

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
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November 24, 2015

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
Post Office Box 11330
Columbia, S.C. 29211

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NOV 24 2015

S.C. Supreme Court

RE: State of South Carolina v. Kenneth Simmons, SK5066
Appellate Case No.: 2014-000387

Dear Mr. Shearouse:

I certify that the Office of Bar Admissions has received a verified application requesting Adam S. Gershenson be admitted *pro hac vice* in the above matter. The \$250 filing fee for the applicant has been paid.

Yours truly,

Gayle B. Watts/st
Deputy Clerk for Bar Admissions

GBW/st

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

State of South Carolina	Appellate Case No. 2014-000387 CA No. 05-CP-18-1368	South Carolina Supreme Court
Plaintiff	Case No.	Tribunal
vs.	• Mailing Address of Tribunal:	Supreme Court of South Carolina
Kenneth Simmons, SK5066		PO Box 11330
Defendant		Columbia, SC 29211

Comes now ADAM S. GERSHENSON, applicant herein, and respectfully represents the following:

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1. Applicant resides at:

436 Marlborough Street, Apt. #2			
Street Address			
Boston	Suffolk	MA	02115
City	County	State	Zip Code
617-818-6624			
Telephone			

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Cooley LLP, with offices at

500 Boylston Street			
Street Address			
Boston	Suffolk	MA	02116
City	County	State	Zip Code
617-937-2379	617-818-6624	617-937-2400	agershenson@cooley.com
Primary Telephone	Cell Phone	Fax Number	Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by The Innocence Network to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since May 16 of 2008, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the Commonwealth of Massachusetts where applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:	Date Admitted:
MA	5/16/08
NY	6/28/10
1 st Circuit	11/4/11
9 th Circuit	8/19/08

Court:	Date Admitted:
USDC – D. Mass	12/18/2008

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court date):

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

8. Applicant never has had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked, except as provided below (give particulars, e.g., date, court, administrative body, date of suspension and reinstatement):

9. Local counsel of record associated with applicant in this case is Joseph M. McCulloch, Jr. of the Joseph M. McCulloch, Jr. law firm, which has offices at:

1426 Richland St.

Street Address

Columbia

City

803-779-0005

Primary Telephone

0003760

South Carolina Bar Number

County

Cell Phone

South Carolina

State

Fax Number

29211

Zip Code

joe@mccullochlaw.com

Email Address

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above-named tribunal for this case only.

DATED this 17 day of November, 2015



APPLICANT

VERIFICATION

STATE OF MASSACHUSETTS

COUNTY OF SUFFOLK

I, Adam S. Gershenson, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission *pro hac vice*. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear *pro hac vice* in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

ASG

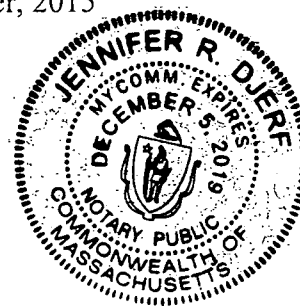
APPLICANT/AFFIANT

Subscribed and sworn to before me this 17th day of November, 2015

Jennifer R. Djerf

Notary Public for the Commonwealth of Massachusetts

My Commission Expires: December 5, 2019



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 22 day of November, 2015

Joseph M. Fiallon
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by *hand* addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this

November day of 22nd, 2015

By Joseph M. Fiallon
APPLICANT/AFFIANT

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the **sixteenth** day of **May** A.D. **2008**, said Court being the highest Court of Record in said Commonwealth:

A. Gershenson

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this **seventeenth** day of **November** in the year of our Lord **two thousand and fifteen**.



Maura S. Doyle
MAURA S. DOYLE, Clerk

* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.