• Congratulations to South Carolina Law Review Alumni: Tamara Van Pala (first place team) and Jeff Gurney and Jordan Janoski (Best Brief) for their performances in the USC School of Law Moot Court Bar’s 2013 J. Woodrow Lewis Competition.

• On February 13, 2013, South Carolina Law Review alumnus Judge William B. Traxler, Jr., Chief Judge of the United States Court of Appeals for the Fourth Circuit, was appointed by Chief Justice John G. Roberts, Jr. as Chairman of the Executive Committee of the Judicial Conference of the United States.

• The Law Review recently launched its new blog, SCLAWblog. For more information, please see page 6.

Dear South Carolina Law Review Alumni:

On behalf of the South Carolina Law Review, I am pleased to report that another year of editing, symposium planning, and student note writing is “in the books.” As an update, this newsletter will highlight some of Volume 64’s activities and accomplishments over the past year, as well as several projects that are forthcoming or still in progress.

Building on a busy and exciting fall, the Law Review enjoyed a successful spring semester and early summer. Members of Volume 64’s Editorial Board and Staff diligently “spaded” articles for the Symposium Issue and the annual Survey Issue, comprised of both the Survey of South Carolina Law and the Fourth Circuit Survey. For most members, spading assignments involved spending countless hours retrieving obscure sources and critically editing each proposition. Moreover, and in what may be today’s equivalent to Judge Joe Anderson’s story of reaching out to Senator Thurmond’s office for assistance in locating a source, one troublesome citation necessitated Volume 64’s Executive Articles Editor retaining a paralegal through Craigslist to retrieve a document from a rural courthouse in upstate New York. Nevertheless, in addition to editing, publishing, and writing legal scholarship, the Law Review continued to attend to its other responsibilities.

Under the direction of Volume 64’s Symposium Editors, Kim Cochran and Jess O’Neill, the Law Review planned another successful Symposium and CLE. Keynoted by Bill Neukom, the event focused on a variety of issues related to the intersection of law and technology. Volume 64 was fortunate to host a distinguished group of participants and authors, including several South Carolina Law Review alumni, such as U.S. District Judge Joe Anderson, U.S. District Judge David Norton, U.S. Magistrate Judge Shiva Hodges, and Ms. Sarah Montgomery, Senior Litigation Counsel for E-Discovery at the U.S. Department of Justice. The event was particularly well-attended, and we certainly appreciate those alumni who were able to join us. For those who were unable to make it, videos of the event, as well as articles and essays from the Symposium Issue, are available on our web site. Following the Symposium, Volume 64 hosted an alumni event at the Sheraton’s Rooftop Pavilion in downtown Columbia. We very much enjoyed meeting and interacting with so many Law Review alumni, and we certainly hope to have additional opportunities to do so in the future.

With the generous assistance of Technology Editor Chris Jones, Volume 64 also worked to expand the Law Review’s Internet and social media presence. In addition to upgrading the Law Review’s web site and publishing Volume 64’s scholarship in e-book form, the efforts of Chris and other members of the Editorial Board enabled Volume 64 to offer and publicize its content via YouTube, Twitter, Facebook, and LinkedIn. I am proud to note that the Law Review’s online offerings have expanded yet again with the announcement and launch of the SCLAWblog. Additional details regarding SCLAWblog can be found on page 6 of this newsletter in a note from Lisle Traywick, Volume 65’s Editor in Chief.

The Law Review also had the good fortune of welcoming a new member to the team this past semester. Kim Fanning, who previously worked in the Law School’s Faculty Support Services Department, was hired as the Law Review’s new Administrative Assistant. Volume 64 has enjoyed working with Kim over the past several months, and Volume 65 is lucky to have her on board going forward.

(continued on page 5)
The Practice of Law in the 21st Century: The Intersection of Law and Technology

The South Carolina Law Review hosted a successful symposium on March 1, 2013, exploring the intersection of law and technology. The event kicked-off on February 28, 2013, with a keynote address by Bill Neukom, past president of the ABA, former Executive Vice President for Law and Corporate Affairs of Microsoft, and founder of the World Justice Project. Following Mr. Neukom’s address, honored guests and current members of the Law Review enjoyed dinner at the recently renovated Palmetto Club in downtown Columbia.

The Symposium, titled “The Practice of Law in the 21st Century: The Intersection of Law and Technology,” featured an impressive list of panelists and presenters, including six federal judges, several prominent professors and practitioners, and the head of e-discovery at Google, Inc. Panelists discussed emerging trends in electronic discovery, technology’s impact on the ethical obligations of attorneys, and how the rules of evidence and civil procedure have each attempted to keep pace with recent technological advances. The event generated positive feedback, with over 150 attendees, and led to a cover story in South Carolina Lawyers Weekly. Immediately following the Symposium, the Law Review hosted a well-attended happy hour for alumni at the Sheraton’s Rooftop Pavilion.

Symposium Issue

ARTICLES

Fifty Shades of Sanctions: What Hath the Goldsmith’s Apprentice Wrought?
Hon. David C. Norton, Justin M. Woodard, & Grace A. Cleveland

A Pragmatic Approach to Discovery Reform: How Small Changes Can Make a Big Difference in Civil Discovery
Hon. Paul W. Grimm & David S. Yellin

Risk Aversion, Risk Management, and the “Overpreservation” Problem in Electronic Discovery
Kenneth J. Withers

Inadvertent Production of Privileged Information in Discovery in Federal Court: The Need for Well-Drafted Clawback Agreements
Nathan M. Crystal

Predictive Coding: Emerging Questions and Concerns
Charles Yablon & Nick Landsman-Roos

Keeping the Inference in the Adverse Inference Instruction: Ensuring the Instruction Is an Effective Sanction in Electronic Discovery Cases
Wm. Grayson Lambert

Bleeding Data in a Pool of Sharks: The Anathema of Privacy in a World of Digital Sharing and Electronic Discovery
Derek S. Witte

ESSAY

A Measured Approach to E-Discovery: A Federal Practitioner’s Guide to the Civil and Ethical Rules Governing E-Discovery
Hon. Shiva V. Hodges

If you are interested in obtaining a copy of this year’s Symposium Issue (Book 3), they are available for $15. Please contact the Managing Editor at managingeditor@sclawreview.org to sign-up!
Volume 64’s Board of Editors would like to congratulate the following members whose manuscripts were selected for publication in this summer’s Survey of South Carolina Law:

CONSTITUTIONAL LAW

A Long Way from Home: Slow Progress Toward “Home Rule” in South Carolina and a Path to Full Implementation
Pierce T. MacLennan

CORPORATE LAW

Delimiting Liability for South Carolina Limited Liability Corporations:
When Can an LLC Manager be Personally Liable for Tortious Interference?
Chandler Martin

Magnolia North v. Heritage Communities:
The South Carolina Court of Appeals’ End Run Around the Necessity of Equitable Justification when Disregarding the Corporate Form
Phillips L. McWilliams

CRIMINAL LAW

“Burglar of Interest”:
An Analysis of South Carolina Burglary Law After State v. Singley
Stephen D. Sutherland

CRIMINAL PROCEDURE

An Exaggerated Response: Possible Reactions to Florence v. Board of Chosen Freeholders in South Carolina
Kara S. Grevey

EDUCATION LAW

School Choice in South Carolina:
An Analysis of Whether Private School Tax Credits are Right for South Carolina
Sarah K. Johnson

ELECTION LAW

The South Carolina Primary Debacle:
The Impact of Anderson v. South Carolina State Election Commission and Vague State Election Laws on the 2012 Election
Vordman Carlisle Traywick, III

“Things Have Changed in the South”:
How Preclusion of South Carolina’s Voter Photo ID Law Demonstrates that Section 5 of the Voting Rights Act Is No Longer a Constitutional Remedy
John G. Tamasitis

FAMILY LAW

A Jurisprudence Clarified or “McLeod-ed”?:
The Real Constitutional Implications of Court-Mandated Postsecondary Educational Support
Emily A. Evans

TORT LAW

In Pursuit of a Remedy: A Need for Reform of Police Officer Liability
Bonnie E. Bull

The Price of Life:
A Prediction of South Carolina’s Approach to Expert Testimony on Hedonic Damages Using the Willingness-To-Pay Method
Wesley B. Lambert

WORKERS’ COMPENSATION LAW

Extraordinary and Unusual Circumstances:
Compensability of Psychological Injuries Under South Carolina Workers’ Compensation Law
Jordan M. Janoski
Forthcoming Articles for Volume 64’s Fourth Circuit Survey and SCLR Online

Volume 64’s Board of Editors would like to congratulate the following authors whose essays and case comments were selected for publication in this summer’s Fourth Circuit Survey. These pieces are available in Book 4 and may also be viewed on our web site:

*Is the Fourth Circuit Starting to Hold Back? Examining Possible Changes in How the Court Approaches Searches, Seizures, and Suppression*
Derek A. Shoemake

*Traffic Stops Based on Uncorroborated Visual Speed Estimates: More (Needed) Than Meets the Eye, Says the Fourth Circuit*
Justin M. Woodard

*Setting Critical Limits on the Cherry Doctrine: The Fourth Circuit’s Decision in United States v. Dinkins*
Ruth A. Moyer

*The Rule of Lenity and Hybrid Statutes: WEC Carolina Energy Solutions LLC v. Miller*
Stephen Wills Murphy

*The Narrow Scope of Federal Preemption in State Commercial Credit Transactions: Deohen v. Capital One, N.A.*
Tamara Mary Van Pala

*Digital Pillow Talk?: Waiving Marital Privilege at Work in United States v. Hamilton*
Jennifer Butler Routh

Brittany M. McIntosh

Spring Service Day:
Harvest Hope Food Bank

On March 23, 2013, the South Carolina Law Review participated in the Law Review Service Day at Harvest Hope Food Bank. Harvest Hope’s mission is to provide for the needs of the hungry by gathering and sharing quality food throughout South Carolina. Law Review members offered assistance by making and packing boxes of supplies to be distributed to families and packaging mix that can be used to make biscuits, waffles, or pancakes.

Thank you to all of the volunteers. It was a great day and one that we look forward to having again next year!

Find out how to donate or volunteer to Harvest Hope at http://www.harvesthope.org/.

South Carolina Law Review’s
PEER REVIEWED SCHOLARSHIP MARKETPLACE (PRSM)

PRSM recently joined Scholastica, an online journal submission site, which will allow the peer review process to take place solely online and through a central database. It is our hope that the move to Scholastica will make PRSM more efficient and visible to the legal community and allow for continued growth as a source for peer reviewed legal articles.

PRSM’s Scholastica page can be found here: https://scholasticahq.com/peer-reviewed-scholarship-marketplace-prsm/about.
FROM THE DESK OF THE EDITOR IN CHIEF...

(continued from page 1)

Finally, Volume 64 is incredibly excited to announce that, in addition to Books 1–4, the Law Review is publishing a fifth issue, which will be delivered to subscribers shortly after this summer’s bar examination. Book 5 will contain an interesting and enlightening piece of commentary by Demetrio Sears on Post-Conviction Relief in South Carolina. Mr. Sears’s work is as unique as it is inspiring, attributable to both the quality of the writing and the perspective of the author. Mr. Sears, who is currently incarcerated at Trenton Correctional Institution and serving the twelfth year of his eighteen year sentence for attempted armed robbery, examines both the substantive and procedural aspects of PCR in South Carolina from a prisoner’s perspective. While editing and publishing a fifth issue required a significant amount of additional time and energy from each member of Volume 64, the membership voted unanimously to undertake the project. We hope, and fully expect, that the piece will be as interesting to our readers as the publication experience has been rewarding for our membership.

In addition to thanking our alumni for their continued support and assistance, I would be remiss to conclude without thanking my colleagues on the Law Review, as well as the Law School’s faculty and staff, all of whom have been such a great help over this past year. My time as a member of the South Carolina Law Review and my tenure as Editor in Chief have been incredibly rewarding. I have been fortunate to be surrounded by so many remarkable individuals, without whom no book would have been published or Symposium hosted, and I am grateful for both their assistance and their friendship. Volume 64 is particularly lucky to be able to pass the torch to such a dedicated group of students, and I, along with the rest of Volume 64’s Editorial Board and Senior Staff, look forward to following Volume 65’s progress and accomplishments with great interest.

Respectfully yours,

Thomas A. Limehouse, Jr.
Editor in Chief, Volume 64
A Message from Volume 65’s Editor in Chief

June 10, 2013

The South Carolina Law Review is pleased to formally announce the creation of the SCLAWblog, a dynamic and interactive legal resource designed to provide Law Review alumni, judges, attorneys, legal academics, and members of the public with the latest updates on issues relating to South Carolina law.

On behalf of the Volume 65 Editorial Board, I would like to welcome everyone to the blog, a tool we hope will prove to be an invaluable resource not only to South Carolinians, but also to individuals beyond the borders of our state.

The idea for the blog emerged as we began to transition between Volume 64 and Volume 65. Wishing to further enhance our offerings to the South Carolina legal community—in addition to providing our Fourth Circuit case summaries—we decided to create a forum that would serve as a marketplace for ideas to promote the discourse and dialogue regarding contemporary legal issues in South Carolina.

Our goal is to provide a scholarly arena in which law students, law professors, and practitioners can read and write about South Carolina Supreme Court opinions and the potential impact that court’s decisions may have on various aspects of the law. Additionally, we will provide bill summaries for important legislation passed by the General Assembly, outlining any implications or consequences new measures may have for South Carolina residents upon becoming law.

Blog visitors will also have the opportunity to comment on blog posts, and we encourage users to share their thoughts and contribute to the legal scholarly debate stemming from such posts.

While the blog is still in its initial stages, we hope to continue improving it such that the legal community can rely on our prompt updates on law-related matters in South Carolina, whether they come from the General Assembly or the state Supreme Court. That being said, we are excited about the progress made thus far and look forward to the continued development of the SCLAWblog.

Of course, should you have any questions or if you would like to learn more about the South Carolina Law Review, I strongly encourage you to visit our web site, www.sclawreview.org. For more information about the University of South Carolina School of Law, please be sure to visit the law school’s web site, www.law.sc.edu.

Thanks in advance for supporting the South Carolina Law Review. We appreciate your interest and hope everyone continues to enjoy following the SCLAWblog!

Vordman Carlisle “Lisle” Traywick, III
Editor in Chief, Volume 65
eic@sclawreview.org

I want to thank Thomas Limehouse (Editor in Chief, Volume 64) for his vision, guidance, and input, all of which was crucial to conceptualizing the nature and scope of the blog, and Chris Jones and Jeff Gurney (Technology Editors for Volume 64 and Volume 65, respectively) for working tirelessly to turn this idea into a reality through innovation, collaboration, and hard work.
Sarah Leverette

At the recent South Carolina Law Review Alumni Event in Columbia this past March, students and alumni had the pleasure of meeting or catching up with Ms. Sarah Leverette, a 1943 University of South Carolina School of Law graduate and former member of the Selden Society Year Book, the predecessor of the South Carolina Law Quarterly and the South Carolina Law Review.

Ms. Leverette, born December 30, 1920, in Iva, South Carolina, was not always set on a career in the law. After completing her undergraduate studies at the University of South Carolina, she considered pursuing a degree in either medicine or law. While she would have undoubtedly excelled at either pursuit, the South Carolina legal community is fortunate that she chose the path she did.

Ms. Leverette’s first job after graduating magna cum laude from the University of South Carolina School of Law was as a legal researcher for the S.C. Department of Labor, but she was soon persuaded by the Dean to return to the Law School to accept a position as a librarian and legal writing and research instructor. Upon assuming this position, Ms. Leverette became the first female faculty member at the Law School, where she remained the next twenty-five years, teaching legal writing and research to each student. To this day, she views her tenure at the Law School as the most fulfilling years of her legal career, noting that she continues to enjoy her frequent contacts with alumni, former students, and Law School faculty.

Upon leaving the Law School in the 1970s, Ms. Leverette went on to serve as commissioner and chairperson of the South Carolina Industrial Commission, which later became the Workers’ Compensation Commission. In reflecting on her time with the Commission, Ms. Leverette considers it both the most interesting and challenging role, given “the opportunity to meet all levels of employed society and the challenges of fairly balancing the rights and duties of employer/employee under the workers’ compensation law.”

She was also appointed by Governor John C. West to serve on the Committee to Revise the Constitution of South Carolina (West Committee), where she drafted the current procedural outline for amending the South Carolina Constitution. Ms. Leverette has maintained a strong community presence, contributing her time to a number of organizations, including the League of Women Voters, AAUW, Columbia Historic Foundation, and the South Carolina Women Lawyers Association. Ms. Leverette’s commitment and dedication to public service and the profession was recognized in 2001, when she was awarded the Jean Galloway Bissell Award, the highest honor accorded by the South Carolina Women Lawyers Association.

At ninety-two years of age, Ms. Leverette certainly has not slowed down. She currently serves as a coordinator for the Project on Judicial Reform in South Carolina and works as a consultant for the League of Women Voters of South Carolina on issues before General Assembly. The South Carolina Law Review is proud to call Ms. Leverette an alumnae and hopes that she will continue to share her time and stories with us for years to come.

“Sarah Leverette blazed the trail for all women lawyers in South Carolina who followed her. She accomplished much in her legal career despite the barriers in place at that time for women in the legal profession. My female colleagues in the S.C. Bar owe Ms. Leverette a debt of gratitude, and I am proud to call her a mentor and friend.”

The Hon. Jenny Anderson Horne
S.C. House of Representatives

“Ms. Leverette is a dear friend to the Law School and to its faculty, alumni, and students. She remains a familiar presence at every major law school event, and her continuing energy and commitment to service for the people of South Carolina are infectious to all who meet her. Anyone who knows Ms. Leverette (and almost everyone does) knows that she speaks highly of her time on the Editorial Board of the Law Review’s predecessor, the Year Book of the Selden Society, and the Law Review should be quite proud to call her an alumnae.”

Dean Robert M. Wilcox
University of South Carolina School of Law
Volume 64 Alumni Event

On March 1, 2013, following Volume 64’s Symposium, the South Carolina Law Review hosted an alumni event at the Sheraton Hotel’s Rooftop Pavilion in downtown Columbia. With over seventy attendees, the event was a wonderful opportunity for alumni to gather and reminisce about their time on Law Review. Volume 64 would like to thank all who were able to attend, as well as the Law School for sponsoring and assisting with the event.

We hope to see you all again next year!

ATTENTION SOUTH CAROLINA BAR MEMBERS

Free Copy of the Annual Survey of South Carolina Law & Fourth Circuit Survey

This summer, the South Carolina Law Review will publish its annual Survey of South Carolina Law and Fourth Circuit Survey in Book 4. This issue will contain a review of recent legal developments affecting South Carolina lawyers.

Free copies of this issue are available to South Carolina lawyers, courtesy of the South Carolina Bar! To receive a complimentary copy of the Survey issue, please contact the S.C. Bar at (803) 799-4118. You may also email doelhafen@scbar.org to request a copy.

Reduced Subscription Price

Subscriptions to the South Carolina Law Review are available to members of the South Carolina Bar for a reduce rate!

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Invoiced in July

For more information on subscribing, to view article abstracts, or to read Fourth Circuit case summaries, visit sclawreview.org.

Distinguished Alumni Award

In recognition of her generous assistance with Volume 64’s Symposium, as well as her dedication to the institutional well-being of the South Carolina Law Review more generally, Carmen Harper Thomas was selected to receive Volume 64’s Distinguished Alumni Award earlier this spring.

Carmen is an associate with Nelson Mullins Riley & Scarborough, where she practices in business litigation, class action defense, and consumer financial services litigation in the firm’s Columbia office. Having served as Editor in Chief of Volume 58 of the South Carolina Law Review, Carmen remains a great friend to the Law Review and a tremendous resource for, and mentor to, new Editors in Chief.

WE WANT TO HEAR FROM YOU!

To help our alumni stay informed about current honors, appointments, and legal contributions of former members of the South Carolina Law Review, we are beginning an initiative to spotlight alumni on our web site. Please send any updates or news that you wish to share to events@sclawreview.org. We look forward to hearing from you!

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www.sclawreview.org