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SOUTH CAROLINA 2017

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**TERRY RICHARDSON
KEEPS GOING AND GOING**

10 YEARS

SEE PAGE 3



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Richardson, Patrick, Westbrook
& Brickman; Barnwell

Business Litigation;
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South Carolina Super Lawyers:
2008–2017; Top 25: 2009–2011,
2014–2017; Top 10: 2015–2017



THE ENERGIZER

TERRY RICHARDSON KEEPS GOING AND GOING AND GOING ...

BY SUSAN SHACKELFORD PHOTOGRAPHY BY STAN KAADY

A nameplate with the inscription “*Illegitimus non carborundum*” sits prominently on Terry Richardson’s desk at Richardson, Patrick, Westbrook & Brickman in Barnwell. It means, “Don’t let the bastards grind you down.”

“It’s a constant reminder that perseverance is essential,” Richardson says of the nameplate, given to him by associates he mentored. “A lot of lawyers have tremendous talent, but if they are not drudges in the office, they aren’t going to be great in the courtroom.”

“He’s going full bore,” says Harry Revell of Nicholson Revell in Augusta, Georgia, who has been co-counsel with Richardson on many cases over 30 years. “With the success he’s had over the span of his career and the good outcomes he’s helped achieve, one would think he might get out the rocking chair and kick his feet up. I hate to use the proverbial description of the Energizer Bunny, but it’s true. He just goes and goes and goes and goes.”

Both of Richardson’s sons are attorneys and know his famous work ethic well. “I spend a fair bit of time doing trial work, and if I’m working late at night or on a Sunday afternoon, I call him and he’s at the office,” says Jay Richardson, assistant U.S. attorney for South Carolina. “It’s pretty unusual for a guy in his early 70s and where he is. He’s the hardest working person I know.”

On a recent day, Richardson was in the office with his 4-month-old chocolate lab, Boogaloo, a gift from his wife, Gail, for his 71st birthday last fall. He headed to the Country Cupboard for lunch and was stopped by many friends and acquaintances on the way. He has lived all but 12 years in Barnwell, raised his family there, and made a name for himself by winning cases “for the little guy.” He gained acclaim in the ’70s representing plaintiffs in asbestos cases, and more recently, two cases that resulted in record settlements.

One was against Norfolk Southern after two of its trains collided in Graniteville in 2006. The other involved 24-year-old Manual Salazar, who in 2003 was electrocuted in a construction accident and lost all four limbs. Revell recalls a major mediation in the Salazar case. “There were probably eight or nine

lawyers there and eight or nine insurance adjusters, and Salazar himself," he says. "We were either trying to strategize or waiting on the other side. We were all on-edge to make some decision, and Terry said, 'Y'all keep thinking about this; I have another case I've got to talk to somebody about.' He was gone about an hour and a half. When he came back, he said, 'I just got another matter resolved,' and immediately immersed himself back in our case.

"He takes multitasking to a new level," Revell continues. "He typically carries two cellphones with him, talking with someone on one and dictating something using that information into the other."

Since the settlement, Salazar has married, had three children and moved to Colorado to be near a medical facility that fits him with artificial limbs. He also parachuted from a plane and snow-skied, after Nike fitted him with computerized legs. "Terry asked me to bring [Salazar] to one of the seminars his firm hosts for attorneys," Revell says. "It was about the crowd seeing what this man went through, how he persevered and has

a meaningful life. Most plaintiff's attorneys would brag on themselves—not their clients and how inspiring they are."

Richardson calls Salazar, and other past clients, at least once a year to see how they are getting along. "I don't want to get callous," he says. "These are people with real problems, and they bring them to us for help."

In December, he called a woman whose husband died in the Norfolk Southern accident, which also killed eight others and injured up to 500 more. The accident caused the release of 11,500 gallons of chlorine, and was the country's worst railroad-related chemical spill. Attorneys from King & Spalding in Atlanta partnered with Richardson to serve their client, Avondale Mills, a nearby textile business affected by the spill.

Richardson also represented three families who lost loved ones, as well as many of the injured, and was class counsel for about 5,000 people who had to evacuate their homes. The biggest challenge, he says, was navigating all the defendant's attorneys. "Norfolk Southern

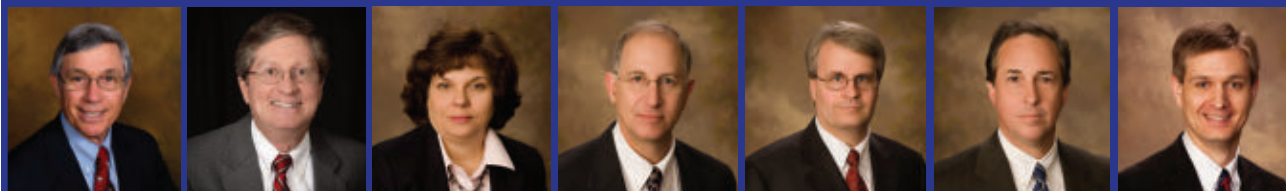
hired 13 law firms to represent them against us," he says. "It wasn't child's play; they spent a lot of time defending it."

When he was younger, Richardson's son, Matthew, a plaintiff's attorney in Columbia, watched his dad represent one of seven families whose children had died or were harmed as a result of a carbon monoxide poisoning at Salkehatchie Coon Club lodge. Judge Rodney Peebles allowed the children to sit opposite the jury box. "It was an emotional experience," Matthew recalls, "and we started to learn we were not only proud of him, but it was a life we wanted to imitate."

The family was awarded \$1 million in actual damages and \$1.5 million in punitive damages. After the trial, Richardson settled the other cases on appeal.

"This is a man who cares deeply about the people he's representing," Matthew says. "[He has] the ability to help and benefit folks—to even the playing field for people who don't have political power or influence, but who can come to the courtroom with justice being blind."

Congratulations to Weldon R. Johnson, David G. Wolff, Kay Gaffney Crowe, Alan J. Reyner, Robert T. Strickland, and Curtis W. Dowling for their selection to the 2017 South Carolina Super Lawyers list and to Matthew G. Gerrald for his selection to the 2017 South Carolina Rising Stars list.



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RICHARDSON IS THE SON OF A FARMER AND A TEACHER. “We were not poor, but we didn’t have any money,” he says. “My father told me he never made more than \$16,000 a year in his entire life.”

Richardson and his sister grew up alongside the children of the beloved federal court judge Sol Blatt Jr. When Richardson was in junior high, Blatt introduced him to Gail Ness, the daughter of Julius B. “Bubba” Ness, a state circuit judge and later chief justice of the state Supreme Court. Terry and Gail would marry in 1969.

Discouraged from farming by his dad, Richardson attended Clemson and interned for Sen. Strom Thurmond in 1966. “We were trying to date the same women,” he says, smiling and noting that Thurmond was infamous for pursuing younger women. “He married one, 22, when he was 66!”

After getting a bachelor’s in economics and a master’s in business, Richardson worked as an IBM systems engineer in Greenville. Likely to be drafted for the Vietnam War, he appealed to the Army for a commission based on his technical expertise. He wound up working on computers for the military, including two years at a base in Thailand. Later, he worked for Wilbur Smith & Associates in Connecticut, where he assisted governments with revenue bond financing for airports and toll roads. But the law was calling.

“If I didn’t try, I would always wonder,” he says. He didn’t have to for long. He did well on the LSAT, excelled at the University of South Carolina, and entertained nearly a dozen job opportunities upon graduation in 1974. The best one came from Blatt & Fales in Barnwell. He liked the firm’s plaintiff focus and believed he would get courtroom experience sooner. There were only five attorneys when he joined, including Solomon Blatt Sr., who served in the state House for 53 years and was its speaker for 32 of them. Blatt was also part of the powerful group of local politicians that Thurmond dubbed “The Barnwell Ring.”

“He was brutal about working hard,” Richardson says of Blatt. “He believed the only way to separate yourself is to work hard.”

Richardson fit right in.

His first big cases dealt with asbestos, and he worked the relatively new products liability field alongside another young lawyer, Ron Motley. After settling a few cases early, the firm became nervous when others didn’t. “We were spending more than we were making,” Richardson recalls. “It was a small-town practice, and we were flying to New York and taking depositions all over the country. Speaker

Blatt was in his late 70s or 80s at the time and was ‘old-school.’ His son, the federal judge, calmed him and said, ‘Give ‘em a chance.’”

The logjam broke when the team discovered documents showing that the insulation manufacturers had known asbestos was harmful. The attorneys were soon litigating cases in all 50 states.

In those early days, Motley appeared on *60 Minutes* and loved the limelight. “If we

didn’t have a crisis, he would create one; that was his personality,” Richardson says. “We complemented each other well. I was a little more stable as far as how I handled the cases. He was a little more the gunslinger.”

In 1988, Richardson’s father-in-law retired from the state Supreme Court and joined the firm. Soon after, the firm became a key player in the suit against the nation’s four largest tobacco companies. Richardson worked in Washington,



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LEFT TO RIGHT:

Donald L. McCune Jr., Andrew J. Savage III*, J. Scott Bischoff II**

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seeking legislation against the companies. He also managed the firm, seeing it grow to more than 70 attorneys around the country. While Motley became the well-known face of the litigation, Richardson worked behind the scenes “getting the right personalities in the right place,” he says. “There are the people who start things; the plodders who keep it going; and then those who get the case ready for the jury. We had great people with different skills, and we did a good job getting them in the right slots.”

Soon after brokering the \$206 billion settlement with the tobacco companies in 1998, the firm broke up over philosophical differences. “You get three lawyers and you’ve got a lot of opinions. You get 75 plaintiffs’ lawyers, and, we’re all friends, but we had different approaches,” Richardson says. Even so, he is proud of shepherding the business side of the break-up, and that he was joined by three more of the firm’s shareholders to form Richardson, Patrick, Westbrook & Brickman in 2002. Today the firm has about 30 attorneys, most in Charleston. They still handle tobacco cases, now on behalf of Canadian provinces.

WHEN HE’S NOT PRACTICING, Richardson spends his time with Gail, their three children and nine grandchildren. In addition to Matthew and Jay, the couple has a daughter, Katy, who is a medical director at the Department of Health and Environmental Control. They often host the family at their 12-acre plot in Barnwell, a spot they’ve called home since 1974.

Both he and Gail, a former librarian and teacher, are passionate supporters of The Nature Conservancy and public education. Richardson chaired the conservancy’s board, and they both helped former Gov. Jim Hodges start the early childhood education program, First Steps. The Gail and Terry Richardson Center for the Child at Francis Marion University honors the couple’s donations and Gail’s longtime service on its board of trustees. Terry gets animated talking about the 2014 state Supreme Court decision that said South Carolina is not providing a “minimally adequate” education in its poorest school districts. “It’s been a lot of talk so far,” he says of the state’s response. After all, he’s a man of action.

In January, he worked out of the firm’s Charleston office so he could watch Jay prosecute the Dylann Roof case at the federal courthouse. “He comes to every case I’ve ever tried, and tends to sit right behind our agents, passing notes up to me,” Jay says. “He gives me honest, constructive feedback, and I don’t want to say I appreciate it *all* the time, but I have stuck on my wall above my computer a handful of those notes. ... He’s similarly involved in Matthew’s cases, and our sister gives talks at different places and he goes to those, too.”

Richardson couldn’t be prouder, and after Jay delivered the closing argument, he had some choice words to share with his son. “With everyone else, it’s ‘Congrats’ and ‘This is great’—and he says that, too—but he’ll also say, ‘Why not follow-up with this?’ or ‘Why was the focus here?’” Jay says. “With him, it’s a constant effort to get better. His thought is always about the strategy and craft of being a trial lawyer.” 



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Taking Notes

Five things Matthew and Jay Richardson learned from their dad about lawyering



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James W. Bannister is committed to providing his clients with experienced, insightful and well-prepared criminal defense representation in a broad range of cases. Certified by the National Board of Trial Advocacy in criminal trial advocacy since 2007, Mr. Bannister has been named to Super Lawyers for his work in criminal defense in 2010 and 2012-2017, and garnered a listing in *The Best Lawyers in America* every year since 2007 in the categories of criminal defense, white-collar criminal defense and DUI defense.



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