

## COVID-19 VACCINE INFORMATION

South Carolinians 70+ are eligible for the vaccine as of 1/13/2021



[mushealth.org/vaccine-1A](https://mushealth.org/vaccine-1A)



Call DHEC's Care Line at 1-855-472-3432 or visit [sdcdec.gov/vaxlocator](https://sdcdec.gov/vaxlocator) to find locations statewide making appointments.



Ingles supermarkets in the Upstate are taking registrations for appointments. Visit [www.ingles-markets.com](https://www.ingles-markets.com) to be added to the waitlist.

**Veterans:**  
[www.va.gov/health-care/covid-19-vaccine](https://www.va.gov/health-care/covid-19-vaccine)



## What Goes Around Comes Around

**Hon. Neal W. Dickert**  
AUGUSTA, GA

We have all heard that phrase. I suspect that most of us with the level of experience of a senior lawyer can attest that there is at least a modicum of truth to it. While I am a South Carolina native, a proud graduate of Wofford College and the University of South Carolina School of Law, and an active member of this bar, most of my practice has been south of the Savannah (River) in Augusta, Georgia. This includes 11 years as a trial judge in Georgia's Superior Court, the court of general jurisdiction in this state. I started my career as a trial lawyer for 20 years, became a trial judge for 11 years, returned to active practice for another 11 years and finally have become a full-time mediator and part-time judge. With all these various careers, I have had some experiences with role reversal.

One situation I remember arose out of my seeking a seat on the Georgia appellate courts. I was fortunate to make the short list for a vacancy following a retirement by one judge on the Court of Appeals. I was interviewed by the then governor. Needless to say, I did not receive the appointment. The call telling me that "The governor has decided to go in another direction" (another way to tell me I lost), came from the governor's administrative assistant. Several years later, this person sought a seat on that same Court of Appeals. Since this was a seat resulting from the previous judge serving out a full term, it was an elected position, as opposed to an appointment. A dispute arose when this person's first name was printed incorrectly on a number of ballots in one county. There were enough incorrect ballots to cast doubt on the election. As a result, a challenge to the election was filed. The matter eventually went to the Georgia Supreme Court. When the case reached the Supreme Court, one of the justices had to recuse herself. In such situations, the Court would call upon certain Superior Court judges to fill in for the recused justice. In this case, I got the call to rule in this contested election involving



the same person who conveyed the news of my rejection to the post he was then seeking.

While in this case one might say I had the upper hand, I have plenty of examples where role reversal worked in another way. When I retired from the bench, I returned to an active litigation practice. While I now only do ADR work, I was an active litigator for a number of years after leaving the bench. In that role, I appeared in front of judges, who a few years earlier were actively appearing in front of me. Similarly, I found lawyers setting my salary to be the same lawyers who, several years earlier, had begged me for summary judgments. When I was a judge, it was all too common for my assistant to call lawyers. She found that lawyers would want to be interrupted from other phone calls, meeting with clients, and even on occasion depositions to talk to the judge's assistant. For the strangest reason, I did not continue to receive this treatment once I returned to practice. Frequently my phone calls to fellow lawyers were met with "Can I tell her what this is in reference to?" or "Would you please spell your last name?" It also appeared that my jokes were not nearly as funny as they used to be. My most humbling experience may have come in a traffic stop. While a judge, I confess that I was pulled over a couple of times for exceeding the speed limit. I should not have done it, but I did. In the course of my exchange with the officer in these

prior incidents, the officer would inevitably ask what I did. Once I admitted to being a trial judge, the kind officer would apologize and give me a warning at worst. Several years after returning to practice, I was attending a meeting in Charleston with a number of other lawyers. I told the story of my experience being stopped for speeding. One the way out of town to spend the night at my partner's house at Edisto, I missed the speed limit change on the Ashley River Bridge and was pulled over by one of Charleston's finest. Needless to say, it did me absolutely no good, and probably hurt, when I had to tell this officer I was an attorney.

We also learn very quickly in this business that, in the practice of law, one leaves his or her footprints in the sand forever. I shall never forget the first time as a trial judge one of my former partners appeared in front of me. He was representing a defendant in a rather typical personal injury case. I liked to take credit for training this lawyer from the inception of his practice. I might add he is another graduate of the law school at University of South Carolina. As expected, he did a good job in the trial and came away with what I thought was a good result for his client. Several weeks later I ran into him and congratulated him on his trial. He acknowledged my compliment and then proceeded to tell me that I had been very hard on him in denying some of his jury charges. My response was that the charges he submitted were much too argumentative and then made the mistake of asking him where he came up with such garbage. He humbled me by saying that these charges were out of one of my old files. Oops.

Yes, what goes around does come around. As we age and seem to become more willing to speak our minds, we should remind ourselves that it is best to continue to treat our colleagues with respect, courtesy and professional decorum. One never knows when you might be on the receiving end of the wrath of someone you offended or treated unfairly.

## President's Page

**Hon. Carolyn C. Matthews**  
COLUMBIA

Christmas is a gleam of light in the darkest time of the year, a beacon of hope when the sun is farthest away. Hanukkah, the festival of lights, reminds us that miracles do occur. For all of us, the pandemic of 2020 has profoundly altered our way of practicing law, communicating with our clients, and trying cases. In our personal lives, the pandemic has dramatically changed everything from interaction with family and friends to preventing travel, weddings, worship gatherings, and celebrations.

The Senior Lawyers Executive Committee was forced to cancel our annual Fall Symposium in Cashiers, NC and the much-anticipated "Nifty Fifty" Luncheon honoring 50-year members of the SC Bar.

The SC Bar Convention will be completely virtual this year. Sandy Cruikshank has worked diligently to assemble a Senior Lawyers program which qualifies for up to 3.0 MCLE credit hours.

Tara has scheduled our annual Spring Convention in Charleston in mid-March 2021. If the vaccine is widely distributed, we will gather in person—a great time to anticipate!

I miss all of you and wish you and your families good health and happiness during the holiday season. Cheers to a healthy and prosperous New Year in 2021!



## SC Free Legal Answers!

Now that you know how to chat on Zoom, raise your hand on WebEx and share documents on Go To Meeting, it should be a piece of cake trying your hand at volunteering with [SC.FreeLegalAnswers.org!](https://www.scbars.org/free-legal-answers)

This SC Bar sponsored online forum is not only an excellent way for the public to get honest, up to date responses to their legal questions but it is also a very simple way for lawyers to do a bit of pro bono work! And no need to get out of those sweatpants!

Simply log on the website and at the very top of the site you will see Volunteer Attorney Registration, click and follow instructions. Once your request is received by the Bar Pro Bono Program, it will clear you and notify you to set up a password. You are now ready to go! You can select only Bankruptcy or only Employment questions or one of 11 different topics. You can easily preview the question and decide whether it is something you already know or are willing to do a bit of research to find an answer. Too complicated? Don't take the question; move on to another one.

### A few quick reminders!

Draft simple responses. Realize that you could always use more information, but unless you are willing to engage and ask those questions you can just answer what they ask. Sometimes you have to assume things, just say that. If you can link to a resource that is a good thing. The website has some resources (see the Training Resources link at the top of the site), but it is easy to open a second window and do a quick check on the SC Bar website to see if you can add something else to your response.

### Lessons learned

Over the years those of us who have engaged with FLA have found it to be as much about learning as it is about providing assistance. We have learned what resources are available and where our state lacks help. We have learned that Google is not a lawyer! We have learned that the public really needs our help on this most basic level. Sometimes it is just providing an honest answer or a link to a state agency that solves a problem. We have all learned that we know a lot, but we don't know everything! And we are ok knowing our boundaries.

### Bottom line

Participants are asked to complete a short survey, and they constantly note their appreciation for the response. It may not be a good solution but at least they got an honest answer. The took so long to get a response. We can do better if we all take just 30 minutes a week to log on, answer a few questions and help keep the backlog from growing.

Nothing is as easy as helping with Free Legal Answers! Practicing law and delivering much need pro bono services from the comfort of your own sofa and making a difference is a win-win.

Need more information? Contact Betsy Goodale at [bsgoodale@scbar.org](mailto:bsgoodale@scbar.org) or Pamela Robinson at [inspd@law.sc.edu](mailto:inspd@law.sc.edu).

## Throwback to the Before Times When We Could Lunch Together

Close to 20 senior lawyers and guests enjoyed the Senior Lawyers Division Lunch and Learn program that was held on March 5, 2020 at the SC Bar in Columbia. South Carolina Supreme Court Justice Kaye G. Hearn reflected on her journey leading to her seat on the South Carolina Supreme Court as well as her thoughts on the progress of women in the legal profession. Those in attendance had the opportunity to meet and catch up, enjoy a meal together and hear an outstanding speaker—in person!

SLD will be hosting a future Lunch and Learn event in Greenville with guest speaker, South Carolina Supreme Court Justice John W. Kittredge.

## Burnette Honored

M. Malissa Burnette, co-founder of Burnette Shutt & McDaniel, was named one of South Carolina ETV's 2020 "Women Vision SC" honorees. Read about her career advocating for equality and watch her interview with SCETV. Burnette, along with 10 other industry-leading women, including Columbia attorney and City Councilwoman Tameika Isaac Devine, was honored during a special SCETV program held on July 2, 2020.



## GET INVOLVED

For additional information on the Senior Lawyers Division and to find out how you can become involved, please visit [www.scbars.org/senior-lawyers](https://www.scbars.org/senior-lawyers).

## We Want To Hear From You

If you are interested in submitting an article, book recommendation or other materials for the next issue of The Boomer Times, please forward your submission to Mills Gallivan at [mgallivan@gwblawfirm.com](mailto:mgallivan@gwblawfirm.com) or Tara Caine at [tcaine@scbar.org](mailto:tcaine@scbar.org).

## 2020 Law Day Essay Contest Winners Recognized

*"A primary object...should be the education of our youth in the science of government. In a republic, what species of knowledge can be equally important? And what duty more pressing...than communicating it to those who are to be the future guardians of the liberties of the country?"*  
– George Washington

to all high school age students in South Carolina. Since 2011, the Senior Division has sponsored the Law Day Essay Contest, which is designed to instill a better understanding of the Constitution and the importance of the Rule of Law with the essay writing serving as a tool of civic education.

This South Carolina Law Day Essay topic was based on the American Bar Association's Law Day 2020 theme, "Your Vote, Your Voice, Our Democracy." The ABA's theme was in honor of the 100th anniversary of the ratification of the 19th Amendment to the United States Constitution which guaranteed the right to vote would not be denied on the basis of sex. Each participating student was asked to write a 1,000 words or less essay on this year's topic. The 2020 essay topic was, "Explain how the ratification of the 19th Amendment made the American ideal of equality of all more of a reality."

The 2020 Law Day Essay contest saw the largest school and individual participation in its 10-year history. Twenty-four different education institutions and programs from across South Carolina are recognized for encouraging their teachers and students to submit essays. Those institutions and programs are: Academy for the Arts, Sciences and Technology (Myrtle Beach), Byrnes High (Duncan), Carolina Forest High (Horry County), Daniel High

(Pickens), Dorman High (Spartanburg), Dutch Fork High (Lexington), Gray Collegiate Academy (West Columbia), Greenville High (Greenville), Home School Program (Boiling Springs), Irmo High (Richland), Lake View High (Dillon/Florence/Marion), Landrum High (Landrum), Manning High (Manning), Northwestern High (Rock Hill/York), Oakbrook Preparatory (Spartanburg), Pickens High (Pickens), Project TECH (Richland), Ridgeland Hardeeville High (Jasper/Beaufort counties), Spartanburg Early College High (Spartanburg), Spartanburg High (Spartanburg), Georgetown School of Arts and Sciences (Georgetown), Wando High School (Charleston) and Woodmont High (Greenville) and Woodruff High (Woodruff).

The overall best essay writer will receive a check for \$1,000, and each grade level best essay writer will receive a check for \$500. All best essay writers and honorable mention writers will receive an ABA medalion and certificate recognizing their achievements.

Judge Mark Hayes, the Law Day Essay contest coordinator, thanks the more than a hundred student essay writers, the numerous teachers who encouraged participation, and the volunteer circuit court judges who served as graders for their contributions in this project. For more information, please contact Judge Hayes at [hayesj@sccourts.org](mailto:hayesj@sccourts.org) or by calling (864) 562-4144.



The 2020 Senior Divisions Division Essay Contest best writers were:

**Overall Winner:** Jacob Price, Spartanburg High School  
**12th Grade Winner:** Kylan Hayes, Dorman High School  
**11th Grade Winner:** Amber Saitta, Pickens High School  
**10th Grade Winner:** Erin Vander Ploeg, Dorman High School  
**9th Grade Winner:** Donnilyn Green-Johnson, Carolina Forest High School

The Law Day Essay Contest is open

## CALENDAR OF EVENTS

### JANUARY 19-22

#### S.C. Bar Convention

The SLD program, *Faster Horses, Old Dogs and a Few New Tricks*, is scheduled for Thursday, January 21, 1:30 – 4:45 p.m. and qualifies for 3.0 MCLE credit hours

We lead off with a walk down memory lane with a reflection on the IBM Correcting Selectric, a library full of CJS and AmJur and a bag phone. Then we turn to the real subject of how millennials practice law in 2020. Can them young'uns teach the old

dogs our new tricks? Next our old horse picks the pace as we bring an educational and entertaining look 'under the sheets' of the massage therapy industry. What are the best practices and standard of care for clients, therapists and business owners through the eyes of an expert witness? Sorry, due to COVID there will be no live demonstrations!

Last, but not least we wrap up our fast-paced seminar a practical look at the South Carolina Freedom of Information Act through the

lens of the law evolved in 2020? How is FOIA being used and misused in the era of COVID?

### SEPTEMBER 17 (tentative)

#### Nifty Fifty Luncheon

SC Bar members who were admitted in 1970 and 1971 are tentatively scheduled to be recognized at a luncheon tentatively scheduled for Friday, September 17 at The Hall @ Senate's End in Columbia. Additional information to follow.