



ISSUE #34

Website: <http://www.charlestoncountybar.org>

SUMMER 2016

PRESIDENT

Brian C. Duffy
96 Broad Street
Charleston, SC 29401
(843) 720-2044

PRESIDENT-ELECT

Elizabeth Scott Moise
P. O. Box 1806
Charleston, SC 29402
(843) 720-4382

EDITOR

David W. Wolf
286 Meeting Street
Charleston, SC 29401
(843) 853-9000

FROM THE PRESIDENT



Dear Colleagues,

Pause. Reflect. Two actions not often associated with the practice of law. In fact, absent the prompting of a significant event, these learned behaviors are not associated with many vocations. Over the past year,

we in the Charleston Bar have been so prompted. I encourage you to pause and reflect with me on three of our common experiences.

We were prompted to pause and reflect in April when we lost the longest serving federal judge in the history of South Carolina and the longest serving district judge in the history of the Fourth Circuit – The Honorable Sol Blatt, Jr. I am confident that no day passed during Judge Blatt's forty-five years of service that he did not pause to greet someone warmly or to write a personal note, leaving the beneficiary of each happier for the encounter and looking forward to the next one. Although an appropriate tribute could not be squeezed into this letter, I find it telling that several of Judge Blatt's colleagues independently reported over the years in the Judicial Notice section of our CCBA Newsletter, that he or she "wants to be like Sol."

With sincere thanks and origination credit to Edward Pritchard, I announce the CCBA's project to collect your remembrances of Judge Blatt. When you have a minute to pause and reflect, please pen a letter or type an email about Judge Blatt. We welcome all submissions, whether a three-page description of a trial or a three-sentence description of the Judge. You may send emails to secretary@charlestoncountybar.org and letters to P.O. Box 21136, Charleston, SC 29413. We also will send a survey link by email that will allow you to respond directly with a submission.

In October of last year one of the most distinguished and revered members in the three hundred plus years of the Charleston bar, Senator Fritz Hollings, gave us reason to pause and reflect. At Senator Hollings' insistence, first to the U.S. District Judges and then to Senator Graham and Congressman Clyburn, our federal courthouse bearing his name was renamed in honor of Judge J. Waties Waring. Senator Hollings' request was the first of its kind in U.S. history, and I doubt there is a queue. While he intended – and succeeded – in prompting further reflection and recognition of Judge Waring's courageous and influential service, Senator Hollings' magnanimous efforts demand as much for him. So do his fifty-six years of formal public service ending in 2005 (and perhaps twelve more informal years for the many Op/Eds since!).

A committee of friends and supporters has undertaken the effort to erect a statue of the Senator on the grounds of the courthouse that once bore his name. If you are inclined to support that effort financially, funds are raised through the S.C. Bar Foundation. Your Executive Committee has resolved to support the effort by raising awareness and will include detailed information in an upcoming eblast. In any event, I hope you will consider donating and will join me in attending the ceremony for Senator Hollings likely to be held in the first part of 2017.

Finally, the earthquake that shook Charleston on June 17, 2015 with its epicenter at Mother Emanuel AME Church has exacted and will continue to exact a toll far greater than pause and reflection, though it commands such consideration all the same. Those hideous crimes, the tremendous display of grace by family members, and the strength of our community captivated the world. The bright glare of the modern spotlight no doubt will have returned as this June 17 arrives and passes and will also be cast on our legal system and its players as the prosecutions move forward. Your County Bar is working with community leaders to have that light reflect brilliantly from here as we lead an effort to address racial issues and promote a constructive legacy from that incredibly destructive evening.

We have created The Charleston Forum project which seeks to establish a forum that excites national interest in open discussion, promotes understanding of different views, and shares ideas for progress. Our steering committee includes dedicated and influential leaders from many parts of our community, including Mayor Tecklenburg and former Mayor Riley. We are working to create an online forum and a signature event in the summer of 2017 to drive national interest to the forum. We can use your help. If you have a connection to a national figure who might be interested in participating in our forum or a subject-matter expert who may be

interested in lending his or her talents to help our forum have the greatest impact, please let me know.

Pause. Reflect. And, if you are up for it, join those lonely verbs with some others more befitting us – remember Judge Blatt and tell your story, celebrate and honor Senator Hollings, help us create a new dialog on race that advances common understanding of differing views and redirects that spotlight to a path forward.

Very truly yours,
Brian Duffy

JUDICIAL NOTICE

United States Magistrate Judge for the District of South Carolina, Judge Mary Gordon Baker

By: Andrew T. Smith, Charleston School of Law, Class of 2017

Born: Charleston, SC

Appointed: 2015

Education: B.A., University of South Carolina, 1981; J.D., University of South Carolina School of Law, 1986

Career: Judge Baker began her career in 1986 as an associate at Nexsen Pruet in Columbia, SC. In 1990, she became an Assistant U.S. Attorney in Columbia and later served as the First Assistant U.S. Attorney in Columbia from 1997 to 2000. In 2000, she returned to her position as an Assistant U.S. Attorney and served in that role until 2006. In 2006, she became an Assistant Federal Public Defender and later retired from federal service in 2013. From 2013 until her appointment in 2015, she served as special counsel to Duffy and Young.

Family: Husband, Jim Holland; Stepdaughter, Alexandra (20).

1. **What the bar would be surprised to learn:** Judge Baker was a singer in two rock bands after she became an attorney. She explained that singing rock music from the 1960s and 1970s was one of the best times of her life because it allowed her to be uninhibited.
2. **Personal life away from the bench:** Judge Baker is an avid reader and traveler. She especially enjoys travelling to Wofford to watch her stepdaughter Alexandra play volleyball. She also loves music and enjoys spending time with her family—including her nine godchildren.
3. **Best part about being a judge:** Judge Baker explained that being a judge feels like the culmination of her thirty-year legal career in public service and the culmination of all of her efforts as a lawyer. She also emphasized that serving as a judge is a wonderful honor and that it “still feels unreal” to her.

4. **Hardest part about being a judge:** Judge Baker stated that the hardest part about being a judge is sitting in judgment of other human beings.

5. **In your courtroom, DO:** Judge Baker wants to see lawyers have respect for each other and the court. As she explained, “civility is not just a buzzword.” She also emphasized that professionalism and preparedness are essential in her courtroom because a judge cannot rule unless the lawyers are prepared.

6. **In your courtroom, DON'T:** Judge Baker’s pet peeves include rude lawyers, disrespect to litigants, and overacting by lawyers. She explained that one of her biggest pet peeves is when lawyers try to be too clever, stating “cleverness is not good advocacy.”

7. **Advice to young lawyers:** “Be proud of your profession and work and make sure your work is top quality. A brief full of errors shows sloppiness—so print and edit your work. Make the community proud of the profession.”

8. **What experience best prepared you for the bench?** Judge Baker explained that her various experiences in different roles during her legal career best prepared her for the bench. In specific, she noted that her time as a plaintiffs’ attorney, a civil defense attorney, a prosecutor, and a criminal defense attorney allows her to stand in the shoes of most of the lawyers that come before her. She also hopes that her experience as a lawyer brings balance to her career and her temperament. In addition, Judge Baker stated that the examples set by judges during her career served as essential preparation for her position on the bench.

9. **What would you change about the American Judicial System?** “Not a thing, but it could be more efficient. We have the best judicial system in the world.” Judge Baker stated that judges and lawyers should use the law and the rules that are already in place to the best of their ability.

ANNOUNCEMENTS

Anderson Reynolds & Stephens, LLC is pleased to announce that **Curt Martin** has been named partner, and **Thomas F. Drazan** has joined as an associate, at the firm located at 37 1/2 Broad Street, Charleston 29401. Tel: (843) 723-0185.

Bluestein & Douglas has relocated to 266 W. Coleman Boulevard, Suite 205, Mt. Pleasant, SC 29464. The telephone and fax numbers will remain the same, as will all firm e-mail addresses.

Mary Ann Hall and **Jessica L. Means** are pleased to announce their merger into **Hall & Means, LLC**, as of June 1, 2016. The firm's address will remain 1816 Belgrade Avenue, Suite 101, Charleston, SC 29407; Tel: (843) 377-1341; Fax: (843) 377-1344. Email: (Mary Ann Hall) mah@hallandmeans.com; and (Jessica Means) jessica@hallandmeans.com.

The **Milligan Law Firm** is pleased to announce that **Ben Pogue** has been named a partner in the firm and the firm name has been changed to **Milligan & Pogue, PC**.

Haynsworth Sinkler & Boyd announces the opening of their new Mediation Center, named in honor of Bachman S. Smith III, which is located in the Charleston office at 134 Meeting Street, is dedicated to and designed for conducting mediation and other alternative dispute resolution matters.

The Charleston Office of **K&L Gates, LLP** is pleased to announce that **Jennifer Thiem** and **Brian Wildstein** have been named partners.

The Lawton Law Firm is pleased to announce that **Andrew T. Cash** has joined the firm. His areas of practice include personal injury, workers' compensation, civil litigation, small business formation, partnership agreements and contracts.

McNair Law Firm is pleased to announce the addition of associate **Jennifer Flanagin** to the firm's Charleston office. Jennifer's practice focuses on real estate.

Alex and Zoe Sanders announce the opening of their law practice together at **The Sanders Law Firm of South Carolina LLC**, which is located at 1513 Hampton Street, Columbia, SC 29201; Website is: www.alexanderslaw.com.

After serving as the United States Attorney for the District of South Carolina, **Bill Nettles** announces the opening of the **Law Office of Bill Nettles**. The firm will be located at 2008 Lincoln Street, Columbia, SC 29201. Tel: (803)814-2826. E-mail: bill@billnettlslaw.com Website is: www.billnettlslaw.com. Bill is returning to private practice and will be doing a broad mix of criminal and civil, as well as, whistleblower actions under the False Claims Act.

SOUTH CAROLINA LAWYERS WEEKLY

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OPTIONAL TOPICS: Tort/Negligence / 9

IN THIS ISSUE: 2015 LEADERSHIP IN LAW

Meet the honorees of South Carolina's Leadership in Law Awards

STILL WAITING

The South Carolina Supreme Court declared that the state's solicitor-controlled docket system was unconstitutional in 2012, but the status quo remains.

Motley Rice helps secure \$100 million tobacco award

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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

July 4		July 11		July 18		July 25	
		9 th CPNJ	- Young, R.	9 th CPNJ	- Nicholson	Chas CP/NJ	- Jefferson
		9 th GSNJ	- Sprouse	Chas CP/NJ	- Mullen	Chas GS	- Cooper, T.
		Chas GS	- Mullen	Chas GS	- Young, R.	9 th GSNJ	- Harrington
		Berk GS	- Jefferson	Chas GS	- Jefferson	Berk CP/NJ	- Dennis
				Chas GS	- King		
				Berk CP/NJ	- Dennis		
August 1		August 8		August 15		August 22	
9 th CPNJ/PCR	- Hayes, J.	Chas CP/NJ	- Nicholson			Chas GS	- Dennis
9 th CPNJ	- Nicholson	Chas GS	- Gibbons			Chas GS	- Harrington
Chas CP/NJ	- Newman	Chas GS	- Stilwell			Chas GS	- Young, R.
Chas CP/NJ	- Jefferson	Chas GS	- Culbertson			Berk GS	- Young, W.
Berk GS	- Dennis	Berk CP/NJ	- Cooper, T.				
Berk GS	- Harrington						
Admin	- Young, R.						
August 29		September 5		September 12		September 19	
9 th CPNJ	- Jefferson	9 th CP/NJ	- Cooper, T.	9 th CPNJ/PCR	- Dennis	9 th CP/NJ	- Jefferson
Chas CP/NJ	- Goodstein	Chas CP/NJ	- Hughston	Chas CP/NJ	- Hughston	Chas CP/NJ	- Nicholson
Chas CP/NJ	- Young, R.	Chas CP/NJ	- Young, R.	Chas CP/NJ	- Nicholson	9 th GS/SGJ	- Culbertson
9 th GSNJ	- Harrington	Chas CP/NJ	- Nicholson	Chas GS	- Young, W.	Chas GS	- Hughston
Berk CP/NJ	- Mullen	Berk CP/NJ	- Goodstein	Chas GS	- Harrington	Chas GS	- Harrington
		Berk GS	- Harrington	Chas GS	- Jefferson	Berk CP/NJ	- Young, R.
						Berk GS	- Dennis
September 26							

CIRCUIT COURT - FIRST JUDICIAL CIRCUIT

July 4		July 11		July 18		July 25	
				Dor CP/NJ	- Goodstein	Dor GS	- Murphy
				Dor GS	- Murphy		
August 1		August 8		August 15		August 22	
1 st CP/NJ	- Murphy	Dor GS	- Early			Dor CP/NJ	- Dickson
Dor	- Goldsmith						
August 29		September 5		September 12		September 19	
1 st GS/NJ	- Dickson	Dor GS	- Murphy	Dor GS	- Goodstein	Dor CP/NJ	- Goodstein
				1 st GS/NJ	- Murphy		
September 26							

Sarah Mae Fleming: An Unsung South Carolina Legal Pioneer

By: William S. Davies, Jr. Esq. SCHS Board of Managers

On June 24, 1954, Sarah Mae Fleming bravely challenged the law of South Carolina. Although the specific facts of the incident are contested, it is clear that Ms. Fleming, a young person of African-American descent, sat down on a local bus in Columbia in a seat the bus driver thought was reserved for white people. Fleming was thrown off of the bus and possibly assaulted by the bus driver in the process.

With the help of the NAACP, Ms. Fleming filed a lawsuit against the company which operated the bus. She claimed that the state law requiring persons of color to sit in the "back of the bus" was unconstitutional. After losing at the local level, Ms. Fleming appealed to the 4th Circuit Court of Appeals. On July 14, 1955 the 4th Circuit found that the time honored "separate but equal" doctrine had been ruled unconstitutional in the recent case of *Brown v. Board of Education* and the decision in that case should be extended to public transportation. The case was referred back to South Carolina. An extended legal process followed. Ms. Fleming's last legal team included Thurgood Marshall and a young lawyer from Columbia named Matthew J. Perry. While the case was eventually unsuccessful in obtaining any damages for the plaintiff, she had successfully extended the doctrine of equal protection of the law. Segregated seating had been recognized by a United States Court of Appeals as unconstitutional. For unknown reasons, the



case did not get national attention other than in historically black newspapers.

Seventeen months later, a young lady named Rosa Parks refused to give up her seat on a bus in Alabama. Ms. Parks has become a nationally recognized figure in the civil rights movement while Ms. Fleming's name is recognized by only a very few even in the legal profession in South Carolina.

In 2005 a documentary of Ms. Fleming's efforts was shown on many PBS television stations. It was properly entitled *Before Rosa: The Unsung Contribution of Sarah Mae Fleming*.

The South Carolina Historical Society is one of the oldest private repositories of manuscript collections in the southeast. Since 1900, the Society has also published the history of South Carolina through the award-winning scholarly journal, *The South Carolina Historical Magazine*. SCHS Members receive the Magazine subscription quarterly and past articles can also be viewed on JSTOR.com. For further research and information on our invaluable collection, search the online catalogue on our website, www.schistory.org.

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

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
	1/4 Page	\$200 per issue
	1/2 Page	\$400 per issue
	Business Card	\$100 per issue

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

JURY VERDICTS

CHARLESTON COUNTY COMMON PLEAS

(Information supplied by Clerk of Court's Office)

2014-CP-10-2118 Nikisha Sparkman vs. Debbie Blind,
d/b/a Chick-Fil-A of Centre Pointe
FSU

Attorneys:

Plaintiff: Teresa Zachary Hill
Defendant: Joseph S. McCue

Cause of Action: Personal Injury

Verdict: For the Plaintiff in the amount of \$650.00 actual damages.

2014-CP-10-4646 Marisa M. Berrios vs. Robert Hurley

Attorneys:

Plaintiff: Amanda N. Pittman
Defendants: Justin P. Novak

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$7,424.00 actual damages.

2014-CP-10-5614 Christy W. Spach vs. Elizabeth S.
McMillan

Attorneys:

Plaintiff: Steven Eric Goldberg and Michael
Jordan
Defendant: Benjamin R. Pogue, III

Cause of Action: Personal Injury

Verdict: For the Plaintiff in the amount of \$280,473.00 with a setoff of \$100,000.00.

2014-CP-10-5899 Richard D. LaRoche vs. Ricky Bhatti
d/b/a Bhatti's Towing and Body

Attorneys:

Plaintiff: William A. Scott
Defendant: Jeffrey M. Crudup

Cause of Action: Breach of Contract

Verdict: For the Defendant.

FEDERAL DISTRICT COURT - CHARLESTON DIVISION

(There were no Federal Court Verdicts for this period)

2014-CP-10-6871 Louise Mitchum vs. Glenn A. Cole

Attorneys:

Plaintiff: Jeffrey W. Buncher, Jr.
Defendant: Michael T. Coulter and Raymond D.
Turner

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

2015-CP-10-0330 Gary Nestler and Julie Nestler vs.
Joseph E. Fields

Attorneys:

Plaintiff: Daniel Slotchiver
Defendant: Paul Trainor and Alan R. Belcher

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiffs in the amount of \$7,117.50 actual damages.

2015-CP-10-1567 Anishi N. Scott vs. Michael G. Coyle

Attorneys:

Plaintiff: Eric D. Saleme
Defendant: Nickisha M. Woodward

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$695.00 actual damages.

SAVE THE DATES

July 7, 2016

Family Court CLE

8:45 a.m. - 5:00 p.m. - Jury Assembly Room

Second Floor of the Charleston County Courthouse

Credit - 6.25 hrs (2 of ethics) Free to CCBA Members

Register with your full name and SC Bar Number to:

Natalie@bluesteinanddouglas.com

(Register early as there are space limitations)

July 14, 2016

Chief Justice (Ret.) Jean Toal to Preside Over

RiverDogs CLE Night - in memory of Stanley Feldman.

The Charleston RiverDogs will host the club's Annual
Continuing Legal Education (CLE) Night.

Credit - 2.0 hrs (2 of ethics) - Program 4-6 p.m.

September 18-23, 2016

Washington, DC

IBA's Annual Conference 2016

For further details go to:

www.ibanet.org/Conferences/Washington2016.aspx

Early registry until July 1, 2016 • Deadline Sept. 6, 2016

By: Alissa C. Lietzow, Esquire

Director
(Charleston) Pro Bono Legal Services, Inc.

Charleston’s summer heat has not slowed us down here at Charleston Pro Bono Legal Services. We’re as busy as ever with the Tenth Annual Ackerman Fellowship Program! This year’s Fellowship Program is made possible by the generous support of the Ackerman Foundation and the Yaschik Foundation. The first of two 6-week immersive legal fellowships began May 9th and continues until July 29th with law students from Charleston School of Law, Hofstra, University of North Carolina, University of South Carolina, and Tulane. In addition to their daily, in-office legal tasks of client intake, eligibility determination, fact gathering, and assisting in preparation of pro-se pleadings, Ackerman Fellows also engage with the community. Such opportunities include attending City of Charleston’s Homeless Taskforce meetings, participating in Community Resource Day hosted by the Charleston Housing Authority, and working with clients from the Ryan White Wellness Center and Habitat for Humanity.

The dedication to public service instilled within these fellows is apparent. Sam Martin (Charleston Law, 2017), highlighted his appreciation for learning new areas of law: “Family law opened my eyes to an area of law that I did not have any experience with. The opportunity to make a difference for our low-income clients has been very fulfilling.” Angelica Mitchell (UNC Law, 2017) describing her Fellowship: “The best part has been serving our clients. Charleston Pro Bono is often the last place people can turn to for legal assistance, and it’s been an unforgettable experience to see firsthand life changing events unfold for them.” Brittany Sutton (Charleston Law, 2017) has worked closely with a former homeless resident of Tent City: “It’s been an eye-opening experience. I’ve truly enjoyed getting to do my part in assisting him work out his legal issues in hopes that he can end the cycle of homelessness.” Bailey Davis (USC Law, 2017), who’s working with another former Tent City resident, agreed and added: “he just needed someone to take the time to

help work through his pension complications. He has the means to remain off the streets, and we are helping him do just that.”

Charleston Pro Bono also recently hosted its annual “What Works in Practice” Seminar at the Charleston School of Law. Law students from across the United States clerking in Charleston this summer were treated to a powerhouse speaker lineup of Charleston County Bar members Gedney M. Howe, III, President Brian Duffy, Wilbur Johnson, The Honorable Michèle Forsythe, John Robinson, and Cameron Blazer. We appreciate all of these exceptional attorneys’ willingness to support CPBLS with their time and talents! Be on the lookout for details on our second seminar scheduled for late July.

Would you like to make a difference today? We would love and appreciate your time and talents to continue helping us build a stronger Charleston community!



Session 1 Ackerman Fellows at Community Resource Day

CHARLESTON PRO BONO  **LEGAL SERVICES, INC.**

Law Firm: _____

Contact Person: _____

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.

Welcome to the New Normal. A normal where data runs the world. A normal where data is worth more than gold or oil. A normal where your friends, team members and family are your enemies. A normal where data accidents happen.

Was it supposed to be this way? Most likely, but we all hoped it never would be. In a world where data could have been contained and compartmentalized, it's now continuously in motion and always sought and under attack. Some areas are safer than others, but lately more and more are up for grabs and staying ahead of it is a constant struggle and a new way of life.

Gone are the days of setting up some software, some hardware and calling it a day when it comes to protection. We are all being attacked from multiple angles. No longer are we being surveyed and attacked at the usual vulnerabilities. Everything is now fair game: firewall, anti-virus, email, networked printers, our wireless thermostats and our people..... that's right our people.

Our people are a massive risk. We all surround ourselves with those with whom we've built trust (hopefully), but people aren't perfect, people make mistakes and the most unpredictable thing about people is how they can be fooled and put under duress. It used to be a rule of mine that if x number of people per 100 had the ability to be a hacking risk, malicious, etc. in your organization, then that was something to plan for and expect as you scaled. Today, however, that statistic is turned on its head. Anyone, anytime and anywhere is now your risk.

Social Engineering, Foolery and Trickery are the new unwanted guests in your organization. They are the tools of your unseen enemy and they have the power to bring the most ironclad organizations to its knees. No organization can be over-prepared to fight the social engineer whether in person, virtually or in any other form. They have an unconventional warhead pointed in your direction and you are most gravely at risk. Make no mistake about it.

The latest software threat rising ever faster in popularity uses a little bit of social engineering and statistics to make it very successful for the perpetrator, but very dangerous for you. It comes in many variants, but is generally known as Ransomware. This one is absolutely brilliant. It disrupts all usual methods to monetize cybercrime and it's exceedingly efficient at it.

In order to really appreciate the success of cybercrime, you need to think about hacking in terms of a business. We aren't talking about the nerd in his/her parents' basements anymore. We're talking well run operations that have multiple revenue streams just like a multi-focused law practice. These companies, just like any other, are trying to streamline their ability to be profitable and keep money coming through the door. The Ransomware helps do just that.

How does it work? I'm glad you asked. It comes in the simplest of ways. Remember simple is best and what better way to exploit weakness than to hit the less prepared and secure. There is no more sense in whaling for cybercriminals. The Targets, McDonalds, governments etc. of the world are too difficult and risky to attack for the cash, so why not lower your risk and hit something less risky and increase your reward per risk unit taken?

These payloads sometimes come through compromised websites, but a lot of the times as emails that are spoofs of typically reliable sources like shipping notifications. Sometimes these things look really legitimate. When the user opens an email like this and clicks on the link, a payload is run on the machine and the infection starts. Sometimes things will almost appear to have nothing wrong. Like a growing infection it starts to encrypt your data file by file and folder by folder. It will even try to traverse your network drives / shared drives / mapped drives. Do you have a folder that syncs to a service like Dropbox or Box.com? Great! It will encrypt that too and sync the bad data up to that service. When it's all said and done, you are the proud owner of a computer or network with nothing but useless data.

Do you have backups? Do your backups go back far enough to get the files back before you lost them to the Ransomware? Hopefully they do. If not, it's time to whip out that wallet and learn yourself some Bitcoin because that's what you'll have to have to buy back your data before the clock goes out. Oh, that's another thing. There is a clock ticking that will expire if you don't pay for your data in time. In that event, you will lose your data forever. Having fun yet?

You see, the organizations behind this kind of program you just gave a happy home to are not stupid. They've encrypted your data. They didn't hack you. You invited them in. They didn't steal your data. They just rendered it 100% useless and they did it by using you as their tool. Remember how growing up you always heard that you can't stop free will? Well, it looks like your free will to click got the best of you. You played right in to their hands. Brilliant right?

There's no doubt it is. These operations even have metrics like other mature businesses. They know how many emails they have to send out to get so many clicks. Based on those clicks, they know the average amount of money per ransom to charge and how much will convert to finished payments (aka revenue).

Now what would any good business be without a solid product? The product in this case is your data. You'll be quoted a relatively small ransom for it. Again, how much is your data worth to you if getting it back is between your recently normal life and going out of business and being wiped out digitally? Might you just pay something fairly large for it? These guys have a good idea that you will and what that will be. Also, when you pay this ransom you have to be reasonably sure you'll get the product

and it won't be a lemon. If they didn't make good on this promise everyone would know it's a scam and not pay. This would kill their business model and be counter to the cause.

Pretty thorough business plan, right? They've got it down and they've kept it simple. The best business plans are simple: Know your customer, know your price and know how to deliver.

Sadly, for us this is only the beginning. This kind of software iterates frequently and evolves in ways we have to constantly try to stay ahead of. The Department of Defense has stated that no longer do they recommend not paying the ransom. Since the encryption these groups use is so strong, they actually recommend paying if you can't restore from a good backup. The situation is that critical.

The future holds many more pitfalls of fascinating, yet disturbing, possibilities. There will always be something to stay in front of. With artificial intelligence becoming the norm in organizations in the next 5 years, how are we to be prepared for that? What if you strip an A.I. engine of any moral code and allow it to go through certain boundaries? What if cybercrime finds a way to coerce you in to paying a monthly annuitized ransom instead of one time events? If I'm thinking it then you know someone else is. Remember, what a strategic tool, business process, or idea is to you is also for your enemy. They will always be at your heels, they will always think out of the box and therefore you should too.

The only way to stay ahead of this is to be prepared. It's your new competitive advantage and a requirement that you need to be allowed to exist strongly in this new normal. Training yourself and your staff on how to deal with social engineers, hacking attempts, ransoms, bad emails, etc. has to be a major part of your rhetoric and rhythm as a leader. It's your only hope. Make sure you also have an information technology security advisor because this is a domain of knowledge vastly different and more detailed than what your IT advisor is able to provide. Never assume that your IT department or vendor is able to cover all of this because they never do. Their job is to build your information a home and to keep its lights on; not to also be the inspector. Does your home builder perform the final inspection after the house is built? Nope! It's a conflict of interest, first off, and second, the home builder can't correct errors or risks it can't see. Believe me, your IT person will welcome this unbiased team member because it makes everyone better for your organization and clients. It's another check and balance for your organization and it's something that you can't live without. You need your IT representative and your IT security expert side by side in your business planning in this new normal.

Stay in the know, stay ahead, stay protected and be the less desirable target.

Rick Krenmayer
CEO
Stasmayer, Incorporated

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

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 email Julie Holzel at secretary@charlestoncountybar.org. She will add your email address to the mailing list as soon as possible.

Please take a few minutes to log in to the Charleston County Bar website (www.Charlestoncountybar.org) and check to be sure that all of your contact information is correct. We are finding that the information on the South Carolina Bar website and the Charleston County Bar website is not always identical. It is very important that we have correct information from each of you in order to have accurate records. This will only take a few minutes of your time and we would very much appreciate each of you doing this.

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2016-2017**

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Mentor – Sean Houseal

Pro Bono Liaison – Jim Myrick

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