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2023 SUMMER MEETING: JULY 20-22 • 2023 ANNUAL MEETING: NOVEMBER 16-19

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MEMBER NEWS: Have news about changes in your firm, promotions, memberships and organization or community involvement? Please send all firm news to ahiers@pmpamc.com in Word format.

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Giles M. Schanen, Jr.

President's Message

By Giles M. Schanen, Jr.

At our Annual Meeting last November, I was honored to be named president of the South Carolina Defense Trial Attorneys' Association. For our past presidents to have trusted me to lead this incredible organization is the greatest honor of my professional career. As I write this letter, it is hard to believe that my term is more than halfway complete. The last six months have seen a whirlwind of activity and accomplishments that highlight the important work that our association is doing and the many benefits we provide our members.

In January, our Board held a Long-Range Planning Meeting at the South Carolina Bar Convention in Columbia. Our president-elect, Mark Allison, led us through a discussion devoted to ensuring the present and future success of the SCDTAA. The ability to spend an entire day focusing on ways to improve our association and enhance the value of SCDTAA membership was invaluable, and I thank our Board members for their contributions to a successful meeting.

Since our association's inception, one of our strengths has been the outstanding educational programming that we offer our members. This year has been no different, as we have already conducted three successful events across the state.

We kicked off the year in Columbia with our annual Diversity Seminar, which was run by our Diversity & Inclusion and Women in the Law committees and was sponsored by Exponent. The program featured accomplished speakers and panel discussions on topics including seeing the courtroom through the eyes of diverse attorneys, recognizing and addressing implicit bias in our workplaces, and identifying strategies for diverse attorneys to promote and market themselves and their practices. Our Diversity Seminar is consistently one of the most important and relevant events on our calendar, and this year's program, which was led by Jessica Laffitte and Amy Geddes, set a new bar for excellence.

In March, we held a Construction Law Seminar in Charleston. This program, which was chaired by Michael Freeman and James Robey, touched on a range of current legal and ethical issues in construction



litigation and included a presentation by the event's sponsor, SEA Ltd., on construction litigation from an expert witness point of view.

Finally, in early May we hosted our 31st Annual Trial Academy in Greenville. Our trial academy began on Furman University's campus with two full days of training on a comprehensive set of topics related to trial practice, led by some of the most renowned trial lawyers in the state. On the third day, the program moved to the Carroll A. Campbell Jr. United States Courthouse, where our 24 participants tried mock cases before state and federal judges and a jury, and received feedback on their performance from the judiciary and experienced trial attorneys.

Since its inception, our trial academy has been one of our association's marquis events. However, as opportunities for young lawyers to try cases have decreased, the experience that our trial academy provides to the participants has become even more valuable. Organizing and running the trial academy involves a tremendous amount of work. This year's Trial Academy Committee, which was led by Dan Atkinson as chair and Nickisha Woodward as vice-chair, put in countless hours to provide our participants with an authentic trial experience. In addition to our faculty, witnesses, jurors, and trial observers, I would like to thank Justice James and Judges Austin, Brogdon, Cain, Coggins, and Morgan for presiding over our mock trials, and Judge Kevin McDonald and the courthouse staff for hosting our event. And, as always, our award-winning executive director, Aimee Hiers, deserves special recognition for her efforts in coordinating the many moving pieces that make up a successful trial academy. As anyone who has been involved with our association knows, without Aimee's talent and hard work neither the trial academy nor any of our other events would be possible. We also are grateful to SEA, Ltd. for sponsoring the trial academy.

In the first half of 2023, our association has conducted three very different, but equally successful, events in the upstate, the midlands, and on the coast. While we as SCDTAA members may take the diversity and quality of these offerings for granted, it is not the norm for other state defense organizations. Since becoming an SCDTAA officer, I have had the chance to meet with leaders of several of our sister organizations from other states. These discussions have confirmed that the SCDTAA is one of the strongest and most successful state defense organizations in the country. The quality of our meetings, programs, and networking events is unsurpassed, even in states with much larger bars. We are fortunate to have past presidents, officers, a board, and an executive director who are aligned in their vision for our association and who work hard every day to ensure the continued success of the SCDTAA.



While we have had a busy first half of 2023, we have more exciting events in store over the coming months. First, on July 20-22, we will return to the historic Grove Park Inn in Asheville, North Carolina, for our 56th annual Summer Meeting. Our Summer Meeting Committee and Aimee Hiers have worked hard to create a fantastic mountain weekend full of legal education, recreational activities, and great food. The CLE program promises to be informative and relevant to the issues we face as defense lawyers in today's climate, including presentations on the relationship between in-house and outside counsel and the mental health challenges that are prevalent in our field. We will offer a range of activities, including golf on an original Donald Ross-designed course, a microbrewery tour, and a guided waterfall hike. And, of course, the Grove Park Inn's one-of-a-kind spa awaits you. I look forward to seeing you and your families in Asheville for a memorable, informative, and fun weekend in the mountains.

On September 21, we will conduct a stand-alone CLE in Columbia on trial advocacy, which will feature speakers from the plaintiff and defense bars and our judiciary, as well as a mental health component. We thank Richardson Plowden for hosting this event, and hope that you and others in your firms will attend.

On September 28, we will host our annual SCDTAA Golf Classic at the Orangeburg Country Club. This year's tournament, which will be sponsored by InQuis Global, will raise funds to help the association attract high-quality speakers to future summer and annual meetings so that the quality of our programming will continue to improve. Please consider signing up a team for a fun day of golf or sponsoring a hole in order to help make our golf tournament a success.

Finally, please mark November 16-19 on your calendar for our Annual Meeting at The Sanctuary on Kiawah Island, South Carolina. Our Annual Meeting provides an unparalleled opportunity to network with other SCDTAA members and the judiciary, and there is no better venue than The Sanctuary.

In closing, although we are in a climate where law firm budgets are tight and marketing funds are at a premium, the future of our association is bright because of the commitment of our leadership and the active participation of our members. I encourage you to take advantage of the many opportunities the SCDTAA provides, whether that is attending our meetings and seminars, speaking at a CLE, or publishing an article in *The DefenseLine*. With the continued support of you and your firms, we will provide our young lawyers with the same opportunities for growth that we have been afforded through our participation in the SCDTAA.

Thank you, Giles M. Schanen, Jr. 



EDITORS' NOTE



Adam Ribock



Robert E. Tyson, Jr.

Editors' Note

By Adam Ribock and Rob Tyson

By just looking at flowers blooming now you know they must be friendly: just look at all their buds!

It is our pleasure to bring the Spring/Summer 2023 edition of *The DefenseLine* to all of our buds at SCDTAA. As the days get longer and the sun shines brighter, we hope everyone has the opportunity to get outside to enjoy this beautiful weather with family, friends, and colleagues. The temperature isn't the only thing heating up though. The SCDTAA spring and summer calendar is white hot with events we are excited to share with each of you. In early May, we saw the return of the SCDTAA Trial Academy in Greenville, South Carolina where it was a pleasure to see the blossoming talents of the next generation of our state's great defense attorneys. Next, we turn our attention to the upcoming summer meeting at the Omni Grove Park Inn in stunning Asheville, North Carolina for a weekend of fellowship, scholarship, relaxation, and fun.

As you leaf through this edition of *The DefenseLine*, we hope you enjoy a delightful collection of fresh articles: a Judicial Profile of newly elected Circuit Court Judge Daniel McLeod Coble, an adversary profile of Leland Malchow and his renowned red Cadillac, a Young Layer's Division update, a piece about this year's Women's Conference, and so much more!

This edition of *The DefenseLine* would not be possible without the contributions of our great authors and staff. We are also incredibly appreciative of our sponsors for all they have done for SCDTAA and this edition of *The DefenseLine*. As always, send us any content or suggestions for future editions. Happy reading! 🏛️



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FOIA: What The FOIA Is Going On?

By La'Jessica Stringfellow



La'Jessica
Stringfellow

In today's practice of law, many opportunities arise to work with state and local governments. It is essential to understand the law for how governments operate. In today's society, transparency is a must so this article is intended to provide some clarity on interacting with government entities.

The South Carolina Freedom of Information Act (commonly referred to as "FOIA") is a state law that provides the public with the right to access government records and proceedings. Love it or hate it, FOIA is a powerful tool which allows citizens to stay informed about the actions and decisions of their elected officials and government. Enacted in 1978, FOIA requires that public business be performed in an open and public manner so that citizens are aware of the performance of public officials and the decisions that are reached in public activity and in the formulation of public policy. FOIA was created to make it possible for citizens to learn and report fully on the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.



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To Whom does FOIA apply?

FOIA applies to all South Carolina governmental agencies, counties, and local governments. FOIA can also apply to any organization, corporation, or agency which is supported in whole or in part by public funds or expending public funds.

What is a public meeting?

A public meeting is defined as the convening of a quorum of the membership of a public body, either in-person or by electronic means, to discuss or act upon an issue under the jurisdiction of the public body. *See Croft as Trustee of James A. Croft Trust v. Town of Summerville*, 428 S.C. 576, 591, 837 S.E.2d 219, 227 (Ct. App. 2019). A quorum is simply a majority of the membership of the public body. *Id.*

Notice requirements for public meetings.

A public body must provide notice of its regular meetings at the beginning of each calendar year. *See Lambries v. Saluda Cnty. Council*, 409 S.C. 1, 760 S.E.2d 785 (2014). The notice must include the dates, times, and location of the meetings. A meeting agenda must be posted on a publicly accessible bulletin board at the office or meeting place of the public body and on any public website that may be maintained by the public body at least twenty-four hours before the meeting. After the meeting agenda is posted, additional items cannot be added to the agenda without an additional twenty-four hour period before the meeting.

FOIA rules during public meetings.

Every meeting held by a public body must be open to the public. However, a public body may hold a meeting closed

to the public for one of the following reasons:

1. discussion of employment, appointment, compensation, promotion, discipline, or release of an employee, a student, or a person regulated by a public body;
2. discussion of contract negotiations, the sale or purchase of property, the receipt of legal advice related to a matter covered by attorney-client privilege;
3. discussion regarding the development of security personnel or devices;
4. proceedings regarding investigations related to criminal misconduct;
5. discussion related to proposal for the expansion of industries or other businesses in the area served by the public body;
6. the Retirement System Investment Commission, if the meeting is in executive session.

See Donohue v. City of N. Augusta, 412 S.C. 526, 531, 773 S.E.2d 140, 142 (2015)

In order to proceed to executive session, the public body must vote in public on the issue, and if the vote carries, the presiding official must announce the specific purpose of the executive session. *See Quality Towing, Inc. v. City of Myrtle Beach*, 345 S.C. 156, 547 S.E.2d 862 (2001). If the issue discussed in executive session pertains to employment or an industry expansion proposal, the identity of the individual or entity being discussed does not have to be disclosed. The public body cannot take any action on the issues discussed in executive session, except to adjourn or return to public



ARTICLE (CONT.)

session. The members of the public body cannot even commit the public body to a course of action by polling members while in executive session. All official actions must be taken in a public forum, not behind closed doors.

All public bodies must keep written minutes of their meetings. The minutes should include:

1. the date, time, and place of the meeting;
2. the members of the public body that are present or absent;
3. the substance of all matters proposed, discussed, or decided; and at the request of any member, a record of any votes taken;
4. any other information that any member of the public body requests to be reflected in the minutes;
5. all or any portion of the meeting can be recorded by any person in attendance, except when a meeting is in executive session.

The South Carolina Freedom of Information Act has many moving parts. However, each part provides valuable oversight to public bodies to promote transparency and accountability in government. FOIA also provides citizens with a valuable means of accessing information about their government and its operation. Advising public bodies on how to properly schedule, notice, and manage its meetings is a requirement of the SC Freedom of Information Act.

La'Jessica Stringfellow is an associate at Robinson Gray Stepp & Laffitte.



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CHARITY AUCTION

AUCTION ITEMS NEEDED!

Auction items needed for the upcoming silent auction to benefit NFJE, Kids' Chance of South Carolina and the South Carolina Bar Foundation Children's Fund.

Anyone interested in donating an item can email Aimee L. Hiers at ahiers@pmpamc.com



The Cadillac Counsel

The Cassandra Red 1975 Cadillac El Dorado Has Become a Staple Around Augusta

By Christian Zadig and Ben Stevens



Christian Zadig



Ben Stevens

Having driven the likes of judges, attorneys, clients, and even the University of Georgia’s mascot, “Hairy Dawg,” the Cassandra Red 1975 Cadillac El Dorado proudly parked outside of Nimmons Malchow Johnson Law Firm has become a staple in-and-around Augusta for lawyers and non-lawyers alike. Its owner, Attorney Leland Malchow, has loved American-built classics ever since he was gifted a 1969 Cadillac Coupe Deville in high school. Leland’s passion for both cars, specifically Cadillacs, and his work have inspired a nickname good enough for a Hollywood script: “The Cadillac Counsel.”

A proud Bulldog, Leland Malchow graduated with a Bachelor of Business Administration Degree from the University of Georgia in 1982. He then attended the Mercer University Walter F. George School of Law, receiving his Juris Doctorate in 1985. He began his career as an insurance defense attorney until he founded the personal injury firm, Nimmons Malchow Johnson, or NMJ. NMJ is located in downtown Augusta, Georgia with other locations in Aiken and Beaufort, South Carolina. Leland is involved in the Georgia Bar, having served as president of

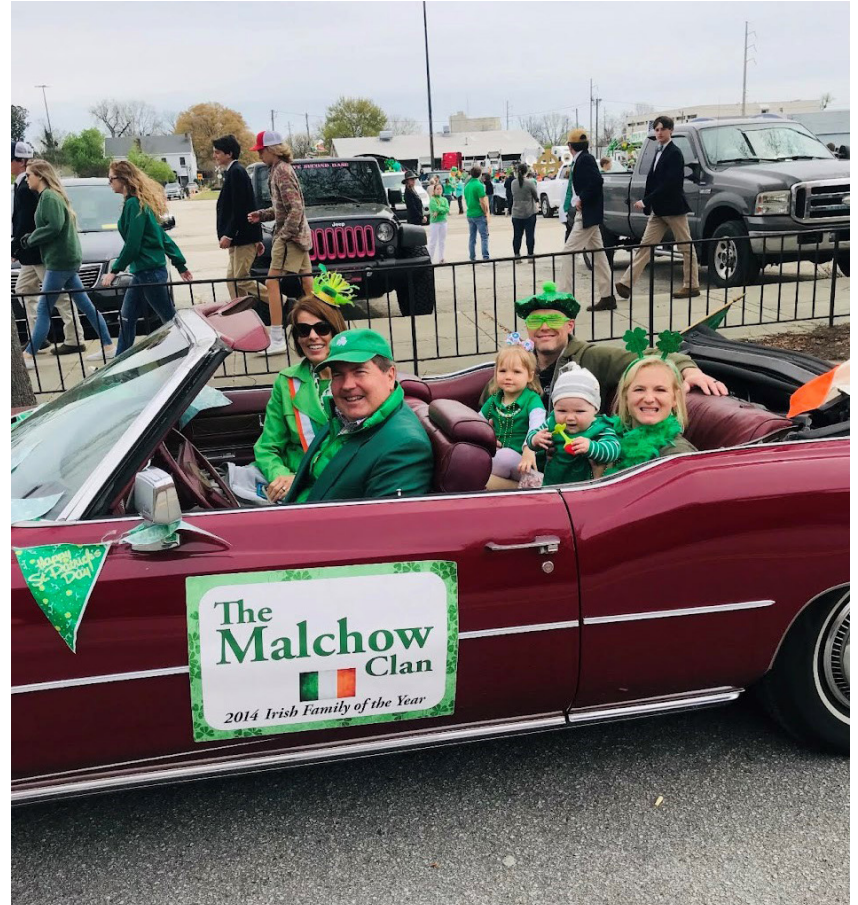



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the Augusta Bar and president of Georgia's Young Lawyers.

While many around the CSRA know Leland for his dedication to his clients, others know him for his red Cadillac convertible. Dubbed "Cupid's Cadillac," Leland's car has become Augusta's preeminent "getaway car" for newlywed couples on their wedding night. The trend of driving newlyweds was not intentional but has quickly become a tradition for friends and family of the Malchows. Some twenty-four different couples, including each of Leland's children, were ushered away to the low euphonious hum of the Cadillac's V8 engine. Leland says he enjoys driving couples off on their special night and listening to their excitement about starting their new lives together. After so many weddings, the red Cadillac has become quite the "good luck charm." All twenty-four couples who have taken a spin in the Cadillac on their special night remain happily married to this day.

If you have not had the chance to see Leland's red Cadillac at a wedding, you can see it in Augusta's annual Saint Patrick's Day Parade, escorting local dignitaries, large Irish families, and even the Grand Marshal, or coasting down James Brown Boulevard during Augusta's famed Martin Luther King Jr. parade.

But more than a getaway car, a parade float, or a promotional tool, the red Cadillac has become the manifestation of Leland as an attorney and person: deeply involved in his community, passionate, generous, and industrious, with a smattering of good style. It comes with no surprise clients and opposing counsel alike have come to expect "Cadillac-quality" representation from Leland Malchow and NMJ Law Firm. 



ABOUT THE AUTHORS

Christian Zadić graduated magna cum laude from the University of South Carolina in 2022. He will attend the University of South Carolina School of Law this fall. Ben Stevens graduated from the University of North Carolina Wilmington in 2019 and the University of South Carolina School of Law in 2023. He looks forward to beginning his legal career in Charleston this fall.





MEMBER NEWS: Have news about changes in your firm, promotions, memberships and organization or community involvement? Please send all firm news to ahiers@pmpamc.com in Word format.



The Standard Liability Waiver: Paper Tiger or King of the Litigation Jungle?

By Michael Rabb and Destini Anderson Pratt



Michael Rabb



Destini
Anderson Pratt

On March 7, 1998, Christine McCune joined her husband and several friends for a paintball game at Myrtle Beach Indoor Shooting Range, Inc. Prior to the match, she received a face mask provided by the range for protection. During the game, McCune's loose, ill-fitting mask came off after being caught in the branch of a tree. After her mask was raised off her face by the tree branch, McCune was struck in the eye by a paintball pellet that rendered her legally blind. McCune brought several causes of action against the Range based on the failure of the mask to be properly fitted and to properly protect her during play. McCune lost her case at every level of litigation due to a single piece of paper she signed just prior to her paintball game: a general waiver of liability. In an opinion written by Chief Justice Beatty, detailed below, this single piece of paper was found to be sufficient to release the Range from all liability for this incident.

Under South Carolina law, exculpatory contracts or liability waivers are writings that evidence express assumption of

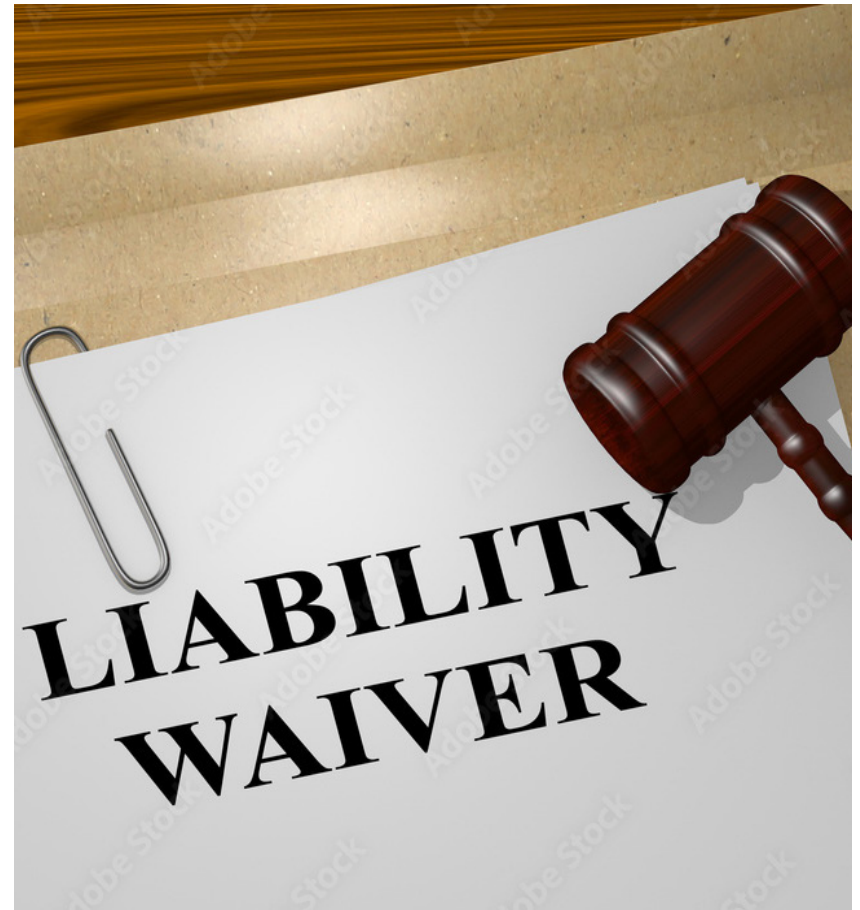


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the risk between parties, typically where one party (the plaintiff) relieves another party (the defendant) from his or her legal duty toward the plaintiff. It is not essential that these agreements be for consideration, for example, a waiver signed by a patron to enter an amusement park. Most courts generally disfavor these agreements, which will be discussed more below, but so long as the agreements are freely and fairly made between parties of equal bargaining power, and no public policy forbids them, the agreements are generally upheld.

Imagine a reigning heavy weight champion who contracts with a big network to engage in a legal boxing match, and essentially submits himself to personal injury—South Carolina courts have used this illustration to show a clear-cut view of the doctrine of assumption of the risk. South Carolinians who decide to spend their free time at businesses such as shooting ranges, trampoline parks, and even raceways, and consequently injure themselves while at these establishments, may find they are completely barred from recovery under theories of negligence or strict liability.

Consider an amateur racer who voluntarily signed a waiver for participation in a stock car race at a motor speedway track in South Carolina. The racer was injured after his car collided with the metal guardrail. The racer alleged that his injuries were caused by the motor speedway's negligence in maintaining the guardrail. Our Supreme Court opined that the Plaintiff's claim was barred by his own assumption of the risk, and the Plaintiff voluntarily entered into the waiver and release agreement. Like the McCune case illustrated above, South Carolina views

waivers like these as exculpatory contracts. Exculpatory contracts are strictly construed against the party relying thereon. The McCune Court explained that the agreement the Plaintiff signed was sufficient to limit the liability of the Range because the Plaintiff voluntarily signed the agreement specifically stating that she (1) assumed the risks, whether known or unknown; and (2) she released the Range from liability, even from injuries sustained because of the Range's own negligence.

Unlike other states, South Carolina courts have repeatedly upheld these "waivers and releases" when signed voluntarily by plaintiffs. As mentioned above, courts in general are weary of exculpatory contracts, but South Carolina courts have upheld them in many instances, opining consistently that people should be free to contract as they choose so long as public policy is not threatened. This public policy concern was illustrated in the case where Plaintiff Daniel Fisher was severely injured while serving on a wrecker truck crew at a racetrack. Fisher signed a release with language absolving the business from liability when, "[a]ny person in any restricted area," was injured. Our Court of Appeals found the provision too broad to be enforceable against Fisher and void against public policy, even though Fisher had freely entered into the agreement.

While South Carolina typically upholds these contracts, other states have developed their own precedent about exculpatory provisions in private contracts. Two prongs remain the same: (1) the exculpatory clause must be strictly construed against the party relying on it; and (2) the exculpatory clause must conspicuously and clearly



describe the liability to be limited. States like Wisconsin often disfavor these types of agreements. This was illustrated when a Wisconsin Court rejected a waiver argument when a citizen drowned in a swimming pool after signing a release of liability. The Wisconsin court explained the release violated public policy due to it being “overly broad and all-inclusive.” Wisconsin courts have repeatedly held that “take-it or leave-it” contracts violate public policy. In the swimming case, the Plaintiff had no opportunity to bargain and either had to sign the release or swim elsewhere. States like Ohio have taken a more objective approach. In Ohio, if an ordinarily prudent and knowledgeable individual would have understood the provision as a release from liability for negligence, then the release is upheld.

Interestingly, states that recognize degrees of negligence, such as gross negligence or aggravated misconduct, will not dismiss a plaintiff’s tort suit due to a waiver alone. Essentially, exculpatory clauses that are deemed valid under general negligence will not shelter a defendant under gross negligence claims because of public policy concerns. Connecticut courts do not recognize degrees of negligence and have still limited releases only when public policy is implicated. Likewise, patrons of certain New York establishments can partake without fear of signing away their rights to sue, due to the state deeming any waivers in connections with pools, gymnasiums, amusement parks or other similar facilities essentially void and against public policy. Whether or not injury waivers are upheld in certain states typically depends on a specific state’s statute and case law, in addition to whether the release is a violation of public policy or not. Defense attorneys should consider the


jurisdiction, relevant statutes, precedents, and the public policy concerns when creating their defense strategy.

Practitioners hoping to use these contracts or waivers as a liability shield should focus on some version of the following strategy.

First, fully read every clause of the contract/waiver to ensure 1) the waiver applies to the respective situation, 2) no exceptions apply to remove the waiver’s applicability, 3) the waiver contains the specific language required by South Carolina law to make it enforceable, and 4) the waiver is signed by the injured party or a legal parent/guardian/representative.

Second, be sure to plead express assumption of the risk as an affirmative defense in any answer to a plaintiff’s summons and complaint.

Third, ensure that all relevant and necessary discovery has been completed prior to asking a judge to make a legal decision on the enforceability of the waiver. At the time of the hearing, be prepared to make public policy arguments in addition to legal arguments in favor of enforceability, especially in the case of a non-profit organization such as a summer camp.

Fourth, even if a motion to dismiss or summary judgment motion is denied, continue to use the waiver as leverage to push the opposing side toward settlement as the waiver can also still be used at trial. If the case proceeds to trial, an updated motion for directed verdict should be made, and if denied, followed by a request to the judge for a special interrogatory to be presented to the jury as to the enforceability of the waiver. 



Judicial Spotlight: The Honorable Daniel McLeod Coble

By Hugh M. Gallagher, IV



Hugh M. Gallagher, IV

The Honorable Daniel McLeod Coble is a resident judge for South Carolina’s Fifth Judicial Circuit. He was born, raised, and lives in Columbia, South Carolina. Judge Coble received his undergraduate degree from Clemson University in 2009, where he served on the Judicial Education Committee. He then attended South Carolina School of Law, graduating in 2012. While in law school, Judge Coble served on *The Journal of Law and Education* and was a member of the John Belton O’Neill Inn of Court.

Judge Coble began his legal career as an Assistant Solicitor for the Fifth Judicial Circuit Solicitor’s office. During his tenure as an Assistant Solicitor, Judge Coble served as the lead prosecutor for South Carolina’s first homeless court. After five years as a solicitor, Judge Coble was appointed as a full-time magistrate judge for Richland County, a position he held from 2017–2021. He served as the associate chief magistrate judge during the last three years of his tenure. Judge Coble then opened his own law practice focusing on both criminal and civil litigation, Coble Law Group, before being elected to the circuit court bench in 2022.

Judge Coble has been active in several professional organizations. He served as the chairman of the South Carolina



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Bar Publications Committee and on the board of affordable housing and animal welfare groups. He continues to volunteer with the 1L Mentoring Program and as a mock trial judge.

Q. Who or what has had the greatest influence on your legal career?

A. I have been fortunate to have a lot of mentors throughout my legal career, both as a prosecutor and as a magistrate judge. They encouraged me, advised me in difficult situations, and have been very patient with me. One of my closest friends and mentor is Leigh Leventis, who exemplifies what it means to be a great lawyer and taught me the importance of building strong relationships. Additionally, the more experienced magistrate judges, including Judge Phil Newsom, gave great guidance on how to start out as a young judge.

Q. Following being elected as a circuit court judge, is there training before you take the bench?

A. Shortly after being elected, new circuit court judges participate in training conducted by Court Administration and attend civil and criminal law CLEs that focus on rules and procedure. Following that, new judges shadow more seasoned judges throughout South Carolina for a month in order to be familiar with different terms of court—general sessions, common pleas, non-jury common pleas, and PCR. I found shadowing helpful because it allowed me to not only observe how other judges handle different types of issues in their courtrooms, but it allowed me to ask them questions. As a young judge, I am still and will always be learning. I continue to seek guidance from more experienced judges and my mentors.

Q. What is the biggest difference between serving as a magistrate judge and a circuit court judge?

A. In magistrate's court, the parties were usually pro se litigants; it was rare to have either party represented by an attorney, let alone both parties represented by an attorney. In circuit court, all parties are typically represented. In my view, as a new member of the circuit court bench, there is a benefit and a drawback to this. The benefit is that when the parties are represented, the lawyers help me make the correct decision in the case by briefing the issues and arguing the applicable law. The drawback is that I need to be equally, if not more, prepared to rule on legal issues raised by high-caliber advocacy.

Q. Despite extensive courtroom experience, what has been the most challenging aspect of serving as a circuit court judge?

A. The toughest part about being a circuit court judge, or any judge, is having to make a decision. As an Assistant Solicitor and criminal defense attorney, I advocated for a specific position and hoped I convinced the judge to rule in my favor. However, as a judge, I now have the burden of trying to do justice by ruling correctly.

Q. As a judge and an experienced prosecutor, what skill do you believe makes a lawyer the most effective advocate for his or her clients?

A. In my opinion, the most important quality of a great advocate, whether a prosecutor or private litigator, is always being prepared. I believe the value of preparation really shows at both oral argument and also during pretrial negotiations. In addition, when the parties know not only



the strengths of their cases, but also know the weaknesses, it encourages cooperation and promotes compromise.

Q. What advice do you have for young lawyers starting their careers?

A. The best advice I have for young lawyers, and is advice that was given to me, is to be responsive. Promptly returning a phone call or an email is an easy way to distinguish yourself. It is important to remember that South Carolina has a small bar and you will be practicing with many of your colleagues for decades. Therefore, establishing a positive reputation and building strong relationships through respectful communication is crucial.

Q. What do you enjoy doing in your spare time?

A. I enjoy spending time with my wife and family. My two daughters are full of energy and keep me busy. I also have a dog, Jack, who has been a loyal companion. I like to hunt if I can find the time, but with a small family it is difficult to find myself in a deer stand as often as I wish. I also enjoy writing. I am not the best writer by any stretch of the imagination, but writing helps me organize and express my thoughts. 🖋️



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SCDTAA Annual Golf Tournament

By James B. Robey III



James B. Robey III



The Annual SCDTAA Golf Tournament is set for September 28th at Orangeburg Country Club. The Tournament is Captain's Choice format and starts at 10 am. Registration includes lunch, beverages, prizes & awards. We encourage you to assemble a foursome for this Tournament—guaranteeing play with those of your choice. If you choose not to submit a full team, please know that the committee will do its best at placing you on a mutually beneficial team. In addition to golfers, we also need sponsors for beverage stations, holes, carts, the driving range, the closest to the pin competition, and the longest drive competition. Thank you to InQuis for being our tournament sponsor again this year. We look forward to seeing everyone on September 28th! 🏊



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2023 Summer Meeting Preview

By J. Alexander Joyner



J. Alexander Joyner



Our Summer Meeting Committee has put together an excellent event and is excited to host our association and guests at the Omni Grove Park Inn on July 20-22! This year's agenda includes a slate of both informative and interesting sessions by true needle-mover presenters. Applied Building Sciences has returned as our Diamond Sponsor, and we greatly appreciate their continued support

of our association and thus the defense bar as a whole. We similarly thank Platinum Sponsor, SEA Ltd., for its generous support and partnership. The backing of and consultation from our sponsors (combined with the usual Aimee Hiers heroics) promises an outstanding affair. Mark your calendars, reserve your spots, and join us for a few days of camaraderie, education, and fun – we look forward to seeing you! 🏏



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Children's Program at Summer Meeting

By Nora K. Atkinson



Nora K. Atkinson



This year for the 2023 Summer Meeting Children's Program, the kids are going to have a blast! We will have an ice cream sundae bar with all the toppings you can imagine, ladder ball, corn hole, arts and crafts, and lots of board games (including a surprise game

prepared by Team Atkinson)! We will also play some team games. Last year we all had a lot of fun at our joint party with SCDTAA members, and this year's event will be even better. We hope you can join us this year for our Summer Meeting! See you then! 🎯



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SCDTAA 3rd Annual School Supply Drive

The SCDTAA will once again be collecting school supplies at the summer meeting to be held July 20 - 22 at the Omni Grove Park Inn. Items will be donated to students in need. Can't donate items - you can send a donation to SCDTAA for the school supply drive.

Suggested items:

Three Ring Binders	Folders with pockets	spiral notebooks
composition books	notebook paper	graph paper
Number 2 pencils	glue sticks or glue	washable markers
rulers	packs of facial tissue	Clorox wipes
antibacterial hand soap	ink pens	compass
calculators	crayons	colored pencils
index cards	highlighters	book bags

Questions - contact Aimee Hiers at SCDTAA Headquarters ahiers@pmpamc.com.

SCDTAA Trial Academy

By C. Daniel Atkinson



C. Daniel Atkinson

Twenty-four young attorneys from SCDTAA member firms across South Carolina came together in Greenville May 3 through 5 for the 31st SCDTAA Trial Academy. The Trial Academy is one of our organization's finest educational programs, and the work of this year's event committee, staff, and students lived up to the Trial Academy's rich legacy. We conducted the classroom instruction portion of the Trial Academy at the Pearce-Horton Football Complex at Furman University. I wish to say a special thank you to Head Football Coach Clay Hendrix and Director of Sports Medicine Craig Clark in helping to provide us such a special venue.

We again were fortunate to have our trials at the Carroll A. Campbell, Jr., United States District Courthouse in Greenville on May 5, 2023. I wish to thank Judge Kevin McDonald for assisting us with courthouse access, as well as Judge Donald Coggins, Judge Tim Caine, Judge Jacquelyn Austin, Judge Doc Morgan, Justice George C. James, Jr., and Retired Judge James E. Brogdon, Jr., for serving as our trial judges. The service of our outstanding judges in the mock trials helps to make our event such an outstanding training opportunity. Thank you to the SCDTAA members who served as witnesses and trial

"I continue to believe that the Trial Academy is one of SCDTAA's finest programs, and I hope all will consider participating in this program next year, as participants, witnesses, jurors, trial observers or instructors."

observers, and to the members of our community who served as jurors.


I continue to believe that the Trial Academy is one of SCDTAA's finest programs, and I hope all will consider participating in this program next year, as participants, witnesses, jurors, trial observers or instructors. I want to offer my special thanks to committee members who were invaluable to the success of our event, Co-Chair Nickisha Woodward, Past Chair Ken Shaw, Rogers Harrell, Beth McMillan, Pete Farr and George James, all of whom served as instructors, observers or in other support capacities. I appreciate that SCDTAA President Giles Schanen attended the entire meeting, and I thank our other officers, Mark Allison, Trey Suggs, and Trey Watkins, for their help in recruiting judges, witnesses, and trial observers. Finally, as with all SCDTAA events, the event would have been impossible without the skilled assistance of Executive Director Aimee Hiers and Courtney Waldrup. (see photos on next pages, 24-37) 



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SCDTAA EVENTS (cont.)

Trial Academy
Photos

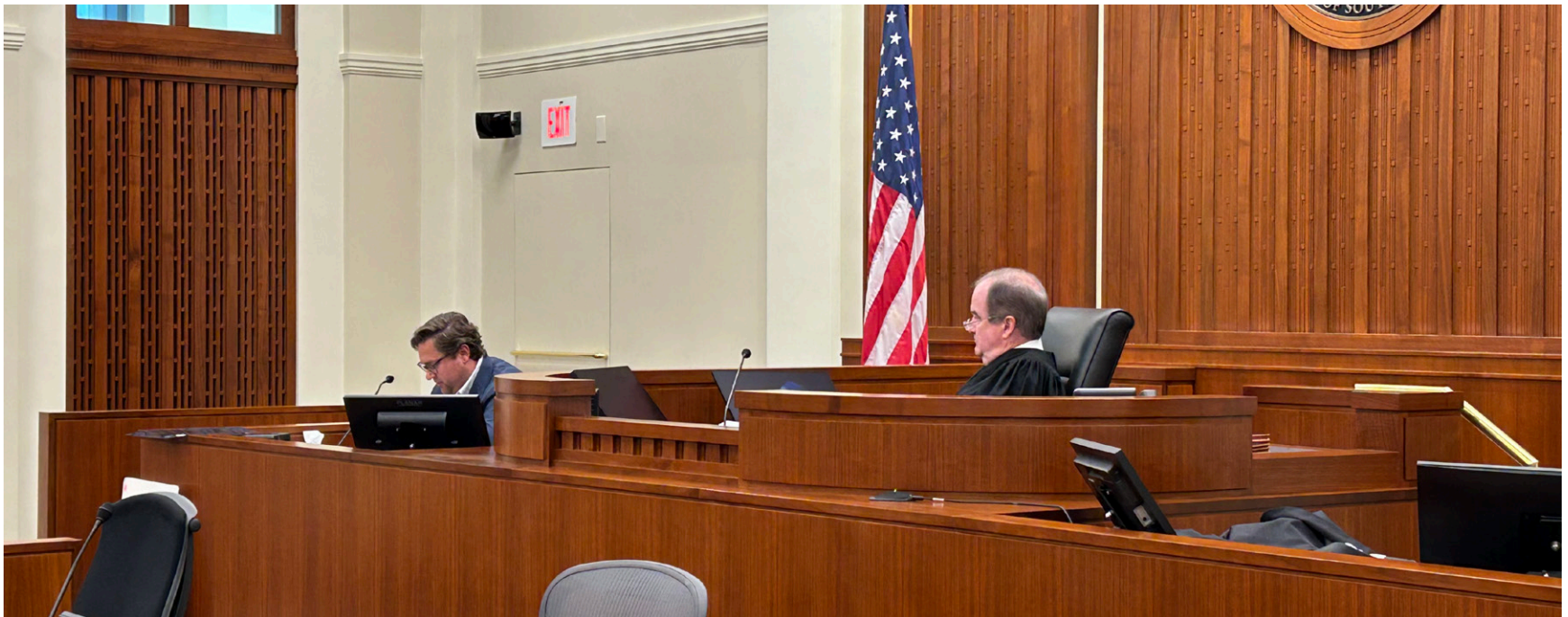


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SCDTAA EVENTS (cont.)

Trial Academy
Photos



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**SCDTAA
EVENTS
(cont.)**

Trial Academy
Photos



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SCDTAA EVENTS (cont.)

Trial Academy
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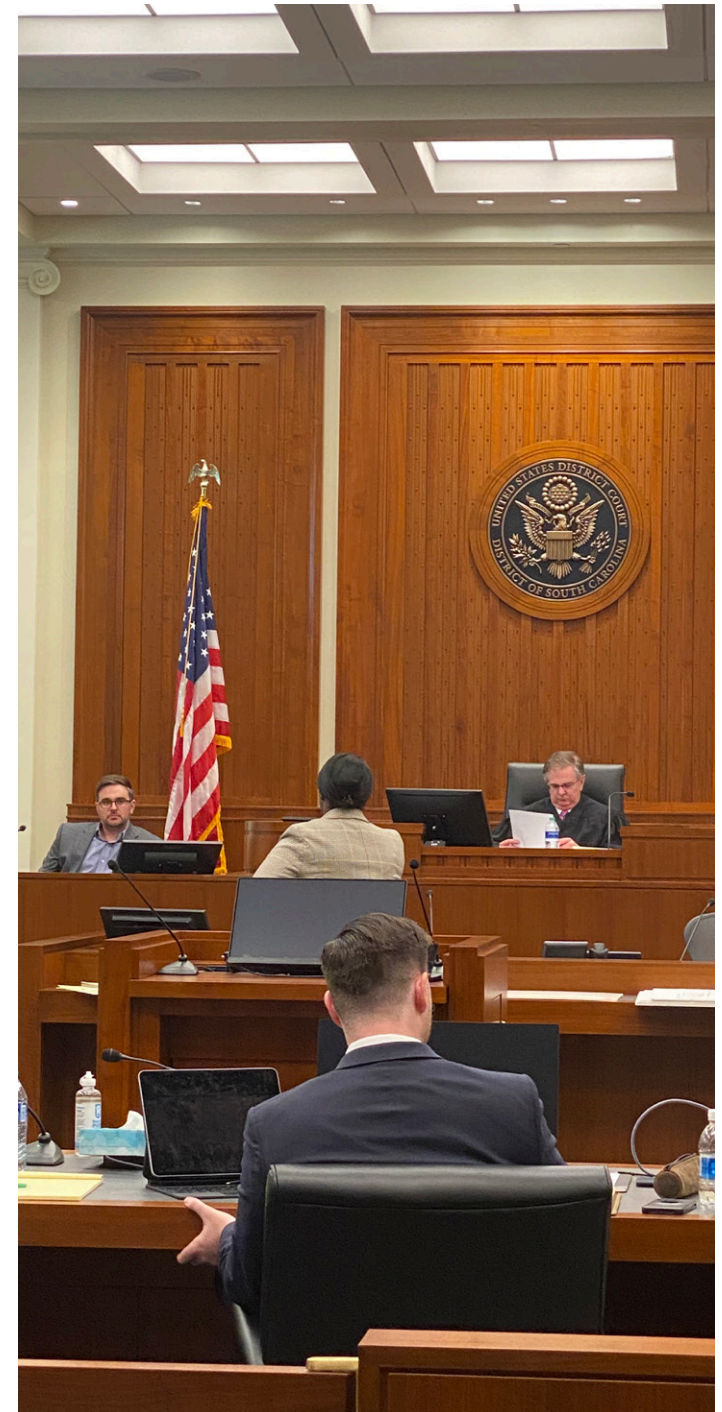


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SCDTAA EVENTS (cont.)

Trial Academy
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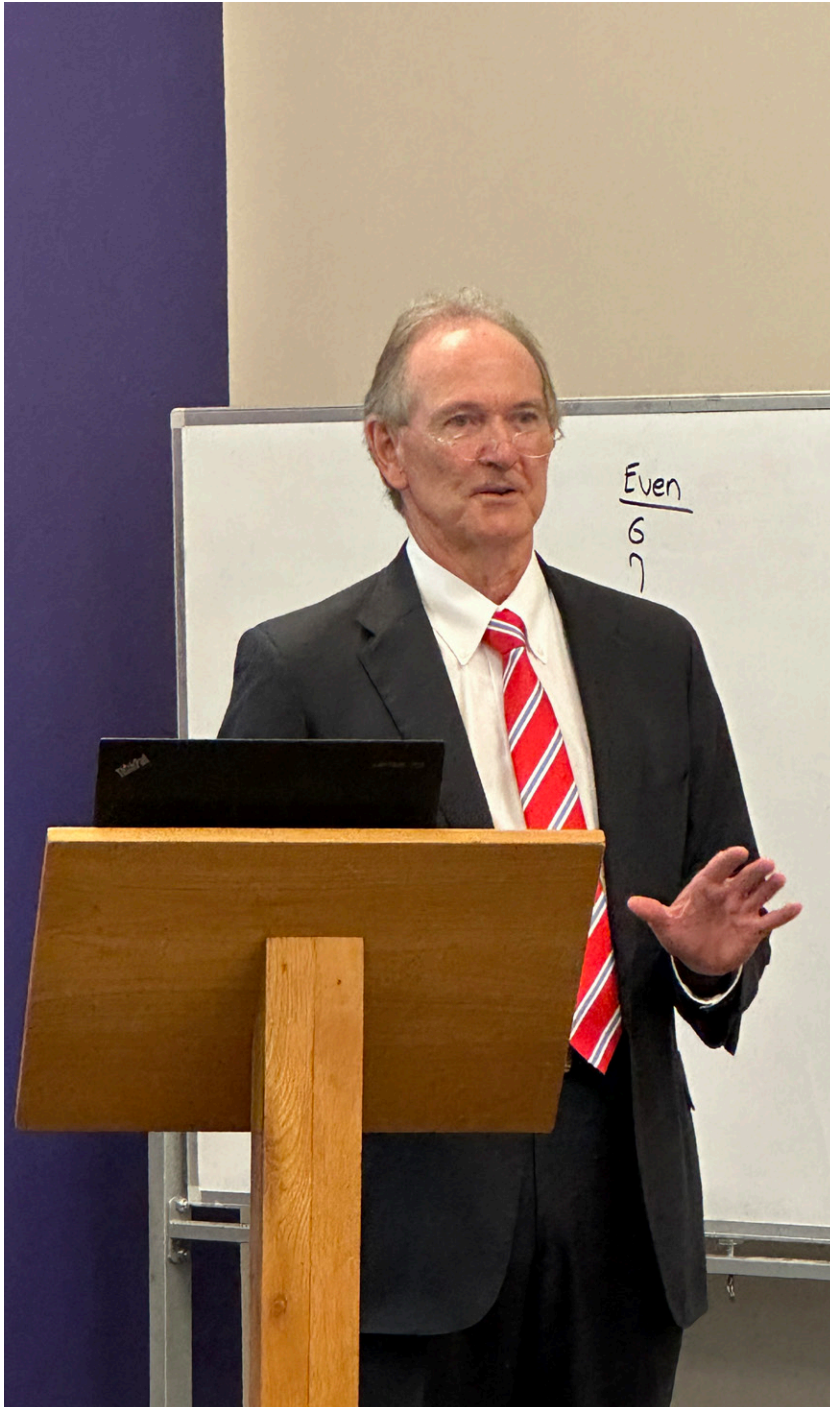


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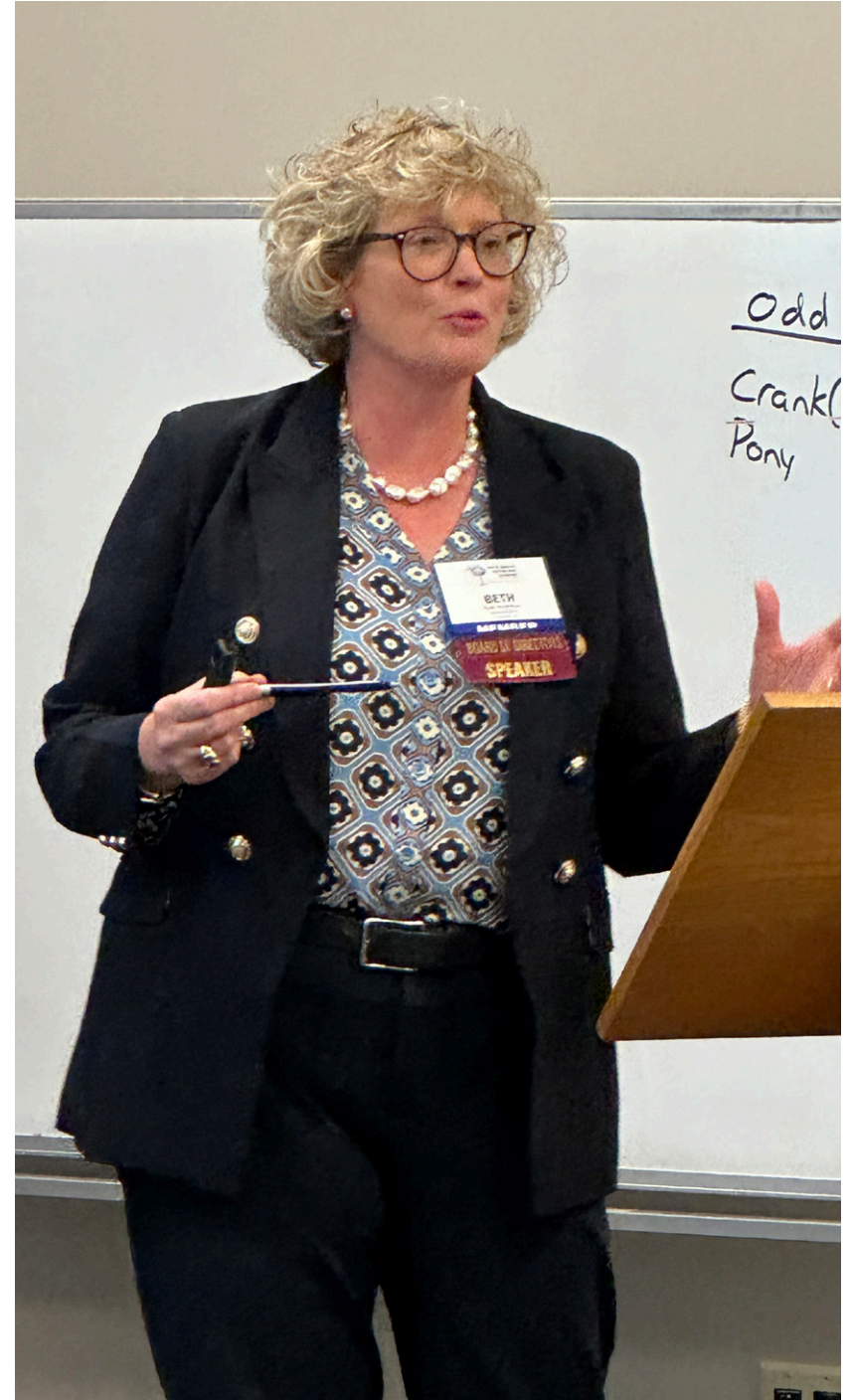


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Southeastern Women Litigators Hold Second Annual Conference

By Stephanie G. Brown



Stephanie G. Brown

Over one hundred women litigators joined together in Hilton Head Island, South Carolina in March, 2023 for the second annual Southeastern Women Litigators Conference, themed “High Tides and Litigation Vibes” to pay homage to our beach location. The conference included lawyers from Georgia, Alabama, Florida, Tennessee, North Carolina and South Carolina. Inspired by DRI’s Women in Law conference, Karen Karabinos with Chartwell Law, initially set out to provide an opportunity for more female litigators to join together and discuss relevant practice and personal growth topics than just a national conference.

The conference began Wednesday evening with a networking reception and a dinner with wine paired by Wendy Keefer, a certified wine specialist and litigator herself. The seminar started with a panel discussion on managing stress, both in the office and personal spaces, with discussion from the panel sharing their experiences and some of the tools they



have used to keep moving in rough waters. The panel was moderated by lawyer life coach, Ellen Ostrow, who then shared a presentation on burnout, imposter syndrome and additional stressors in life which impact women in a more direct way than male counterparts. Ostrow offered skills and tools to the participants to help with the balance. The next seminar topic addressed mentoring and how younger attorneys can get their “sea legs” through fostering a mentor/mentee relationship within their firm or from outside the firm. The panelists discussed how to grow in a specific area of law while navigating a firm’s internal structure and identifying when a new or additional mentor may be needed for personal growth. After lunch,



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SCDTAA EVENTS (cont.)

a panel discussed networking and how to grow/build a client base. The panel identified the unique and diverse talents that differentiate women and offered experiences on the importance of relationship building. The next group included a stellar make-up of female trial lawyers that discussed the art of cross-examination. The women provided personal examples of being true to their styles to be more effective in the courtroom. The day wrapped up with a live recording of the podcast “The Mother Board” where audience members shared experiences and advice on the importance of taking care of yourself and offering to help others climb up when you can.


The planning committee is already getting started on next year’s conference and looks forward to continue growing the conference. 🗑️



Emerging Leaders

By James B. Robey III

The Emerging Leader's Program is the SCDTAA's premier training program for young lawyers, as it provides specialized training and career development opportunities not available anywhere else.

Do you know a young lawyer who has the potential to be a leader? If you do, we encourage you to nominate that young lawyer for the SCDTAA's Emerging Leader's Program. The Emerging Leader's Program is the SCDTAA's premier training program for young lawyers, as it provides specialized training and career development opportunities not available anywhere else. Please contact Aimee Heirs for nominations to the Emerging Leaders Program or more information. 



DRI HAPPENINGS

By William S. Brown, DRI State Representative for South Carolina



William S. Brown

DRI is the largest and leading organization of civil defense attorneys and In-house Counsel in the world. Membership provides access to resources and tools for attorneys seeking to provide high-quality, balanced and excellent service to clients and corporations. DRI has the specialized relationships, resources, and programs to help expand your network, grow your career, and build your business. DRI is not just a part of your career. DRI is a partner in your career. As your State DRI Representative I urge you to renew your existing membership or sign up to be a part of this exciting organization. Get involved and it will pay off in your practice and practice development.

South Carolina is a part of the DRI Mid-Atlantic Region, along with Maryland, Virginia, North Carolina, and Washington D.C.. Leaders from the state defense associations within the Mid-Atlantic Region met, along with leaders from the Southern Region (Kentucky, Tennessee, and Mississippi) and Southwest Region (Arkansas, Louisiana, New Mexico, Oklahoma and Texas), April 26 – 28, 2023 in New Orleans, Louisiana. This meeting of regional defense leaders provided a great opportunity for the exchange of ideas and for networking. For many reasons, including the hard work of past officers, the dedication of our board members, and

The DRI Annual Meeting will be held October 25 -27, 2023 in San Antonio, Texas. Please consider attending the Annual Meeting or any of the many great seminars presented by DRI.

the creative ability of our executive director, the SCDTAA is viewed as an innovator and standard-bearer in the region and nationally. Giles Schanen and Mark Allison continued that tradition at this year's regional meeting, representing South Carolina and the SCDTAA well, particularly at the karaoke bar on Bourbon Street.

DRI is also running a membership drive this summer. This can allow for discounted or, in some situations, even a free membership. DRI membership can be an excellent business development platform through network building and referrals from other members. Please be on the lookout for emails about the opportunity to get involved with DRI.


The DRI Annual Meeting will be held October 25 -27, 2023 in San Antonio, Texas. Please consider attending the Annual Meeting or any of the many great seminars presented by DRI. A full calendar of DRI seminars can be found at <https://www.dri.org/education-cle/seminars>. If you need more information about DRI, feel free to contact me or go to [DRI.org](https://www.dri.org). 



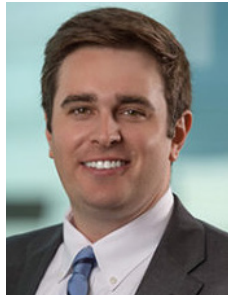
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Young Lawyers Division Update

By George C. James III



George C. James III

The Young Lawyers Division (YLD) of the SCDTAA provides young lawyers with the opportunity to develop friendships with peers, and at the same time, provides an opportunity to interact with more experienced lawyers from different law firms across different practice areas. Further, it presents young lawyers with an opportunity to appreciate leadership opportunities within the organization.

TRIAL ACADEMY was a success. Young lawyers participated in the event in addition to serving as witnesses and jurors. After two days of instruction from a variety of members of the SCDTAA, the twenty four participants tried their cases in six court rooms in front of a wide array of judges ranging from retired circuit court to the federal bench. At the conclusion of the event, two cases resulted in verdicts for the plaintiffs and four were defense verdicts. This is certainly one of the best events the organization puts on

for its young lawyers, and it positions the organization for continued success through this investment in its younger members.

SUMMER MEETING at the Grove Park Inn is fast approaching. Please consider providing items for the Silent Auction. All proceeds benefit the National Foundation for Judicial Excellence, South Carolina Bar Foundation Children's Fund and Kids' Chance of South Carolina. If you (or your firm) would like to contribute an item or experience to the Silent Auction, please contact Aimee Hiers.

UPCOMING ELECTION for the Young Lawyers Division Vice President Elect. Congratulations to Elizabeth Edmondson of Maynard Nexsen as the current Vice President of the Young Lawyers Division. She will serve the remainder of a vacated term then become President. This leaves the Vice Presidency open for the upcoming year. If you are a



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**YLD
UPDATE
(CONT.)**

young lawyer looking for ways to become more involved, this is a great opportunity to be gain leadership experience and interact with the leaders of the organization on a regular basis.

All members of the organization who are either under the age of thirty five or have been engaged in the practice of law for less than ten years are eligible for membership in the YLD. The Vice Presidency is four year commitment as the Vice President serves a two year term as Vice President followed by a two year term as President. You must meet the age or experience requirement for the first two years of your term to be eligible for consideration.

As I conclude my time as President of the YLD, we will be holding an election for the Vice President. If you are interested in running or would like to nominate one of your peers, please contact Aimee Hiers. It has been a pleasure, and I hope you enjoy all that the YLD has to offer. 🏛️



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ELECTION



UPCOMING ELECTION FOR THE YOUNG LAWYERS DIVISION VICE PRESIDENT ELECT

If you are a young lawyer looking for ways to become more involved, this is a great opportunity to be gain leadership experience and interact with the leaders of the organization on a regular basis.

For details about becoming a candidate, or nominating a peer, email Aimee Heirs at ahiers@pmpamc.com.





Robert E. Tyson, Jr.


Legislative Update

By Robert E. Tyson, Jr.

2023 is the first year of the two-year session and it has been busy. The primary bill the SCDTAA has been watching focuses on changes to the voir dire process. The Plaintiffs' bar is seeking changes to current law to allow for attorney led voir dire. A Senate Judiciary Subcommittee and a House Judiciary Subcommittee have held hearings on bills introduced in each body (S.263 and H. 3864). SCDTAA has testified and written Subcommittee members to the potential dangers of making these statutory changes. Principally, the SCDTAA has argued this is a "solution looking for a problem." Further, we let the General Assembly committee members know the attorney led voir dire probably will significantly lengthen trials. For that reason, virtually all of the trial judges with whom we have discussed this matter, have expressed these changes are not necessary. However, expect there to be pressure to move these bills in 2024 so the SCDTAA will continue to express its views

Legislation related to tort reform, including contributions among tortfeasors (S. 533), have been proposed but they also have not gone far in the legislative process. A Senate Judiciary Subcommittee has held initial hearings and more hearings are anticipated next year. We'll keep the membership informed so they can weigh in accordingly when the time comes.

Funding was provided for the additional circuit court seats in the second, fourteenth, fifteenth and ninth circuits. Funding was also provided for the three new family court seats.

Coming up next year, in addition to legislative efforts, will be another round of judicial elections and the full Senate and House will be up for reelection. Not to mention the attention South Carolina will receive as an early primary State for both parties Presidential Primaries. 



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SCDTAA Docket

John T. Lay, Jr. selected by Who's Who Legal: Thought Leaders For Seventh Consecutive Year

Gallivan White Boyd (GWB) is pleased to announce that John T. Lay, Jr. has been selected for inclusion as a Global Leader in the 2023 edition of Who's Who Legal Thought Leaders – USA- Life Sciences- Product Liability, for the seventh consecutive year.

Since 1996, utilizing the recommendations of clients and private practitioners, Who's Who Legal has identified the foremost legal practitioners in multiple areas of business law. The Thought Leaders edition reflects interviews with the practitioners themselves, and its purpose is to showcase not only the practitioner's vast experience but also their ability to innovate, inspire, and provide excellent service for their clients. John T. is one of three lawyers from South Carolina to be chosen as a Thought Leader in product liability defense.

John T. is a partner in the firm's Columbia and Charleston, South Carolina offices. With more than 25 years of experience managing complex, high-stakes litigation for clients, he has tried over 100 cases to verdict. He has also handled appeals at the South Carolina Court of Appeals, the Supreme Court of South Carolina, the Fourth Circuit Court of Appeals, and the United States Supreme Court. In addition to product liability, John T. focuses his practice on business litigation, professional malpractice, insurance coverage and bad faith, and financial services litigation. In those areas, he has

represented governmental and private interests alike.

As the Thought Leaders designation suggests, John T. consistently looks for ways to innovate and drive success in every case, while keeping the overall strategy and client's general business goals top of mind.

Fourteen Attorneys Selected for Inclusion In The 2023 Edition Of Super Lawyers®

Gallivan White Boyd (GWB) is pleased to announce that 14 attorneys from the firm's Greenville, Charleston and Columbia offices have been selected for inclusion in the 2023 edition of *South Carolina Super Lawyers*®.

Most notably, *Super Lawyers* recognized GWB Partner John T. Lay as one of the Top 25 Lawyers in South Carolina for the sixth consecutive year.

Super Lawyers, published by Thomson Reuters, lists the top 5% of the attorneys in the state who have attained a high degree of peer recognition and professional achievement. *Super Lawyers* utilizes a multiphase selection process that includes peer nominations, independent third-party research, and peer reviews by other attorneys in their primary practice area.

The 11 GWB attorneys listed as *Super Lawyers* include:

Columbia

- Alfred Johnston Cox – Business Litigation



- Gray T. Culbreath – Class Action
- John E. Cuttino – Civil Litigation: Defense
- John T. Lay – Business Litigation

Greenville

- H. Mills Gallivan – Alternative Dispute Resolutions
- Jennifer E. Johnsen – Insurance Coverage
- W. Duffie Powers- Creditor Debtor Rights
- David Rheney – Personal Injury General: Defense
- Zachary L. Weaver – Business Litigation
- Daniel B. White – Personal Injury – Products: Defense
- Ronald K. Wray, II – Transportation / Maritime

Outstanding attorneys who have been in practice for 10 years or less *or* attorneys who are 40 years old or younger may be recognized as ***Rising Stars*** by *Super Lawyers*®. No more than 2.5% of the attorneys in South Carolina are selected as *Rising Stars* each year. The three GWB attorneys listed as ***Rising Stars*** include:

Charleston

- Lindsay A. Joyner – Business Litigation
- Paige Chamberlain Ornduff – Construction Litigation

Columbia

- Kyle D. McGann – Construction Litigation

“We are so fortunate to have a talented group of attorneys who continue to excel in leadership and professional legal

services. Congratulations to this year’s *Rising Stars* and *Super Lawyers* for receiving this great honor.” -C. William McGee, CEO and Partner

MARK W. BUYCK IS MEMBER OF BOARD OF DIRECTORS FOR SC PORTS AUTHORITY

Mark W. Buyck, Jr. of the Willcox, Buyck and Williams Law Firm in Florence is a current member of the South Carolina Ports Authority Board of Directors. Buyck is a former United States Attorney for the District of South Carolina, a past-president of the South Carolina Defense Trial Attorneys Associates and of the South Carolina Chapter of the American Board of Trial Advocates, a member of the American College of Trial Attorneys, and Secretary of the Drs. Bruce and Lee Foundation in Florence. He received Honorary Degrees from the University of South Carolina and Francis Marion University. He is a former Trustee at Carolina serving for 28 years and is a current member of the board of the University of South Carolina Development Foundation and of the South Carolina State Fair Board. He was awarded the Order of the Palmetto by two South Carolina Governors. His firm, founded in 1895, has offices in Florence and Myrtle Beach. He has a general law practice including banking, governmental matters, emphasis on defense of Civil Rights cases against law enforcement; condemnations for SC DOT; real estate and general defense matters. Both of his sons, Mark, III and Hugh, are practicing lawyers. His daughter, Julie, is a paralegal in Greenville and Hugh’s wife, Meredith, has a law degree.



USC School of Law honors alumna Becky Laffitte with Platinum Compleat Lawyer Award

Becky Laffitte, a member of Robinson Gray law firm, has received the Platinum Compleat Lawyer Award, which is given by the University of South Carolina School of Law Alumni Council to recognize attorneys for outstanding civic and professional accomplishments.

The Compleat Lawyer Awards, established in 1992, are given each year to nine alumni from the law school. The awards are given in three categories, based on years in practice, with the three Platinum Awards given to attorneys practicing 31 years or more. The 2023 awards were presented at the law school's annual Alumni Awards Reception and Dinner in Columbia on Thursday, April 27.

The selection committee for the award consists of leaders from the highest level of the legal profession in South Carolina, including the chief justice of both the S.C. Supreme Court and S.C. Court of Appeals, the president of the state Bar, the president of the Law School Alumni Council, the president of the Young Alumni Council, and the dean of the USC School of Law. Becky was nominated by multiple people, both in and outside of Robinson Gray.

“The awards are given annually to alumni who have exhibited the highest standards of professional competence, ethics, and integrity and who have demonstrated superior performance in their professional careers,” said law school Dean William Hubbard in a letter telling Becky about the honor. “Your name was put before the committee through the expressed confidence of your peers, led by Elizabeth Van Doren Gray.”

In her nomination letter, Betsy Gray wrote, “In sum, Becky Laffitte is the ‘real deal.’ She is an exceptional trial lawyer, community leader, and all-around superb human being. As a graduate of the University of South Carolina School of Law, Becky reflects positively on our Law School and the lawyers it trains. No one would be a better ambassador for the Law School and a more representative Compleat Lawyer than Becky Laffitte.”

“Congratulations on this outstanding honor,” Hubbard concluded. “You are most deserving.”

Becky received her *Juris Doctor* from the School of Law in 1983. She graduated from Columbia College in 1977 and earned a Master of Arts in Teaching from USC.

Becky's diverse litigation practice focuses on disputes involving alternative dispute resolution, construction, dram shops, healthcare, insurance coverage, premises liability, product liability, and commercial transportation and trucking.

She is a fellow of both the American College of Trial Lawyers and the Litigation Counsel of America. She is a member of the International Association of Defense Counsel and the American Board of Trial Advocates. Becky is also a proud member of the John Belton O'Neall Inn of Court and the National Academy of Distinguished Neutrals (NADN), among other professional associations.

Her community activities have included ten years on the board of trustees of Columbia College (2002-2012), and the presidency of the Junior League of Columbia in 1996.

“This is an honor not only for Becky but for the entire firm,” said Cal Watson, managing member of Robinson Gray.



“Everyone involved in this profession in South Carolina knows what a tremendous attorney she is and has long been. It is very gratifying to see her excellence honored in this way.”

David Anderson Appointed Chair of DRI Committee

Congratulations to SCDTAA Past President David Anderson for being appointed as Chair of the DRI Veterans Network Committee. DRI’s Veterans Network is comprised of in-house and private practice defense attorneys, looking to engage with each other and the broader DRI community. Individuals in this group have served honorably in peacetime or wartime as a member of the United States or Canadian Armed Forces or Coast Guard. The DRI Veterans Network provides a mechanism to allow Veterans to network with each other, to meet and swap stories. In addition, the group also looks to support veteran-based service organizations.

Dan Atkinson Elected President of Palmetto Council

At its 2023 Annual Meeting, the Executive Board of the Palmetto Council, BSA, elected Wilkes Atkinson & Joyner, LLC, member Dan Atkinson as Council President. As Council President, Dan will serve as the Presiding Officer of the Council Executive Board, and he will serve as the primary volunteer with responsibility for administration of the Council’s Budget and Strategic Plan. Dan has over two decades of experience in service of youth through Scouting, including time as Daniel Morgan District Chair, and Council Attorney, prior to his election as Council President. He has served for the last six years as Cubmaster of Cub Scout Pack 22 at Trinity United Methodist Church in Spartanburg.

Founded in 1935, the Palmetto Council serves approximately

3300 youth members, ages 5 to 20, and approximately 1000 adult Scouters in Cherokee, Chester, Lancaster, Spartanburg, Union and York Counties. Its current Vision Statement is: “The Palmetto Council will provide enduring resources for youth within our council to prepare them for life, guided by the Scout Oath and Law.” Every member promises to abide by the twelve points of the Scout law, which require all members to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent. Scouts BSA and affiliated programs, including Cub Scouting, Sea Scouting, STEM Scouting, Exploring and Venturing aim to develop the character, bodies, minds and careers of young people, teaching them to be physically strong, mentally awake and morally straight. In February, the BSA, began celebration its 113th year of service to the United States and its communities, following the chartering of the Boy Scouts of America in 1910.

Wilkes Atkinson & Joyner, LLC, proudly supports the Palmetto Council and is happy to continue its relationship with Scouting and its support for valuable members of the Spartanburg community.

Dan Atkinson Selected For Association of Defense Trial Attorneys

Wilkes Atkinson & Joyner, LLC, is pleased to announce that member Dan Atkinson has been selected for membership in the Association of Defense Trial Attorneys. ADTA admits one prime member per million population for each city, town or municipality, and Dan was selected to serve as Spartanburg’s representative.



The Association of Defense Trial Attorneys has two main objectives: to provide an opportunity for the proven successful defense trial attorneys to associate with similarly qualified trial attorneys for professional, social, and business purposes, and to identify the successful defense trial attorney for those persons in search of such an attorney.

Reed Mulbry Joins Wilkes Atkinson & Joyner as an Associate

Wilkes Atkinson & Joyner, LLC, is pleased to announce that Reed W. Mulbry has joined the firm, where he will practice as an Associate in WAJ's Charleston office. Mulbry joins WAJ after serving as an Assistant Public Defender the last four years in the Charleston County Public Defender's Office. Before that he served as Law Clerk to S.C. Circuit Court Judge Perry Gravely. Mulbry will work primarily in construction litigation, professional negligence defense, and general civil litigation. Mulbry obtained a Bachelor of Science degree from Wofford College; and then he graduated *magna cum laude* from the University of South Carolina School of Law, where he served on the South Carolina Law Review, and admitted to the Order of the Wig and Robe and the Order of the Coif.

Brian Peters Joins Wilkes Atkinson & Joyner as an Associate

Wilkes Atkinson & Joyner, LLC, is pleased to announce that Brian M. Peters, Jr., has joined the firm, where he will practice as an Associate in WAJ's Spartanburg office. Peters joins WAJ after working at a Florida regional firm for the previous year. Peters will work primarily in construction litigation, professional negligence defense, and general civil litigation. Peters obtained a Bachelor of Arts degree, magna

cum laude, from Messiah University; and then he graduated magna cum laude from the Florida International University School of Law, where he served as Articles and Comments Editor for the FIU Law Review and served as a research assistant for Professor Thomas E. Baker.

Brian is currently admitted to practice in the States of South Carolina and Florida and the U.S. District Court for the Southern District of Florida.

Attorneys At Wall Templeton & Haldrup Recognized for Excellence

Wall Templeton & Haldrup is pleased to announce that Trey Watkins has been recognized for his work in complex business litigation and included in *South Carolina Lawyers Weekly's* The Power List 2023 Business Defense.

Several of our attorneys have been recognized for their professional distinction as South Carolina *Super Lawyers* 2023.

- Senior Associate Stephanie Brown – *Rising Star* in Insurance Coverage
- Shareholder Neil Haldrup – *Super Lawyer* in Construction Litigation (recognized since 2019)
- Shareholder Morgan Templeton – *Super Lawyer* in Insurance Coverage (recognized since 2012)
- Shareholder Trey Watkins – *Super Lawyer* in Construction Litigation (recognized since 2021)



Four Turner Padgett Attorneys in 2023 Edition of Best Lawyers: Women In Law

Turner Padgett is pleased to announce that Catherine Kennedy, Kristen Nichols, Hannah Stetson and Nickisha Woodward have been included in the 2023 Edition of Best Lawyers® “Women in the Law.”

This Business Edition celebrates the accomplishments of women in the legal industry and includes every female lawyer recognized in the 29th edition of The Best Lawyers in America®. The publication further promotes women’s voices with editorial content written by predominantly female contributors focusing largely on their experiences in law, taking monumental leaps in their professions and inspiring future generations.

Catherine Kennedy

Kennedy is recognized throughout South Carolina for her extensive experience in probate and trust matters. She has served on both sides of the bench. She was a probate court judge in Columbia, one of the largest probate courts in the state, and now she uses those skills in representing individuals and fiduciaries in complex probate and trust matters. Unlike many probate practitioners, Kennedy assists in both uncontested and contested estates. Knowing how litigation can damage relationships, she served on a task force to implement mediation in the probate courts and assisted in drafting the rule for probate court mediation. Kennedy earned her undergraduate degree from the University of South Carolina and her law degree from University of South Carolina School of Law.

Kristen Nichols

Nichols practices in bankruptcy, commercial law and litigation, foreclosure, real property litigation, HOA litigation, commercial real estate, debtor/creditor law, landlord/tenant law and creditors’ rights. She chairs the firm’s Women’s Committee and is dedicated to enhancing the status, influence and effectiveness of women lawyers in South Carolina, not only through her leadership and work at Turner Padgett but also through her position on the board of the South Carolina Women Lawyers Association, where she serves as president. She also co-chairs the firm’s Diversity and Inclusion Committee and is the Business Team’s client services and development leader. Additionally, Nichols is a Supreme Court of South Carolina Certified Mediator and is active with the Mediation and Meeting Center of Charleston’s Pro Bono volunteer program. She earned her bachelor’s degree from the University of South Carolina and her law degree from Michigan State University.

Hannah Stetson

Stetson dedicates her practice to counseling, training and defending businesses and employers, including startups and small to midsize businesses. In addition to advising employers throughout the Carolinas, Stetson has leveraged her employment law experience to champion Columbia’s small business community. She was part of a team of Turner Padgett lawyers who developed the firm’s Palmetto Propeller initiative to provide pro bono assistance to startups and small businesses in the Southeast. Since its implementation, Stetson has counseled startup and small business owners on policies and best practices that help their companies grow and thrive in Columbia’s marketplace. Within the firm, she cultivates the development of young lawyers’ careers and previously co-



chaired the firm's Associate Committee. Stetson earned her undergraduate degree from the University of South Carolina and her law degree from Wake Forest University School of Law.

Nickisha Woodward

Woodward represents international and regional clients in litigation, ranging from insurance and bad faith matters, to products liability and personal injury cases. She has secured numerous favorable outcomes for her clients in those cases, more than half of which resulted in complete defense verdicts. A leader among her peers, Woodward became the first Black woman president of the South Carolina Defense Trial Attorneys' Association's Young Lawyer Division in 2020, after serving two years as vice president. Following her term as president, she was elected as a board member in 2021. Woodward is also a member of the Charleston County Bar Association, the Defense Research Institute, the Loss Executives Association, the James L. Petigru Inn of Court, the Claims and Litigation Management Alliance and the South Carolina Women Lawyers Association. Woodward earned her undergraduate degree from Clemson University and her law degree from Charleston School of Law.

Turner Padgett Attorneys Named Among South Carolina Super Lawyers and Rising Stars for 2023

Turner Padgett is pleased to announce that six of its attorneys have been recognized by South Carolina Super Lawyers for 2023. Four attorneys from across the firm are included among the annual list of leading lawyers, and an additional two attorneys were named as Rising Stars by the publication.

Super Lawyers creates a diverse listing of outstanding

attorneys who are honored for their professional achievements. Only five percent of lawyers in South Carolina are named as Super Lawyers, and no more than two-and-a-half percent are selected as Rising Stars. The complete list is available today at www.superlawyers.com.

The Turner Padgett attorneys named among South Carolina *Super Lawyers* for 2023 by office are:

Charleston

Richard S. Dukes, Jr.: Constitutional Law

Columbia

Catherine H. Kennedy: Estates and Probate

Lanneau Wm. Lambert, Jr.: Real Estate

Franklin G. Shuler, Jr.: Employment and Labor

The Turner Padgett attorneys named as Rising Stars are:

Charleston

Nickisha M. Woodward: Personal Injury General: Defense

Columbia

W. Taylor Stanley: Business Litigation

Every year, Super Lawyers selects attorneys from all firm sizes and over 70 practice areas throughout the United States. Each candidate undergoes a multiphase selection process where they are evaluated on 12 indicators of peer recognition and professional achievement. *Super Lawyers* can be found online at www.superlawyers.com, where lawyers can be searched by practice area and location.



Three MGC Attorneys Recognized in 2023 South Carolina Super Lawyers

Law firm McAngus Goudelock & Courie (MGC) is pleased to announce the inclusion of three attorneys in the 2023 South Carolina *Super Lawyers* list, with one being recognized as a Rising Star.

- Brett Bayne (Columbia – Civil Litigation: Defense): 2023 South Carolina *Rising Stars*
- Amy Jenkins (Charleston – Employment & Labor): 2023 South Carolina *Super Lawyers*
- Dominic Starr (Myrtle Beach – Civil Litigation: Defense): 2023 South Carolina *Super Lawyers*

Super Lawyers, a Thomson Reuters business, is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. The annual selections are made using a patented multiphase process that includes a statewide survey of lawyers, an independent research evaluation of candidates and peer reviews by practice area. The result is a credible, comprehensive and diverse listing of exceptional attorneys.

Collins & Lacy Attorney Selected as 2023 South Carolina Super Lawyers®

A Collins & Lacy attorney have been named 2023 *South Carolina Super Lawyers®* for work in their respective practice areas.

“Collins & Lacy attorneys are honored to be part of this prestigious list,” said Christian Stegmaier, president of the firm. “This embodies our relentless commitment to providing

best-in-class client experience.”

Super Lawyers is an annual listing of attorneys who have attained a high degree of peer recognition and professional achievement. No more than five percent of the lawyers in the state are selected to the Super Lawyers.

Columbia – 2023 South Carolina Super Lawyers

- Christian Stegmaier, General: Defense

South Carolina Super Lawyers 2023 Recognizes 9 Attorneys at Robinson Gray

Super Lawyers has again listed seven Robinson Gray attorneys on its annual recognition of excellence in South Carolina.

Bobby Stepp – was once again rated among the Top Ten in the practice area of Business Litigation, as he has been in previous years.

All of the seven were honored the last two years as well, demonstrating the firm’s consistent performance. Attorneys at the firm have been on the list for 16 years.

Also, two attorneys have been named 2023 South Carolina “Rising Stars,” one of them for the first time.

Those selected to Super Lawyers from Robinson Gray, and the practice areas listed by the rating service, are:

- Grady Beard, Workers’ Compensation
- Becky Laffitte, Personal Injury – Products: Defense
- Beth Richardson, Business Litigation
- Bobby Stepp, Business Litigation



- Monty Todd, Personal Injury Medical Malpractice: Defense
- Rob Tyson, Civil Litigation: Defense
- Cal Watson, Business Litigation

Super Lawyers are selected through a patented, multiphase process involving peer nomination, independent research and peer evaluation. Those who receive the very highest point totals make the Top Ten List, meaning they are recognized as the best of the best.

The South Carolina “Rising Stars” list recognizes outstanding lawyers who are younger than 40, or who have been practicing for 10 years or less. This is attorney Lisle Traywick’s first time on the list. Those making this list from Robinson Gray include:

- Ben Gooding, Business Litigation
- Lisle Traywick, III, Appellate


Click here to learn more about the selection process for Super Lawyers: https://www.superlawyers.com/about/selection_process_detail.html

Mills Gallivan Rotates off Lawyers for Civil Justice Board

Mill Gallivan rotated off the Lawyers for Civil Justice Board and ended his role as Chairman of the Board. This culminates a 20 plus year involvement that began when the LCJ came to assist the SCDTAA with their position opposing the efforts to eliminate confidentiality as a part of settlements in state and federal court. The LCJ continues its outstanding work

to improve the FRCP for the defense bar and its clients by proposing rule changes, submitting Amicus briefs and scholarly presentations.

Parker Brown joins Aiken Bridges

Aiken, Bridges, Elliott, Tyler & Saleeby, P.A. is pleased to announce that Parker W.L. Brown has joined the firm as an associate attorney. Parker’s practice will be focused on insurance defense litigation including personal injury, premises liability, construction defect, and other general liability claims. He received his undergraduate degree from Francis Marion University and his law degree from the University of South Carolina. 



Verdict Reports

TYPE OF ACTION:

Auto Accident

INJURIES ALLEGED:

Torn posterior tibial tendon, spinal radiculopathy, permanent injuries

NAME OF CASE:

Deloris Campbell vs. Cole Collins

COURT: (INCLUDE COUNTY):

Court of Common Pleas, Dorchester County

CASE #:

2021-CP-18-01966

NAME OF JUDGE:

The Honorable Maite Murphy

VERDICT AMOUNT:

Defense Verdict

DATE OF VERDICT:

4/11/23

DEMAND:

\$600,000.00

HIGHEST OFFER:

\$100,000.00

ATTORNEY(S) FOR DEFENDANT (AND CITY):

Penn W. Ely (Clawson & Staubes, Charleston, SC)

ATTORNEY(S) FOR PLAINTIFF (AND CITY):

Johnny F. Driggers (Driggers Law Firm, Charleston, SC)

DESCRIPTION OF THE CASE, THE EVIDENCE PRESENTED, THE ARGUMENTS MADE AND/OR OTHER USEFUL INFORMATION:

On 6/19/18, Defendant rear-ended and totaled Plaintiff's van. Plaintiff declined EMS transport, rode to the ER with her sister, and saw a chiropractic the next day. A podiatrist repaired the posterior tibial tendon in her left foot. The parties disputed the mechanism of her foot injury. Additionally, Plaintiff received injections for radiating neck and back pain. Then 63 years old, she never returned to her job as a home-health aid or worked elsewhere.

Her podiatrist, anesthesiologist, and chiropractor related all treatment to the accident. The defense relied on cross-examination and did not call an expert. Plaintiff had reported left foot pain 40 days before the accident. The parties disputed whether a pair of sandals caused the same ("reports arch tenderness after a change in shoes to a sandal"). Further, the parties disputed whether high blood pressure caused foot and leg swelling beforehand. There was no record of neck or back pain within four years of the accident.

In closing, Plaintiff asked for \$600,000: about \$100,000 in medical bills, plus \$200,000 for lost wages, plus \$300,000 in non-economic damages. After 30 minutes of deliberation,



the jury found that Defendant did not proximately cause her injuries.

(Any result the lawyer or law firm may have achieved on behalf of a client in one matter does not necessarily indicate similar results can be obtained for other clients.)

TYPE OF ACTION:

Motor Vehicle Collision

INJURIES ALLEGED:

Face, facial laceration, fracture, leg, fracture, patella, hand, hardware implanted, internal fixation, knee, dislocation, open reduction, physical therapy

NAME OF CASE:

Mikeya Anderson v. Amanda Burke

COURT: (INCLUDE COUNTY)

Richland County Court of Common Pleas

CASE #:

2021CP4001414

TRIED BEFORE:

A jury

NAME OF JUDGE:

Jocelyn Newman

VERDICT AMOUNT:

§0 – Defense Verdict

DATE OF VERDICT:

1/23/2023

DEMAND: (REQUIRED IF DEFENSE VERDICT)

§100,000 (liability policy limits)

HIGHEST OFFER:

§5,000

ATTORNEY(S) FOR DEFENDANT (AND CITY):

Riley Bearden & Brett Bayne of MGC Columbia

ATTORNEY(S) FOR PLAINTIFF (AND CITY):

Rebecca Raynard – Anastapoulo of Columbia

DESCRIPTION OF THE CASE, THE EVIDENCE PRESENTED, THE ARGUMENTS MADE AND/OR OTHER USEFUL INFORMATION:

On Aug. 22, 2019, plaintiff Mikeya Anderson, 29, a school bus driver, was driving on North Woodrow Street, at its intersection with Broad River Road, in Irmo. As she entered the intersection, the front of her sedan struck the front of a minivan driven by Amanda Burke. Burke was driving on Broad River Road and allegedly drove through a red light. Anderson suffered leg fractures and a facial laceration.

Anderson sued Burke. She alleged that Burke was negligent in the operation of a vehicle. Anderson's counsel argued that Anderson had a green light as she entered the intersection, and that Burke drove through a red light, thereby causing the collision.

The defense maintained that Anderson was solely liable for causing the accident. In addition to Burke's assertion that her light was green, the defense relied upon the testimony of an independent witness. The witness, who was traveling on Broad River Road in the opposite direction of Burke, confirmed that Burke had a green light upon entering the intersection, and Anderson's light was red.

The defense contended that Anderson caused the accident by illegally entering the intersection on a red light.



TYPE OF ACTION:

Negligence/MVA

INJURIES ALLEGED:

Broken wrist, broken nose, lacerated scrotum, lacerated perineum

NAME OF CASE:

Grady Gaddy v. George Harrison

COURT: (INCLUDE COUNTY)

Fairfield County Court of Common Pleas

CASE #:

2020CP2000339

TRIED BEFORE:

Jury

NAME OF JUDGE:

Brian Gibbons

AMOUNT:

\$55,737.29

DATE OF VERDICT:

02/21/23

DEMAND: (REQUIRED IF DEFENSE VERDICT)

\$200,000

HIGHEST OFFER:

\$120,000

ATTORNEY(S) FOR DEFENDANT (AND CITY):

Carson Shealy and Brett Bayne, Columbia, SC

ATTORNEY(S) FOR PLAINTIFF (AND CITY):

Creighton Coleman, Winnsboro, SC

DESCRIPTION OF THE CASE, THE EVIDENCE PRESENTED, THE ARGUMENTS MADE AND/OR OTHER USEFUL INFORMATION:

Defendant stopped at stop sign before pulling out in front of Plaintiff motorecyclist. Plaintiff broke wrist and nose and had lacerated scrotum and perineum. Plaintiff treated at ER and had a few follow-ups. Plaintiff missed 8 weeks of work. Total economic damages around \$40,000. Plaintiff's witnesses included himself, his mother, and an eye-witness. Defendant was the only defense witness. Plaintiff claimed his scrotum was ripped open so badly that his testicles were hanging out. Defense argued medical records indicated he suffered only a superficial laceration with no testicular involvement. Defendant admitted liability and apologized. Plaintiff has a pending Motion for New Trial.

TYPE OF ACTION:

Negligence/MVA

INJURIES ALLEGED:

Broken wrist

NAME OF CASE:

Shaun W. Thompson v. Robin Laquan Jones and Robert Q. Gantt

COURT: (INCLUDE COUNTY)

Richland County Court of Common Pleas



CASE #

2020CP4002412

TRIED BEFORE:

Jury

NAME OF JUDGE:

Jocelyn Newman

AMOUNT:

\$17,500.00

DATE OF VERDICT:

03/13/23

DEMAND: (REQUIRED IF DEFENSE VERDICT)

\$18,000

HIGHEST OFFER:

\$8,000


ATTORNEY(S) FOR DEFENDANT (AND CITY):

Carson Shealy and Mike Trask, MGC, Columbia, SC

ATTORNEY(S) FOR PLAINTIFF (AND CITY):

Todd Lyle, Columbia, SC

**DESCRIPTION OF THE CASE, THE EVIDENCE
PRESENTED, THE ARGUMENTS MADE AND/OR
OTHER USEFUL INFORMATION:**

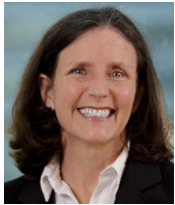
Defendant Gantt rear-ended Plaintiff resulting in Plaintiff's wrist breaking. Plaintiff treated with an orthopedist and received a splint with no other medical treatment. Total medical bills of \$1,540. He missed 8 weeks from work, lost out on a scholarship opportunity, and had other compensable damages. Total economic damages of \$15,000. Plaintiff was the only witness. Defendant did not appear for trial. 



Verdict Report Submissions Wanted!

**Have a verdict report to
share? The form to submit the
information can be found on
the SCDTAA website and should
be sent in word format to
ahiers@pmpamc.com.**





Helen F. Hiser

Case Notes

By Helen F. Hiser

Tammy C. Richardson v. Haleyon Real Estate Services and McCabe, Trotter & Beverly. South Carolina Court of Appeals Opinion No. 5981, April 19, 2023

In a case of first impression, the Court of Appeals confirmed an order sanctioning a party for deposition misconduct (which consisted of counsel for the deponent discussing documents with them during the deposition, coaching the witness and improperly instructing one of the deponents to leave the deposition early) is not immediately appealable. The circuit court's order directed the parties to reconvene the deposition, prohibiting counsel from engaging in the same behavior, directing the deponent to testify about the improper discussions with counsel, and ordering the offending party to pay the other side's cost of the reconvened deposition. The Court of Appeals rejected the Appellant's arguments that: 1). the award of attorney's fees and costs under Rule 37(b)(2) is immediately appealable; and 2). the prohibition of repeating the same conduct in the reconvened deposition was in the nature of an injunction, which would have made it immediately appealable.

Rita Joyce Glenn v. 3M, et al. South Carolina Court of Appeals Opinion No. 5975, April 5, 2023

The SC Court of Appeals affirmed a jury verdict against Defendant Fisher Controls in favor of the Plaintiff in an asbestos exposure case, remanding for the trial court to

review set-offs based on Plaintiff's prior settlement with other defendants. The Plaintiff's husband was exposed to asbestos while working at a Duke Energy power plant, some of which was comprised of gaskets manufactured by Fisher. He later died of mesothelioma. After settling with most of the other defendants, the jury found for Plaintiff on her negligence and breach of warranty claims, awarding her \$1M on her husband's survival claim, \$1M for wrongful death claim, and \$1M for her loss of consortium. In addition, the jury awarded \$2,125,000 in punitive damages.

1. The Court rejected Fisher's arguments that the verdict was inconsistent because the jury found for it on strict liability, but for the Plaintiff on her negligence claim. The Court explained that the elements of the two claims are not identical, which meant there was a reasonable explanation for the different verdicts.
2. The Court upheld the admission of Plaintiff's causation expert, given the specific standard in asbestos cases (ie, not "but for" but that the conduct/product of the defendant was a "substantial factor" in causing the injury;
3. The Court did find that the trial court should have reviewed the prior settlements with other defendants regarding set offs. The trial court had allocated 90% of the pre-trial settlements to the wrongful death claim, 10% to the survival claim, and denied any setoff against



the loss of consortium claim. The Court indicated the trial court erred by not considering any release of Plaintiff's loss of consortium claim.

4. Finally, the Court addressed discovery sanctions involving a scheduling order agreement that no party would destroy any tissue used as evidence without consent of the other party. Fisher wanted to do some "destructive testing," and emailed Plaintiff's attorney, obtaining what he construed to be agreement. Although the email conversation continued, and in fact there was no agreement, Fisher's expert went ahead and performed tests on the tissue that destroyed more than half of the tissue sample. The trial court only issued a letter reprimanding Fisher, because that is what the Plaintiff asked for, with Judge Geathers, writing for the Court, indicating much more severe sanctions would have been warranted.

Stephany A. Connelly v. The Main Street America Group, et al. Supreme Court of South Carolina Opinion No. 28130, re-filed April 5, 2023

The SC Supreme Court granted rehearing on its prior decision in this case. The Court concluded, as its prior opinion had, that because the plaintiff's claim against her co-worker was barred by the non-exclusivity provision of the Worker's Compensation Act, she could not recover UM benefits. The Court again called for a legislative fix to this situation, which they found unfair, since the plaintiff had bought and paid for UM coverage.

Anthony Denson v. National Casualty Co. Supreme Court of South Carolina Opinion No. 28146, March 29, 2023

The SC Supreme Court answered another certified question from the SC District Court, concluding that SC Code Ann § 61-2-145(C) does not create a private right of action for an injured party against an insurer who fails to notify the SC Dept of Revenue that a business's liquor liability coverage has lapsed or terminated, in violation of that statute. The Plaintiff's decedent was killed by a drunk driver. Plaintiff alleged the drunk driver had been overserved at Royal Lanes, which was insured by National Casualty under a policy that once did, but no longer included a liquor liability endorsement. Plaintiff argued National Casualty was negligent per se by failing to report to SCDOR the fact that Royal Lanes' liquor liability had lapsed.

The Court first held that National Casualty did not owe Plaintiff any common law duty of care. Next, noting that, where "a statute does not expressly create civil liability, a duty will not be implied unless the statute was enacted for the special benefit of a private party," the Court looked to the language of the statute which requires businesses that sell alcoholic beverages to maintain a liquor liability insurance of at least \$1M, and under subsection (C), for insurers to "notify the department ... of the lapse or termination" of an insured's liquor liability coverage. The Court explained that, since there is no common law right of a party not in privity of contract with an insurer to sue it, any such right in a statute must be expressly stated, and not just inferred. Because there was no express grant of a right to sue under SC Code Ann § 61-2-145(C), the Court found none existed. The Court nonetheless looked at whether SC Code Ann § 61-



2-145(C) supported a negligence per se claim, and held that it did not because Subsection (C) was intended to “promote the public safety and welfare” but not benefit a private party.


In a dissent joined by Chief Justice Beatty, Justice Hearn argued that there is a distinction between whether a statute creates a private right of action and whether it can support a negligence per se claim, and would have held that the plaintiff’s negligence per se claim should be allowed to proceed.

USAA Casualty Ins. Co. v. Vincent J. Rafferty, Jr. Supreme Court of South Carolina Opinion No. 28143, March 29, 2023 and Nationwide Affinity Ins. Co. of America v. Andrew Green. Supreme Court of South Carolina Opinion No. 28144, March 29, 2023

In a pair of cases, the SC Supreme Court has held that auto insurers are required to offer UIM property damage coverage and, consequently, cannot limit that coverage to a “covered auto.”

In *USAA v. Rafferty*, the insured was struck while riding her bicycle and her estate claimed property damages for the bicycle. The SC Supreme Court, responding to a certified question from the SC District Court, held that auto insurers are required to offer UIM property damage coverage. Because auto insurers are statutorily required to offer it, they cannot restrict such coverage to an insured’s “covered auto.”

In *Nationwide v. Green*, the insured’s son was walking home from school when he was struck by a vehicle. He claimed both bodily injury and property damage, which Nationwide opposed based on language in its UIM endorsement limiting the coverage to “your covered auto”. The Court held that its ruling in *Rafferty* controlled the

outcome. Because auto insurers must offer UIM property damage coverage, they cannot limit it to a covered auto. 



New Releases from the South Carolina Bar Publications Department

South Carolina Adoption Law and Practice: A Guide for Attorneys, Certified Investigators, and Families, Second Edition

Principal Author: James Fletcher Thompson, Esquire

Released: February 2023

Cost: \$140, plus shipping and handling, includes downloadable PDF of book and forms

South Carolina Law of Torts, Fifth Edition

Principal Authors: F. Patrick Hubbard & Robert L. Felix (1934-2020)

Revised and Updated by: Lyndey R.Z. Bryant, Elizabeth Scott Moise, & John S. Nichols

Released: February 2023

Cost: \$200, plus shipping and handling, includes downloadable PDF of book

The Master Agreement for Separation and Divorce, Third Edition

Principal Author: Jay M. Bultz, Esquire

Released: February 2023

Cost: \$150, plus shipping and handling, includes downloadable PDF of book



The Fourth Amendment: A Step-by-Step Guide to Search and Seizure Jurisprudence in South Carolina, Third Edition

Principal Author: Melanie McCulley Yenovkian, Esquire

Contributing Editor: Carly M. Gillespie

Released: January 2023

Cost: \$60.00, plus shipping and handling, includes downloadable PDF of book

South Carolina Family Court Handbook, 2022 Edition

Editors: Sandra R. Parise, Esquire & Kristina Parise Noe, Esquire

Released: January 2023

Cost: \$115, plus shipping and handling, includes downloadable PDF of book and forms. 