

CHARLESTON COUNTY BAR ASSOCIATION

ISSUE #31

Website: <http://www.charlestonbar.com>

FALL 2015

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FROM THE PRESIDENT



Dear Colleagues,

One of the reasons I enjoy my role this year as President of the Charleston County Bar is that I get to see terrific ideas come to life. In fact, most of our projects begin with an individual bar member who seizes upon an idea and then seeks the help of our Executive Committee in developing the project. In my modest opinion, this organic form of selection works best. It means the Charleston County Bar really does belong to its members. Your ideas – evaluated for merit, practicality, and appropriateness by the Executive Committee – rise or fall on their own strengths. Our Charleston Bar is so special, so personal in its origins and in its connections (read, collegiality), that I hope each of you knows your ideas are always fairly deliberated.

Take, for example, four promising initiatives. First, Laura Evans called me after the horrific events at the AME Emmanuel Church. She wanted to create a bar-sponsored, pro bono committee to benefit the victims. She had great ideas. She knew there would be probate issues, custody issues, and life insurance issues, and she sought involvement from our wide spectrum of lawyers. She got it. The Bar required only that all providers carry malpractice insurance and that the volunteers agree to take no fee for services which may result. You will see an update of her committee's work in this newsletter.

Second, Kevin Holmes believed it very important for our bar to provide a forum for candidates in Charleston's upcoming mayoral election. His preferred topic? Law and Justice. Kevin, with the Executive Committee's help, established a steering committee and now his idea will come to life on October 22 at 7:00 p.m. at Founders Hall at Charlestowne Landing. The mayoral candidates have all consented to appear. Along with the Charleston County Bar Association, sponsors so far include the

League of Women Voters, the Charleston County Federal Bar Association, the Charleston School of Law, the Charleston Area Justice Ministry, and the Thurgood Marshall Society. Don't miss it!

Third, inclusion and diversity are fundamentally important to Charleston County lawyers. Debra Gammons, Nosi Ralephata, Michele Forsythe and Natalie Bluestein feel so strongly on the topic that they wanted a gangbuster CLE this year. As a result, we will have it. On October 28, at the new Hyatt Place on King Street, Chief Justice Toal, Justice Beatty, U.S. District Court Judge Margaret Seymour and a nationally-recognized speaker on the topic of inclusion, who happens to be transgendered, will give you their thoughts. Our Fall Social follows at 5:00 o'clock in this elegant new space, so plan on being there.

Fourth, no one cares more about the Petigru Award than Frank McCann. He cares about it because it honors a lawyer who spent a career swimming against the tide for all the right reasons. This year, Frank along with his committee of Judge Michael Duffy, Cheryl Shoun, Randall Stoney and others, decided a worthy recipient has emerged - Ruth Cupp. You will learn the reasons on November 19 at the Historic Courthouse (CLE at 5:00 p.m., Ceremony at 6:00 p.m.). And the reasons will astound you. Have a beer or glass of wine at Washington Park next door afterwards with your friends to talk about how achievements even in the face of stiff odds can build upon themselves to create an amazing career.

Perhaps my theory needs a little expanding. Maybe it's not just that our close community of lawyers sees itself as responsible and capable of crafting benefits for our community. Maybe instead it's that change always starts – no matter the size of the organization – with the seed of thought in someone's mind which, when cultivated, comes to life. If that's true, no matter how our Bar grows, you have the opportunity for making a lasting contribution to the Charleston community. Seize it.

Jim Myrick

By: Laura Evans, Smith Moore Leatherwood, LLP

My firm and many other firms and individual attorneys in the Lowcountry have been privileged to work with those affected by the Mother Emmanuel AME Church shootings. Since the tragedy, attorneys have donated an estimated five hundred hours of pro bono work to this project. The work provided has been wide-ranging, with each firm and/or attorney bringing a special skill set to each issue. Examples of services provided include: (1) the opening of estates in various probate courts; (2) the prosecution and defense of custody issues in family court; (3) the provision of tax and financial planning advice; (4) the trademarking of intellectual property; and (5) the filing of life insurance and other benefits claims. Numerous administrative hours have been donated by various firms to assist the decedent's families gather the information needed for probate and benefit claim purposes. The volunteers have also made recommendations to the City of Charleston regarding the structuring of the Hope Fund and the allocation model for distribution of donated funds. This work involved a very detailed review of how other similar



funds (e.g. Boston, Virginia Tech, Aurora) have been allocated and the development of a fair and transparent model. Special thanks go out to Joe Rice (Motley Rice), Rene Dukes (Rosen Rosen & Hagood), Abe Gutting (YCR), and too many others to mention for their valuable assistance and superb knowledge in their respective areas. The dignity and grace of those we have been honored to assist is humbling.

JUDICIAL NOTICE

Charleston County Master in Equity, Judge Mikell R. Scarborough

By: TAC Hargrove II, Charleston School of Law, class of 2016

Born: 1958, Charleston, SC

Appointed: June 21, 2003

Education: B.A., The University of the South, 1985; J.D. University of South Carolina School of Law, 1983

Career: Judicial law clerk to Circuit Court Judge Owens Cobb and South Carolina Supreme Court Justice Lee Chandler 1983-1985; Assistant Solicitor in Lexington, SC, 1985-1987; Private Practice 1987-1991 in Columbia, SC; General Practice in N. Charleston 1991-1999; Solo Practice in James Island, SC 1999-2003.

Family: Wife, Mary; Children, Ross (24), Elizabeth (22) and Thomas (20)

1. **What the bar would be surprised to learn:** "I have lost about 40 pounds this year." Judge Scarborough began the Healthy Charleston Challenge offered by MUSC, and plans on continuing with the program as his goal is to lose another 40 pounds! Aside from working out, Judge Scarborough enjoys an occasional round of golf – especially when he gets an invite to the Country Club of Charleston!
2. **Best part about being a judge:** Judge Scarborough loves that he practiced law for nearly 20 years before being appointed to the bench. Not only did it prepare him for his current role but also allowed him

to better understand the challenges facing the attorneys who argue before him.

3. **Hardest part about being a judge:** "I find it really a challenge to determine the appropriate sentence for a criminal defendant – the little bit of this I have done showed me that. We are after all, just human." Judge Scarborough went on to say, "It is hard to make those close calls, and in tough cases you must be able to keep an open mind because until you have seen all of the evidence you just don't know."

Judge Scarborough also commented that being a judge can be a lonely job – "While other judges may give you advice outside of the courtroom, in the courtroom it is only your decision."

4. **Priceless moment in your courtroom:** "A witness walks into my courtroom one day and looks as though he was in a fog. This became apparent when the attorney began his examination, but the witness couldn't answer basic questions, like his date of birth, address and so on. After five questions the attorney gets noticeably upset and yells at the witness saying, 'I've asked you five questions and you haven't gotten one right!' The best part is, after that, it seemed as though the fog lifted and the witness knew all the answers..."
5. **In your courtroom, DO:** "Come prepared. That generally means have a file in your hand." Judge

Scarborough went on the say, "it is the lawyers' job to educate the court on the facts and sometimes the law."

- 6. **In your courtroom, DON'T:** "Don't rear back and act like you are going to strike the court." In explaining this, Judge Scarborough said that while you may get an unfavorable ruling you shouldn't argue in anger at the result.
- 7. **Advice to young lawyers:** "Be nice to the Clerks!" Also, "The better you can tell a story the better it sticks out, and if you can weave causes of action or defenses around the facts you can do a good job."

Judge Scarborough continued by saying, "Learn to ask your client what it is they really want. As attorneys we assume they want to win, but you need to know from the client."

- 8. **What experience best prepared you for the bench?** "Private practice, as well as advice and mentoring from other local judges." Specifically, Judge Scarborough referenced advice from his predecessor, Judge Young. "Roger Young told me, when you walk into the courtroom you know the least about the case and it is your job to listen to the lawyers."

2015-2016 CHARLESTON COUNTY BAR ASSOCIATION EXECUTIVE BOARD

President – James D. Myrick
President-Elect – Brian C. Duffy
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Immediate Past President – Natalie P. Bluestein

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Debra Gammons – Executive Committee Member
Robert Hawk – Executive Committee Member

Kevin Holmes – Executive Committee Member
Sean Houseal – Executive Committee Member
Britt Kelly – Executive Committee Member
Theodore Manos – Executive Committee Member
Richard Unger – Executive Committee Member

IMPORTANT REMINDER

Please remember to e-mail any changes in your contact information (address, telephone number, e-mail address, etc.) to the below e-mail address so that your mail will not be returned to us and you will receive all notifications sent out via e-blast. If you have not been receiving e-blasts it is probably due to the fact that we either do not have your e-mail address or the one that we have is incorrect. We are missing e-mail addresses for many attorneys, so please check your e-mail address on our website and provide us with the correct information at the e-mail address below. The newsletter is now being sent out electronically so a correct e-mail address is very important. If you do not have e-mail please let us know so that your newsletter can be sent to you via U.S. Mail.

Julianne R. Holzel, Executive Secretary E-Mail: secretary@charlestoncountybar.org
Mailing Address: PO Box 21136
Charleston, SC 29413

Important Information about the CCBA's Website and New E-Blast System

By: Maria Aselage, PR Consultant

This is an exciting time in regards to technology for the Charleston County Bar Association! Over the past few months, we have launched a new website with a searchable database and incorporated MailChimp as our new e-blast platform. The Executive Committee hopes that you find both online tools useful as a member of the CCBA.

To better serve you and the membership of the CCBA, the Executive Committee is asking you to keep all your contact information up-to-date within the new online database.

- If you have not yet done so, we ask that you go to the home page of the CCBA website (www.charlestoncountybar.org) and type your name in the "Search Attorneys" box. If your name does not show up, please email me at info@charlestoncountybar.org and I will add you to the database.
- If your directory listing is incomplete or if you need to add a photo, login to the attorney only section of the website by clicking the "Attorney Login" button and you will be able to update your personal information.

- If you don't remember your password for the site, click on the "Attorney Login" button on the upper right corner of the homepage, type in the email address you registered with the CCBA, and click the "forget?" link. That will send an email to you that will allow you to set or reset your password.

As a reminder, once you are logged in, you will have access to information on CLEs, various CCBA events, attorney job openings and volunteer opportunities.

In regards to the e-blasts, if you are not receiving the correspondence in the new MailChimp format, please contact Julie Holzel at secretary@charlestoncountybar.org. She will add your email address to the mailing list as soon as possible.

If you have any questions or suggestions regarding the website or the new e-blast system, feel free to email me or call me at (843) 513-7605.

I look forward to seeing you at an upcoming CCBA event.

ANNOUNCEMENTS

Futeral & Nelson is pleased to announce that **Tiffany D. Rogers** has joined the law firm as an Associate Attorney. Tiffany will handle various types of cases, primarily focusing on domestic issues. Prior to attending law school, she worked for the Division of Forensic Psychiatry at the Medical University of South Carolina, which sparked her interest in the legal profession. She received her Bachelor's degree in Business Management from Daytona State College, in Daytona Beach, Florida and later graduated from the Charleston School of Law in December of 2014.

K&L Gates is pleased to welcome **Josh Crowfoot** and **Nick Valponi** as associates in its Charleston office. Mr. Crowfoot will work in the real estate practice group and focus on commercial real estate matters. His transactional experience includes working on purchase and sale transactions, financings, and leases. He also performs commercial and residential closings. His litigation experience extends to construction defect actions, foreclosures, boundary disputes, and community association disputes. Valponi will work in the Banking & Asset Finance Practice Group and focus on secured and unsecured financial transactions, including loan servicing-related matters, CMBS securitizations, loan assumptions and defeasances. In addition, Nick has experience representing public and private companies with respect to various M&A transactions, equity offerings, and debt financings.

The **Peper Law Firm, PA** is pleased to announce that **Trey Harrell** has joined the firm as an Associate. Trey will focus his practice in the areas of personal injury and criminal defense. He can be reached at Tel. (843) 225-2520 and by email: Trey@PeperLawFirm.com.

The **Pflug Law Firm, LLC** announces that **Katherine Dahlheim** has joined the firm, as well as its opening a second office at 2155 Northpark Drive, North Charleston 29406.

Richardson Plowden & Robinson, P.A. is pleased to announce that **John H. Guerry** has joined the Firm as an associate attorney in the Charleston office. Guerry will focus his practice in general litigation.

ONLINE MEMBER DIRECTORY (ESPECIALLY IMPORTANT FOR NEW MEMBERS)

Please help us have a more complete online member directory. If you go to the Lawyer Directory on <http://www.charlestonbar.com> and see that any of your contact information and/or headshot is missing, or outdated, please e-mail the information and photo (in jpeg format) to secretary@charlestoncountybar.org.

We would really like to have photos from all attorneys. This is especially important for new members.

ADVERTISE WITH US!

The Charleston County Bar newsletter is a quarterly must-read for over 2,100 of the area's legal professionals. Can you think of a better advertising venue for your business? For information on placing your ad in our next newsletter, please contact Julie Holzel at (843) 881-6666 or by email at secretary@charlestoncountybar.org

2015-2016 Advertising Rate	SIZE	COST
	Business Card	\$100 per issue
	1/4 Page	\$200 per issue
	1/2 Page	\$400 per issue

Please note that the Bar newsletter accepts ads from businesses serving the legal community but does not run ads for legal services

FOR YOUR HEALTH

At Journey Cycling and Fitness Studio (JCFS), we don't believe in short cuts or trendy fitness fads.

We're a group of the most passionate and experienced Certified Spinning Instructors and Certified Personal Trainers in the business and are committed to helping you on your Journey to a healthy lifestyle long after the workout is over.

In addition to SPINNING classes, we offer barre, yoga, functional fitness, TRX, HIIT, nutritional counseling, boot camp style training and excellent customer service.

JCFS is pleased to offer SC Bar and Charleston County Bar members a \$15 off or \$84 monthly discount rate to individual Bar Members and a Corporate discount rate (4-6+ members only) of \$79 per month to multiple members of the same firm (including spouses and other immediate family members). Bar members must show their SC Bar cards at the time of purchase in order to receive the individual monthly benefit. In order to receive the Corporate Discount, there must be a minimum of 4 people from the same firm sign a 6 month monthly draft agreement prior to extending this Corporate Rate. A Representative from each Firm will need to call with names and information prior to the first visit. Otherwise, Bar Members will be awarded a \$84 per month discounted rate.

See www.journey-cycle.com for more information.
Address: 1168 Basketweave Dr. in Mount Pleasant, 29466 just off HW 17N.
Phone: 843.388.4981
E-mail: journeycycle@gmail.com

2016 CHARLESTON COUNTY BAR DUES REMINDER

All Charleston County Bar members will be receiving a bill for their 2016 annual bar dues from the South Carolina State Bar. Please remember to check the space indicated for payment of your Charleston County Bar dues on the form. You will not receive a bill from the Charleston County Bar for your 2016 dues; therefore, it is very important that you pay them along with your South Carolina Bar dues in order to remain on the active roster.

COURT SCHEDULES

(Court schedules are changing constantly; please verify current information through S.C. Court Administration or by checking the South Carolina Judicial Department website at <http://www.judicial.state.sc.us/calendar/index.cfm>.)

CIRCUIT COURT - NINTH JUDICIAL CIRCUIT

October 5		October 12		October 19		October 26	
AW	- Dennis	Chas CP/NJ	- Lee	Chas CP/NJ	- Dennis	Chas CP/NJ	- Hughston
Chas GS	- Hughston	Chas GS	- Henderson	Chas CP/NJ	- Jefferson	Chas CP/NJ	- Young, R.
Chas GS	- Harrington	Chas GS	- Young, R.	Chas CP/NJ	- Harrington	Chas CP/NJ	- Nicholson
Chas GS	- Jefferson	Chas GS	- Couch	9 th CPNJ/PCR	- Cooper	9 th GSNJ	- Harrington
Chas CP/NJ	- Russo	Berk GS	- Harrington	9 th CPNJ	- Nicholson	Berk CP/NJ	- Dennis
9 th CPNJ	- Mullen					Berk GS	- Jefferson
9 th CPNJ	- Young, R.						

November 2		November 9		November 16		November 23	
9 th CPNJ	- Gibbons	9 th CPNJ	- Nicholson	Chas CP/NJ	- Dennis		
Chas CP/NJ	- Dennis	Chas CP/NJ	- Hughston	Chas CP/NJ	- Jefferson		
Chas GS	- Lee	Chas GS	- Harrington	Chas CP/NJ	- Young, R.		
Chas GS	- Harrington	Chas GS	- Jefferson	Berk CP/NJ	- Harrington		
Chas GS	- Nicholson	Chas GS	- Young, R.	Berk GS	- Young, W.		
Berk CP/NJ	- Mullen	Berk GS	- Dennis				

November 30		December 7		December 14		December 21	
Chas CP/NJ	- Couch	9 th CPNJ	- Nicholson	9 th CPNJ/PCR	- Jefferson		
9 th CPNJ	- Goodstein	Chas CP/NJ	- Hughston	Chas CP	- Hughston		
Chas GS	- Young, W.	Chas CP/NJ	- Young, R.	Chas CP/NJ	- Dennis		
Chas GS	- Hughston	Chas GS	- Jefferson	Chas CP/NJ	- Nicholson		
Chas GS	- Jefferson	Chas GS	- Harrington	Berk GS	- Goldsmith		
9 th GSNJ	- Harrington	Berk CP/NJ	- Dennis				
Berk GS	- John						

December 28

CIRCUIT COURT - FIRST JUDICIAL CIRCUIT

October 5		October 12		October 19		October 26	
Dor GS	- Murphy	Dor GS	- Murphy			Dor CP/NJ	- Goodstein
						1st GSNJ	- Murphy
						1st CPNJ/PCR	- Addy

November 2		November 9		November 16		November 23	
Dor CP/NJ	- Goodstein	Dor GS	- Goodstein				
Dor GS	- Dickson						

November 30		December 7		December 14		December 21	
Dor CP/NJ	- Murphy	Dor CP/NJ	- Benjamin	1st CPNJ	- Dickson		
		Dor GS	- Murphy	Dor GS	- Goodstein		

December 28

FAMILY COURT - NINTH JUDICIAL CIRCUIT

October 5		October 12		October 19		October 26	
Chas	- McMahon	Chas	- McMahon	Chas	- McMahon	Chas	- McMahon
Chas	- Jones	Chas	- Cate (12-14 and 16)	Chas	- Cate	Chas	- Malphrus
Chas	- Long	Chas	- Richter	Chas	- Vinson	Chas	- Emery
Chas	- Martin	Chas	- Sprott	Chas	- Martin	Chas	- Khoury
Chas	- Khoury	Berk	- Creech	Chas	- Richter	Chas	- Richter
Chas	- Richter	Berk	- Jenkinson	Berk	- Creech	Berk	- Wylie
Berk	- Creech			Berk	- Sprott	Berk	- Landis
Berk	- Cate			Berk	- Fuge		
Berk	- Pogue (5-6)			Berk	- Kinlaw		

November 2		November 9		November 16		November 23	
Chas	- McMahon	Chas	- McMahon	Chas	- McMahon		
Chas	- Landis	Chas	- Landis	Chas	- Cate		
Chas	- Cate	Chas	- Cate	Chas	- Vinson		
Chas	- Long	Chas	- Bromell Holmes	Chas	- Martin		
Chas	- Guyton	Chas	- Martin	Chas	- Richter		
Berk	- Martin	Chas	- Khoury	Berk	- Creech		
Berk	- Richter	Berk	- Creech	Berk	- Landis		
Berk	- Pincus	Berk	- Vinson				

November 30		December 7		December 14		December 21	
Chas	- McMahon	Chas	- McMahon	Chas	- McMahon		
Chas	- Pogue	Chas	- Cate (7-9)	Chas	- Cate		
Chas	- Malphrus	Chas	- Martin	Chas	- Kinlaw (14-16)		
Chas	- Emery	Chas	- McGee	Chas	- Martin		
Chas	- Richter	Chas	- Richter	Chas	- Richter		
Berk	- McLin	Berk	- Creech	Berk	- Creech		
Berk	- Fuge	Berk	- Landis	Berk	- Landis		
		Berk	- Jones				

September 28

FAMILY COURT - FIRST JUDICIAL CIRCUIT

October 5		October 12		October 19		October 26	
Dor	- McLin	Dor	- McLin	Dor	- McLin (21-23)	Dor	- Morehead
Dor	- McGee (7-9)	Dor	- McGee	Dor	- Jones (21-23)		

November 2		November 9		November 16		November 23	
Dor	- McLin	Dor	- McLin (9-10)	Dor	- Wylie		
Dor	- Malphrus	Dor	- Wylie	Dor	- McGee		

November 30		December 7		December 14		December 21	
Dor	- Wylie	Dor	- McLin	Dor	- McLin		
Dor	- McGee	Dor	- Wylie	Dor	- McGee		

December 28

Public records from the Colleton District Courthouse were destroyed in 1865, and virtually none created prior to that date exist, but a new collection at the South Carolina Historical Society (SCHS) may offer researchers some valuable and previously unavailable information relating to Colleton District history and land transfers. The papers of Joseph D. Taylor (1833–1912), a surveyor and public official who lived in the Adams Run area, contain hundreds of plats he surveyed for land transactions and phosphate prospecting from 1866 to 1910. His papers also include a few plats from the antebellum era as well as many copies of plats dating back into the eighteenth century. In addition, there is an 1883 copy of the “Plan of the Town of Ravenel, copied from the Plan of D. W. Mellard, D.S., dated July A.D. 1859.” The plan shows a total of 187 town lots and twenty “garden farms.”



Local historian Patrick H. Butler of Yorges Island was instrumental in getting these papers to the SCHS, and he compiled some helpful information on Joseph D. Taylor and his work:

- *J. D. Taylor conducted hundreds of real estate surveys throughout the surrounding areas of Adams Run ... In many cases Taylor copied plats that were held by the various land owners and mining companies and retained a copy for his detailed office files...*
- *One of Taylor's customers was a German immigrant, Luder F. Behling, who operated a timber business out of his New Road facilities. Luder had won the contract to perform the trestle and grading construction for the Charleston & Savannah Railroad. In 1859 Behling purchased a tract of land in St. Paul's Parish and had the tract laid out for the new town of Ravenel, SC...*
- *After the War the community of Adams Run was almost in ruins and it had suffered severe financial and economic damage. Prior to the war Adams Run was owned by three wealthy local planters and in 1870 Behling bought out one of the planter's interest. Joseph Wilkinson sold his 375 acre tract known as Mauss Hill and had Taylor subdivide the property into various sized parcels depending on the ability of the purchaser to pay. Taylor acted as surveyor and collection agent for Luder and later his daughter Martha Behling and many of these transactions are part of this collection...*

At the turn of the century much of the farming effort changed from corn and cotton to truck farming and many of the old plantations changed hands and were divided into smaller farms and Taylor's collection is indicative of these changes.

—Karen Stokes, Processing Archivist, South Carolina Historical Society

For more information on this collection, see the Joseph D. Taylor Papers finding aid at www.scHistory.org. A detailed article on this collection is featured in the Fall 2015 issue of *Carologue*, available online to SCHS members in October. Charleston County Bar members may email virginia.zemp@schsonline.org with any questions.

REQUEST FOR INFORMATION

Margaret R. Henkle, J.D., LL.M
The Reed Law Office, P.A.
1047 Jenks Avenue
Panama City, FL 32401
Telephone: (850) 914-9455
Facsimile: (850) 215-4991

Email: margaret@reedlawpa.com
Website: www.reedlawpa.com

I'm writing to you from Bay County, Florida regarding the Estate of Clara L. White, aka Clara Lee White. Ms. White passed away February 20, 2015 and her husband has hired us to probate her estate.

An investment account of Ms. White's is titled in the name of the Clara White Revocable Trust, dated February 6, 1998. However, we can find no evidence of the trust agreement. The financial advisor who manages this investment account does not have a copy of the trust, and has no record of ever having viewed a copy. Neither Ms. White's children nor her husband have a copy of the trust agreement.

In 1998, Ms. White was living in Charleston. Would you be willing to disperse this e-mail to your Bar Association members to see if any of your members perhaps prepared a Trust document for Ms. Clara White? I would be most grateful.

Office for rent at Apostolou Law Firm, a free standing building at the corner of Rivers Avenue and Dorchester Road. Plenty of Parking. Receptionist and Copier included. For more information, call 853-3637.

Private Law Office/suite for Lease in North Charleston. Convenient location near Rivers & Aviation across from Virginia College with easy access from I-26 or I-526 for Berkeley, Dorchester

and Charleston counties. Reception area, receptionist/assistant space, 2 (possibly 3) lawyer offices, conference room, bathroom and kitchenette. Nicely appointed. Available furnished or unfurnished. Free parking. Monthly lease negotiable, plus utilities. Great opportunity for small law firm or sole practitioner. Please contact **Nicholas Clekis** at (843) 720-3737 or clekislaw@clekis.com for more details.

The Charleston County Bar newsletter is now accepting classified ads for just \$1 per word. For information on placing your ad in our next newsletter, please contact Julie Holzel at Tel. (843) 881-6666 or by E-mail: secretary@charlestoncountybar.org

PRO BONO MOMENTS

By: Marvin H. Feingold, Esquire

Director
(Charleston) Pro Bono Legal Services, Inc.

A recent ethics opinion of the ABA Standing Committee on Ethics and Professional Responsibility is a potential "shot in the arm" for those of us in the business of encouraging private attorneys to accept as volunteers, the cases of low income clients, pre-selected for eligibility and worthiness of claim.

The Opinion, simply stated, allows Judges to encourage lawyers to perform pro bono work. This can be permissibly accomplished through such activities as supplying lists of programs such as Charleston Pro Bono, training attorneys to do pro bono work, participating in programs recognizing pro bono work and even writing letters to the attorneys encouraging them to take Pro Bono cases.

The Opinion addresses the primary limitation on the permissibility of Judges encouraging attorneys to take pro bono cases, namely, that "coercion" through the manipulation of judicial favor be avoided. It is easy

enough to imagine how the line could be crossed if, for example a judge were to ask the lawyer to make a commitment.

We who ask attorneys to take cases on a daily basis and who too often a met with excuses which sometimes seem inadequate to us, would like to see our local judiciary express its passion about the importance of pro bono work in ways not tried before. We would like to see our judges in Charleston County test the ethical limits of this decision.

On a somewhat different subject:

*****Art of the Beach / Chefs in the Kitchen*****
November 8, 2015 1:00pm - 5:00pm

Come enjoy a wonderful tour of Sullivan's Island homes featuring tastings and cocktails by local chefs and local artwork on display and for sale by local artists! Proceeds to benefit Charleston Pro Bono Legal Services. Tickets are \$40 in advance or \$45 at the door. VIP Tickets are \$100 and include limo service, drinks, and gift items. Tickets are available at www.charlestonprobono.org.

Hope to see you all there!



CHARLESTON PRO BONO LEGAL SERVICES, INC.

LAW FIRM: _____
Contact: _____ Address: _____

Enclosed is our gift of \$_____. (Lead gift \$5,000 and above)

Please cut out and return to Charleston Pro Bono Legal Services, Inc., Post Office Box 1116, Charleston, SC 29402
CPB is a 501(c)3 organization; your donation is tax deductible as provided by law.

JURY VERDICTS

CHARLESTON COUNTY COMMON PLEAS

(Information supplied by Clerk of Court's Office)

2012-CP-10-8342 Vernon Nathaniel Drayton vs. Regina L. Benson

Attorneys:

Plaintiff: J. Joseph Condon, Jr.
Defendant: Margaret Fanning Horn

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$4,325.00; however Defendant UIM Carrier is entitled to a setoff of \$25,000.00 leaving judgment to be awarded at \$0.00.

2013-CP-10-0702 Roger Slocum and Deborah Slocum vs, John Doe and Thomas Mote

Attorneys:

Plaintiff: Michael A Maucher and Sarah Warner
Defendant: Jeffrey M. Crudup and Michael L. Leech

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff Roger Slocum in the amount of \$2,169.20.

2013-CP-10-3251 Rosemary Connelly vs. Winsor Custom Homes, LLC

Attorneys:

Plaintiff: Wm. M. Gruenloh, Patrick A. Chisum and Brian R. Holmes
Defendant: Stephen L. Brown and Russell G. Hines

Cause of Action: Personal Injury

Verdict: For the Plaintiff in the amount of \$500,000.00 actual damages.

2014-CP-10-0682 Bobby Soles vs. Van Smith Concrete Co.

Attorneys:

Plaintiff: Paul A. James
Defendant: Lisa Reynolds, Curtis B. Martin and Danielle B. Wagener

Cause of Action: Personal Injury

Verdict: For the Defendant.

2014-CP-10-1042 Kimberly Louise Chabot vs. Cameron D. Wade

Attorneys:

Plaintiff: Jarrel L. Wigger
Defendants: Peter E. Farr

Cause of Action: Personal Injury

Verdict: For the Plaintiff in the amount of \$1,850.00 actual damages.

2014-CP-10-1725 Craig Elam vs. Coastal Marine and Roger Schlegel

Attorneys:

Plaintiff: John K. Blincow
Defendants: Jefferson D. Griffith, III and Richard L. Whitt

Cause of Action: Breach of Contract/Negligent Misrepresentation

Verdict: For the Defendants as to Breach of Contract in the amount of \$1,553.00 actual damages; for the Plaintiff as to Negligent Representation in the amount of \$1,500.00 actual damages.

2014-CP-10-2894 Jerry P. Sain vs. Ashley R. White

Attorneys:

Plaintiff: Christopher J. McCool
Defendants: Brandt R. Horton

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

FEDERAL DISTRICT COURT - CHARLESTON DIVISION

(Information supplied by Clerk of Court's Office)

4:11-cv-3431-DCN James Lamont Fraser vs. Carolina Center for Occupational Health LLC

Attorneys:

Plaintiff: Seth W. Whitaker, Brian C. Duffy and J. Rutledge Young, III
Defendants: Donald Jay Davis, James E. Scott, IV, Perry M. Buckner, IV, and Robert B. Hawk

Cause of Action: Medical Malpractice

Verdict: For the Defendant.

October 15, 2015

Appleseed Legal Justice Center Happy Hour CLE

5:00 PM - 7:00 PM Revelry Brewing Company

Come out to learn more about pro bono opportunities and our FREE CLE on helping unaccompanied minors caught up in the immigration system. Register for the CLE at scjustice.org/training or on our [facebook](https://www.facebook.com) event page.

October 22, 2015

Mayoral Forum - "Law and Justice"

7:00 PM Founders Hall, Charlestowne Landing

October 28, 2015

Inclusion & Diversity Seminar

Finding Common Ground in a Divided World

11:30 AM Hyatt Place Hotel - 560 King Street

4.5 hours, including 3.0 hours of ethics - Lunch Provided

To register, send your name and Bar number to Natalie Bluestein at natalie@bluesteinanddouglas.com. For more information click here.

The Bar's Fall cocktail reception will follow the CLE

October 2015 (Date TBD)

Criminal Practice CLE - What You Need to Know Before

Practicing Criminal Defense!

6.0 hours, including 1.0 hour of ethics

Location to be Announced

CLE (Date TBD)

Appellate Issues in State and Federal Courts

4.0 hours

Location to be Announced

November 2015 (Date TBD)

Personal Injury CLE

6.0 hours

Location to be announced

December 2015 (Date TBD)

Family Law CLE

8.0 hours

Location to be Announced

Holiday Party

December 10

South Carolina Aquarium

January CLE 2016 (Date TBD)

February CLE 2016 (Date TBD)

What works for Me

8.0 hours, including 2.0 hours of ethics (which could include 1.0 hour of mental health)

February 25, 2016

Annual Meeting and Reception

Francis Marion Hotel

5:30 – 8:30 PM

LAWYER MENTORING: THE JOURNEY IS A TWO WAY STREET

By Amanda E. Pittman

What is Mentoring?

"Mentoring is a brain to pick, an ear to listen, and a push in the right direction." —John Crosby

Because mentoring has existed for over 2,500 years, this ancient concept is not simple to define. Generally speaking, mentoring is the pairing of a more skilled or experienced person with a lesser skilled or experienced one, with the agreed-upon goal of having the lesser skilled person grow and develop specific competencies. Margo Murray, *Beyond the Myths and Magic of Mentoring* xiv (1991). This characterization implies that mentoring only benefits one person in the relationship. This, however, is far from the reality.

Mentoring is a vital, interactive relationship which is constantly evolving through the unique circumstances surrounding mentors and mentees. Both parties benefit and grow. This is especially true for mentoring in the legal profession. As law school graduates step forward and begin their transition from students to lawyers, they are embarking on an unfamiliar journey. Sure, most of them can recite the elements of an intentional tort, but how much do they know about the intangibles—courtroom etiquette, professional courtesy, effective communication with clients? Ask any experienced lawyer. Knowing the law and practicing the law are two very different things. The latter being something that is learned on a day-to-day, issue-to-issue basis. Lawyer mentoring is the perfect medium for experienced attorneys to impart their wisdom

of the law and "intangibles" to new lawyers. New lawyers, however, are not the sole beneficiary of this relationship. During this dynamic process, mentors also reap equally substantial benefits.

South Carolina's Lawyer Mentoring Program

"... the mentoring experience allows seasoned lawyers to reimagine the majesty of the law through the fresh idealism of our new admittees." —Chief Justice Jean Hofer Toal

After two successful pilot programs, under the auspices of the Chief Justice's Commission on the Profession (Commission), the Supreme Court of South Carolina adopted the Lawyer Mentoring Program. The creation of this program was the brainchild of G. Dewey Oxner, Jr., former South Carolina Bar President and Chairman Emeritus of the Commission. Mr. Oxner was passionate about lawyer mentoring, and he championed this endeavor with unparalleled enthusiasm. By creating a mandatory program which provides newly admitted lawyers with access to personalized guidance on a variety of subjects, the Commission led the charge to promote professionalism among our South Carolina lawyers. South Carolina was one of the first states to institute a lawyer mentoring program and, because of the program's remarkable success, it is emulated by other states.

The Benefits of Mentoring

Without a doubt, mentoring is a mutually advantageous journey. In return for mentors' guidance, advice, and

knowledge, mentees provide insight on new developments in the law while giving mentors a forum to reflect on their own practices, skills, and professionalism.

Mentors participating in the South Carolina Lawyer Mentoring Program have universally provided positive feedback about their mentoring experiences and the benefits they received from the relationship. Former South Carolina Bar President, Alice Paylor said, “[A]lthough I started out as a mentor with the idea that I was benefiting a new lawyer, I quickly learned that I was the real beneficiary. Working with the new lawyers and watching them gain confidence, find jobs and learn to be a part of our legal system is the most rewarding experience of being a senior lawyer.” Ms. Paylor’s experience is echoed by many other Bar members. One mentor nicely summed up the mutually beneficial nature of mentoring, “talking through issues of practice management, professionalism, and ethics with a new lawyer helped reinforce these concepts in my own practice while also helping to prepare a new lawyer to practice in South Carolina.” A Bar member from the Lowcountry noted that the greatest benefit of mentoring was “learning as much from the person I am mentoring as he learned from me and having the opportunity to speak truth into the life of someone who is trying hard to be a good, honest lawyer.”

The benefits afforded to mentors also extend to a renewed zeal in their own practices. Upon completion of his mentorship, a Bar member commented that “the greatest benefit [of mentoring] was having the new lawyer’s enthusiasm for the practice of law rub off on me. After twelve years practicing law, it was refreshing to see that perspective again.” The fresh perspective of a young lawyer encouraged one Bar member to not “just accept to do things the way they have always been done in the past.”

New lawyers also laud the benefits of mentoring. One new lawyer opined that mentoring was an “invaluable experience” during which he learned real-life lessons on the importance of maintaining civility in the legal profession. One young lawyer praised the mentoring program because “it reminded [her] to ask questions, seek advice and remember that our profession is one where we are constantly learning from each other.” By listening to his mentor’s mistakes as a young lawyer, one mentee garnered invaluable insight on the common pitfalls of practicing law. This new lawyer said it best—“I not only gained a friend, but I gained a forever mentor.”

The common theme among mentors and new lawyers is their sincere appreciation of one another: their gratitude is a two-way street. New lawyers are grateful for their mentors’ guidance, patience, knowledge, and above all willingness to help them transition into law practice. Mentors take pride in passing on their wisdom and find gratification in guiding and developing a young lawyer’s career. Mentors take satisfaction in their mentees’ professional achievements while also enhancing their own professional development and providing a great service to the legal profession.

Become a Mentor

Our Lawyer Mentoring Program constantly needs a steady flow of volunteer mentors to keep up with the needs of newly admitted lawyers. When the program was designed, it anticipated that the new lawyer would be mentored by an experienced lawyer in his or her office or firm. In the difficult legal job market of the 2000’s, many law school graduates struggle to find employment. Recently, up to 25% of new lawyers entering the Lawyer Mentoring Program were unemployed. Additionally, all too often, new lawyers do not develop significant professional connections in law school, and after graduation, find themselves without an experienced lawyer who can mentor them. Because of our dedicated mentors, these new lawyers are given the opportunity to participate in the program and build a relationship with an experienced lawyer who will aid their professional development.

Conclusion

As we constantly strive to improve our profession, it is imperative that we embrace the time-honored concept of mentoring. Lawyer mentoring is a powerful tool to promote the cornerstone of the law—professionalism. It produces competent young lawyers who are well-equipped to provide effective and efficient legal services to the public. It also hones experienced lawyer skills and renews their sense of purpose. With a Bar consisting of proficient young lawyers and enthusiastic mentors committed to our program’s success, South Carolina will continue to be a national front-runner in lawyer mentoring. Please support this tremendous endeavor and join its journey today!

To volunteer or get more information about the Lawyer Mentoring Program, please contact Amanda Pittman at mentorsc@bellsouth.net or at (803) 799-5578.

ATTORNEYS NEEDED FOR CHARLESTON SCHOOL OF LAW MENTORSHIP PROGRAM

The Charleston County Bar Association Student Division for the Charleston School of Law is looking for attorneys to participate in its Mentorship Program for Law Students. The Mentorship Program is a great experience and allows students to gain insight in an area of law that they may have interest in. All we would ask of you as a Mentor is to meet with your assigned student at least once in the upcoming semester and answer any questions they may have about your particular area of law. If you think you may be interested in being a Mentor, please email Gregory Neilsen at GDNeilsen@CharlestonLaw.edu and identify your particular practice areas so we can ensure you are paired with an appropriate law student.

CHARLESTON COUNTY BAR ASSOCIATION INCLUSION AND DIVERSITY SEMINAR 2015

✎ FINDING COMMON GROUND IN A DIVIDED WORLD ✎

October 28, 2015, Wednesday
11:30 a.m. – 5 p.m.
Hyatt House – Hyatt Place, King Street

Topics

Defining and Developing Inclusive Leaders
Examining the Economics of Inclusion and Diversity
Dialogues about Diversity and Inclusion (Break-out Session)

- Sex and Gender
- Ethnicity and Culture
- Socioeconomics and Education
- Sexual Orientation and Identity
- Religion and Viewpoint

Speakers

Chief Justice Jean Hofer Toal
Lisa C. Gilinger, Attorney at Law
The Honorable Margaret B. Seymour, United States District Court
The Honorable Donald W. Beatty, South Carolina Supreme Court
Elaine H. Fowler, Attorney at Law
Marco T. Torres, Attorney at Law

Lunch will be provided.

4.5 CLE credits (application pending)

Charleston Bar Members: Free
Non-Charleston Bar Members: \$75

- DOCUMENT SCANNING
COLOR/BLACK & WHITE
- OCR/PDF CONVERSION
- LOAD FILE CREATION
- DIGITAL PRINTING/BLOWBACKS
COLOR & BLACK AND WHITE
- LARGE FORMAT SCANNING/
PRINTING COLOR/BLACK & WHITE
- PRESENTATION GRAPHICS/CHARTS
MOUNTING ON FOAM BOARD
- CUSTOM TIMELINE CREATION
- MULTIMEDIA SERVICES AUDIO/
VIDEO/DVD/VHS CONVERSION
- LITIGATION FILE COPYING
- COLOR COPYING
- BATES LABELING
- TABS-ALPHANUMERIC
& CUSTOM
- COMPLETE BINDERY SERVICE
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