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Subject: E-Blast, July 28, 2016

eBlast

Your resource for South Carolina Bar activities, legal information and links

NEWS & EVENTS

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July 28, 2016

NEWS & EVENTS

"Just for the Health of It" Wellness Video/Photo Contest

Are you working out this summer? Trying out new healthy recipes? Improving your work-life balance or parenting skills? Cutting back bad habits? Grab your camera or smartphone and let your hard work be rewarded! Submit your photos or videos displaying some form of wellness during the "Just for the Health of It" Attorney Wellness Video/Photo Contest! Three participating Bar members will be randomly selected to win an Apple Watch, FitBit or fitness prize pack valued at \$100. Unlimited submissions are welcome, and each submission qualifies as a separate entry! Submissions will be accepted from Aug. 1 to Sept. 2 on social media via Twitter, Instagram or Facebook or by email at livingabovethebar@outlook.com. Photos or videos created prior to Aug. 1 are also welcome. For more information visit www.scbar.org/livingabovethebar.

Donate to the YLD's annual Back-to-School Backpack and School Supply Drive

The Young Lawyers Division is collecting backpacks and other school supplies for donation to schools and students throughout the state during its annual Back-to-School Backpack and School Supply Drive. Supplies will be collected through Wednesday, Aug. 10, and can be dropped at locations in Columbia and Florence. Take advantage of the upcoming tax-free weekend to pick up donations. [Click here](#) to see drop-off locations and a list of supplies needed. If you are interested in assisting with the packing of backpacks on Aug. 11 in Columbia, contact Sandra Vriesinga Moser at svriesinga@gmail.com.

PMAP Tech Tip

Do you and your staff use a [password manager](#) to help you remember all your unique passwords, or do you still use the same one for every single account you own (email, social media, bank account, Bar log-in, etc.)? Take a moment to read this short post about the [importance of using password managers](#) and check out the [best password managers](#) according to PC Mag, including [LastPass](#) and [Dashlane](#). Learn more at [LPM-TECH 2016](#) on Sept. 16 in Columbia.

Ethics Advisory Opinion 16-06 published

A web-based referral service violates the prohibition of sharing fees with a non-lawyer as described in Rule 5.4(a) where:

(1) Attorney signs up for the service by agreeing to offer certain flat fee services and the fee for the service is set by the internet advertising directory website (service); (2) the service makes the referral to the attorney, who then contacts the client to arrange a meeting and begin the representation; (3) the service handles payment processing from the client and holds the funds until the service is completed, (4) upon completion of the work, the service transfers the full amount of the fee to attorney's account; and (5) upon completion of the work, the service charges the attorney a "per service marketing fee" which seems to be based upon the service provided and is only incurred when the lawyer provides the service. In the alternative assuming, for the purposes of this question only, that the arrangement does not violate Rule 5.4(a), the arrangement would violate the Rule 7.2(c) prohibition of paying for a

referral and is not saved by the exceptions found in Rule 7.2(c) (1), (2) or (3). Read the full opinion [online](#).

SC Volunteer Lawyers for the Arts

Play the guitar? Enjoy strolling through an art show? You just might have what it takes to become a volunteer with the SC Volunteer Lawyers for the Arts! The organization is seeking a few volunteers to help low-income artists and arts organizations in SC with their legal issues. Assistance might be as basic as a collection letter or advice on obtaining non-profit status. Each month a list of artists in need is screened and posted to the SCVLA distribution list. You decide what fits into your skill set and the time you have to give! For more information or to apply to be a volunteer, contact Pamela Robinson at robinspd@law.sc.edu or (803) 777-3405 or visit www.scvolunteerlawyersforthearts.org.

ADVANCE SHEET UPDATE

July 27, 2016

In this appeal from family court, the S.C. Court of Appeals affirmed in part and reversed in part. The court affirmed the family court's finding that it had jurisdiction to modify the alimony award but modified the family court's alimony reduction, finding a reduction from \$8,000 to \$6,000 per month to be appropriate based upon the circumstances of the parties' respective financial positions. The court further reversed the automatic decrease in alimony based on Wife's anticipated initial eligibility for social security benefits at age 62 and also reversed the family court's decision as to attorney's fees, ordering Husband to contribute \$48,835 toward payment of Wife's attorney's fees and costs. *Woods v. Woods*, Op. No 5430 (S.C. Ct. App. filed July 27, 2016) (Shearouse Adv. Sh. 30 at 16) is available [online](#).

In this marital litigation, the court reversed and remanded for a new trial. The court held, inter alia, that while the granting of the motion to intervene by Brother may have been within the discretion of the family court, the court's actions in repeatedly permitting him to participate (and even control) certain decisions unrelated to the protection of Brother's property interests were erroneous. Additionally, the court found the family court's analysis of Husband's income to be incomplete and erroneous. Because the family court improperly calculated Husband's imputed income, the court reversed the denial of alimony and remanded for the family court to conduct an appropriate alimony analysis and a new child support calculation.

Stoney v. Stoney, Op. No. 5431 (S.C. Ct. App. filed July 27, 2016) (Shearouse Adv. Sh. 30 at 40) is available [online](#).

June 28, 2016

In this appeal from the filing of a class action, the Fourth Circuit ruled that Federal Rule of Civil Procedure 41(d) regarding costs gives trial judges the discretion to award attorney's fees. The court opined that plaintiffs may be responsible for defendants' attorneys' fees when the underlying statute defines costs as including attorney's fees. The Court also adopted a portion of the Seventh Circuit's reasoning that plaintiffs may have a liability for attorney's fees when they have acted "in bad faith, vexatiously, wantonly or for oppressive reasons." The Court concluded that while 41(d) may permit the award of attorney's fees under certain circumstances, those circumstances were not present in this case. The case was therefore vacated, reversed and remanded.

Andrews v. America's Living Centers, No. 15-1658, decided June 28, 2016 (4th Cir.) is available [online](#).

ANNOUNCEMENTS

In memoriam

Stephen F. Horne II, 68, of Greenville, NC died on June 28. An obituary is available [online](#).

William Frank Cotty, 69, of Columbia died on July 23. An obituary is available [online](#).

Firm announcements

Adams and Reese announces that Anthony M. Quattrone has joined the firm's Columbia office as an associate located at 1501 Main St., 5th Floor, 29201. (803) 254-4190.

Haynsworth Sinkler Boyd announces that Charles "Charlie" Epps I pock has joined the firm's Florence office located at 135 S. Dargan St., Ste. 300, 29506. (843) 669-6002.

Nelson Chandler and Mandi Dudgeon announce the opening of Chandler & Dudgeon, LLC and that Matt Johnson has become an associate with the firm located at 145 King St., Ste. 100, Charleston 29401. (843) 577-5410.

The S.C. Department of Health and Environmental Control announces that Virginia Sheftall Riley has joined the Office of General Counsel as assistant general counsel for health services located at 2600 Bull St., Columbia 29201. (803) 898-3350.

The S.C. Department of Social Services announces that Lea Wilson has joined the Spartanburg County Department of Social Services located at 630 Chesnee Hwy., Spartanburg 29303. (864) 345-1110.

YCRLAW announces that Sylvia J. Maddox has joined the firm as an associate located at 25 Calhoun St., Ste. 400, Charleston 29401. (843) 577-4000.

CALENDAR

August 2

Construction Law Section Council Meeting, Conference Call

August 4

Employment and Labor Law Section Council Meeting, Conference Call

August 5

Corporate, Banking and Securities Law Section Council Meeting, Conference Call

August 8

Administrative & Regulatory Law Committee Meeting, Bar Building

Senior Lawyers Division Executive Council Meeting, Bar Building

August 9

Government Law Section Council Meeting, Conference Call

Wellness Committee Meeting, Bar Building

August 10

Health Care Law Section Council Meeting, Conference Call

August 12

Article V Task Force Meeting, Conference Center

Lawyers Helping Lawyers Committee Meeting, Bar Building

Solo and Small Firm Section Council Meeting, Bar Building

August 15

Military and Veterans' Law Section Council Meeting, Bar Building

August 16

Tax Law Section Council Meeting, Conference Call

August 17

Annual Meeting of Chairs, Conference Center

August 24

Trial & Appellate Advocacy Section Council Meeting, Conference Call

August 25

Memory Hold the Door Committee Meeting, Bar Building

August 26

Elder Law Committee Meeting, Conference Call

SC Lawyer Editorial Board Meeting, Bar Building

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