

# SOUTH CAROLINA LAWYERS WEEKLY

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## Honor bound

### Greenville attorney, Citadel grad recognized for trial work

#### ■ HEATH HAMACHER

Once he figured out what he wanted to do with his life, James “Wally” Fays-soux Jr. dove in head-first and has re-mained submerged in the world of the trial attorney ever since. Though he would argue—and he’s pretty good at arguing—that he is just as immersed in outdoor life with his family as he is his work.

We at Lawyers Weekly have no idea how many bowhunting championships or fishing trophies decorate the walls and shelves of Fayssoux’s Greenville home, but it was brought to our attention recently that he is the only South Carolina attorney to win both the American Board of Trial Advocates Young Lawyer of the Year (2008) for the South Carolina chapter and its Jeter E. Rhodes Jr. Trial Lawyer of the Year award, which he received last month for his 2015 accomplishments. He is the youngest attorney to win the latter.

Fayssoux handled two high-profile cases last year that he speculates may have earned him the Rhodes award.

He represented a white former police chief charged with murder in the shooting of an unarmed black motorist. The officer, Richard Combs, eventually pleaded guilty to lesser charges after two mistrials.

On the civil side, Fayssoux secured a \$3.85 million dram shop verdict for the estate of a 6-year-old girl, Emma Long-street, killed by a drunk driver. A campaign by Emma’s parents, who were injured in the crash, eventually led to the passage of “Emma’s Law,” mandating the installation of an ignition interlock device in the vehicle of anyone convicted of driving with a blood alcohol content of .15 or higher.

Fayssoux majored in business at The Citadel before deciding to pursue his legal education at the University of South Carolina School of Law, graduating in 1999. After returning to Greenville, Fayssoux made partner with a local firm before opening up a family business.

In 2009, Fayssoux and his father, James “Jim” Fayssoux Sr., went into practice together, forming the Fays-soux Law Firm. Wally’s wife of nearly 15 years, Catherine, is also an attorney and a former Greenville County prosecutor.

“Now she’s in charge of us,” Wally said, noting his wife’s change of duties. “She runs our family. She takes care of me and those two monsters posing as our children.”

Those two “monsters” would be Hammond, 10, and his brother Beck, 4.

Fayssoux spoke recently with Lawyers Weekly reporter Heath Hamacher. Below is a lightly edited transcript of that conversation.

**Just curious, what led you to a military college? I wanted a challenge.** Just wanted to try something different. I had family members that had graduated The Citadel and I think the pride they always felt in that school

was kind of contagious and I wanted something like that; I wanted something I could be proud of. So I went and I’ve never regretted it.

**When did you decide to become a lawyer, like your dad?** When I graduated the Citadel I had no earthly idea what I wanted to do. So I applied for early acceptance for law school and began the process of applying for a Marine Corps contract. I had no clue what I wanted to do but I always deeply admired my father, and my father is an attorney, and the thought of following in his footsteps appealed to me. I heard back from law school early on and for some reason they took a chance on me and I appreciated it. I still don’t think I knew first year if I wanted to be a lawyer because I just hadn’t caught the fever for it yet, but then I began taking some advocacy classes and absolutely fell in love with it. I was passionate about the thought of becoming a trial attorney and so that’s been a dream, to come home and work with my father and at the same time be a trial attorney. I love it.

**It looks like you’re a jack of many trades. What are some of your practice areas?** I would say we do major personal injury cases or wrongful death, that’s primarily what we’re doing. We had a lot of malpractice cases early on ... I think it’s a pretty broad spectrum. We will do some criminal work. We generally like high-end work on the criminal side of it but what we really kind of crave and desire over here is trial work. We think that our model is to do what we love and that’s to try cases and we’ve been fortunate enough that the more we try cases, the more we seem to have to do and we love it.

**Tell me about you and your father finally hanging your own shingle.** My father had been practicing with another group for about 30 years. I went home and was originally working with Anderson Fayssoux and Chasteen as one of their associates and then after several years we made partner. It was just something that was a dream that dad and I had to do our own thing, so we did. It was always a desire of dad and I to just practice together as father and son and we’ve done that. We’ve grown a little bit as we’ve been over here and we’ve changed—one of the associates that went with us originally was Paul Landis so we are now Fays-soux & Landis. (Fayssoux admits that the firm’s website is “a little stale” and doesn’t reflect the new name.)

**So, tell me about your most recent award. I understand it is pretty special.** It was a narrow field. They must’ve been short on alternatives this year. I don’t know why they picked me. I received the award at the annual black-tie benefit we have every year, the [SC Chapter of] American Board of Trial Advocates. It’s a great organization; it’s made up purely of trial attorneys, people who have the requi-

site number of trials and hours as lead counsel in jury trials. They are invited to join and there are plaintiff and defense lawyers, generally an equal split. I’m one of the younger guys in the group but I think the membership is amazing. These are folks I have a great deal of respect for ... I’m working with them or working against them and I respect all of them. I think they’re fantastic attorneys. It’s the Jeter Rhodes Jr. Lawyer of the Year. Jeter Rhodes was one of the earlier members of the organization, who passed away years ago. He was a wonderful gentleman and a fantastic trial attorney. I actually worked for Jeter years ago. When I was in law school, I was actually acting as a law clerk for Jeter Rhodes and at that time didn’t appreciate what a tremendous attorney he was, but I got to know him and understood the man and the attorney. He was very wellrespected by the organization.

**You worked for the man whom the award you just won is named?** My first job was working with Jeter Rhodes at McCutchen Blanton Rhodes & Johnson, a firm in Columbia I clerked for in my second year of law school. I think at that point in time I was still trying to figure out if I wanted to be a lawyer or why I had gone to law school, and I probably got the job just because I went to The Citadel and Jeter was a Citadel graduate. But once I got the job and had the opportunity to learn from Jeter and study under him and Doc Morgan and Tom McCutchen and English McCutchen, just people I had a tremendous amount of respect for, that was a great opportunity early on to see the type of attorney I wanted to be.

**Can I assume that it being named after Mr. Rhodes makes receiving the award even sweeter?** It absolutely does. I mean for me, I’ll be honest with you, I was totally shocked and deeply humbled and surprised by that award. Everybody in that room is people I consider peers and mentors and I literally look up to them in the practice of law, in the type of attorney I aspire to be. They totally caught me flat-footed. It means a lot coming from the people I so dearly admire and respect, but to have Jeter’s name on it is special as well because he was one of the earliest influences in my career. He basically set the mold for how you conduct yourself as a fierce advocate but as an absolute gentleman and a fine attorney, and that’s who he was. I’m still trying to figure out why they gave it to me. I had a pretty unique year. I tried two high-profile murder trials to a hung jury and then I had a significant civil trial, so I guess it was an interesting year in that I had lots of different cases that went to trial in a broad spectrum. I was the attorney on the Longstreet trial, which was the \$3.85 million dram shop verdict in Columbia in November, and then I was the lead counsel on the State v. Combs murder trial where ... a former Eutawville police officer was tried for murder for shooting in the line



James Fayssoux

of duty. It’s one of those things where I don’t know if I deserve [the award], but I’ll make doggone sure I spend the rest of my career trying to earn it.

**How tough is it to juggle high-profile criminal work with bigtime civil cases?** It’s harder and it’s easier at the same time. The beauty of a criminal trial is that it’s a manila folder ... I have simple civil cases that fill up three banker’s boxes. I have a murder trial sometimes that can be put in three folders. It’s amazing the difference in the amount of paperwork, but it stops at the paperwork. The stakes are obviously very different. In a criminal trial you’re talking about someone’s freedom or someone’s life whereas in a civil trial you’re fighting about money. So sometimes it’s nice to not have to be buried in the paperwork of a typical civil case and, at the same time, it’s incredibly stressful when at the end of the day, somebody loses more than money if you’re wrong or if you get it wrong. That’s not our primary practice, so what I love about our criminal practice is we take the cases we want. When we see a case and we believe in the client, especially if it’s one that we think we’ll get an opportunity to try, then we’ll take it. Anytime I get a chance to get in front of a jury and be passionate about a case, I’m in.

**What do you think you would’ve done if not law?** Well I probably would’ve either taken a military contract or I would’ve tried a professional soccer career, but I wasn’t very good so that wouldn’t have gone very far. [laughs] I think I would’ve done well within the military but it’s worked out. I found...it’s one of those things where I wake up and I think I’m doing what I’m supposed to be doing and it feels good. And I enjoy it and I work with amazing people.

**It sounds like work consumes much of your life. Do you have time for hobbies?** I think it would be the other way around. I think people would say that I love to bowhunt and fish, and I definitely love my time outdoors. So anything outdoors from hunting and fishing and camping with my sons are my passions and my hobbies. That and coaching Little League is a lot of fun.