

clients, public relations activities, advertising, membership in prestigious organizations, and the list goes on and on depending upon the business type of the law firm.

The next ring is building relationships. This only happens by attending Primerus events and getting to know important people – that is, people in a position to send you work. In marketing a law practice, you need to mingle with potential clients and referral sources and establish positive personal relationships that will lead to new quality business in the door.

The third and final ring is getting involved in Primerus leadership positions, such as members of practice groups and Institute executive committees, and moving up from there to chairmanship positions. Here is where members become very well-known and respected within the organization and can show their stuff to other members and clients alike.

This concentric circle process takes time and effort, like losing weight or building strength in a health club, and there are no short cuts or easy ways out. Primerus members who have been very successful developing quality business through their Primerus membership have been through this process and paid their dues.

All new firms must participate in this process. Because it takes time to start seeing a return on their Primerus investment, Primerus gives new firms the option of lower dues for their first three years in exchange for a three-year contract. Historically, it takes about three years, assuming members have been active participants from the beginning, to see significant results.

In applying the personal trainer discipline to the program, each firm's key contact works closely with the Primerus full time staff director in charge of the firm's assigned Institute in developing and executing a written strategic marketing plan for the firm. All plans call for conferences every 90 days between the member and Primerus to account for results and set new goals for the next 90 days.

Additionally, as part of this process, Primerus reviews with all of its firms business activity every 90 days. The review includes inflow of work from Primerus sources and outflow referrals to other Primerus members. This information is now required to be reported to Primerus under the membership agreement for quality assurance purposes and to enable Primerus to evaluate the effectiveness of its marketing initiatives.

### Cross Border Business Development Committee

At Primerus, the time had come to create a stronger unifying force between the U.S. and international firms. To accomplish this, we established the Cross Border Business Development Committee under the direction of Duncan Manley. This committee promotes and coordinates worldwide cross border business. In 2014, we appointed a committee of seven members from the U.S. and three from the international institutes.

Manley prepared a mission statement and a plan of operation for the group, which hosted its first meeting in Atlanta last April. In the meantime, Primerus established and issued an international license to all U.S. and Canadian firms who wanted to participate in the international program.

The committee met again in New York in May and then in Zurich in June at the time of the Primerus International Conference. Following Zurich, the committee was expanded, adding additional members from the U.S. and Europe.

Since then, the committee met again in New Orleans and in San Francisco just prior to the Global Conference with some international clients in attendance. Plans for the committee in 2015 are underway.

### Other initiatives

Primerus also will create a new internship committee led by Marc Dedman of Primerus member firm Spicer Rudstrom in Nashville, Tennessee. The purpose of this committee is to develop, promote and facilitate an intern program for Primerus member firms worldwide. Several firms want Primerus to develop a program allowing younger lawyers in their firms to intern with Primerus firms in other countries to learn about the legal systems and the practice of law in those countries or states. The program may also include children of members as well as children of Primerus' corporate clients.

In 2015, Primerus also will expand its Young Lawyer Section internationally under the leadership of the section's past chairman, Raymond Steadmon of Primerus member firm Lane & Lane in Chicago, Illinois. The section has been an outstanding success in the U.S., and it is time to take it across the globe. Young lawyer representatives from each of the international institutes will join the action committee under Steadmon's leadership to make this happen.

Primerus will also continue to invest significantly in its communication infrastructure to facilitate improved video conferencing between Primerus and its worldwide organization of law firms, as well as high quality video webinars for its enhanced educational programs for members and clients.

### Summary

Primerus is pulling out all the stops in helping its firms develop new business next year from their Primerus affiliation. The strategy is multifaceted and requires all hands on deck to make this work successfully.

Primerus will do its part in building the brand and getting its members in front of thousands of premier clients that any law firm would love to have. But that is only half the equation. The other half has to come from the members, who must get actively involved in the program and sincerely embrace the "Think Primerus" concept.

# Magna Carta: Bedrock of Freedom, Justice and Rule of Law

*In 2015, the world will celebrate the 800<sup>th</sup> anniversary of the sealing of the Magna Carta in 1215. On June 15, 2015, people from all over the free world will mark this momentous occasion by gathering at Runnymede in England, where the document was sealed by King John. While we might not all attend this event, I urge us all as lawyers and citizens to pause to learn more about this historic document and its impact on today's legal system.*

Magna Carta, Latin for "Great Charter," was the product of more than two years of bitter confrontation and struggle among English King John, Catholic Pope Innocent III, Archbishop of Canterbury Stephen Langton and 25 English Barons. This confrontation culminated in the historic pact agreed to on June 15, 1215, and sealed by King John on June 19, 1215, at Runnymede, England. Magna Carta reshaped the relationship between the state and its citizens. It has been called the turning point in English history. It is the bedrock of the concepts of freedom, justice and the rule of law. It is the cornerstone of the unwritten British Constitution. Magna Carta became the

foundation of constitutions of various countries around the world, especially the Constitution of the United States of America.

Magna Carta can be described as a pact, a contract, a treaty, a law, an answer to petitions and a declaration of rights. It was a renewal of pledges of homage by the Barons in exchange for guarantees of rights and liberties for free men. Peasants also known as churls and serfs did not come within the scope of Magna Carta. King John offended his Barons in multiple ways, including arbitrarily raising their taxes and killing hostages instead of releasing them, even when a ransom was paid. When asked if it was fair for him to be referred to as "Bad King John," Sir Robert Worcester, Chair of the Magna Carta Trust 800<sup>th</sup> Anniversary Committee, responded, "No, he was much worse than that."

These 25 Barons held inherited titles. They were part of the feudal system which for centuries was the structure of society. Barons owed allegiance to the King, as did their tenants. One Baron who had previously supported King John, Robert Fitzwalter, came to be the leading Baron in opposition to him. After Fitzwalter sided against him, King John stripped him from ownership title to some of the

land Fitzwalter had inherited. Soon after this occurred, Fitzwalter and some other Barons started plotting against the King.

When the Barons first met on August 4, 1213 in St. Albans, a small city near London, named for the first English martyr, they considered regicide. By the summer of 1215 the Barons had rallied substantially more soldiers than had the King. King John understood his huge disadvantage. Rather than being defeated, perhaps killed and losing his throne, John reluctantly agreed to the demands of the Barons.

The meeting from June 15-19, 1215, was at Runnymede, a meadow on the bank of the river Thames west of London. This location was approximately halfway between the military camp of the Barons and the camp of King John. The document consisting of about 3,500 words written in Medieval Latin was agreed to by both sides. No one signed Magna Carta. King John and the Barons swore their oaths promising to abide by the terms of the agreement. In those days, oaths were sacrosanct.

Following this momentous meeting of the minds, scribes were enlisted to prepare on pieces of vellum (lamb hide) of



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various sizes, duplicate originals of Magna Carta. Scribes hand wrote 40 copies using quills made from flight feathers of a goose or swan. Of these 40 copies, only four now remain. Two are in the British Library in London. The other two are at Lincoln Cathedral and Salisbury Cathedral.

The 63 clauses in Magna Carta protected the Barons from arbitrary and abusive royal power. It provided for protection against abusive taxes by requiring "reasonable" taxes and mutual consent. Magna Carta reestablished traditional forest and fishing rights. It guaranteed the independence and freedom of the Church from royal control or abuse. It protected the city of London, then the largest in England, inhabited by nearly 150,000 people. It regularized standards of weights and measures, thus providing a remedy for what would be regarded today as unfair trade practices.

Clauses 38, 39 and 40 of Magna Carta are accepted as the forerunners of the concept of "a government of laws and not of men." The right of Habeas Corpus as well as other concepts of the American legal system can be traced to Magna Carta. The Fifth Amendment to the United States Constitution guarantees the right against self-incrimination. It finds its roots in Magna Carta. Clause 38 states: "In the future no bailiff shall upon his own unsupported accusation put any man to trial without producing credible witnesses to the truth of the accusation".

Clause 39 states: "No free man shall be taken, imprisoned, disseised, outlawed, banished, or in any way destroyed, nor will We proceed against or prosecute him, except by the lawful judgment of his peers and by the law of the land". This clause has been described by Constitutional law Professor A. E. Dick Howard of the University of Virginia as "the seed which was to come on full flower in the Enlightenment".

Clause 40 states: "To no one will We sell, to none will We deny or delay, right or justice." (King John referred to himself with the royal "We.")

Magna Carta is a source of the American Constitutional right of trial by jury, in both criminal and civil cases, guaranteed by the Sixth and Seventh Amendments to the United States Constitution.

Pope Innocent III had clashed with King John before 1215, but later reconciled and supported King John. After reluctantly agreeing to Magna Carta, King John sent his emissary to Rome and asked the Pope to issue a "Papal Bull" annulling Magna Carta. Pope Innocent III agreed and did so. This happened only months after Magna Carta had been sealed. The Pope then proceeded to excommunicate all the Barons. This caused a Civil War between the King and the Barons. Approximately a year later, both King John and Pope Innocent III were dead.

Pope Innocent III is remembered for another important decree. He further advanced the right to trial by jury by abolishing the bizarre practices of "trial by ordeal." When a new king and pope were installed, Magna Carta was reinstated as well. A newly revised version of Magna Carta was prepared in 1217 during the reign of King John's son, Henry III. Another amended version of Magna Carta was issued by Henry III in 1225. This version of Magna Carta was adopted and confirmed by later English Kings and finally codified in the year 1525, 310 years after the original Magna Carta.

In the following centuries, some of the clauses of Magna Carta were

repealed or became irrelevant. The provisions concerning the freedom of the church, the freedom of the City of London, the right to due process of law and trial by jury remain in force today. Not until English barristers in the 17<sup>th</sup> and 18<sup>th</sup> centuries cited it with authority and not until English judges issued rulings citing it as binding precedent did Magna Carta achieve its rightful place in British and American law. Part of the power or mystique of Magna Carta is the romantic halo which has gathered around it over the centuries. Magna Carta continues to be a powerful precedent and source of legal and moral authority for the rights of people, protecting them from abuse and unfair treatment by their government.

The American court system today is based upon the judicial system developed over many centuries in England. Indeed, while the 13 original American states were British colonies, they had legal and judicial systems essentially identical to those which existed in England. The current civil court system in most states, including South Carolina, is known as the "Court of Common Pleas."

Magna Carta

contains Clause 17 which states: "Common pleas shall not follow our common court but shall be held in some fixed place." In other words, King John agreed he would not convene court in whatever distant place he may wander, but instead would establish courts in fixed places so that disputes could be resolved in his absence. This turned out to be Westminster. Civil remedies and fines referred to as "ameracements" could not be imposed after Magna Carta "except by the sworn evidence of worthy men of the neighborhood." This is another concession to the right of due process of law.

Before the end of the middle ages, Magna Carta was confirmed 38 times by various English monarchs. In 1297 King Edward I placed it in the statute book where it remains. Any statute which contradicts it is considered null and void. It is the Supreme Law of the Land in the United Kingdom. Following the passage of the Stamp Act by Parliament in 1765, a successful legal challenge was made in South Carolina based on

Carta. In the case of *Jordan v Law*, a South Carolina British colonial court ruled that the suspension of the courts until Stamp Act requirements were met, violated the rights guaranteed by Clause 40 of Magna Carta. That clause states "To no one will we.....deny or delay right or justice".

Following World War II, the civilized nations of the world adopted the Universal Declaration of Human Rights which pledged the protection of basic human rights, due process and the rule of law. One of the greatest promoters of this Declaration was Eleanor Roosevelt, the widow of President Franklin D. Roosevelt. This Declaration was a continuation of the precepts of Magna Carta.

We are the inheritors of these great freedoms and rights. As described by Sir Winston Churchill, "Here is a law which is above the King and which even he must not break". The United States Constitution

is an endorsement and continuation of the guarantee of personal freedoms, due process, and justice which was Magna Carta.

In October 1216, King John, his power substantially reduced, died of "a surfeit of peaches and new cider." While he never garnered the fame of his older brother, he is today remembered as the king who, however reluctantly, peacefully surrendered royal power and swore to uphold written guarantees of the rights of free men.

British Prime Minister David Cameron on June 16, 2014, described Magna Carta as "Britain's greatest export." On June 15, 2015, representatives from all over the free world will gather in Runnymede to mark the 800th anniversary of Magna Carta. It will be the celebration of our lifetimes. 

