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June 2, 2016

NEWS & EVENTS

Bar to administer Mentoring Program

Pursuant to an [order](#) from the SC Supreme Court effective May 23, the Bar will administer the Court's Mandatory Mentoring Program. All forms for the program are available [here](#). To send an inquiry regarding mentoring, please email the Bar at mentors@scbar.org. To speak to a Bar staff member regarding the program, please contact Jill Rothstein at (803) 576-3770.

Reminder on form of pleadings

Rule 10, SCRCP, has been amended as follows:

"d) Manner of Preparing Papers. With the exception of court-approved forms, pleadings and other papers shall be on eight and one-half by eleven inches in size paper. They shall be plainly written with adequate spacing between lines or typewritten with not less than one and one-half spacing between lines, except for indented quotations or footnotes. Papers must have a blank margin of a minimum of one inch on all sides. Type for captions, text, and footnotes shall be a minimum size of twelve-point type. Each page shall be numbered consecutively and pages shall be fastened at the top so as to read continuously. Page numbers and document identification footers may appear in margins and sized smaller than twelve-point type. Plats, photographs, diagrams, documents, and other paper exhibits or copies thereof may be submitted in their actual size; they should be reduced if practicable to eight and one-half by eleven inches if such reduction does not impair legibility and clarity."

Get fit to practice this summer!

Visit the attorney wellness website at www.scbar.org/livingabovethebar to get fitness tips from Miles Coleman of Nelson Mullins Riley & Scarborough, LLP and Cedric Cunningham of Kinlaw and Cunningham, PA, and try a great new recipe from Laura Paris Paton of Carlock, Copeland & Stair LLP. Tell us how you are getting fit to practice! Send your tips and resources to livingabovethebar@outlook.com and remember to use [#livingabovethebar](#) on your social media accounts.

PMAP Practice Pointer

How prepared are you for a serious interruption to your practice? Accidents and disasters have the potential to interrupt or destroy a law practice. It is important for firms to foresee, plan and prepare ahead of time. June 1 through Nov. 30 is [Atlantic hurricane season](#). Request a free copy of PMAP's disaster planning handbook, [Prepare](#), by emailing eworley@scbar.org, and check out additional resources including the [2016 South Carolina Hurricane Guide](#) from the [SC Emergency Management Division](#).

Play golf and fight suicide at the same time!

Support the South Carolina Chapter of the American Foundation for Suicide Prevention by participating in the [6th Annual Columbia Charity Golf Tournament](#) on June 10 at Fort Jackson Golf Club. Start time is 9:30 a.m. Proceeds will benefit local and national suicide prevention programs. For more information, call John Denny at (803)

543-6049 or Helen Pridgen at (803) 552-9318. [Register online](#).

ADVANCE SHEET UPDATE

May 25, 2016

In this appeal of a conviction for first-degree criminal sexual conduct with a minor, the S.C. Court of Appeals affirmed. The court held that the issue of subject matter jurisdiction was not preserved for appellate review. The court also did not find any reversible evidentiary or jury charge errors relating to the loss of the victim's clothing by the investigating police department, the admission of photographs and the limitation of his cross-examination regarding the police department's investigation of the victim. The court additionally held that the trial court did not err in denying McBride's motion for directed verdict or in admitting a statement McBride made to an investigator in the case.

State v. McBride, Op. No. 5381 (S.C. Ct. App. refiled May 25, 2016) (Shearouse Adv. Sh. No. 20 at 57) is available [online](#).

The court reversed and remanded the magistrate's dismissal of a DUI charge against Williams. The court held that the magistrate erred in requiring the State to prove that the checkpoint was constitutional and that the police had reasonable suspicion to stop Williams because he avoided the DUI checkpoint by making an illegal u-turn. The court also held that the magistrate exceeded its authority in considering Williams' motion to dismiss because dismissal was not the proper remedy and magistrates do not have the power to hold pretrial preliminary hearings for charges that fall within their jurisdiction.

State v. Williams, Op. No. 5405 (S.C. Ct. App. filed May 25, 2016) (Shearouse Adv. Sh. No. 20 at 70) is available [online](#).

June 1, 2016

In this case arising from an accident in which an ambulance struck a tree while transporting Gary and his wife, the S.C. Court of Appeals reversed and remanded the circuit court's grant of summary judgment in favor of Gary as to his negligence and loss of consortium claims. The court held that the circuit court erred in finding AMR, a provider of brokerage services for the South Carolina nonemergency medical transportation program, owed an absolute, non-delegable duty to provide safe transportation to Gary pursuant to both the contract and public policy. The court did not address the remaining issues on appeal because the issue of duty was dispositive.

Gary v. Askew, Op. No. 5406 (S.C. Ct. App. filed June 1, 2016) (Shearouse Adv. Sh. No. 22 at 14) is available [online](#).

Judge Few concurred in result only.

This civil matter arose from a dispute over the construction of a condominium community in which the warranty on roof shingles came into issue when they were shown to be defective. The limited warranty on the shingles included a binding arbitration clause, which was alleged to have unlawful terms. The court of appeals reversed the circuit court's decision to dismiss and held that the circuit court erred in finding the cumulative effect of the warranty's purportedly unlawful terms rendered the arbitration clause unconscionable and unenforceable.

One Belle Hall Prop. Owners Ass'n, Inc. v. Trammell Crow, Op. No. 5407 (S.C. Ct. App. filed June 1, 2016) (Shearouse Adv. Sh. No. 22 at 34) is available [online](#).

ANNOUNCEMENTS

Firm announcements

Mary Ann Hall and Jessica L. Means announce the opening of Hall & Means, LLC located at 1816 Belgrade Ave., Ste. 101, Charleston 29407. (843) 377-1341.

Shelbourne Law Firm announces that Eric M. Campbell has joined the firm as an associate located at 131 E. Richardson Ave., Summerville 29483. (843) 871-2210.

CALENDAR

June 3

International Law Committee Meeting, Conference Call

June 7

Consumer Law Section Council Meeting, Conference Call

June 9

Conventions Committee Meeting, Conference Center

June 10

Practice and Procedure Committee Meeting, Bar Building

June 13

Administrative and Regulatory Law Committee Meeting, Bar Building

Pro Bono Board Meeting, Bar Building

June 13-16

S.C. Supreme Court Institute, Columbia

June 14

Wellness Committee Meeting, Bar Building

June 16

Family Law Section Council Meeting, Conference Call

Pro Bono Committee Meeting, Conference Call

June 17

Probate, Estate Planning and Trust Section Council Meeting, Conference Call

June 22

Trial and Appellate Advocacy Section Council Meeting, Conference Call

June 24

Animal Law Committee Meeting, Conference Call

SC Lawyer Editorial Board Meeting, Conference Center

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