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

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December 15, 2015

NEWS & EVENTS

Sen. Ernest Frederick "Fritz" Hollings named 2015 DuRant Distinguished Public Service Award recipient

The SC Bar Foundation Board of Directors is proud to announce Sen. Ernest Frederick "Fritz" Hollings as the 2015 DuRant Distinguished Public Service Award recipient. The Foundation will bestow this honor on Jan. 22, 2016, at the SC Bar Convention's Plenary Luncheon. To attend the celebration, be sure to register for the [Bar Convention](#) and purchase a luncheon ticket. Tribute gifts commemorating the occasion can be sent to the Foundation at P.O. Box 608, Columbia, SC 29202 or made [online](#). Simply note that the gift is in honor of Senator Hollings.

PMAP Practice Pointer

It is hard to believe that there are less than 16 days until the end of 2015! With the year-end fast approaching, many lawyers are organizing records for the tax season and establishing goals for their firm for the new year. Take the time to consider these [nine vital numbers for your law firm's health](#) appearing in the [Attorney at Work](#) blog as you assess your firm's accomplishments, improvements and goals for 2016. In addition, check out this great report about [year-end closeout](#) from [Lexis Nexis](#) and these [Six Steps for Better Tax Organization](#) from Small Biz Accountants. Questions regarding your practice? E-mail pmap@scbar.org.

Wishing you a stress-free holiday season

You have made it over the hump of Thanksgiving, and now the holiday season is in full gear. To assist you with handling all the stress-producing holiday activities, the Wellness Committee offers the third video in its three-part video series. This video is a guided meditation led by Tina Cundari of Sowell Gray Stepp & Laffitte, LLC. Visit the Wellness Committee's website at www.scbar.org/livingabovethebar to watch the video and access additional resources for a stress-free holiday season.

Shop the SC Bar Lenovo Member Savings Program for holiday savings

'Tis the season for shopping with Lenovo! Give the gift you know they will open all year by shopping Lenovo's entire portfolio of cutting edge tablets, laptop convertibles, all-in-one desktops, accessories and more. Through the SC Bar Member Savings Program, you get ongoing discounts of up to 30%, FREE shipping on all web orders, access to energy-efficient green technologies, award-winning service and limited-time special offers! Plus through the end of December, get 63% off select Lenovo accessories, 45% off select Lenovo desktops, 42% off select Lenovo laptops, 38% off select Lenovo tablets and 15% off select ThinkPad and ThinkCentre PCs. Visit www.lenovo.com/statebar or call 1-800-426-7235, ext. 3577.

Form changes

The S.C. Judicial Department has posted court form changes to SCCA769 Order of State Firearms Prohibition - DV - 3rd Degree and SCCA770 Order of State Firearms Prohibition - DV - 2nd Degree on its website. [Click here](#) to search for the forms.

E-Filing tip of the week: E-Filing motions

Did you know that you no longer have to submit a Motion and Order Information Form and Coversheet when you e-file a motion? You can simply submit the motion and indicate whether you are requesting a hearing in the e-filing system. Only use the Motion and Order Information Form and Coversheet if you wish to e-file a proposed order without an accompanying motion.

ADVANCE SHEET UPDATE

December 9, 2015

In this real property case, the S.C. Court of Appeals reversed the master's ruling, finding that the master erred in determining Gooldy was entitled to the presumption of an easement based on the deed's reference to "the Loflin plat" and that the master also erred in determining the evidence surrounding the initial conveyance of the .68 acre tract demonstrated the parties' intent to create an easement. Based on those conclusions, the court found that the master also erred in awarding damages arising from Storage Center's conduct.

Gooldy v. The Storage Center, Op. No. 5366 (S.C. Ct. App. filed December 9, 2015) (Shearouse Adv. Sh. No. 48 at 27) is available [online](#).

In this declaratory judgment action, the Court held that the circuit court properly determined that Pee Dee's commercial general liability insurance policy provided coverage in addition to that disbursed under the auto policy. Accordingly, the ruling of the circuit court granting of summary judgment in favor of Respondents Elouise and Melvin Benjamin was affirmed.

Auto-Owners Insurance v. Benjamin, Op. No. 5367 (S.C. Ct. App. filed December 9, 2015) (Shearouse Adv. Sh. No. 48 at 36) is available [online](#).

In this appeal from a condemnation action, Powell argued the circuit court erred in granting the South Carolina Department of Transportation's (SCDOT) motion for partial summary judgment. The court of appeals found that Hardin v. South Carolina Department of Transportation is not applicable to the present case, as it is an inverse condemnation case which does not involve the physical appropriation of private property. Here, the question was whether Powell was entitled to compensation for access damages to his remaining property where there was physical appropriation of land by SCDOT. The court affirmed, holding that the circuit court did not err in finding that any diminution in value of Powell's property as a result of the change in road access was not compensable.

SCDOT v. Powell, Op. No. 5368 (S.C. Ct. App. filed December 9, 2015) (Shearouse Adv. Sh. No. 48 at 50) is available [online](#).

The court affirmed the Workers' Compensation Commission's order, finding that substantial evidence supported the Appellate Panel's decision that Brian Wofford was not acting within the course and scope of his employment at the time of his death under an exception to the "going and coming rule." The court found that the "duty or task exception" did not apply, nor did Wofford perform a special errand.

Wofford v. City of Spartanburg, Op. No. 5369 (S.C. Ct. App. filed December 9, 2015) (Shearouse Adv. Sh. No. 48 at 60) is available [online](#).

The court reversed the decision of the Appellate Panel of the South Carolina Workers' Compensation Commission. The court found that appellant Rhame was not aware that his back injury was compensable until May 2009, and therefore, his Form 50, filed in September 2009, was timely pursuant to section 42-15-40. Accordingly, the court reinstated the single commissioner's award of benefits.

Rhame v. Charleston County School District, Op. No. 5370 (S.C. Ct. App. filed December 9, 2015) (Shearouse Adv. Sh. No. 48 at 68) is available [online](#).

In this civil matter, the court affirmed, finding that the circuit court properly granted respondents' motion for summary judgment because Fisher lacked standing to bring a survival action against them as Shaw-Baker's real representative. The court noted that the instant case did not present the occasion for a determination as to whether a real representative continues to have standing to pursue a survival action based on trespass or injury to a decedent's real property after the enactment of the South Carolina Probate Code. Because the finding that Fisher lacked standing was dispositive, the court declined to address the remaining issues on appeal.

Fisher v. Huckabee, Op. No. 5371 (S.C. Ct. App. filed December 9, 2015) (Shearouse Adv. Sh. No. 48 at 75) is available [online](#).

ANNOUNCEMENTS

Firm announcements

Buxton & Collie, LLC announces that the firm has relocated to 940 Johnnie Dodds Blvd., Ste. 205, Mount Pleasant 29464. (843) 606-2397.

Murphy Grantland announces that Rogers E. Harrell III has joined the firm as an associate located at 4406 Forest Dr., Columbia 29206. (803) 782-4100.

CALENDAR

December 16
Practice and Procedure Committee Meeting, Bar Building

December 17
Board of Governors Meeting, Conference Call
Family Law Section Council Meeting, Conference Call

December 18
Education Law Committee Meeting, Bar Building
Probate, Estate Planning and Trust Section Council Meeting, Conference Call

December 24-45
Bar offices closed

January 1
Bar offices closed

January 8
Elder Law Committee Meeting, Bar Building
SC Lawyer Editorial Board Meeting, Bar Building

January 15
Children's Law Committee Meeting, Bar Building

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