

PRESIDENT

John A. Massalon
P.O. Box 859
Charleston, SC 29401
727-1144

PRESIDENT-ELECT

Robert A. Bernstein
PO Box 20519
Charleston, SC 29413-0519
529-1111

EDITOR

Mia Lauren Maness
241-243 East Bay Street
Charleston, SC 29401
577-5100

SPRING, 2011**Website: <http://www.charlestonbar.com>****FROM THE PRESIDENT**

Dear Colleagues:

I am both honored and humbled by the opportunity to serve as president this year. President-Elect Bobby Bernstein and I have assembled a talented and energetic Executive Committee to help guide the Association in 2011. I am grateful for their willingness to serve. Also, we are fortunate to have Past-President Randell Stoney to lend us his wisdom and insight for another year. Randell is to be commended for his commitment to the Center for Heirs Property Preservation and his vision of forging a meaningful relationship between that organization and our Association. His legacy will be those people and communities in Charleston County who benefit from the important work of the Center for Heirs Property.

Turning from the past to the future, we have some exciting initiatives planned. Like many of you, I am a member of other professional organizations. However, my membership in the Charleston County Bar Association is unique. We now live and work in a world that never sleeps and one in which real professional relationships are hard to build and maintain. This Association still offers a place for its members to form substantial and lasting relationships. Those relationships benefit our members, and ultimately benefit our clients and the legal system we serve. This year we hope to build on the work of past administrations by continuing to develop the mentoring relationships between new lawyers and not so new lawyers. Also, we plan to implement programs to foster relationships with our colleagues in the Berkeley County Bar. Other plans are in process to continue the rich tradition of honoring our senior members and developing better bench-bar communications.

The year ahead will present challenges that we do not know and cannot foresee. As we face those challenges we will uphold the standards and traditions of our profession and this venerable Association. In closing, I am always available to discuss any concerns or ideas about how we can improve this Association.

With kindest regards, I remain

John A. Massalon

ANNOUNCEMENTS

John (“Jay”) G. Brown, II and **Robert Bratton Varnado** announce the formation of **Brown & Varnado LLC** located at 103 Church St., Mount Pleasant, SC 29464. 843.737.7300. Fax: 843.654.5109. Mail should be directed to P.O. 1127, Mount Pleasant, SC 29465. **Timothy Cooper Dargan** has joined as an associate of the firm.

Kernodle, Root & Coleman is pleased to announce that **Krista M. McGuire** has joined the firm. The firm is located at 914 Folly Road, Suite 2, James Island, SC. Tel. (843) 795-7800; Fax. (843) 795-3032; E-mail: kmcguire@kernodlelaw.com

Daniel O. Myers announces that as of January 1, 2011, he is no longer a Member of Richardson, Patrick, Westbrook & Brickman. He will continue to be of Counsel to RPWB on specific cases and projects, but is also starting the **Law Offices of Daniel O. Myers**, located at 1127 Queensborough Blvd., Suite 105, Mt. Pleasant, SC 29464. Tel. 654-7440; Facsimile. 654-7441. Mr. Myers will focus on financial, foreclosure and finance litigation and fair debt collection practices on behalf of consumers and borrowers.

SCORE is in need of (4) computers. If your Firm is replacing their old computers and they have at least a 2 GB Ram, Intel Processor a large hard drive loaded with Vista or Windows 7 and a flat screen monitor please donate them to us. You will get a tax deduction and help future generation entrepreneurs. If you would like to make a monetary contribution we would appreciate that as well. Please contact **SCORE 285 at 843-727-4778**.

The **March of Dimes March for Babies** is a three mile walking event to help raise funds in the fight against premature birth, birth defects and infant mortality. The walk is **April 30, 2011** at Cannon Park in downtown Charleston with registration at 8am and the walk starting at 9am. To sign-up to walk, please register online at www.marchforbabies.org or call the office at **843-571-1776**. In South Carolina 1 in 6 babies is born too soon - we need your help today!

2011-2012 CHARLESTON COUNTY BAR ASSOCIATION EXECUTIVE BOARD

John Massalon – President
Robert Bernstein – President Elect
Randell Stoney – Immediate Past President
Natalie Bluestein
Brian Duffy
Andrew Gowdown
Ladson Howell
Matthew Hubbell
James Myrick
Eli Poliakoff
Lori Proctor
Nosizi Ralephata
Abby Saunders

IMPORTANT ANNOUNCEMENT

Effective April 1, the contact information for Julianne Holzel, Executive Secretary for the Charleston County Bar Association will change as follows:

Telephone number: (843) 881-6666

E-Mail: jholzel2@comcast.net

Mailing address will remain the same:

PO Box 21136

Charleston, SC 29413

Ms. Holzel will not be at Young Clement Rivers after March 31 due to her retirement but will continue to serve as Executive Secretary of the Charleston County Bar Association. All phone calls and e-mails should be sent as noted above after March 31, 2011. Please change your contact information effective as of that date.

SAVE THE DATE

FREE FOR MEMBERS OF CHARLESTON COUNTY BAR ASSOCIATION

CLE – JUNE 3, 2011

8:30 A.M. – 4:45 P.M. (With a break for lunch)

“How to Handle Your First _____”

6 HOURS CLE CREDIT

JURY ASSEMBLY ROOM

For attorneys licensed for three years or less.

There will be speakers (and checklists and go-by's) for first trials, custody cases, DSS cases, Rules to Show Cause, Motion to Compel, and taking depositions.

To Register: E-mail Natalie Bluestein at Natalie@bluesteinanddouglas.com

(The paragraph below is to replace the WANTED section on page 2)

ONLINE MEMBER DIRECTORY

Please help us have a more complete online member directory. If you go to the Lawyer Director 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 jholzel2@comcast.net. We will add the new information to the website as quickly as possible. This is especially important for new admittees.

JUDICIAL NOTICE

Senior U.S. District Judge P. Michael Duffy

Even a year into it, the Hon. Patrick Michael Duffy's status as a "senior judge" — and the lighter caseload that's supposed to come with it — hasn't sunk in yet: He still manages a crowded docket that keeps him in chambers five days most weeks. But he also finds time for interests outside the law— preparing for a summer trip to Ireland, a favorite destination; enjoying an extended visit from his daughter, a career Foreign Service Officer who is between postings in Brazil and Botswana; and playing with his seven grandchildren, all of but one of whom is five or younger. He jokes that some days the Duffy house resembles a daycare. "I love it," he said. "Being a grandparent is the only job that isn't overrated."

Born: April 8, 1943, in Charleston.

Nominated: October 1995 by President William J. Clinton.

Education: J.D., University of South Carolina Law Center, 1968; B.A., The Citadel, 1965.

Career: Staff attorney, Neighborhood Legal Assistance Office, 1968-69; U.S. Army, military police, 1969-72; private practice, Charleston, 1972-95; U.S. District Judge, 1995-present. Assumed senior status on Dec. 27, 2009.

Family: Katherine Duffy, his wife of almost 45 years, and three children: Katherine (Katie) Duffy Dueholm, a U.S. Foreign Service Officer; Patrick Duffy, a clinical psychologist in Charleston; and Brian Duffy, a partner in the Charleston law firm of Duffy and Young.

Hobbies: Golf; film; traveling abroad; reading; painting and drawing.

On your nightstand: *James L. Petigru: Southern Conservative, Southern Dissenter*, by William H. Pease and Jane H. Pease; *Conversations with Myself*, by Nelson Mandela.

Best part about being a judge: "From the personal point of view of someone who tried cases all his life, the best part about being a judge is the ability to control your own time and control your own docket. I didn't appreciate how much pressure trial lawyers are under until I stopped doing it."

Most difficult part about being a judge: Sentencing people. "Any time you have to take someone's liberty, it's difficult even if they have richly earned it. And the really difficult thing is that you're sentencing the person's family, too."

Most surprising part about being a judge: "I thought judges would have more time to be contemplative, or studious and scholarly, if you will. But you do not. You find yourself reacting to the pressures of time and a heavy docket."

What the Bar might be surprised to learn about you: "At one time I was a milkman in Columbia, because it was the highest-paying job I could find . . . when I was working my way through law school."

Priceless moments in your courtroom: It was supposed to be a routine check-up at the dermatologist; instead, the doctor excised a skin cancer and sent him back to the courthouse with an enormous white bandage on his nose — just in time for a motions hearing with attorneys from out-of-town. Judge Duffy had only been on the bench a couple of years. "I said to my law clerk" — T.J. Parsell, who is now a restaurateur — "I wish I had something to cover up this bandage with." The clerk rummaged through his desk and emerged with a Groucho Marx-style plastic nose and glasses set. "I put them on and walked out to the hearing, I kept a straight face, and I welcomed the two law firms to the District Court of South Carolina. You should have seen the looks on their faces."

In your courtroom, Do: Be brief. "It is the most difficult thing for the lawyer, to brief and to let the judge or the jury fill in the blanks. You don't have to tell them everything. Watch a concise cross-examination done well, it is a thing of beauty."

In your courtroom, Don't: Forget your manners — being civil is more effective, and "it doesn't cost you anything." He tells the story of a lawyer who ended a cross-examination by remarking flippantly, "I don't have any more use for this man." Judge Duffy told him that "he could stand up right now and apologize to this man, and to the jury, and that I was offended by what you did, and don't ever do that again in my courtroom. And he never has."

Most valuable experience: As an attorney in private practice, taking cases for people who couldn't necessarily pay, but whom he was able to help. He specifically recalls representing a boy in a criminal trial whose mother had to leave early to catch the one bus back to Adams Run to feed her other children, and she asked him for a dollar for bus fare. The boy was acquitted. Two months later, Judge Duffy received a crumpled \$1 bill and a note: "Dear Mr. Duffy, Thank you very much. Here is your dollar. How do you like my note." He knows the words by heart. With cases like that, "no one knows but you and them, and there's no great financial reward, but you know full well you have made a difference."

Is there a legal figure you particularly admire? The late U.S. District Judge Falcon Black Hawkins Jr., with whom Judge Duffy practiced before Judge Hawkins took the bench in 1979. “He was one of the most compassionate, understanding men I’ve ever known. He was extremely bright, but he masked it with a down-home, country way of speaking . . . He was extremely effective as a lawyer and as a judge, because he had a kind heart.” (Judge Hawkins died in 2005 at age 78, still on the bench).

What advice would you offer trial attorneys practicing today? Know your facts. “Rarely does the law win the case, and the same thing on appeal — know the record. If you do that, you’ll be the most prepared person in the courtroom.”

What would you change about the American judicial system? The trend toward media dramatization of court cases, and the attempts by many lawyers to use the media to make their case. “I’d much prefer they try the case first, then comment on it later.”

- Wes Allison, Charleston School of Law, class of 2012

By: Wes Allison, Charleston School of Law, class of 2012

BERKLEY COUNTY COURT IN THE 1950' and 1960's

By: Ruth W. Cupp

Charleston County lawyers have always practiced law in Berkeley County since they built their first Court House in 1896. The floor in that court room had been laid with green lumber, and as it dried out, gaps appeared in the floor. By the 1950s folks in the court room could watch through those cracks and see what went on the sheriff's office below.

In Berkeley County a week of General Sessions was held every spring and every fall. Because of Jim Crow laws, those African-Americans, who came for that term of court had no cafe where they could eat lunch? Some smart African Americans set up a portable eating establishment on the court house lawn. They cooked rice and fish. They sold fish sandwiches and from coolers that peddled milk, orange juice and soft drinks.

Cooks began frying fish by 10:30 in the morning on their cast-iron wood burning stove. The old stove had a chimney pipe but the smell pervaded the court house where all the windows open. Once, when Oxford educated, Judge James L. Spruill, was presiding in Berkeley, he called Solicitor Arthur Howe up the Bench and asked, "What is that smell in the court room?" When Judge Spruill was going to preside in a rural county he would say, "I'm going out in the provinces to hold court."

Formatted: Font: 10 pt, Font color: Black

Justice C. Bruce Littlejohn, who had held Circuit Court all over this state, remarked, "cooking and serving lunch on the court house lawn was unique to Berkeley County."

Soon all the white people in the court room, including the judge and some juries, were in line on the court house lawn to buy a fish sandwich. This outdoor restaurant was open for business until the late 1960s. Berkeley County Clerks of Court, "Buster" Williams and Calvin N. Clark kept a tin tub of ice and free soft drinks in the clerk's office for the lawyers and the judge. Vending machines were to come in a future age.

The jury room in Berkeley had such thin walls that the lawyers and the judge could listen to their deliberations. "Sometimes they would get in a right spirited discussion," said attorney Bill Shipley.

There were two spectator seating sections in the court room, one side of the court room was reserved for Africans Americans and the other was for whites.

On the side for African American seating there were hand fans advertizing black funeral homes and on the other side, there were hand fans advertizing white funeral homes.

Once an African American entered the back of the court room and sat in the white spectator section. Soon he was surrounded by black bailiffs who began trying to make him move. Judge Clarence Singletary was presiding and he noticed what was going on in the spectator section. He stopped the trial and told the bailiffs that the gentlemen could sit wherever he wanted to.

PRO BONO MOMENTS

By: Marvin H. Feingold, Esquire
Director/ Legal Counsel
(Charleston) Pro Bono Legal Services, Inc.

Charleston Pro Bono has undergone a significant change in its funding structure. Beginning in 2011 we no longer receive federal (one-time Legal Service Corporation grant) funding. While our budget for 2011 is secured by reserves and present commitments, we are gearing up for the major challenge of 2012 and beyond.

We are presently funded by a combination of public entities (County and City of Charleston – still hoping for IOLTA funding through the SC Bar Foundation); private foundations- Sisters of Mercy, Ackerman and Yaschik Foundations, as well as major contributions from the CCBA and individual Charleston attorneys and firms.

We are gratified by the response of Bar members to our year-end appeal and hope you will keep us in your giving plans in 2011. We are planning a fund raising event at the end of 2011 and hope for your support in that effort as well.

Student organizations at the Charleston School of Law have really stepped up to the plate. In February, both, the Student Division of the Charleston Count Bar Association and the Phi Delta Phi law fraternity, held fundraisers for Charleston Pro Bono. Phi Delta Phi put on a Chili Cook-Off and the CCBA Student Division, a wonderful CLE on the law of Managing a

law office. We are most grateful to Professors Zisk, Finkel and Spitz for volunteering their talents as presenters at the CLE and to all those who participated in both events.

The Charleston Pro Bono Office continues to serve as a fertile training ground for law students and new attorneys seeking to learn the practical skills of law practice even as their participation furthers the cause of Pro Bono service. Last year many in graduating class at CSOL performed all or part of their required Pro Bono hours at Charleston Pro Bono. New attorneys have increasingly been partnering with experienced attorneys in handling Pro Bono cases. Such cooperative effort provides an opportunity for mentoring by skilled attorneys as well as a valuable learning experience for fledgling lawyers.

With summer just around the corner, we've begun interviewing applicants for the Ackerman Summer Law Fellowship Program. For the fifth year running, we will employ three CSOL students as well as three students from regional law schools. The Ackerman fellows, in addition to participating in all aspects of law office practice, will organize two seminars for all summer law interns in Charleston. Presenters will include experienced practitioners who will give guidance in those aspects of legal practice not often taught in law school.

In Resolving to support Charleston Pro Bono's efforts to receive IOLTA funding through the South Carolina Bar Foundation, the CCBA Executive Committee has recognized through a Resolution that "Charleston Pro Bono Legal Services, Inc. has effectively served the CCBA in facilitating pro bono legal services by its membership since the year 2005, receiving more than 3500 eligible intakes and accumulating a list of over 300 volunteer attorneys."



CHARLESTON PRO BONO LEGAL SERVICES, INC.

LAWYER or Firm Name: _____.

Contact: _____ Address: _____

Title: _____.

Enclosed is our gift of \$ _____.

\$25.00 \$50.00 \$100.00 \$200.00 \$500.00 \$1000.00 \$2000.00

Please cut out and return to Charleston Pro Bono Legal Services, Inc., Post Office Box 1116, Charleston, SC 29402
Your donation is tax deductible as provided by law.

CIRCUIT COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

(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>.)

April 4	April 11	April 18	April 25
9 th AW - Harrington Chas CP - Dennis Chas GS - Nicholson Chas GS - Jefferson	Chas CP - Jefferson Chas CP - Hughston 9 th CPNJ - Dennis Berk CP - Harrington Berk GS - Young	9 th CPNJ/ - Nicholson Chas CP - Dennis Chas CP - Harrington Chas GS - Hughston Chas GS - Young Berk GS - Watson	9 th CPNJ - Jefferson Chas CP - Harrington Chas GS - Hughston Chas GS - Young Berk GS - Dennis Berk CP - Harrington
May 2	May 9	May 16	May 23
Chas GS - Nicholson	9 th CPNJ - Hughston Chas CP - Dennis Chas CP - Harrington Chas GS - Young Chas GS - Jefferson	9 th CPNJ - Young 9 th CPNJ - Nicholson Chas CP - Harrington Chas GS - Hughston Chas GS - Jefferson Berk GS - Dennis	9 th CPNJ. - Jefferson PCR Chas CP - Nicholson Berk CP - Harrington Berk GS - Watson
May 30	June 6	June 13	June 20
Chas GS/ - Harrington Chas GS - Young	Chas CP - Hughston Chas CP - Dennis Chas GS - Young Chas GS - Jefferson	9 th CPNJ - Dennis Chas CP - Jefferson Chas CP - Hughston Berk CP - Harrington Berk GS - Young	9 th CPNJ - Young 9 th CPNJ - Nicholson Chas CP - Jefferson Chas CP - Harrington Chas GS - Dennis Chas GS - Hughston Berk GS - Watson
June 27			
9 th CPNJ. - Nicholson Chas CP - Hughston Chas CP - Harrington Chas GS - Young Chas GS - Jefferson Berk GS - Dennis			

CIRCUIT COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

April 4	April 11	April 18	April 25
Dor GS - Dickson	Dor GS - Goodstein		
May 2	May 9	May 16	May 23
	Dor GS - Cothran	1 st CPNJ - Goodstein Dor GS - Dickson	
May 30	June 6	June 13	June 20
Dor CP - Goodstein	1 st CPNJ/ - Dickson PCR Dor GS - Goodstein	Dor GS - Dickson	Dor GS - Goodstein
June 27			
Dor CP - Dickson			

FAMILY COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

April 4	April 11	April 18	April 25
Chas - Garfinkel Chas - Cate Chas - Jenkinson Chas - McMahon Berk - Creech Berk - Landis	Chas - McMahon Chas - Garfinkel Chas - Cate Chas - Kinlaw Berk - Landis Berk - Creech	Chas - McMahon Chas - Cate Chas - Garfinkel	Chas - Garfinkel Chas - Landis Chas - Long Chas - Cate Berk - McMahon Berk - Creech
May 2	May 9	May 16	May 23
Chas - McMahon Chas - Garfinkel Chas - Landis Chas - Cate Berk - Creech Berk - Landis	Chas - McMahon Chas - Garfinkel Chas - Cate Chas - Holt Berk - Landis Berk - Creech	Chas - McMahon Chas - Garfinkel Chas - Cate Chas - Jenkinson Chas - Neese Berk - Creech Berk - Landis	Chas - McMahon Chas - Creech Chas - Garfinkel Chas - Cate Berk - Jenkinson Berk - Landis
May 30	June 6	June 13	June 20
	Chas - McMahon Chas - Garfinkel Chas - Cate Chas - Vinson Berk - Creech Berk - Landis	Chas - McMahon Chas - Garfinkel Chas - Landis Chas - Jenkinson Berk - Creech Berk - Cate	Chas - McMahon Chas - Morehead Chas - Garfinkel Chas - Cate Chas - Jenkinson Berk - Creech
June 27			
Chas - Creech Chas - Cate Chas - Garfinkel Chas - Kinlaw Berk - McMahon Berk - Landis			

FAMILY COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

April 4	April 11	April 18	April 25
Dor - McLin Dor - Wylie	Dor - McLin		Dor - McLin
May 2	May 9	May 16	May 23
Dor - Wylie Dor - McLin	Dor - Wylie Dor - McLin	Dor - McLin Dor - Wylie	Dor - McLin
May 30	June 6	June 13	June 20
	Dor - Wylie Dor - McLin	Dor - McLin	Dor - McLin Dor - Wylie
June 27			
Dor - McLin Dor - Wylie			

CHARLESTON COUNTY COMMON PLEAS JURY VERDICTS

(Information supplied by Clerk of Court's Office)

07-CP-10-4028 Paul and Joan Quam vs. D. R. Horton, Inc.

Attorneys: Plaintiffs: Jay S. Masty
Defendant: W. Kyle Dillard

Cause of Action: Contract - Construction

Verdict: For the Plaintiffs in the amount of \$160,000.00 actual damages.

08-CP-10-3970 Nadine Parks vs. Folly Beach, Dorchester County and Scott Werre

Attorneys: Plaintiff: Seth S. Whipper
Defendants: Robin L. Jackson

Cause of Action: Personal Injury

Verdict: For the Defendants.

09-CP-10-4975 Rebecca M. Eidson vs. Lorraine A. Anderson

Attorneys: Plaintiff: David W. Whittington
Defendant: David C. Cleveland and Benjamin B. Davis

Cause of Action: Personal Injury

Verdict: For the Defendant.

09-CP-10-6864 Quaponda Larae Green vs. Anna Dais, Daisy Wright and Cecile Major, individually and d/b/a Gladys' Kitchen, Samuel Moultrie, individually and d/b/a Gladys' Kitchen and Sherry Jefferson, individually and d/b/a Gladys' Kitchen

Attorneys: Plaintiff: Gary A. Ling
Defendants: Daniel E. Martin, Jr.

Cause of Action: Premises Liability

Verdict: For the Defendants.

09-CP-10-6901 Ricky Rawls vs. Heydi Nicole Helmueller and Arthurine B. Johnson

Attorneys: Plaintiff: Samuel B. Cooper, Jr.
Defendants: Trevor A. Cangelosi and Jackson H. Daniel, III

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$981.82 actual damages.

09-CP-10-7085

Althea E. McGee vs. Gerald Delton Pickett

Attorneys:

Plaintiff: J. Kevin Holmes
Defendant: Alan Ross Belcher, Jr.

Cause of Action:

Motor Vehicle Accident

Verdict:

For the Plaintiff in the amount of \$4,019.39 actual damages.

FEDERAL COURT JURY VERDICTS

(There were no Federal Court Jury Verdicts for this quarter)