

(Continued from back cover)



Voter Project to 16 classes of CP and AP Government at Wando High School (over 250 students). The project focused on not only educating the students on the importance of voting, but also assisting those who were not registered to vote! The event was organized and led by attorneys Katie Waites, Evan Guthrie and M. Stephen Blevins Jr. Pictured here are first time volunteers Jessica Partain and Hank Young with Katie Waites.



Special Olympics Cornhole Tournament

On October 30 the YLD Special Olympics Committee hosted a cornhole tournament with the SC Special Olympics. The event was organized to encourage interaction between the young lawyers and athletes and allowed for the lawyers and athletes to make new friendships that will hopefully translate into the athletes having new fans on their sidelines. Overall, 19 members of the YLD teamed up with 11 athletes for a fun afternoon of friendly competition followed by a pizza party with the athletes' families. The Special Olympics Committee is always looking for additional members to volunteer at the various local games and appreciates all those who have volunteered.

Letter from the President



Dear Young Lawyers:

I hope this issue of the South Carolina Young Lawyer finds each of you enjoying the Holiday Season with your family

and friends. It is also my hope that you all, by now, have had a chance to enjoy some of the benefits of your membership in the South Carolina Young Lawyers Division (YLD), whether that be through our excellent member programs and social events or by giving back to our state's communities through one of the public service committees. If you have not experienced any of these wonderful opportunities your membership provides you to build your practice and grow as a person, I encourage you to please take a few minutes of your day to skim the next YLD E-Blast, which is distributed every other week, to find something that interests you and get involved. I truly believe what I wrote in the last issue, which is that this is your organization, and involvement in it will enhance your fulfillment with the practice of law by giving back to the public, enjoying membership benefits, making life-long friends, and building upon your professional network.

It would be remiss of me to not take a moment to let those of you who have personally felt the brunt of Hurricane Matthew, or had family/friends affected by it, know how sorry the YLD is for the hardship that you, your family and/or friends are suffering through at this time. If a disaster like this should strike again, please let your loved ones know that through the leadership of your YLD Secretary-Treasurer, Ashleigh Wilson of Bowman & Brooke, there is now in place a YLD Disaster Legal Services Committee (DLS) designed to help those who need legal assistance affected by natural disasters. A special thank you to Ashleigh and her amazing committee consisting of Bruce Greenberg, Taylor Gilliam, Stephanie Taylor and Kevin Mullet. Last, but certainly not least, your amazing

YLD Bar Liaison Kimberly Snipes deserves special recognition for her extra work over the past few weeks manning the DLS Hurricane Matthew Hotline and directing the callers to the appropriate volunteer attorneys.

To all those newly admitted attorneys, congratulations! We have all been where you are, and we know what an exciting yet overwhelming time it can be in your lives. Please take this opportunity to ease some of that angst by getting involved in the YLD by joining a committee that interests you. Simply Google search SC Bar YLD, click on the link that will take you to our homepage, and then simply follow the online links/prompts to join committees that speak to you. It is our hope that you find your YLD involvement will help you grow personally and professionally.

Finally, to all, please register to attend the Bar Convention in Greenville January 19-22. The YLD Bar Convention Committee (lead by Adam Landy, Lyndey Zwing, Amity Edmonds, Emily Bridges and Tommy Preston) has done an excellent job putting together programming from fitness events and public service activities to a great CLE and a fun-filled Oyster Roast. Even if you do not end up registering to attend the Bar Convention, then you should still come up for the public service event the morning of Friday, January 20 and the YLD Oyster Roast later that night. Registration fees are not required for either of those, and involvement in those two events will warm the heart, help you grow your professional network, and be a great time making new friends. Please check the YLD E-Blasts for information on the Bar Convention.

Holiday Wishes & Happy New Year,

Irish "Ryan" Neville
Wills Massalon & Allen LLC



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Tips from a Former Law Clerk: How to Write Persuasively Without Coming Unhinged



By Vordman Carlisle
Traywick III

As lawyers, we sometimes get wrapped up in a case and forget to take a step back prior to submitting court filings. What can happen as a result, particularly in contentious cases, is that sarcasm and petty remarks somehow find their way into our briefs. But avoiding the temptation to pull out the boxing gloves can help you build credibility with the court and bolster your reputation among other lawyers. With that in mind, the following list—although nonexhaustive—is intended to offer perspective for young lawyers and seasoned lawyers alike trying to strike the difficult balance of acting as zealous advocates for their clients and maintaining civility when writing for the courts. After all, while oral advocacy is important and can help clarify complex issues, most judges will tell you that cases are typically won on the briefs.

1. Avoid disparaging or questioning the motives of the opposing party or opposing counsel.

This should be a given, but folks at the court see it more often than one would think. Judges have little patience for lawyers attacking each other. Throwing unnecessary jabs at the other side only serves to weaken your position, and it makes you look petty. You can respectfully disagree with opposing counsel's argument without calling that person a

liar or attributing some improper motive behind the argument. Even if the lawyer on the other side "starts it," don't feel like you must respond at the risk of losing your case. Focusing on the legal issues and staying above the fray will not make you appear weak. In fact, the opposite is true. By sticking to your legal arguments and the factual issues at hand, you convey confidence in your client's position.

2. Be respectful and fair to the lower court on appeal.

Whether appealing from a trial court's ruling or seeking certiorari to appeal the court of appeals' decision, lawyers should be respectful and fair when describing the errors of the lower court. As a general rule, avoid calling a judge by name in your briefs. Instead, refer to the lower court by stating "the circuit court erred" or "the family court erred" or "the court of appeals erred" in its finding. Further, do not read something into a judge's ruling that is not there. Great minds can disagree as to the merits of various arguments, and the appellate court is simply trying to get it right. If you believe you are correct, then trust in appellate review and simply make your argument. You don't have to make two courts mad in the process by incorporating unnecessary language that calls out the lower court. Of course, this rule also applies to situations in which another trial judge has already ruled upon an issue in the case and you are discussing that ruling in a subsequent brief submitted to another judge.

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What's Been Happening



Columbia Lunch and Learn with Practicing Attorneys

The Professional Development Committee and the Fifth Circuit hosted a Lunch and Learn with Practicing Attorneys on October 19 at the Matthew J. Perry Jr. Federal Courthouse. The lunch featured special guests Liz Crum from McNair Law Firm and Rob Tyson from Sowell Gray Stepp & Laffitte. Both attorneys practice in the areas of government procurement, election law, voter and identification fraud, and other election and/or campaign related issues. The discussion was focused on election law in light of the November 8 election. Special thanks to Lyndey Zwing and John Tamasitis for their

efforts in coordinating the series in its expansion to Columbia, with the support and assistance of Judge Childs and her staff. The Professional Development Committee expects to have December and January luncheons focused on in-house counsel positions with governmental organizations and private corporations.



2016 Presidential Election and Our Hispanic Community

On October 24 members of the Diversity Committee hosted a lunch series entitled the 2016 Presidential Election and Our Hispanic Community. Jack Cohoon, Sylvia Lewis, Edgar "Mike" Pinilla and Isis Sadek all participated on the panel. Diversity Committee member Leslie

Simpson served as the moderator. Mr. Cohoon currently leads Legal Services' statewide Employment Law Unit. Ms. Lewis joined Legal Services in 2015 where she puts her bilingual skills to use representing low-income clients in a variety of civil matters. Mr. Pinilla owns his own law practice and has represented clients from at least 15 countries in immigration and related matters. Lastly, Ms. Sadek runs Sadek Collaborates, offering services as an academic collaborator, editor and writing coach. Topics discussed during the luncheon included legal proceedings that take place during a deportation, how building a wall will affect immigration, the proper way to address the issue of "non-status" in open court, and generally what it means to be Hispanic. The event was very well attended and truly a success!

American Voter Project

The ABA YLD Public Service Committee presented the American (continued on page 5)

A REPORT TO MEMBERS OF THE SOUTH CAROLINA BAR YOUNG LAWYERS DIVISION

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Stars of the Quarter

Stephen Blevins
David Dill
Taylor Gilliam
Bruce Greenberg
Thomas Limehouse
Emily McMillan
Michael Martinecz
John McGreevy
Julie Moore
Kevin Mullet
Christy Rogers
Jeanmarie Tankersley
Stephanie Taylor
Kathryn Waites
Lyndey Zwing

3. Try to limit the use of unnecessary adverbs.

Steven King once mused, “The road to hell is paved with adverbs.” Adverbs rarely, if ever, add meaning to a sentence in formal legal writing. Lawyers often use adverbs when they are trying to reinforce a point or dismiss the other side’s argument. In practice, however, the use of gratuitous adverbs detracts from your argument and makes it seem weaker. Generally speaking, try to avoid using the words “obviously,” “clearly” and “absolutely” in a written brief. If something truly was clear or obvious, then it would not be a matter of dispute before the court. Also, how many things in the law are absolute? Rather than say something is clear, show the court that it is. The following examples of a concluding sentence are instructive. I’ll leave it for you to decide which one is more effective.

- The plaintiff has completely failed to meet his burden of proof because he has put forth absolutely zero evidence to demonstrate the defendant had any knowledge of some alleged “substance” on the floor and, therefore, the defendant is clearly entitled to summary judgment on this baseless claim.
- Because the plaintiff failed to demonstrate the defendant had actual or constructive notice of the purported substance, the court

should grant the defendant’s motion for summary judgment.

4. Consider whether emphasis is necessary and, if so, use only one form of it.

Few things are more frustrating—at least from a law clerk’s perspective—than lawyers employing multiple methods of emphasis to make what, in their view, is an important point. Always remember that legal writing for the courts is supposed to be formal. **WRITING LIKE THIS MAKES IT SEEM LIKE YOU ARE SCREAMING FROM THE PAGE!!** When you truly have a “drop the mic” argument, it will speak for itself and not require the addition of any emphasis. You can trust that the judges and their staff will pick up on your important point without the superfluous ink. If, however, you decide to use emphasis, then you should only underline or italicize the relevant text, depending upon which style you prefer. Each is perfectly acceptable per *The Bluebook* and other style and usage manuals, but do not use them together.

5. Get to the point.

Always remember that the imposition of page limits on court filings was meant to provide a ceiling, not a target. Most judges prefer succinct, coherent arguments that help them address the important and dispositive issues in the case. Wasting time in the weeds on insignificant points or opposing counsel’s trivial remarks does not assist your client’s position. Similarly, writing a 50-page brief ridden with fluff and unnecessary arguments does not impress the court. Judges and their staff have heavy caseloads and review many briefs and records each day. Thus, if you want your writing to stand out in a good way, be sure to spend more time formulating a clear and concise argument for your client than dissecting every sentence of the other side’s position.

6. Observe the 24-hour rule.

This is arguably the most important tip, and it applies to more than just court filings. We have all received the email that gets us riled up and

makes us want to fire off an equally witty, sarcastic and tough response. But when is that ever productive? What applies in your daily life as a lawyer should certainly apply in the context of formal writing you intend to submit to the court on behalf of your client. The best practice, if time permits, is to put down your brief for 24 hours, and review and edit it before filing with the court. Not only will you catch typographical and other substantive errors, but you will also remove the zingers you thought sounded so great the day before. Even if you are cutting it close on a deadline, you should always give your writing one more quick review prior to submitting it to the court.

So the next time another lawyer tries to drag you down into the mud, remember these tips and resist the urge to respond in kind. Rising above the temptation is in your client’s best interest, and it will benefit you professionally in the long run. Moreover, it is consistent with the oath of civility we all took to practice law in this state.

Lisle Traywick is an associate at Sowell Gray Stepp & Laffitte, LLC, where he focuses his practice on appellate advocacy and civil litigation. Formerly, Lisle clerked for both the S.C. Court of Appeals and the U.S. District Court for the District of South Carolina.

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For a list of the YLD Executive Council, circuit representatives and upcoming events, please visit www.scar.org/yld.

A Best Friend to All: A Tribute to Hon. Tanya A. Gee

By Whitney B. Harrison

Walking out of the S.C. Court of Appeals last week, I could not help but smile as I looked back at the entrance and thought about my friendship with Tanya Gee. The last time we were together at the court, it was not for any legal reason. Instead, Tanya asked me to be a part of her latest great idea—to have a *Love Actually* moment in the middle of her speech for Chief Judge Lockemy’s investiture. She planted singers throughout the audience and on her signal each of us broke into song, including a Supreme Court Justice. The courtroom filled with excitement and laughter, crescendoing to cheers as the song ended and Tanya concluded her remarks. The entire experience was perfectly Tanya Gee. Like its mastermind, the performance was an exquisite blend of wit, creativity and affection.

Tanya Gee was a beautifully complex person. She was a lover of all things Harry Potter (obviously, a member of Gryffindor) and she allegedly satisfied her foreign language requirement in college with Shyriiwook of the Wookiee origin. She was always ready with the cleverest quip, and was the queen of practical jokes. When she wasn’t serving as the Clerk of Court for the Court of Appeals, appealing her heart out as a practicing attorney, or regulating as a circuit judge, she was crafting her next poem, song or skit. She could school anyone on legal issues, but was far too humble to ever do so. As an avid reader and podcast loyalist, she made for the ideal trivia teammate. She became a Hollywood darling by hosting Judiciary Squares, and was the best storyteller, especially when a story involved her children. In short, she was the consummate Renaissance woman, delighting us with her talents without ever noticing our own shortcomings.

No matter where you encountered her, whether in law school, her courtroom or even the grocery store, you inevitably became part of Tanya Gee’s world. Her warm



and welcoming spirit drew you in effortlessly. Her sincere and selfless desire to make others feel loved was impossible to resist. One of the great joys of my life has been sharing in Tanya’s friendship. She was my best friend—my champion in triumphs, my companion in laughter and my comfort in sorrow. I’ve come to learn in recent months that many adored her with the same title and attachment, which comes as no surprise. Tanya was a best friend to us all. She made time for each of us and genuinely cared. She relished in our victories and grieved our losses, all the while reminding us to remain ever hopeful. She loved life completely and all of us who were in it.

There can be no greater tribute to our best friend than to become friends ourselves. I have no doubt she would delight in this idea to the point that she would be unable to contain her infectious smile. In fact, before this newsletter even made it to your desk she would have created a friendship app or sent out a mass e-mail to share contact information—immediately excited to bring her next great idea to fruition.

As we prepare to start our new

friendships, it seems necessary to break some potentially harsh news: we may not have a lot in common. Tanya’s deep regard for us extended beyond the bounds of differences that many dare to cross. She unabashedly loved us without respect to our race, gender, political ideology or religion. She would even overlook the fact that although you had not read any of the Harry Potter books, you had seen the movies and figured that was the same thing. While on the surface we may not share the same hobbies or interests, we do share what really counts: the heart of Tanya Gee. She wanted her life to be defined not by her wealth of accomplishments, but by the love she shared with all of us. Tanya dedicated her life to love and to justice for those she cared about, along with those she would never meet. She inspired us to dream bigger, laugh more, and to serve others with all of our heart. Those are the simple yet profound legacies she leaves for us to take up together in her absence. I can’t wait to become friends with each of you—whether you wear a robe, a suit or a Star Wars t-shirt. Until then, thanks for being a friend to my best friend.

To make a gift in Tanya Gee’s honor:

Tanya A. Gee Warriors for Justice Fund at the USC School of Law

As everyone knows, Tanya was passionate about public interest law and, accordingly, asked that a loan forgiveness program be established at the USC School of Law for students who become public defenders. Contributions can be sent to the Tanya A. Gee Warriors for Justice Fund at the USC School of Law, 701 S. Main St., Ste. 202, Columbia, SC 29208 – or can be made online at

<https://giving.sc.edu/supportanarea/collegesschools/schooloflaw.aspx> (scroll to the bottom of the page).

Tanya Gee Family Educational Trust

A very generous friend of Tanya’s, who wishes to remain anonymous, had the wonderful idea of creating a trust to help defray educational expenses for Will and Sabin. The trust has almost been completed and initial funding will shortly follow. The wonderful person who had the idea of creating this trust has pledged

to match donations made through this calendar year up to \$10,000 and has pledged \$5,000 per year for the next 10 years. If you would like to join this effort, checks can be made payable to the Tanya Gee Family Educational Trust and, for at least the foreseeable future, can be sent to my attention at 808 Knox Abbott Dr., Cayce, SC 29033.

Whitney B. Harrison is an attorney at McGowan, Hood and Felder, LLC in Columbia. She can be reached at wharrison@mcgowanhood.com.

Committee Feature: Wills Clinic Committee

By Evan Guthrie

The YLD Wills Clinic Committee has been very active in 2016. The current committee is a result of a merger between the First Responders Wills Clinic Committee and the Habitat For Humanity Wills Clinic Committee that occurred at the beginning of the current Bar year. The Wills Committee continues to offer clinics for first responders such as police, firefighters and EMS as well as Habitat For Humanity homeowners, but is now free to consider additional groups that may be in need of estate planning assistance. The committee is the only YLD group that includes the actual practice of law by volunteer attorneys as part of its mission.

After a nearly two-year absence of any YLD wills clinics due to the Fabian decision by the S.C. Supreme Court, the committee held its first event in 2016 with the first responder clinic at the Criminal Justice Academy in April. The Academy provides training for prospective law enforcement officers from different agencies throughout South Carolina. During the clinic, future law enforcement officers were able to receive a complimentary last will and testament and health care documents before their career even started. Lawyers from throughout the state volunteered their time on a Sunday afternoon to provide service to those who will one day serve us. The inherent dangers associated with the law enforcement, firefighter and emergency professions underscore the



need to take care of the legal aspects of protecting an officer’s family and legacy.

The Wills Clinic Committee was also able to hold six Habitat For Humanity wills clinics in 2016—in Johns Island and Columbia in June, Mount Pleasant and Rock Hill in July, Camden in September and Myrtle Beach in October. This year, approximately 100 Habitat for Humanity homeowners were able to obtain no cost wills from South Carolina young lawyers in the clinics across the state. Habitat homeowners are especially vulnerable to the legal pitfalls of not having a will, illustrated by a well-documented history of first time homeowners and their families losing their residence in one generation due to lack of planning and legal documentation. At one wills clinic, the Habitat employee assisting with the clinic told the story of a homeowner at the Habitat affiliate who had recently passed away. The story ended with the homeowner’s family being grateful that she prepared a

will at the previous YLD clinic and that the residence was able to remain in the family after a smooth probate process. The sudden passing of the habitat homeowner also served as a reminder to other homeowners to get their affairs in order.

The Wills Clinic Committee continues to think big as many upcoming events are in the planning stages. To facilitate focus on holding clinics throughout the entire state, four subcommittees have been formed and designated as Coastal, Midlands, Mid-Upstate and Upstate. Volunteer attorneys who live or practice in the regions designated by these subcommittees will follow up on plans for new clinics in locations that have not held a wills clinic before. Monthly conference calls for these subcommittees have been active as numerous clinics are currently in the works. The Wills Clinic Committee looks forward to a bright future of continued service to members of the community by young lawyers in every corner of South Carolina.