

SOUTH CAROLINA LAWYERS WEEKLY

APRIL 6, 2018 | SCLAWYERSWEEKLY.COM

Tyson named SCLW's 'Lawyer of the Year'

■ PHILLIP BANTZ

From controversial legislative redistricting to the ongoing fiasco over the failed nuclear plant, Columbia lawyer Rob Tyson has had a hand in some of the most important litigation in the state. And he's still managed to find the time for community service, including volunteering as a mediator, all while helping his architect wife raise four daughters.

Despite his impressive resume, Tyson, a member of Sowell Gray in Columbia, said he never thought to bet on himself as he sat with his youngest daughter during a "Leadership in Law" awards ceremony in Charleston and waited for South Carolina Lawyers Weekly to reveal its newest "Lawyer of the Year." The recipient was selected from among the 30 well-deserving honorees gathered at the Francis Marion Hotel.

"Before they announced it, I bet her \$10 that it would be one guy and \$5 that it would be someone else. When they said it was me I was totally surprised," Tyson said. He added that his 16-year-old daughter, while proud, later told him, "Hey dad, you owe me \$10."

Tyson grew up in Jackson, Mississippi, the son of a doctor and a homemaker mother who cared for Tyson and his three siblings. He studied law at the University of Mississippi, after taking the LSAT and the entrance tests for medical school and business school.

"I did the best on the LSAT, so I went to law school. The truth is I didn't really have anything else to do," Tyson said in his signature understated manner.

While at Ole Miss, he met his future wife, Irene, after friends introduced them. They married after graduation and moved to Washington, where Tyson sharpened his skills in administrative regulatory and governmental practice litigation.

"I'd just always liked being in places that made policy," Tyson said. "I just enjoy the making of laws and the generating of policy."

He and Irene eventually decided to return to the South, but they didn't make it all the

way back to Mississippi. Instead, they settled in Columbia, where Tyson continued doing regulatory work for electric cooperatives. He also successfully campaigned for a spot on the Richland County School District One board in 2006 and was later re-elected for a second term.

"I liked being in a policy position where you could help formulate policy and help kids in Richland County," Tyson said. Asked if he'd ever run for political office again, maybe seek a seat at the General Assembly, he doesn't hesitate before answering.

"No. But I admire those folks that are in elected office. It takes a lot of time and commitment," he said. "I realized I needed to practice law and have time to be with my family and do all the fun stuff."

In 2014, Tyson walked into the storm surrounding former House Speaker Bobby Harrell, who at the time was being investigated for allegedly misusing campaign funds. Tyson joined the embattled politician's legal team, which argued that state Attorney General Alan Wilson lacked the authority to investigate lawmakers without first getting permission from the legislature.

"It was a narrow issue about who had jurisdiction over investigating state House members: was it the AG or under the domain of the state House Ethics Committee?" Tyson said.

The state Supreme Court ultimately held that Wilson had the authority to investigate Harrell, who ended up being indicted on criminal ethics charges and later pleaded guilty to six counts of misusing his campaign account. He also resigned from office.

Tyson said his firm's relationship with Harrell went back to the Republican-heavy legislature's approval of controversial redistricting plans following the 2010 census. Democrats cried foul, alleging that the new voting maps constituted racial gerrymandering in violation of the Voting Rights Act. But Tyson successfully defended the plans against challenges at the trial level all the way up to the U.S. Supreme Court.

Fascinated by the me-



Tyson with SCLW General Manager Andrea Mounts.

chanics of redistricting, Tyson believes voting maps are an "inherently political matter no matter who's drawing it up."

"There's no perfect way," he added. "It's always going to have some kind of bent to it."

Dick Harpootlian, a prominent Columbia lawyer who was on the other side of the redistricting fight, said he was impressed with how Tyson handled himself both inside and outside the courtroom.

"Having gone up against litigators across the country — a whole bunch of folks who are high-profile people — Rob's as good as if not better than any one of them," he said.

Tyson has "the ability to disagree without being disagreeable, which is unfortunately a talent not too many lawyers have," Harpootlian added. "He's a great litigator, but on top of that he's a great person. He's somebody who understands that you can battle someone all day long in the courtroom then have lunch with them."

Another lawyer who's gone up against Tyson on several occasions, Jim Carpenter of Greenville, described Tyson as a "worthy adversary" and a gentleman. Once, when Carpenter failed to receive notice from the court about a hearing and didn't show up, Tyson stepped out of the courtroom with his co-counsel and called Carpenter, instead of taking advantage of the situation.

"They gave me the benefit of the doubt," Carpenter said. "I

thought that was an unusually gentlemanlike thing to do."

Two partners at Sowell Gray, Cal Watson and Biff Sowell, both spoke in separate interviews about being impressed with Tyson's ability to connect with others and being comfortable around people in the most stressful situations.

"I think that's what makes him good on his feet as a lawyer," Sowell added. "He's very, very good on his feet."

The key, according to Tyson, is to realize that "everybody looks at things through their own lens" and then consider all the different angles and viewpoints of the various sides involved in a dispute.

That idea hit home for Tyson while he was trying a big-money business case in front of a jury in rural Georgia. He called on an accounting expert who had a pile of degrees and had testified as an expert hundreds of times. But on cross, the opposing counsel deftly wrecked the expert's credibility in the eyes of jurors by pointing out that he'd never done a tax return for a client.

"We always need to remember to look at cases from a lot of different perspectives. And we completely missed that perspective," Tyson said. "We tried to stand back up and rehabilitate him (the expert) and talk to him, but the point was already made."

When Tyson's not in court or spending time at his law office or with his family, he might

be found volunteering at the Midlands Mediation Center in Columbia, where he helps settle disputes in small claim matters in magistrate court.

"It's always really passionate, really emotional," he said of the mediation sessions. "That's the fun part about it. I like to mediate. I think I've got a pretty good knack for analyzing and seeing the strengths and weaknesses of different parties' views and trying to help them understand what I see and how they should proceed."

Tyson was most recently in the news for his involvement in the swirling mess left in the wake of SCE&G and Santee Cooper's decision to walk away from the construction of a nuclear power plant and try to force residents to pay the massive \$9 billion bill for the unfinished project through rate hikes.

Tyson's representing the House of Representative before matters pending at the South Carolina Public Service Commission related to the failed nuclear facility. He said House members want to "make sure the regulatory actions taken by the commission would be consistent with their legislative action."

"The big issue is how to handle abandonment costs. It's a large case with a whole lot of interested stakeholders," he added. "It's going to affect a lot of folks."