

PALMETTO PARALEGAL
ASSOCIATION

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PALMETTO PARALEGAL ASSOCIATION

IN BRIEF

INSIDE THIS ISSUE:

Committee Reports	2-3
February Meeting	5
Calendar	7
March Meeting	8
April Meeting	9
May Meeting	11
How to Use the Oxford Comma	14
2019 Executive Board Members	16
Birthday List	18
Sustaining Members	20

EDITOR:
LIZ CODY
NEWSLETTER COMMITTEE
CHAIR

LIZ.CODY@MGCLAW.COM

In Brief

Summer 2019

News & Views From Your President

It's hard to believe summer is already here and I'm nearly halfway through my term as your President. What a pleasure it's been to lead such a great group of professionals!

While our Association has been going strong, there are still challenges we are facing. Like so many other organizations, our membership numbers are shrinking. We face the dilemma so many others are facing in this technology-driven world: How do we attract members to an in-person meeting when our lives revolve around impersonal electronic connections? Don't get me wrong...I love technology! The ability to work from home remotely or join a meeting via telephone or video conference has given us opportunities that we never would have had twenty years ago. But we are only now beginning to feel the effects of our lack of personal, face-to-face interaction with our peers.

My firm offers a series of health challenges throughout the year in order to encourage us all to live healthier lives. The current challenge is "Gift a Greeting." Participants earn points for greeting people. It struck me as odd that we have to be reminded to say hello to the people around us. But that is the world we now live in. We spend more time looking down at our phones than we do looking at the people surrounding us. Studies have shown that social support and interaction have a positive influence on both our physical and mental health. It lowers the occurrence of stress, depression and anxiety and also helps to boost our immune system.

Why not start now to reconnect personally to the people you know? Pick up the phone and call someone you know. Invite them for coffee. Or better yet, invite them to join us for the next PPA meeting. When we connect face-to-face, our lives are happier and our community becomes stronger.

-Barbara Jones, 2019 PPA President

COMMITTEE REPORTS

Education Committee Report—Tammie Pope

PPA has had some great speakers so far this year and we're looking forward to more as the year continues. In June we will have a speaker from the Richland County Probate Court who will educate us on the changes in the probate law related to guardians *ad litem*. In July we will hear from Nelson Mullins Attorney Scott Moise about providing camera ready work product. In August, the Chair of the Paralegal Certification Board of the SC Bar will come talk to us about paralegal certification in SC. In the next newsletter I will provide information on the remaining speakers for the year, but trust me when I say, our October 25 seminar will be one you won't want to miss.

As always, if you have ideas for topics about which you would like to learn, please let me know. We have speakers lined up for the remainder of this year, but will need a slate for 2020 which will be here sooner than we know. You can reach me at tammie.pope@nelsonmullins.com or (803) 255-9561. Enjoy your summer!

Membership Committee Report: Donna Whigham

I have contacted Bill McSorley at Midlands Technical College asking about possible PPA participation in a paralegal panel/meet and greet with the students in the fall. No specific dates have been discussed yet but additional information will be provided as it is available. We will be asking for PPA member volunteers to serve on the panel and answer various questions posed by the students.

Columbia: 📍 1700 Sunset Blvd., West Columbia, SC 29169 ☎ 803.796.9160
Saluda: 📍 110 S. Main Street, Saluda, SC 29138 ☎ 864.445.4544

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All lawyers talk... we listen.

COMMITTEE REPORTS *cont.*

Treasurer's Report —Wynne Potash

January 1, 2019 through May 31, 2019

	Total
Operating Balance, 1/01/2019	\$ 15,404.71
Income	8,706.00
Expenses	4,872.31
Operating Balance, 5/31/2019	\$ 19,238.40
Savings Account Balance, 1/01/2019	\$ 11,227.48
Interest Earned	1.40
Savings Account Balance, 5/31/2019	\$ 11,228.88

Ways & Means Committee: Melissa Taylor

Hello PPA members! My name is Melissa Taylor and I am your 2019 Ways & Means Committee Chair. 2019 is off to a great start in recruiting our Sustaining Members. Please join me in welcoming both returning and new Sustaining Members:

A. William Roberts & Associates (www.scheduledepo.com)

Carolina Legal Associates (www.carolinalegalassoc.com)

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Training

Our team is ready, willing and able to provide training – via online meetings or in-person “lunch & learns”.

Notes from the February Meeting

By Liz Cody

“Steps to Effective Communication”

Coulter Templeton

John Maxell certified speaker, trainer coach

Toastmasters Area 43 Director

Coulter Templeton was our speaker at our February PPA meeting at The Palmetto Club. Coulter’s career has spanned many different directions. Mrs. Templeton’s careers in the past have included being an advisor, divorce financial analyst, coach, author, speaker and trainer and now a paralegal. Her greatest passion is public speaking. She joined Toastmasters in March 2018. They have helped in elevating her speaking abilities.



STEPS TO EFFECTIVE COMMUNICATION:

1. A person of influence has integrity with people.

What qualities define a person of integrity?

- *honesty
- *golden rule
- *keeping promises
- *loyalty
- *Integrity comes from within
- *Integrity is everything

2. A person of influence values people

In what practical ways can you show that you value your co-workers?

- *listening
- *interest in what they do
- *recognize what they do
- *connecting

3. A person of influence has faith in people.

4. A person of influence listens to people.

What behaviors, both conscious and unconscious, prevent you from listening?

- *fully listen and fully engage
- *thinking about other things

(Continued on page 6)

(Continued from page 5)

- *thinking about what you would do in that situation
- *problem solver to listener

5. A person of influence understands people.

Why is it so frustrating to be around someone who always has to be “right?”

- *arrogance
- *suck the life out of you

What habits can help you to curtail self-centeredness in conversation with others?

- *don’t talk about yourself
- *when you talk to someone, put focus on them

6. A person of influence enlarges people.

7. A person of influence navigates for people.

How can you calm others when they seem frazzled by life’s challenges?

- *tell them your challenges
- *put things in perspective
- *listen to them
- *offer to help them
- *talk to them calmly

8. A person of influence connects with people.

Why, in the age of wireless communication, does meaningful human connection seem to be harder than ever?

- *everybody is constantly on a device
- *face time

9. A person of influence empowers people.

What fears cause leaders to hold tightly to power and prevent them from transferring authority to followers?

- *insecurity
- *lack of control
- *no one does it the way I do it

10. A person of influence reproduces other influencers

What qualities should you look for when selecting a successor?

- *integrity
- *responsible
- *willing to learn job



Notes From the March Meeting:

Peter Currence, Esquire: Divorce/Family Law

By: Liz Cody

Peter Currence, Esquire, was our March PPA Speaker at our monthly meeting at the Palmetto Club. As a partner at McDougall Self Currence McLeod, Peter G. Currence earned his Juris Doctor from the University of South Carolina School of Law in 1996 and was admitted to the South Carolina Bar in the same year. Peter G. Currence was admitted to the U.S. District Court of South Carolina in 1997.

In addition to his work at McDougall Self Currence McLeod, Peter G. Currence is also a member of the ABA Family Law Trial Advocacy Institute and the Richland County Bar. He received a distinguished honor in 2017 by Martindale-Hubbell for being Peer Rated for High Professional Achievement. Peter G. Currence is a member of the family law section of the South Carolina Bar Association.

Mr.. Currence spoke to the PPA Membership about Divorce in Family Law In South Carolina, you have to have grounds for divorce.

Fault Grounds:

- * Adultery
- * Habitual alcohol abuse
- * Domestic Violence

South Carolina does not have a legal separation. He explained that Child Support is based on income. Alimony is not like that. Individuals who are married more than twenty years have equal division over assets. The court looks at identifying equitable and what couples accumulate during a marriage. Inheritances and third party gifts are not considered marital property. Mr. Currence also spoke on Child Support. Child Support ends when a child is 18 years old. There are exceptional circumstances. If a child is special needs, then Child Support can continue. Courts are protective of children with needs that require money.

MEMBERSHIPS

South Carolina Bar
 Richland County Bar
 South Carolina Trial Lawyers
 ABA Family Law Trial Advocacy Institute
 Board of Directors, Sandhills School (2008)
 Holy Trinity Greek Orthodox Church - Building Committee (2007-2010), Parish Council (2008-2010)
 Strathmore's Who's Who
 Rated by Martindale-Hubbell



Calendar of Upcoming Events



JULY

- 7/2/19 Executive Board Meeting (MGC)
- 7/17/19 Membership Meeting

AUGUST

- 8/6/19 Executive Board Meeting (MG&C)
Appointment of Nomination Committee, Executive Officers' Budgets
due to Treasurer; finalize agenda/speakers for October seminar
- 8/15/19 Treasurer's Budget Due to Officers
- 8/21/19 Membership Meeting
- 8/27/19 Executive Board Meeting (MG&C)
- 8/30/19 Deadline for *In Brief* (fall issue)

SEPTEMBER

- 9/4/19 Nomination Forms emailed to membership
- 9/18/19 Membership Meeting
- 9/18/19 Distribution of *In Brief* (fall issue)

NOTES FROM THE APRIL MEETING:

Diversity and Inclusion

Samuel Wellborn, Esquire

By Laura Hawkinson

Sam Wellborn, Esquire was the featured speaker at PPA's April membership meeting. Mr. Wellborn is an associate at the Robinson Gray law firm and practices in the areas of regulatory and administrative law. He spoke on various issues involved with diversity and inclusion.

The issues of diversity and inclusion are fundamentally about respecting and appreciating the things that make people different ("diversity" i.e., age, gender, ethnicity) and discovering/fostering ways to bring together a diverse group of people who are working towards a common goal.

There are many dimensions of diversity, including:

Primary dimension of diversity – core elements of age, gender, ethnicity, physical ability, race, sexual orientation;

Secondary dimension of diversity - education, where one is geographically located; income, etc. (more flexible)

Tertiary dimension of diversity – what kind of music do you listen to, what things are you reading right now, etc. (even more flexible)

What are the distinctions between "diversity" and "inclusion" and why is it important to consider both?

"Diversity is being invited to the party; Inclusion is being asked to dance." (Verna Meyers, Esquire)

Diversity is concerned with the "who" and "what." (What are the various backgrounds of the people who are employed within an organization?)

Inclusion is more concerned with the "how" (How do you implement strategies to include people with diverse backgrounds?)

Mr. Wellborn noted that there is a growing body of data and research to suggest that companies who embrace diversity/inclusion are more successful (greater financial returns, greater innovation, sales results, etc.)

Mr. Wellborn also discussed issues of unconscious bias and distributed a questionnaire to the attendees which covered certain scenarios and identifying how comfortable (or uncomfortable) these scenarios would

(Continued on page 13)





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Melissia Ford, Paralegal

NOTES FROM THE MAY MEETING:

By Liz Cody

DUI DEFENSE CASE REVIEW: A Step-by- Step Approach

Dayne Phillips, Esquire, spoke to the PPA Membership at our May monthly meeting at the Palmetto Club. South Carolina criminal attorney Mr. Phillips has one singular goal in every case: to get the best result possible for his clients. Through a combination of hard work and open communication, Dayne has been able to successfully represent people charged with a variety of different crimes.

Prosecutor's Burden of Proof:

In order to be convicted of Driving Under the Influence, a person must:

- Drive
- A motor vehicle
- Within this State
- While under the influence of alcohol and/or drugs
- To the extent that the person's faculties are materially and appreciably impaired.

Evidence of Driving:

In order to satisfy the "drive" element, the State must prove that the defendant had the vehicle in motion at the time of the offense.

However, driving may be proven by circumstantial evidence and/or admissions of driving.

Under the Influence:

- Impairment may be caused by alcohol and/or drugs.
- A lay witness may offer opinion testimony as to sobriety.

Inference Levels:

.05 or Less-Not under the influence

Greater than .05 but less than .08-No inference

.08 and Above-May be inferred to be under the influence

Level of Impairment

Must be Materially and Appreciably Impaired

(Continued on page 12)



(Continued from page 11)

It is not against the law to drink and drive in SC

“The questions is not whether the defendant is drunk or intoxicated, but whether his condition is such that he could drive with due regard for others and himself.” State v. Kerr, 330 S.C. 13 498 S.E.2d 212 (Ct. App. 1998).

BREAKDOWN:

- * Incident Site
- * Traffic Stop or Wreck
- * Field Sobriety Tests
- * Miranda/Arrest
- * Testing Site
- * Breath
- * Urine
- * Blood

INCIDENT SITE:

- * Initial Contact:
- Slurred speech
- Odor of Alcohol
- Answers to questions
- * Exiting the vehicle + Walk and Talk
- Unsteady, Uses hands for balance
- SFTS
- Miranda
- Arrest
- * Required Info. vs. Investigative Questions
- * Standard Field Sobriety Tests (SFST)
- * Horizontal Gaze Nystagmus (HGN)
- * Walk and Turn
- * One Leg Stand
- * Refusal of Statements and SFST



TRAFFIC STOP:

“A traffic stop is not unreasonable if conducted with probable cause to believe a traffic violation has occurred, or when the officer has a reasonable suspicion the occupants are involved in criminal activity.”

RIGHT TO REMAIN SILENT:

- * Timing of required Miranda Warnings vs. investigative questions

“It is better to keep your mouth closed and let people think you are a fool than to open it and remove all doubt.” – Mark Twain

(Continued on page 13)

NOTES FROM THE MAY MEETING

(Continued from page 12)

TESTING SITE:

- *Notice of Being Video Recorded
- *Check Mouth for foreign objects
- *Read implied consent rights
- *20 minute wait/observation period



BREATH TEST:

- *Breath sample must be collected within 2 hours of arrest
- *Breath test operator is not required to adhere to Parker requirements or observe the defendant for 20 minutes in the event the defendant refuses
- *If the person has an injured mouth, is unconscious, dead or for any other reason acceptable to licensed medical personnel, a blood sample may be taken. The test must be conducted within 3 hours of arrest
- *If the officer has reasonable suspicion that the person is under the influence of drugs, he may order a urine sample. The test must be conducted within 3 hours.

TWO TYPES OF SUSPENSIONS:

- *Administration (Implied Consent)
- *Refusal of Test – 6 months
- *High BAC level (0.15 and above) – 1 month
- *Office of Motor Vehicle Hearings
- *Contested Care Hearing (Temporary Alcohol License)

- *Criminal Conviction
- *Depends on BAC level
- *Minimum of 6 months
- *Other conditions may apply such as ADSAP and Interlock Device IID)

NOTES FROM THE APRIL MEETING

(Continued from page 9)

be for the test-taker.

There was also a discussion about how Robinson Gray is working to address issues of diversity and inclusion within their firm, to include bringing in speakers and conducting further training with their attorneys and support staff.

South Carolina Bar launched its Diversity Committee in July 2017 and has articles and other information on its website: <https://www.scbbar.org/lawyers/sections-committees-divisions/committees/diversity-committee/>

How and When to Use the Oxford Comma: The Argument is Ongoing, Contentious, and Real

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Recently, we spoke with a friend of CompuScripts Court Reporting who was using a dating website for the first time. In her profile, she listed three questions to be answered before she would agree to a date:

- Are you allergic to dogs?
- Do you like to travel?
- Where do you stand on the Oxford comma?

The last question sounds as if it were meant in jest, but as a company whose stock-in-trade is words, we know that both proponents and opponents take the answer very seriously. Therefore, CompuScripts would like to discuss how and when to use the Oxford comma.

The Definition

The Oxford comma, also known as the serial comma, is a comma placed before the conjunction in a list of three or more words or phrases. Its use is attributed to Horace Hart, who included it in “Hart’s Rules for Compositors and Readers,” his 1905 style guide for the Oxford University Press. The following are examples of the use of the Oxford comma:

- A court reporter masters organization, efficiency, and punctuality.
- The court reporting profession is lucrative, rewarding, and important.
- The deposition transcript was complete, accurate, and on time.

(Continued on page 15)

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The Debate

Court reporters and others who are proponents of the Oxford comma are fierce in their loyalty. Due to this loyalty, this little punctuation mark even has its own Twitter and Facebook accounts. This debate over the use of the Oxford comma is between those who believe it should always be used for clarity and those who believe it is not necessary. Consider these sentences:

- The attorney asked for names, addresses, and cell phone numbers
- The attorney asked for names, addresses and cell phone numbers.

In either example, we understand that the attorney asked for three distinct pieces of information. Now, consider this sentence:

- Attorney Jones loved her court reporters, Lady Gaga, and Cap'n Crunch.
- Attorney Jones loved her court reporters, Lady Gaga and Cap'n Crunch.

In the first sentence, Attorney Jones loves three things. However, the second sentence suggests that icons of popular music and breakfast cereal record Attorney Jones' depositions. As a result, the Oxford comma is necessary for understanding.

The Solution

One way to decide whether or not to use the Oxford comma is to follow a style guide. A style guide is a set of standards for writers to follow. CompuScripts uses The Chicago Manual of Style and The Gregg Reference Manual to answer questions about grammar and punctuation. Each of these style guides recommends the use of the Oxford comma to prevent ambiguity. In contrast, the Associated Press Stylebook recommends use of the Oxford comma only when its omission could lead to confusion or misinterpretation. Regardless of the style guide you choose to use, it is important to be consistent in your use or disuse of the Oxford comma.

CompuScripts dedicates itself to providing accurate, timely, and accessible transcripts. Therefore, our deposition transcripts go through rigorous review before they are produced. Because words — and punctuation marks — matter, contact CompuScripts Court Reporters and Legal Videographers.

Compuscripts is a sustaining member of PPA. Please visit their blog at www.compuscripts.com/blog for other articles addressing issues in the court reporting community and the general legal community.

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PPA Executive Board Installation Ceremony—January 16, 2019



From left to right: Barbara Jones, Julia Lanford, Wynne Potash, Monica McGee, Kelly Purvis, Donna Whigham, Christina Metzge, Linnea Hann, Cyndi Nygord, Liz Cody, Natalia Ertzeva-Thomas, Janet Bell, Melissa Taylor

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2019 Birthday List—PPA Members

January	1 st – Dwan Samuel 3 rd —Melissa Christensen 3 rd —Amy Salyer 14 th —April Steese-Smith	February	8 th – Quiana Moore 10 th —Alexis Grant 15 th —Cyndi Nygord
March	2 nd – Melissa Taylor 4 th - Meredith Keane 8 th – Donna Whigham 12 th – Kristi Lindley 19 th – Allison Estrada 24 th – Rick Sineath 31 st – Barbara Jones 31 st – Kelly Purvis	April	5 th – Julia Lanford 13 th –Carol Williamson 17 th – Sue Carroll 20 th – TeAnana Wilson 28 th - Wynne Potash 29 th - Nicole McCune
May	2 nd – Kimberly Cornell 9 th – Genevieve Samuel 10 th – Richard Glover 19 th – Tammie Pope 22 nd – Kelli Eargle 29 th – Bobbie Moore 31 st – Ann Boney	June	3 rd – Alaina McDaniel 7 th – Janet Bell 8 th – Kaye Mullinax 14 th – Susan Collings 17 th —Laura Hawkinson 26 th – Kimberly Wollman
July	2 nd – Albert Ard 11 th —Sandra Davidson 16 th – Larry Floyd 22 nd – Quentin Singletary 24 th —George Bailey 31 st – Larry Nelson	August	1 st – Monica McGee 1 st – Linnea Hann 2 nd – Andrea Davis 5 th Tawanda Johnson 5 th - Joseph Koenig 7 th —Amanda Stewart 9 th – Elizabeth Cody 9 th —Alicia Parker 12 th – Christina Metze
September	3 rd —Anthony Shealy 4 th —Allison Driggers 5 th – Jennifer Blackmon 7 th – Beth Valdes 18 th —Allyson Randall 20 th – Amber Pardue 22 nd – Natalia Ertseva 27 th – Dawn Lacroix 29 th —Dorothy Moore 30 th – Jessica Hockett	October	4 th – Natalie Butrym 17 th – Diana Argabright 27 th – Amy Christie
November	11 th —Donna Milliken	December	

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