



THE DEFENSE LINE

December 1985

VOLUME 13

THE SOUTH CAROLINA DEFENSE TRIAL ATTORNEYS' ASSOCIATION

NO. 6

Eighteenth Annual Meeting Held In Kiawah

Our meeting at Kiawah Island, October 24th through October 27, 1985 was a rousing success. We had outstanding attendance among our members and the judiciary.

The festivities began with a seafood buffet at Mingo Point Thursday evening. President **WADE LOGAN** greeted the assemblage Friday morning and **DONALD H. BESKIND**, Esquire, of North Carolina, gave an interesting presentation on opening statements. He was followed by the Honorable **CHARLES L. BECTON**, Judge, North Carolina Court of Appeals, on closing arguments. Both presentations were instructive and entertaining.

Friday morning, session continued after the coffee break with Honorable **JUDGE NESS**, Chief Justice of the South Carolina Supreme Court, commenting on recent decisions of the Court of Appeals and the Supreme Court as well as the new Rules of Civil Procedure. There followed a panel discussion on the impact of the new rules on the bench and the bar with a panel of Honorable C.

VICTOR PYLE, JR., Moderator, and Honorable **JAMES E. MOORE**, **JOHN HAMILTON SMITH** and **WILLIAM T. HOWELL**, Panelist.

Friday afternoon there was a golf tournament at Turtle Point Golf Course and a tennis tournament at East Beach Tennis Center, and Thursday night was Casino Night.

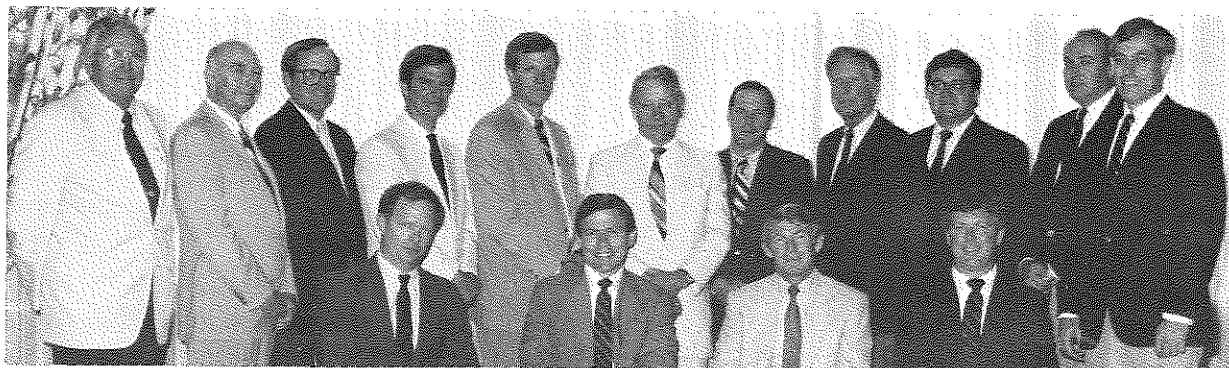
Saturday morning, October 26, 1985, following a brief business meeting, Professor **CHARLES ALLEN WRIGHT** spoke on federal practice and procedure and answered questions.

The Program Committee then out did itself with a presentation of direct and cross examination of a rape victim. The young lady participating was Judge Becton's secretary and the participants were Professor **JOSEPH KILO**, Moderator, Judge **BECTON**, **DONALD BESKIND**, **ROBERT CARPENTER** and **STEVE MORRISON**.

The last item on the program Saturday morning was interesting and informative as federal judges in attendance discussed recent developments in federal practice

in South Carolina. Judge **CHARLES E. SIMONS, JR.**, Chief Justice, led off followed by Judge **SOLOMON BLATT, JR.**, Judge **MATTHEW J. PERRY**, Judge **FALCON B. HAWKINS**, Judge **G. ROSS ANDERSON, JR.**, and Judge **CLYDE H. HAMILTON**. Judge **C. WESTON HOUCK**, and Judge **WILLIAM W. WILKINS, Jr.** was not able to attend.

Hats off to the Program Committee, and the 1984-1985 officers who did an exceptional job. Those unable to attend the Annual Meeting missed a outstanding event, well balanced educationally and socially. (Turn to page 6 for snapshots) Don't miss the **1986 Annual Meeting, October 30-November 2 at the Cloisters**. Newly elected officers, **GENE ALLEN**, President, **THERON G. COCHRAN**, President-Elect, **MARK WALL**, Secretary and **BILL DAVIES**, Treasurer have already met and are working hard to assure another successful year for the Association.



SCDTAA 1984-1985 Officers Credited With a Successful Year

Seated left to right: Wade Logan, President, Gene Allen, President-Elect, Theron Cochran, Treasurer; Carl Epps, Secretary. Standing Left to Right: Saunders Bridges, J.D. Todd, Bill Helms, Finley Clarke, Hugh McAngus, Jack Barwick, Bill Lynn, Elford Morgan, Steven Kirven, Mark Wall, Bill Davies.

Merry Christmas and a Happy New Year!!

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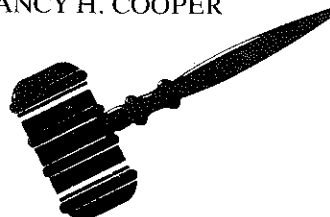
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CAROL DAVIS
3008 Millwood Ave.
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JACKSON L. BARWICK

ASSOCIATE EDITOR

NANCY H. COOPER



President's Letter T. Eugene Allen, III

It is with considerable expectation that I begin my year as President of our Association. Over the years, I have watched our Association grow in numbers and in enthusiasm. We have the finest bunch of people in any group I have ever had the pleasure of associating with, and I consider it a great privilege to lead our organization.

This promises to be an exciting year. Our goal is to increase our services to all members, with the able assistance of our Executive Director and her staff. Our expert witness file is being revised and updated. The Defense Line is growing and will contain more and more useful information with each issue.

We expect to be heavily involved in legislative matters during the coming year. Many topics of vital interest to defense attorneys are on the legislative agenda, and we will be following them closely.

In a "first" for our Association, we were invited by Chief Justice Ness to participate in the swearing in ceremonies on November 21 at the Supreme Court. Thanks to Carol Davis and Nancy Cooper for arranging and manning our

booth, along with the following members who contributed their time during the morning to greet the new lawyers:

W. Hugh McAngus
George C. Beighley
Danny C. Crowe
Kay Gaffney Crowe
Thomas C. Cofield
Will Davidson
Keith Hutto

It is always hard to improve on success, and last year, under the leadership of Wade Logan, was the best ever for our Association. We had two excellent meetings with great attendance and outstanding programs. We received major press coverage for both meetings. All committees of the Association were active, and many members were involved in our organization.

I can only say that last year was an inspiration to me, and I will do my best to make this year even better. I invite each member to contact me with any concerns, criticisms or suggestions regarding our Association. After all, you, the individual members, are our Association and without your support we cannot succeed. With it, we will continue to be the best.

Help!

Any association is only as good as its benefit to the membership. Well planned conventions, programs and services lead to successful growth and improvement within an association. In order that future plans might best serve SCDTAA members, we need your help. Please take several minutes and fill in the enclosed convention survey. Return it to **Carol Davis** at 3008 Millwood, Columbia, S.C. 29205. Your opinion will be greatly appreciated.

The Defense Line is a regular publication of the South Carolina Defense Trial Attorneys' Association. All inquiries, articles, and black and white photos should be directed to Nancy H. Cooper, 3008 Millwood Avenue, Columbia, SC 29205, 252-5646.

Recent Decision Case

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Gwendolyn A. Ludwick, Petitioner,

This Minute of Carolina, Inc.
and Sheldon Solomon and
Florence Solomon, Respondents.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Dorchester County
John Hamilton Smith, Circuit Judge

Opinion No. 22408

Writ Issued April 10, 1985 - Heard September 25, 1985

Filed November 18, 1985

REVERSED AND REMANDED

Paul E. Tinkler, of Wallace & Wallace, of Charleston;
and George B. Bishop, of Moncks Corner, for Petitioner.

Pledger M. Bishop, Jr. and David A. Soderlund, both of Charleston, for Respondents.

CHANDLER, A.J.: Petitioner, Gwendolyn A. Ludwick (Ludwick), an at-will employee, commenced this action for actual and punitive damages upon a cause of action in tort alleging that her discharge was in violation of public policy.

She petitions this Court from the decision of the Court of Appeals which affirmed a nonsuit granted by the Circuit Court in favor of Respondents, This Minute of Carolina, Inc. (Carolina), Sheldon Solomon and his wife, Florence Solomon. **Ludwick v. This Minute of Carolina, Inc.**, 283 S.C. 149, 321 S.E. 2d 618 (Ct. App. 1984).

FACTS

The essential facts are not in dispute.

Ludwick, a seamstress, worked as an at-will employee in Carolina's sewing plant at Summerville. The Solomons were plant managers.

While so employed Ludwick was served with a subpoena to appear before the South Carolina Employment Security Commission (ESC) at a hearing in Walterboro. Shortly thereafter she was advised by the Solomons that if she obeyed the subpoena she would be fired.

Ludwick honored the subpoena, testified at the hearing and, upon returning to her job at Carolina on the following day, was fired.

She thereafter filed this action. Upon completion of her evidence at trial Carolina was granted a nonsuit, the trial judge holding that neither statutory nor decisional law in South Carolina has recognized a public policy exception to the employment at will doctrine.

ISSUE

The single issue presented is whether South Carolina shall recognize a cause of action for discharge of an at-will employee, where the discharge constitutes a violation of public policy.

AT-WILL-EMPLOYMENT

Employment at will, a court created doctrine, was first clearly articulated in an 1877 treatise, **Master and Servant**. Its author, Professor H.G. Wood, is credited with formulating the "American rule" that, where an employment contract is indefinite as to its duration, the employer may discharge employees for good cause, no cause or even cause morally wrong.

The termination at will doctrine represents a departure from the English common law rule that employment contracts for indefinite periods were presumed to extend for one year, absent termination for cause.

Legal scholars and opinion writers agree that the doctrine, if not expressly created to subserve the laissez-faire climate of the late 19th century, has had the effect of doing so.

While the doctrine is cast in mutuality, affording to employee as well as employer the right of at-will termination, it cannot be seriously contended that, in equality, it impacts with equal force. As pointed out by Chief Judge Sanders in **Ludwick, supra**, at 620, it assures equality to the employee as does the law which forbids the rich as well as the poor to sleep under bridges.

Our Court first embraced the doctrine in the 1936 case of **Shealy v. Fowler**, 182 S.C. 81, 188 S.E. 499. It has been followed in a line of cases involving discharge of at-will employees under varying circumstances. **Weber v. Perry**, 201 S.C. 8, 21 S.E. 2d 193 (1942); **Orsini v. Trojan Steel Corp.**, 219 S.C. 272, 64 S.E. 2d 878 (1951); **Gainey v. Coker's Pedigreed Seed Co.**, 227 S.C. 200, 87 S.E.2d 486 (1955); **Hudson v. Zenith Engraving Co., Inc.**, 273 S.C. 766, 259 S.E.2d 812 (1979); **Ross v. Life Ins. Co. of Virginia**, 273 S.C. 764, 259 S.E. 2d 814 (1979); **Todd v. South Carolina Farm Bureau Mut. Ins. Co.**, 276 S.C. 284, 278 S.E. 2d 607 (1981); **Raley v. Darling Shop of Greenville, Inc.**, 216 S.C. 536, 59 S.E. 2d 148 (1950).

Within the past 25 years there has been a significant turning away from strict allegiance to the doctrine in courts throughout the United States. **Frampton v. Central Indiana Gas Co.**, 297 N.E. 2d 425 (Ind. 1973); **Nees v. Hocks**, 536 P.2d 512 (Or. 1975); **Petermann v. International Brotherhood of Teamsters**, 344 P.2d 25 (Cal. Dist. Ct. App. 1959); **Kelsey v. Motorola, Inc.**, 384 N.E. 2d 353 (Ill. 1978); **Palmateer v. International Harvester Co.**, 421 N.E. 2d 876 (Ill. 1981); **Darnell v. Impact Industries, Inc.**, 457 N.E. 2d 125 (Ill. App. Ct. 1983); **Parnar v. Americana Hotels, Inc.**, 652 P.2d 625 (Hawaii 1982); **Thompson v. St. Regis Paper Co.**, 685 P.2d 1081 (Wash. 1984); **Reuther v. Fowler and Williams, Inc.** 386 A.2d 119 (Pa. Super. Ct. 1978); **Sventko v. Kroger Co.**, 245 N.W.2d 151 (Mich. 1976); **Sides v. Duke Hospital**, 328 S.E.2d 818 (N.C. Ct. App. 1985); **Brockmeyer v. Dun & Bradstreet**, 335 N.W.2d 834 (Wis. 1983); **Harless v. First National Bank**, 246 S.E. 2d 270 (W. Va. 1978); **Wiskotoni v. Michigan National Bank-West**, 716 F.2d 378 (6th Cir. 1983).

Language in recent opinions of this Court and our Court of Appeals reflects both an awareness of this erosion and the likelihood that the doctrine will be reviewed in an appropriate South Carolina case. **Hudson, supra**; **Todd v. South Carolina Farm Bureau Mut. Ins. Co.**, 283 S.C. 155, 321 S.E.2d 602, (Ct. App. 1984). Such a case is before us here.

RECENT LIMITATIONS UPON THE DOCTRINE

Common to the decisions of all jurisdictions which limit or modify the termination at will doctrine is the plaintiff's burden to establish that the discharge contravenes a clear mandate of public policy.

The principle involved is more easily stated than judicially applied. The difficulty rests in determining a precise definition of the expression "public policy." Hence, the public policy exception has been extended by some courts to particular job terminations not recognized by others.

In the 1959 seminal case of **Petermann, supra**, plaintiff alleged that he was discharged for testifying truthfully under oath before a California legislative committee, after having been instructed by his employer's secretary-treasurer to testify falsely.

In holding that a cause of action in tort was stated the California Court of Appeals cites the penal code, Section 118 of which makes perjury a crime, as a reflection of the state's public policy.

However, in order to more fully effectuate the state's declared public policy against perjury, the civil law, too, must deny the employer his generally unlimited right to discharge an employee whose employment is for an unspecified duration, when the reason for the dismissal is the employee's refusal to commit perjury. To hold otherwise would be without reason and contrary to the spirit of the law.

Petermann, at 27.

In **Sides, supra**, the same result as in **Petermann** was reached by the North Carolina Court of Appeals in a perjury-related discharge. Prior to her deposition, plaintiff, a Duke University Hospital nurse, was advised by Hospital doctors and Duke attorneys "that she should not tell all that she had seen relating to Dr. Down's treatment;...that if she did so she 'would be in trouble'" Despite the warning she testified fully and truthfully. Subsequently, she was fired. She filed suit, which included a cause of action for wrongful discharge in violation of public policy.

The **Sides** court reaffirmed the employer's right to terminate at-will employment for arbitrary, irrational or no reason but not, however, for an unlawful reason or purpose that contravenes public policy.

An at-will prerogative without limits could be suffered only in an anarchy, and there not for long—it certainly cannot be suffered in a society such as our without weakening the bond of counterbalancing rights and obligations that holds such societies together. Thus, while there at will for no reason, or for an arbitrary or irrational reason, there can be no right to terminate such a contract for an unlawful reason or purpose that contravenes public policy. A different interpretation would encourage and sanction lawlessness, which law by its very nature is designed to discourage and prevent.

Sides, at 826.

In **Wiskotoni, supra**, the plaintiff was employed as a branch bank manager. Pursuant to subpoena he appeared before his county grand jury. Subsequently terminated, he alleged in a retaliatory discharge action that the reason for his termination was having been served with the subpoena.

The U.S. Sixth Circuit Court of Appeals, applying Michigan's recognition of the public policy exception, affirmed a District Court award of damages.

Witnesses are compelled to appear before the grand jury and may be punished for failure to appear and to testify. Mich. Comp. Laws Sections 767.5, 767.19c. ...these legislative statements of public policy clearly imply the existence of a cause of action for wrongful discharge where the reason for the discharge is that the employee has been subpoenaed to appear and testify before a grand jury.

Wiskotoni, at 383.

OUR DECISION

The doctrine of termination at will remains the law of this state. However, today we recognize an exception.

Where the retaliatory discharge of an at-will employee constitutes violation of a clear mandate of public policy a cause of action in tort for wrongful discharge arises.

Here, the subpoena served upon Ludwick was issued pursuant to S.C. Code Ann. Section 41-29-210 (1976) which provides a criminal penalty for failure to obey. She was confronted with the dilemma of choosing between her livelihood, on the one hand, and obedience to the law of the state, on the other.

We hold that the public policy exception is invoked when an employer requires an at-will employee, as a condition of retaining employment, to violate the law. To hold otherwise would sanction defiance of the legal process legislated by the General Assembly.

In a nation of laws the mere encouragement that one violate the law is unsavory; the threat of retaliation for refusing to do so is intolerable and impermissible.

The rationale expressed in **Petermann**, **Sides** and **Wiskotoni** applies here. The public policy of South Carolina is manifest reflected in the penal statute with which Ludwick was compelled to comply.

(continued on page 9)

SCDTAA - Expert Witness File

The SCDTAA Expert Witness File is now being stored at the Association's office at 3008 Millwood Avenue, Columbia, South Carolina, 252-5646. Members are encouraged to help expand these files. Below is a list of additional files presently available upon request. Please add these to the previously printed list.

- John C. Abromavage-Safety Engineer. 1/27/71
- Dr. Fred Adams-Agronomist. 6/13/72
- John Alden-Entomologist. 11/20/79
- Thomas C. Alewine-Data Management. 5/16/77
- Charles L. Alford-Economist. 12/30/82
- Bobbie Ray Allen-Pilot. 7/21/71
- Patrick T. Allen-Electrical Engineer. 8/2/77
- Rowland Alston-Agronomist. 3/14/80
- Laurens R. Andrews, Jr.-Safety Engineer. 11/25/70
- Roger Lee Anthony-S.C. Highway Dept. 6/10/80
- Rudy H. Arendt-Electrical Engineer. 6/30/71
- David D. Armstrong-Electrical Engineer. 2/25/71
- Robert J. Auburn-Aeronautical Engineer. 9/22/71
- Charles I. Bacheller-Civil Engineer. 8/24/77
- Ernest E. Bahr-Aircraft Mechanic. 12/14/70
- Dr. Rolin F. Barrett-Mechanical Engineer. 2/3/81
- Lawrence K. Bell-Electrical Engineer. 2/4/76
- Jesse B. Bishop-Equipment Maintenance. 7/5/72
- Thomas J. Bissett-Architect. 8/23/72
- Edmud S. Bonifant-Aeronautical Engineer. 1967
- Ronald Bonnoit-Electrical Engineer. 3/15/71
- Charles Brakefield-Mechanical Engineer. 5/18/82
- Charles Kenton Branch-Airport Owner. 12/10/74
- George W. Brooks-Metallurgical Engineer. 7/29/78
- David Brown-Mechanical Engineer. 1/20/82
- William F. Brown-Metallurgist. 8/21/71
- Dr. Gale A. Buchanan-Weed Scientist. 3/25/80
- George S. Buchanan-Pilot. 9/22/71
- Phelps H. Bultman-Architect. 5/1/75
- Douglas W. Bradbury-Mechanical Engineer. 1/28/83
- James M. Church-Chemist. 1/22/74
- John Allen Carpenter-Microbiologist. 5/31/83
- Ronnie Catoe-Fireman. 6/24/80
- Paul Clark-Aeronautical Engineer. 1/13/75
- Gerald A. Confer-Automotive Engineer. 8/4/76
- Bobby Joe Connor-Forrester, Soil Scientist. 12/12/78
- Glenn P. Davis-Carpet Installer. 11/1/82
- Rex P. Degheree-Mechanical Engineer. 12/21/81
- R. Harold Deese-Fire Investigator. 11/26/75
- George L. Dibble-Electrical Engineer. 5/19/75
- Paul F. Dickens-Aircraft Mechanic. 12/11/74
- Joseph J. Dimock-Marine Surveyor. 8/26/75
- Walter Douglas-Aircraft Inspector. 12/11/74
- Grover Dunn-Chemical Engineer. 3/2/72
- J. Y. Dupre-Civil Engineer. 6/25/70
- Arthur Edmonds-Naval Architect. 4/16/75
- Thomas Elliott-Mechanical Engineer. 11/22/77
- Frank Faulk-Polygraph Testing. 3/15/79
- Rufus A. Fellers-Electrical Engineer. 8/11/77
- Loren John Forney-Fire Failure Analysis. 7/31/81
- Donald D. Freese-Auto Testing. 7/19/78
- William C. French-Occupational Therapist. 6/8/82
- Jerry F. Friedner-Electrical Engineer. 4/1/71
- Dr. Milton A. Gahnelsen-Aquatics Expert. 5/25/73
- W.M. Gaddy-Master Railroad Mechanic. 11/12/68
- T.L. Galloway-Highway Patrol Supervisor. 10/18/79
- W.C. Gardner-Naval Architect. 4/16/75
- Eugene F. Getta-Data Processing Consultant. 5/12/77
- L.W. Gleekman-Metallurgical Engineer. 7/20/70
- Clyde Goher-Electrical Engineer. 2/25/71
- Scott Roy Goode-Chemist. 10/3/79
- O. Charles Guedelhoefer-Structural Engineer. 1/25/79
- Kenneth Hahnen-Forensic Toxicologist. 6/2/80
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- Charles Harris-Mechanical Contractor. 6/17/76
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- Jean R. Hutchinson-Rehabilitation Counselor. 12/20/82
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- John Paul Jones-Aeronautical Engineer. 4/16/81
- Robert Nyle Jackson-Architect. 9/19/70
- Johnny I. Johnson-Sanitary Engineer. 6/9/82
- Joseph F. Kazowiq-Electrical Engineer. 3/31/71
- Ray Kenneth Kendall-Elevator Maintenance. 12/23/69
- Rollin L. Kennedy-Fire Investigator. 3/13/79
- K. Richard Kidd-Architect. 9/4/70
- John King-Architect.
- John King-Aircraft Safety Investigator. 1/20/67
- Willis J. Kirkbride-Project Engineer. 5/15/70
- Eddie H. Kjelshus-Pilot Certification. 4/14/71
- Harry Knox-Construction Supervisor. 5/29/70
- Audrey Rachel Early Kuechler-Cosmetologist. 5/26/78
- Harley D. Kyson-Aircraft Consultant. 9/20/71
- Edward R. Lambert-Propulsion Engineer. 1/13/75
- Ben J. Lehman-Electrical Engineer. 11/5/80
- Charles Lesene, Jr.-Civil Engineer. 12/29/70
- Donald Long-Aeronautical Engineer. 4/17/71
- Clayhorn A. Lowry-Polygraph Testing. 3/15/79
- James Lucas-Mechanical Engineer. 10/15/78
- Mary F. Maclaclan-Psychologist. 4/19/84
- Hazel M. McCart-Roofing Expert. 4/6/82
- George D. McCormick-Insecticides. 4/11/80
- James C. McLeod, Jr.-Attorney, Malpractice. 3/25/82
- John C. McNair-Chemical Salesman. 5/23/79
- Robert McNair-Agronomist. 3/14/80
- Patsy Magnum-Hair Coloring Consultant. 11/10/78
- Vincent J. Mankowsky-Mechanical Engineer. 2/3/76
- Lee Martin-Auto Accident Investigation & Claims 9/29/80
- Ray Matthews-Appraiser-Realtor. 5/18/82
- David S. Mellichamp-Attorney, Contested Real Estate Titles. 6/10/82
- Walter N. Melnoon-Boat Designer. 8/16/74
- William F. Messerly-Market Analyst. 2/25/76
- Patrick M. Miller-Applied Mechanics. 6/30/78
- Robert M. Modisette-Aircraft Parts Manufacturer. 3/10/71
- Louis F. Monts-Flight Test Engineer. 4/17/71
- Albert H. Moore-Aircraft Production Project Engineer. 4/17/71
- Charles Moore-Surveyor. 9/9/81
- Douglas Moore-Aviation Operations Specialist. 8/18/66
- John Cecil Moore-Chemical Sprayer, Helicopter. 5/25/79
- Ralph Morrell-Drainage Contractor. 12/14/68
- William B. Munden-Incinerator Manufacturer Rep. 12/17/75
- James W. Myrick-Fertilizer/Insecticide/Pesticide. 12/20/79
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- Robert Nichols-Impact Testing 7/19/78
- Charles H. Nicholson-Welding. 8/22/79
- Claus B. Otherson-Mechanical Engineer. 12/1/76
- Leslie W. Parr-Auto Impact Testing. 7/19/78
- John Pitt-Aviation Handbook Consultant. 4/16/71
- Richard B. Pool-Structural Engineer. 10/22/79
- John Redmond-Aircraft Maintenance Engineer. 1/14/75
- Louis Resnick-Architect. 7/19/75
- Edward E. Reynold-Metallurgical Engineer. 8/12/77
- Robert Roberts-Civil Engineer. 5/13/83
- Verne L. Roberts-Mechanical Engineer. 4/22/79
- Gary Robinson-Safety Engineer. 9/9/80
- James H. Robinson-Appraiser. 3/7/79
- Irving Robinson-Bicycle Shop Owner. 8/29/80
- Robert David Rae-Economist. 12/30/82
- Richard Allen Rose-Aircraft Mechanic. 12/11/74
- Eugene F. Rogers-Accident Attorney, Malpractice. 3/18/82
- Ralph W. Raley-Accident & Safety Expert. 1/19/73
- Dr. William Rothstein-Psychologist. 9/23/82
- Edward T. Schreiber-Roofing & Waterproofing Consultant. 4/22/74
- Hal Robinson Sanders-Electrical Engineer. 6/15/78
- E.C. Schwartz-Metallurgical Engineer. 6/13/74
- John E. Sims-Mechanical Engineer. 1978, 1979
- Charles Sopko-Mechanical Engineer. 6/17/76
- LaGrand McIver Sparks-Cotton Entomologist. 11/15/79
- Joseph H. Spencer, Jr.-Metallurgical & Industrial Engineer. 8/22/79
- Phillip J. Sperry-Mechanical Engineer. 7/16/80
- Richard Stewart-Civil Engineer. 8/14/78
- Harry F. Sullivan-S.C. Highway Patrol. 5/24/73
- Andrew Carl Schwartz-Impact Tesing. 7/20/78
- Kenneth B. Tator-Chemical Engineer. 6/15/70
- John A. Templer-Architect. 11/18/74
- Joe B. Thompson-Two Truck Operator. 1/4/82
- Kenneth P. Trogdon-Psychologist. 11/1/82
- Walter B. Voisard-Airplane Pilot. 11/22/74
- Goodwin C. Thomas-Engineer, Car Better Analysis. 11/11/79
- Royce C. Waites-Roofer. 3/17/82
- John T. Walker-Entomologist. 5/25/79
- Donald B. Wall-Mechanical Engineer. 1/28/81
- G. Joseph Wallace-Engineer. 6/15/70
- Jack J. Wallis-Specifications Writer. 6/1/77
- Dennis Newton Warner-Aircraft Mechanic. 12/10/74
- James C. Watson-Aircraft Mechanic. 9/16/71
- George Webb-Safety Engineer. 3/15/71
- Henry Weiss-Aeronautical Engineer. 11/19/74
- Michael David Wiateouski-Criminologist. 11/15/82
- James G. Worth-Materials Engineer. 12/18/70
- Eugene C. Woodward, Jr.-Mechanical Engineer. 9/23/70



EXPERT WITNESS INDEX

South Carolina Defense Trial Attorneys' Association
3008 Millwood Avenue, PO Box 11187
Columbia, SC 29211
(803) 252-5646

Name of Expert _____

Address _____

City _____ State _____ Zip _____

Phone _____

Area of Expertise/Specialty _____

Type of Case _____

Case Name _____

Did you consult _____ or confront _____ this expert?

If you consulted this expert, would you consult
him/her again? Yes _____ No _____

Do you have a file on this expert? Yes _____ No _____

Anything significant and/or unusual about expert and/or
testimony? _____

Name of Submitting Attorney _____

Telephone _____

1985-1986 SCDTAA Committees

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Belsler, Baker, et al.
P.O. Box 11848
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Orangeburg, SC

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TEN YEARS AGO

In its Annual Meeting, October 16, 1975, at Hilton Head Inn, Hilton Head Island, **EDWARD HOLDING**, Vice President, American Mutual Insurance Alliance spoke on catastrophic losses, **J. DAWSON ADDIS**, Chairman of the South Carolina Industrial Commission, on occupational diseases, and **DR. ART DAVIS**, Raleigh, North Carolina, on the "Not in your stomach". The officers elected for 1976, were **C. DEXTER POWERS**, President, **JACKSON L. BARWICK, JR.**, President-Elect, **MARK W. BUYCK, JR.**, Secretary-Treasurer, and **JAMES W. ALFORD**, Immediate Past-President. Executive Committeemen were **PLEDGER M. BISHOP, JR.**, **H. SPENCER KING** and **SAUNDERS M. BRIDGES**.

RECENT DECISION (Continued from page 4)

CONCLUSION

Both the trial judge and Court of Appeals correctly applied the law governing at-will employment prior to our recognition today of the public policy exception.

Courts of other jurisdictions which recognize the exception also acknowledge the peril that an outpouring of vexations and frivolous litigation may be spawned by modification of the doctrine. Beyond that is a common concern that the employer not be unduly fettered in exercising his rightful prerogative to select employees.

In sharing these same concerns we emphasize that a cause of action for wrongful discharge of an at-will employee shall exist only where the alleged retaliatory discharge constitutes a clear violation of a mandate of public policy.

PROSPECTIVE APPLICATION

Our modification of the termination at will doctrine, as set forth in this opinion, applies only to this case and to those causes of action arising after the filing of this opinion, November 18, 1985.

REVERSED AND REMANDED.

NESS, C.J., GREGORY, HARWELL AND FINNEY, JJ., concur.

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1986	S.C. Bar Association	January 10-12	Hyatt, Hilton Head
	American Bar Association (Mid-Year)	February 5-12	Baltimore, Maryland
	International Association of Insurance Counsel (Mid-Year)	February 9-15	New Orleans, LA
	Defense Research Institute, Inc. (Annual)	February 10-12	New Orleans, LA
	Federation of Insurance Counsel	February 28-March 2	Brittania Towers, Nassau
	Atlanta Claims Association	April 2-4	Atlanta Marriott
	Association of Insurance Attorneys	April 16-20	Vancouver, British Columbia
	International Association of Insurance Counsel (Annual)	June 29-July 5	The Greenbrier, White Sulphur Springs, West Virginia
	Defense Research Institute, Inc.	June 29-July 1	The Greenbrier, White Sulphur Springs, West Virginia
	Joint Defense Conference SCDTAA and Claims Managers	July 24-27	Grove Park Inn, Asheville, NC
	Federation of Insurance Counsel	July 30-August 3	Ritz Carlton, Laguna, CA.
	American Bar Association (Annual)	August 7-14	New York, New York
	American College of Trial Attorneys (Annual)	August 8	New York, New York
	SCDTAA Annual Meeting	October 30-November 2	The Cloister, Sea Island, GA.
1987	Federation of Insurance Counsel	February 25-March 1	Rancho Las Palmas, Palm Springs, CA.
	S.C. Bar Association	June 13-15	Asheville, NC
	Joint Defense Conference SCDTAA and Claims Managers	July 30-August 2 (Tentative)	Grove Park Inn, Asheville, NC
	Federation of Insurance Counsel	August 5-9	Broadmoor, Colorado Springs, Colorado