

**CURRICULUM VITAE**

**KENNETH WINCHESTER GAINES**  
**521 MEADOWBROOK DRIVE**  
**COLUMBIA, SOUTH CAROLINA 29223**

**MAILING ADDRESS:** University of South Carolina  
Law School  
Columbia, South Carolina 29208

**TELEPHONE:** Home: (803) 699-5918  
Office: (803) 777-8903

**PERSONAL:** Date of Birth: March 12, 1947  
Marital Status: Single

**UNDERGRADUATE EDUCATION:** B.S., Education, 1970  
Kansas University, Lawrence, Kansas

Four year letterman, Varsity  
Track and Field 1965-1969  
NCAA Indoor Champions, 1969  
NCAA Outdoor Runner-up, 1969

**GRADUATE EDUCATION:** M.A., Sociology-Urban Affairs, 1971-1973  
(18 hours toward degree)  
Wichita State University, Wichita, Kansas

**LEGAL EDUCATION:** J.D., 1976  
Kansas University School of Law, Lawrence, Kansas

Bureau of National Affairs Law Week  
Publication Award, 1976  
Kansas University Traffic Court, 1973-1974  
Student Senate, Student Rights Committee, 1974  
Legal Intern:  
Douglas County Legal Aid Society, 1975  
Shawnee County Legal Aid, 1976  
Kansas Civil Rights Commission, 1976

L.L.M., Litigation, 1990  
Emory University School of Law, Atlanta, Georgia

**BAR MEMBERSHIPS:** Fourth Circuit Court of Appeals, December 1993

Federal District Courts of Kansas, Maryland, and

South Carolina, May 1976, June 1977, August 1982

South Carolina Supreme Court, May 1983  
Kansas Supreme Court, April 1976

District of Columbia Court of Appeals, August 1977

**TRIAL AND LAW PRACTICE  
EXPERIENCE:**

General Criminal & Civil Litigation  
Areas of General Practice and Consultation: 1976-present  
Workers Compensation  
Personal Injury  
Medical Malpractice  
Domestic Relations  
Commercial & Residential Real Estate  
Probate  
Securities Fraud  
Criminal Defense  
Municipal Regulation

**ADMINISTRATIVE EXPERIENCE:** Assistant Dean/Lecturer in Law, University of  
South Carolina School of Law, 1978 to 1991

Duties:

Development and Implementation of policies  
toward law student personnel  
Registrar  
Financial Aid and Scholarships  
Program Development and Scheduling  
Housing  
Student Organizations budgets  
Student Advisement  
Bar Certification  
Freshman Orientation  
Committee Service

Director, Council on Legal Education Opportunity, (CLEO)  
Summer Institute, 1983

Duties:

Policy Development  
Staffing  
Law School Placement  
Fund Raising

Equity Attorney, University of Maryland at College Park,  
1976-1978

University Compliance with Federal  
Regulations and Orders  
Title IX  
Associate Staff Human Relations Training  
Title VII  
Federal Wage & Hour  
Reg. 504

Buckley Amendment

Field Representative, Kansas Commission on Civil Rights,  
1971-1973

Enforcement of Kansas Act Against Discrimination  
Specific Area of Implementation:

Employment, Housing, and Public Accommodation

**TEACHING EXPERIENCE:**

Associate Clinical Professor of Law with tenure, University of  
South Carolina, 1997 - present

Assistant Clinical Professor of Law, University of  
South Carolina, 1991 - 1997

Intensive Trial Advocacy, Summer 1992, 1997, 2007, 2008  
Lawyering Skills and Advocacy, Spring 1991, 1998  
Criminal Practice Clinic, Fall 1991, 1992, 1993, 1994,  
1995, 1996, 1997, 1998, 1999, 2000, F/S 2001- 2002,  
Fall 2003,2004, Summer 2005, Fall 2005, Summer 2006,  
F/S  
2005-2008.

Trial Advocacy, Spring 1992, 1993, 1994, 1995, 1996,  
1997, 1998, 1999

Pretrial Practice, Spring 1992, 1993, 1994, 1995, 1996,  
1997, 2000, 2001

Advanced Trial Advocacy, Spring 2000, 2001, 2002, 2003,  
2004, 2005, 2006, 2007, 2008.

Criminal Trial Practice, Fall 2001, Spring 2002, 2003, 2004  
2005, 2006

ATLA, Mock Trial Team Advisor, 2003-04,05

BLSA, Mock Trial Team Advisor, 2003-04,05-06

Lecturer, Lawyering Skills and Practice Court, University  
of South Carolina, 1979-1984 with Prof. Walter Reiser

Legal Skills Practicum

Trial Advocacy and Technique

Instructor, Council on Legal Education Opportunity, (CLEO)  
Summer Institute, 1979-1983

Legal Writing

Criminal Law

Contracts

Instructor, University of Maryland, University College  
Summer School, 1977

Business Management 380 (Business Law)

**CONSULTING:**

Richland County Legal Aid Society: SSI and Social Security  
Administrative Hearings and Appeals, 1982

Martin & Martin, P.A., Hillsborough, North Carolina,

1989-1993 - Medical Malpractice, Securities Fraud  
NAACP, Reapportionment Suit, 1989, Richland County

Swift, Currie, McChee & Hiers, 1990, Atlanta, Georgia  
- Labor Law

Elerbee, Thompson and Trapnell, 1990, Atlanta, Georgia  
- Labor Law

Member

City of Columbia, Citizen's Panel on Police Morale, Panel  
and Chief Scrivener, Nov. 2007 – March 2008

Town of Eastover, Municipal Regulatory Issues

**PRO BONO:**

Family Court: 1993 - Tried a juvenile case involving 3 juveniles  
charged with grand larceny of motor vehicle

Summer 1994: Criminal Defense Felony Trial of Multiple  
Defendants, Verdict of Acquittal, charge: assault & battery with  
intent to kill

Challenged the constitutionality of the S.C. ticket scalping law  
(State v. Yates), drafted appellate brief

City of Cayce v. Rose Nelson: Criminal domestic violence case  
received national attention on Donahue Show, Nov. 17, 1995.

State v. McCracken: Appeal to Supreme Court: Sexually Violent  
Predator Act, 1999. Wrote and Argued Brief challenging the  
constitutionality of the SC SVPA before the SC Supreme Ct.

State v. Haselden: Death penalty Trial, Spring 2001

S.C. Conference of Black Mayors: Legal Advisor, 2003-04, 05, 06

National Chimney Sweep Guild: Developed and presented mock  
trial on defective chimney inspections. Spring 2004

**COMMITTEE APPOINTMENTS:**

Supreme Court Justice, University of South Carolina, 1979-1983

President's Committee for Campus Security,  
University of South Carolina, 1979-80

Finance Committee for Corporate Board Boys Club of Greater  
Columbia, Inc., 1982-1984

Admissions Committee, 1978-1993 (ex officio); 1995-96; 1997-98  
AY; 1999-00 AY, 2001-02AY, 2002-03AY, 2003-04AY, 2004-05AY  
University of South Carolina, School of Law

Governing Board Center for Law and Policy, 1991-1993,  
University of South Carolina, School of Law

Academic Standing Committee, 1993-94 AY, 1994-95 AY,  
Academic Responsibility Committee 2006-07 AY University of  
South Carolina, School of Law

Minority Affairs Committee, Chair 1994-95 AY, 1997-98  
University of South Carolina, School of Law

University Committee on Academic Responsibility, Chair 1996-  
97, 1997-98 AY, 1998-99 AY, 2002-03AY, 2003-04AY  
University of South Carolina

Student Faculty Task Force, 1995-96 AY, 1997-98 AY  
University of South Carolina, School of Law

Honor Council, 2004-05, USC School of Law

USC School of Law: Curriculum Committee, 2008 AY  
National Advocacy Center (NAC) Subcommittee, 2008 AY

USC Faculty Welfare Committee, 2008 AY

## SCHOLARSHIP AND PUBLICATIONS

"The Newly Adopted Criminal Restitution Statutes of  
S.C.: Analysis and Recommendations for Change,"  
University of South Carolina Law Review, Vol. 46, Winter  
1995, Number 2.

"Race, Venue and the Rodney King Case: Can Batson Save the  
Vicinage Community?", University of Detroit Mercy Law Review,  
Vol. 73, Issue 2, page 271, Winter 1996.

"Supervising the Clinical Student: An Overview", presented  
at the Derbyshire Conf. Sheffield University, Sheffield, England,  
April 1994.

"Rape Trauma Syndrome: Toward Proper Use in the Criminal  
Trial Context", American Journal of Trial Advocacy, Vol. 20:2  
Winter 1996-97 at P. 227.

"Instruct the Jury: *Crane*'s 'Serious Difficulty' Requirement and  
Due Process" S.C. Law Review, Vol. 56, Issue 2, page 292,  
Winter 2004.

"Pedagogy of a Live-Client Criminal Practice Clinic: The Order of  
Proof Method for a One Semester Clinic" - work in progress

"Toward a More Informed Batson Challenge: An Argument for  
Full Disclosure of Extra-Judicial Juror Information"—work in  
Progress

“Crawford v. Washington And The Dying Declaration Exception”  
--work in progress

March

City of Columbia, “Citizen’s Panel Report,” Chief Scrivener—  
2008.

**CONFERENCES/WORKSHOPS/  
PANELS:**

Sheffield Hallam University, Sheffield, England,  
Clinical Legal Education - The Derbyshire  
Conference; Workshop Presenter: Supervising  
Clinical Students, April 14-15, 1994 (paper presented)

National Trial Competition: Presiding Trial Judge, USC Law  
School, 1993-94

Clinical Faculty Colloquium: Understanding Defense of  
the Poor in State Courts: The Sociological Context of  
Non-adversarial Advocacy - November 1, 1994

Coalition on Advance Directives of the Governor's Office  
Division on Aging: Focus Group Member - November 3, 1994

1994 Midwest Clinical Legal Education Teachers Conference:  
Facilitator - November 4-5, 1994. (See Colloquium topic above.)

Common Cause: Panelist Conference on Judicial Selection  
Reform - January 17, 1995; January 31, 1996

South Carolina State Dept. of Education, Twentieth Annual  
Custodial Supervisor's Workshop - Update on Worker's  
Compensation and Safety, March 16, 1995

USC Law School: Orientation - August 17-18, 1995: Small  
Group Seminar for in-coming 1L's: The Buffalo Creek  
Disaster: The Procedural Anatomy of a Law Suit

1996 Clinical Legal Education Conference - Miami, Fla.  
Facilitator - Subject Matter Group on Criminal and  
Juvenile Law Clinics - May 18-22, 1996

Featured Interview: Kara Gormley, Ch. 10–Sexual Violent  
Predator Acts, March 16, 2005

September

Presenter: Update on Batson in light of Miller -El v. Dretke and  
Johnson v. California, USC Law School, Noon Forum,  
6, 2005, The Bolger Radio Program, October, 2005

Paper Presented before the S.C. Senate Judiciary Committee:  
The Constitutional Merits of S. 1138-Adding the Death Penalty  
To Second Offense Child Molestation for Under Age Eleven  
Children, March 28, 2006

Update

Power Point Presenter: South Carolina Bar Convention, Tort and  
Insurance Practice Section, CLE "S.C. Tort Reform-Changing  
Tides?" January 28, 2006; repeated for S.C. Bar Tort Law

CLE, November 21, 2006.

Magistrate Judges' Seminar: Trial Evidence for Magistrates, April  
22, 2007.

2008.

Short Paper Presenter Lunchtime Series: U.S. Supreme Court  
Decision, Kennedy v. Louisiana, 128 s. Ct. 2641, October 2,

**ORGANIZATION MEMBERSHIPS:** American Bar Association (ABA)  
Litigation Section Member

National Bar Association (NBA)

Common Cause: Board Member 1991 to present; Vice  
Chairman of the State Board 1995-96; Chairman of the State  
Board 1996 - present

Clinical Legal Education Association (CLEA)

South Carolina Trial Lawyers Association

Association of Trial Lawyers of America

Columbia Lawyers Association

Black Faculty & Staff Association - USC

Richland Community Health Association, Board Member 1996 -02

- Personnel Committee
- Vice Chairman, 2001
- Chairman of Board, 2002
- Executive Committee, 2001-02

Inns of Court, 2003-08

**REFERENCES UPON REQUEST**