes at a time on the page, which is double the industry standard. In addition, the team launched a COVID-19 site targeted to the **general public** on April 29 (www.scbar.org/covidhelp) that includes legal services and information such as the Pro Bono COVID-19 hotline and links to SC Free Legal Answers. A news release was distributed statewide and generated stories on television, radio and in print.

SC Lawyer magazine published on schedule in early May and included COVID-related columns and updates in addition to the main feature articles the Editorial Board selected prior to the pandemic. Articles for the July edition have been selected and are in the editing process.

Eblast has featured and will continue to include COVID-related content and resources in addition to regular news items, firm announcements and Advance Sheet summaries. The e-newsletter will be distributed once a week (Thursdays) from May 28 through September 3.

Social media update since January 2020: 162 new Twitter followers for total of 5,139; top-performing tweet in that time was about Dean Wilcox's Durant Award during the Convention; 304 new Facebook likes for a total of 4,300; top post was about Regional High School Mock Trial results; 150 new LinkedIn followers since January for total of 1,031. Top post was a photo of the Board of Governors at their planning retreat. YLD Instagram account has 1,262 followers.

A printed edition of the **2020-2021 Lawyers Desk Book** was offered to members for pre-order in their license fees. The book will be printed and delivered in mid-August/early-September.

Continuing Legal Education

Seminars

Due to the COVID-19 pandemic, the CLE Division rescheduled some summer programs and is monitoring any potential MCLE rules changes that might impact the requirement to take live, in-person hours. The team is also working on a plan to assure social distancing at live seminars in order to protect members.

The CLE Division sponsored 30 live seminars from January-March. Topics included GAL training, mediation training, torts, motion practice, motorcycle accident cases, negotiations, wellness, criminal practice, eminent domain, wildlife law, succession planning, law office management, ethics, trial practice, and employment law. Live seminar attendance was somewhat lower than in previous years, although online attendance for both live webcasts and on-demand programs was significantly up. This may be due in part to the additional (2) online hours now allowed per reporting period by the Supreme

Court. Big Ticket sales continue to grow as more realize the exceptional value offered by the live and on-demand Big Ticket products, which enable access to multiple programs for a year for one fee.

Alternatively Delivered Programming

The Division released 26 new online, on-demand programs, held 15 live webcasts, and hosted 30 teleseminars from January-March. More than 250 of our teleseminars, hosted in partnership with Webcredenza, are now available on-demand as audio-only archived web-based programs. Most of these programs cover topics of interest to specialists.

During the current pandemic, the Division also produced a number of live and archived web-based programs aimed at the special needs of members. Programs focused on topics such as remote depositions, work-from-home cybersecurity and technology, unemployment issues, wellness, remote mediation practice, ethics, law office and law firm practice management, and access and guidance on the SBA CARES Act loan programs. Some of these seminars were offered free with no CLE credit and some are offered at a significantly reduced rate for CLE credit. In addition, the Division partnered with the S.C. Judicial Branch to offer an on-demand CLE credit program on attorney use of WebEx for remote Family and Circuit Court hearings **free** to all attorneys and judges, as well as law office staff and court personnel.

CLE Publications

Titles published January – April 8, 2020 include:

- *Marital Litigation in SC, Fifth Edition*
- *The Law of Torts, 2019 Cumulative Supplement*
- *SC Implied Consent Handbook*

The group exhibited at January 2020 SC Bar Convention and 2020 Greenville County Bar Seminar, grossing more than \$6,500.

Convention

The Conventions Committee met via conference call March 31. The committee will reconvene in June to discuss 2021 Convention seminar schedule, sponsor recruitment and 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 29.
- Sponsor/Exhibitor forms will be updated and distributed to immediate past partners in June. Additional outreach will be made in July to other potential sponsors and exhibitors.
- 2021 dates are January 21-24 at Belmond Charleston Place in Charleston.

Government Affairs Division

The Government Affairs Division maintains a presence at the State House to monitor and advise on a variety of issues important to the legal community and to serve as a resource for South Carolina's lawyer legislators. The Government Affairs Division has worked with sections and committees, Bar members, legislators, the Governor's Office and the Judicial Branch during the COVID-19 crisis. The primary issues have been e-notary, remote notary, family court issues (private and government cases), selected criminal court matters, court proceedings and court funding.

The General Assembly was scheduled to reconvene on May 12 to pass a sine die resolution, a continuing resolution and will reconvene in the fall.

Filing for both the House and Senate seats was completed on March 30 for this election cycle.

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 Cothran along with Manager Donald Lanier and Coordinator Marian Kirk carry out the statewide programs and since January have organized the following programs:

Middle School Mock Trial: Hon. Jack Landis and LRE Division Director Cynthia Cothran presented the 2019 State Middle School Mock Trial Champions, Buist Academy, the traveling Middle School Mock Trial Championship Cup and team medallions at their school assembly.

High School Mock Trial: The 2020 High School Mock Trial Judges' documents were finalized and distributed. Preparations for the 2020 High School Mock Trial regional competitions took place in February for 44 teams split among five regional locations in Columbia, Conway, Georgetown, Greenville, and Lexington. Three of the five regional competitions were threatened with snow, but predictions of snow did not follow through. Twelve teams were announced as advancing to the state competition held in Columbia at the Richland Central Court in the Decker Center in early March. While all schools were still in attendance statewide, only 10 teams competed in the state competition due to the beginning fear of COVID-19. Strom Thurmond High School won their eighth state championship title, and the Governor's School for Science and Mathematics won first runner-up. Carolina Forest High School received this year's Professionalism and Civility Award at the state competition. Strom Thurmond will be formally presented with their awards and the Westbrook Traveling cup at a later date when COVID-19 has passed.

We the People: The Citizen and the Constitution: South Carolina's state champion, Academy for Arts, Science and Technology (AAST) from Myrtle Beach competed in the "virtual" National We the People competition in late April via Zoom. Donald Lanier assisted the Center for Civic Education greatly in their preparations for a virtual competition and served as an online facilitator for both days of the competition.

SC Supreme Court Institute for Teachers: The 2020 SC Supreme Court for Teachers Institute, usually held in the summer, was cancelled due to COVID-19.

Awards and Scholarships: The deadline for the 2020 LRE Awards and Scholarships was extended to June 1st with a review meeting set for mid-June.

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.

Lawyers Helping Lawyers

Mental Health First Aid trainings have been put on hold. The last training held was in January in Greenwood. The training scheduled for Myrtle Beach in February was cancelled and will be rescheduled when it is deemed safe to do so.

LHL Co-Director Beth Padgett continues to be available to law students needing support by phone and video conferencing. Beth made a presentation on building resilience for Brett Barker's Practice Management class at Charleston School of Law via Zoom on April 6.

Character and Fitness hearings are being held via video conferencing for July 2020 (or other dates as necessary) Bar applicants, and our LHL directors will be able to attend these hearings for LHL clients using the online platform.

Significant planning has been done to upgrade the LHL webpage with the Communications director and staff and will be deployed in early summer. A page dedicated to Covid-19-related mental health issues is currently in place.

LHL saw the highest CorpCare usage ever in March. April figures are not yet available. Providers have tele-health capacity and can continue counseling LHL clients during this critical time.

The first annual LHL volunteer retreat and training event is scheduled for October 2- 3, 2020 at the Columbia Marriott. Ryan Pasquini, a recent law school graduate who clerked with the LHL program, is assisting Beth Padgett in developing new volunteer mentor/monitor materials for this event.

The Communications staff developed a palm card with information about the five free counseling sessions to help promote this resource. The business-sized cards have been very popular with more than 1,500 distributed in the second half of 2019-2020 fiscal year. LHL continues to receive requests for these cards and is regularly distributing them to various local bars, law firms, and agencies.

Membership Services Division

License Fees – 2020 License Fee Collection was wrapped up and 39 Bar members were suspended for non-payment.

Visits to local Bars were conducted in the First, Third and Sixth Circuits. Others were planned but had to be delayed due to COVID-19.

Committees & Sections – Elections were held FY 20-21 Section Councils. Committees and Sections continue to meet via conference call and video conference.

House of Delegates – Nominations were collected for delegates from Odd-Numbered Circuits and Out of State Delegates. There were seven nominations for two Out of State Delegate seats, and an election was held. For the remaining Odd Circuit vacancies and At-Large seats in the House, the Board of Governors filled these slots in April.

Practice Management Assistance Program (PMAP)

PMAP Director Courtney Troutman assisted law firms with practice management related questions, including assisting lawyers on closing a law firm for judicial positions, starting a firm, selling a law practice and retiring, choosing law office technology, working from home, trust account issues, responding to check counterfeiting, accepting ACH and credit card payments, video conferencing, notary laws, and more. The director assisted lawyers with questions about the CARES Act, including information about SBA loans, and with staffing issues related to COVID-19. The PMAP director presented at live CLE events on the topics of ethical best technology practices for lawyers, and succession planning; attended ABA TECHSHOW CLE in February and met with law office technology vendors and consultants about new and existing products; drafted Bar Bytes column.

The PMAP team created a new web page with COVID-19 resources such as economic support, remote work, reopening guidance, and video conference tools that is updated daily. The PMAP team also coordinated the Bar Book Exchange, with eight different law firms contributing law books to lawyers in the Solo & Small Firm Section; drafted new user guide for SC Bar Connect groups; drafted and shared regular tips for e-Blast and Twitter; and managed the Lending Library. The PMAP team took part in bi-monthly technology product demonstrations and attended a two-day virtual conference on practicing during COVID-19.

Member discounts - PMAP continued oversight and management of the member benefits discounts program, including responding to current and new vendors, reviewing new promotional materials, and assisting the Member Benefits Taskforce. More than 74 free webinars were posted on the PMAP Webinars page.

Fastcase - The PMAP team responded to member requests for assistance with Fastcase free legal research product. PMAP worked with Fastcase on new promotional materials and preparing for the rollout of version 7 which was delayed due to COVID-19. PMAP provided members with information about Fastcase resources through social media and website

Pro Bono Program

A COVID-19 Pro Bono Hotline went live on April 29. Several requests have been made for volunteers to assist in returning calls to the hotline and to answer questions on SC Free Legal Answers. Approximately 30 attorneys have volunteered. There continues to be a need for volunteer attorneys, especially in the areas of employment and landlord-tenant. The Communications Department has been publicizing the hotline and SC Free Legal Answers through all forms of media throughout the state.

There continues to be a need for volunteer attorneys and that will only increase with the expected surge in pro bono applicants in the wake of COVID-19. The need is especially great for attorneys who can handle housing, employment, bankruptcy, consumer and family law issues. The call for volunteer attorneys to respond to questions on SC Free Legal Answers while working from home was answered and there are several new volunteers. Members of the Bar across the state were also quick to respond to a request conveyed from the Supreme Court for volunteers to represent persons (by telephone), if needed, in due process hearings that are mandated where DHEC seeks and receives an emergency order to quarantine pursuant to S.C. Code Ann. § 44-4-540.

Pro Bono Program Director Betsy Goodale has been and will continue participating in SCEMD Task Force meetings regarding the COVID-19 response, ABA Pro Bono meetings, ABA Free Legal Answers meetings,

and many other meetings of groups determining how to provide pro bono legal assistance during the COVID-19 crisis.

Just as the new 5th Circuit Family Court Help Desk initiative was getting off the ground in February—thanks to Olivia Jones and Brett Stevens, the 5th Circuit Representatives on the Pro Bono Board—the COVID-19 crisis hit, and the project had to be suspended. We will start it back when the court system opens up.

The first South Carolina Supreme Court Pro Bono Honor Roll was published in February and was well-received.

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. In response to the COVID-19 situation, many public programs were postponed starting in March.

Law School for Non-Lawyers – The Public Services staff is meeting with facility contact persons to discuss rescheduling options, which may include a web-based video conferencing option.

Free legal clinics – Spring clinics were all cancelled due to COVID 19, and staff is working on scheduling fall clinics; moving some of the spring to later dates.

Ask-A-Lawyer – In partnership with Communications, the Division has an event with Live 5 News in Charleston on May 21 for a virtual session with chat option only.

The Lawyers Fund for Client Protection – The committee continues to meet via conference call to handle claims. There are currently 50 pending claims. Staff is working on revisions to the rules for Committee review.

Fee Disputes – There are currently 70 open cases. The April and May regional CLEs were postponed due to the COVID 19 situation. Will attempt to reschedule both of those during the summer.

Lawyer Referral Service – Operators are working from home. Calls are routed to a virtual voicemail box. LRS operators clear the voicemail on a schedule throughout the day and return the calls using a Google Voice number.

Free Legal Answers – The May Blitz will be conducted via WebEx and hosted by USC Law School. The online service has been promoted as part of COVID-19 outreach to the public.

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, and administers the Ethics Hotline, and provides substantive and administrative support to the following committees: Ethics Advisory, Professional Responsibility, and Professional Liability.

Mentoring Program

The Bar administers the mandatory Lawyer Mentoring Program, which includes recruiting new mentors, providing mentor training, and fostering mentor/mentee relationships.

Two SC Bar members have been selected as recipients of the 2020 G. Dewey Oxner Jr. Mentor of the Year Award. The recipients are Kevin Hardy of Hutchens Law Firm in Lexington and Janet Brooks Holmes of The McKay Firm in Columbia.

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) 799-6653, ext. 178 or send an email to ndavis@scbar.org.

Committees, Divisions and Sections

The **Alternative Dispute Resolution Commission** met via Zoom in April. The Commission has requested a presentation on the use of virtual platforms for conducting mediation at the next meeting. A subcommittee was tasked with working on a more formal application process for course approval. Certification Board will be meeting via conference call or Zoom to address clarification of qualifications for certification. Possible request coming from Practice and Procedure to amend Rule 6 of the ADR rules. The next meeting is July 24, 2020

The **Dispute Resolution Section Council** will be considering a request to adopt the Revised Uniform Arbitration Act. It is also working on CLE for convention. Section members, Eric Englehardt, Karl Folkens and Richard Hinson presented at CLE on using Zoom for mediations.

The **Ethics Advisory Committee** has published two Ethics Advisory Opinions (EAO 19-04 and EAO 19-05) during the fiscal year. The Committee is currently drafting two additional opinions.

The **Intellectual Property and Innovation Committee** met by conference call in February.

The **Lawyers Helping Lawyers Commission** is developing a committee to plan for the future of LHL. Roy Laney, Mike Ethridge, Robyn Ellison, Roy Pasquini, and Beth Padgett met on April 23 via Zoom. They are currently recruiting more members to provide expertise in needed areas. They intend to have a finished product by the end of 2020.

The **Lawyer Legislator Committee** held a meeting and reception at the University of South Carolina School of Law in late January, where Dean Robert Wilcox was presented the Order of the Palmetto by Governor McMaster.

The **Professional Responsibility Committee** has presented four proposals to the HOD during the fiscal year. All proposals were approved, some with friendly amendments. Petitions have been filed with the Court.

The **Solo and Small Firm Section** council met in person in February and by video conference twice in April to discuss challenges facing small firms during COVID-19. PMAP updated Section web pages;

contacted new Bar admittees to offer free Section membership; and managed all aspects of member email list participation.

The Senior Lawyers Division planning retreat was held in early March in Mt. Pleasant.

The **Technology Committee** met in person in February and by video conference in April.

The Young Lawyers Division held the following activities and events:

- Opening Leadership Academy Session (Charleston) - February 7-8
- The Importance of Diversity (Columbia) - February 13
- Cinderella Project (Columbia) - March 7
- Cinderella Project (Orangeburg) - March 7
- Family Forever Fair (Charleston) - March 7
- Practicing in the Era of Social Distancing Webinar - March 27
- Homebuying Seminar (Columbia) - February 20
- Estate Planning Seminar Webinar - March 10
- Mentoring Lunch (Columbia) - February 25
- 8th Circuit Oyster Roast - February 20

The **Community Law Committee** held its second Legal Feeding Frenzy to collect donations to food pantries and food rescue organizations statewide. This year's event was held online to collect monetary contributions to support organizations in their time of need during the pandemic.

The **Families Forever Committee** held a luggage drive to help children in foster care. The "Luggage for Love" drive included a no-contact porch pick-up for members who donated gently used items to children in need.

The Birdies for Belief **golf tournament** was postponed until October.