



ISSUE #42

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

SUMMER 2018

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**FROM THE PRESIDENT**



Dear Colleagues,

We have a challenge on our hands over the next several months. It involves the newest members to our profession. Approximately 55 graduates from the Class of 2018 from both the University of South Carolina School of Law and the Charleston School of Law have a connection to Charleston. Combine that

with 29 new lawyers who were just sworn in by the Supreme Court who list a Charleston County address. Consequently, by November, the Charleston County Bar will need to engage almost 100 young professionals into our Association. We must do this by keeping in mind that this new generation of attorneys has different concepts of everyday life and how to intersect those perceptions with the practice of law in the 21st Century.

To that end, our Engagement Committee has begun scheduling quarterly luncheons for young lawyers. The luncheons will host judges, staff members from the Office of the Clerk of Court, elected county officials and staff members of the Probate Court. The idea is to have intimate luncheons with these officials who can share insights into the various areas of the practice of law. Several Circuit and Family Court judges agreed to attend the kick-off luncheon which was held on June 26th at the Law Office of Moore and Van Allen. Space is limited for these luncheons, so if you are a "young" lawyer - that is a licensed attorney under the age of 36 years, or you have been admitted to your first Bar less than 5 years - and are interested in attending, monitor our Tuesday Talk e-mails for registration information.

In keeping with the idea of engaging with new attorneys while streamlining communication with current CCBA members, I am excited to announce that the Association has contracted with Netgalaxy to construct the first ever bar association app. As far as I am able to determine neither the SC Bar nor any other county bar

association has launched its own app dedicated to its association. Once launched, the app will be available to the public for free; however, access to specialized or particular events, such as data and notifications, will be restricted to members of the Charleston County Bar Association. This communication tool will contain the CCBA directory, the calendar and push notifications so that you can be reminded of upcoming events. The benefits of this new app will be a wonderful tool to communicate with all members of the County Bar, particularly to our younger members.

As I have previously reminded our members, our mission statement contains two parts "...promoting ethics and education within the Charleston County legal community as well as assisting the public through outreach programs and service." Recently, I became aware of a project undertaken by two young lawyers, Meghan Gentry and Annie Andrews, who have a common interest in reading. Meghan Gentry is an attorney previously employed as an assistant public defender, and is now engaged in the private practice with an emphasis in Family and Criminal law. Annie Andrews is employed as a Charleston County Public Defender assigned to represent juveniles in Family Court who have been charged with acts of delinquency.

Some juveniles are held in pre-trial detention after a petition has been filed against them accusing them of a violation of a criminal act. Juveniles who are detained must be segregated from the adult pre-trial detention population. Charleston, Richland and Greenville counties have stand alone facilities to comply with this requirement. The Charleston County juvenile detention center is under the control and supervision of the Charleston County Sheriff's Office.

While interviewing a female detainee in the library at the detention center, Annie noticed the lack of suitable books available for reading. She surveyed the approximately 250 books and realized that her client did not have a reasonable selection of books from which to choose to read. After reaching out to Annie and Meghan, I learned that the detainees at the detention

## FROM THE PRESIDENT (Continued from Page 1)

center attend educational classes for only four hours a day, four days a week. They eat their meals in their small 8x8 foot room, and have only about an average of an hour of recreation per day. Consequently, a great portion of their day is spent in these rooms, with some being shared with another resident. Annie shared her observations with Meghan and they set about to change the sparse selection of books. In collaboration with the Sheriff's Office, they reached out to the community for help and started soliciting book donations from just about anyone or any organization they could reach. The restrictions on the books are that they had to be paper back bound, age appropriate, and without any violent or sexual content. The response was overwhelming. They have received books from private lawyers and the Solicitor's office. The Aiken County Public Defender drove to Charleston with 300 books and a Mt. Pleasant teacher donated another 300. Within 72 hours of starting this project they collected 500 books; and in less than 3 weeks over 3,000 books were received.

Both Meghan and Annie have stated to me that they are not slowing down. They plan to keep this momentum going so that they can supply these books to the detention facilities in Richland and Greenville counties and perhaps to other juvenile centers operated by the South Carolina Department of Juvenile Justice. Their story was recently highlighted by WCIV-TV during one of its morning programs. If you watch the video of their interview you will be struck by the joy in their voices and the sense that they were having fun.

Annie and Meghan symbolize the best of our profession. While they may not have utilized their legal skills, they did recognize a need revealed to them through their professional contacts. They could have ignored this issue, but they both stated that they saw an opportunity to expose these youth to something positive. It may be difficult to measure the impact of Anne and Meghan's book collection project will have on these juveniles, but just picture a child sitting in a small room, 12-15 waking hours a day with very little stimulus - his imagination not being explored - her curiosity not being challenged - their brains not being developed. Now envision that wasted time being reversed so that these children can occupy this time so that their young minds are open to a world where they can be informed, where they can dream.

Thank you Meghan and Annie for fulfilling our mission of community outreach.

Very truly yours,

Peter Shahid

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 Karen Fetter at Tel. (843) 881-6666 or by E-mail: [secretary@charlestoncountybar.org](mailto:secretary@charlestoncountybar.org)

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On Thursday, May 24th, Charleston County Bar Association member M. Dawes Cook, Jr., was sworn in as the President of the South Carolina Bar Association. We at the Charleston County Bar Association are proud of Dawes both for his investiture to this position, but also the contributions he has made to our state and county bar associations over the years and congratulate him. In recent years, then President Elect, Babs Warner, and Dawes have reached out the Charleston County Bar Association and its members in order to enhance communication between our bar and the South Carolina Bar Association and in a statement after his investiture Dawes committed to continuing those efforts. To that end, please see the below message from Dawes to our members regarding his plans for this year:

I am excited to serve as the 2018-19 SC Bar President, and a busy Bar year is underway. One of our key initiatives is to strengthen communication between the state and local bars. To that end, let me take a few sentences to tell you a bit about what the SC Bar is doing.

This year we welcome David Ross as the Bar's first new Executive Director in thirty-three years. David has big shoes to fill in succeeding Bob Wells, to whom we all owe a huge debt of gratitude. Bob left the Bar in great shape, which will enable David to focus on ways to take us to the next level. Many of the Bar's initiatives are outlined in a strategic plan, which is designed to 1) help members be great lawyers, 2) create better pro bono opportunities and therefore strengthen access to justice for all, and 3) enhance the many good things we're already doing as a Bar.

The SC Bar offers many wonderful benefits: from CLE, counseling and referral for problems with substance abuse and depression, advice on opening or closing a practice, technology assistance, free legal research and ethics opinions, and discounts on things we need for our practices, like software and delivery services. Yet many members don't know about these benefits, let alone the many things the Bar does to improve the

practice of law and to serve the public. The Bar tells us — through eBlast, on social media, in the magazine, and on the website. But most of us suffer from media overload, so these messages often go unnoticed. The Board of Governors and Bar staff are working to overcome this communication gap so that the Bar will continue to serve and be relevant to all of its members. We will continue to hold Bar activities, such as CLEs and business meetings, outside of Columbia. We will hold in-person meetings with representatives from local bars, as we have been doing the last couple of years. The Bar staff is studying the feasibility and logistics of offering administrative support to local bars.

The Bar will continue to develop all of its marketing techniques, but engaging with members in person seems to be the most effective way to reach them. Therefore, the Bar will begin giving presentations regarding services and activities at its Bar-related events. We are also going to explore ways to effectively use our House of Delegates members as ambassadors of the Bar, carrying ideas back and forth between the State and local bars. We know that to serve all of our members we can't be a one-size-fits-all Bar and there is no substitute for personal engagement throughout the state.

In the coming year, work on the strategic plan will be ongoing. We will continue to develop our services and study issues important to members and the profession. We will further develop Lawyers Helping Lawyers, enhance CLE programming, and work on rebuilding our pro bono program throughout the state. We also plan to study professional issues such as court funding and judicial selection and to anticipate and prepare for future changes in the profession. In short, we have lots going on and we are going to work hard to hear — and be heard by — every member of the Bar.

I welcome your suggestions and would love to hear from you. I am proud to follow Babs Warner in representing the Lowcountry as SC Bar President. I'm looking forward to the coming year, as I hope you are.



# South Carolina Bar

## ANNOUNCEMENTS

**Taylor Anderson** is pleased to announce the opening of **Taylor Anderson Law Firm, LLC**, at 507-A Savannah Highway, Charleston SC 29407.

**Mark A. Redmond** has joined **John Price Law Firm, LLC** and will be located in their North Charleston office.

**Womble Bond Dickinson** attorney **Chuck Baker** was named to the College of Charleston Board of Trustees, where he will serve a four-year term beginning July 1, 2018. Baker was recommended for this post by the College of Charleston Alumni Association and appointed by South Carolina Governor Henry McMaster. The firm is also proud to announce that attorney **Ashley Kutz Kelley** was installed as Charleston Women in International Trade Chair at the 2018 [Charleston Women in International Trade \(CWIT\) Soiree](#). In addition, the firm announces the addition of experienced healthcare attorney and registered nurse **Alissa Fleming** to their Charleston office.

**Barnwell Whaley** is pleased to announce the addition of **James Sullivan** as an associate attorney in the firm's Charleston office. Mr. Sullivan will concentrate his law practice in the areas of business law, business immigration, civil litigation, commercial transactions, employment law, public sector and workers compensation. The firm is also pleased to announce the promotion of three attorneys in the firm's Charleston office: **Jeremy Bowers** and **Barbara Wagner** have been elevated to the position of Member Attorney and **John Fletcher** as Special Counsel.

**Maria C. Robinette** has joined the law firm of **Sottile, Hopkins & Lewis, LLC**. Her practice emphasizes real estate transactions, business transactions and formations, wills and probate administration. She has a bachelor's degree in Philosophy of Law from Clemson University and a law degree from Charleston School of Law.

**Fernando Chavez** has opened **Chavez Immigration Law, LLC** where his focus is exclusively immigration law. He graduated from South Carolina School of Law in 2017.

## SPECIAL NEEDS RESOURCES AVAILABLE

Longtime Charlestonian, Donald Bailey, has written *Your Legacy of Care* for the those involved in assisting families of special needs children and their futures. The book can assist Trust & Estate and other lawyers with valuable information as they work with clients planning their special needs children's futures. The book includes a template that makes the planning easier and more efficient. For more information go to [www.legacyofcareadvisors.com](http://www.legacyofcareadvisors.com) or call Bailey directly, (843) 814-4498. The book is free on the web.

## ACCOLADES

Commercial Law League of America has named **Robert A. Bernstein** as the 2018 President's Cup Award Winner.

**Barnwell Whaley** member attorneys **M. Dawes Cooke, Jr.**, **B.C. Killough**, **Randell C. Stoney, Jr.** and **David S. Cox** have been chosen for the 2018 *South Carolina Super Lawyers* list, and **Jeffrey Bogdan** has been listed as a 2018 *South Carolina Super Lawyers Rising Star*.

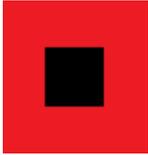
**Haynsworth Sinkler Boyd** is pleased to announce that the following attorneys from their Charleston office have been selected to the 2018 South Carolina Super Lawyers® and South Carolina Rising Stars lists: **Scott Y. Barnes**: Tax; **Amy Foster Bower**: Personal Injury – General: Defense (Rising Star); **Stephen E. Darling**: Personal Injury – Products: Defense; **Pierce T. MacLennan**: Employment & Labor (Rising Star); **Stafford J. McQuillin III**: Business Litigation (Rising Star); **David M. Swanson**: Real Estate; and **John M. Tiller**: Personal Injury – Products: Defense.

Five partners from the Charleston office of global law firm **K&L Gates LLP** have been recognized in the 2018 edition of Chambers USA: **James S. Bruce** (South Carolina Corporate/M&A); **J. Walker Coleman IV** (South Carolina Labor and Employment); **Julius H. Hines** (Nationwide Transportation: Shipping/Maritime: Litigation); **Matthew J. Norton** (South Carolina Real Estate); and **Mark S. Sharpe** (South Carolina Real Estate).

**Haynsworth Sinkler Boyd, P.A.** shareholder **Carter Deupree** has been recognized as an honoree by the Charleston Regional Business Journal in their Forty Under 40 Class of 2018.

**Michael Allen**, an attorney in the procurement and construction practice of **Pope Flynn**, has been appointed to a four year term with the Charleston County Community Development Advisory Committee.

Please take a few minutes to log in to the Charleston County Bar website ([www.Charlestoncountybar.org](http://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.



As South Carolina deals with another active hurricane season, lawyers in all parts of the state are pausing to be sure they are properly prepared for adverse weather events. There are practical issues to consider as well as ethical duties related to every lawyer's duty to "regularly assess their practice environment to identify and address risks that arise from any natural or manmade disaster that may compromise their ability to diligently and competently protect their clients' interests, and maintain the security of their clients' property." [Am. Bar Ass'n, Res.116 Adopted by the H.D., at 10 \(Aug. 8-9, 2011\).](#)

To assist CCBA members in their planning, the Executive Committee has assembled the following summary intended to address a few of the important issues to consider.

## PERSONNEL

A law firm's greatest assets is its personnel. Make a list of all personnel and include the following: cell phone number, office email address, alternate email address (in case your server is not functioning), a telephone number for a family member out of town that will always know how to locate the team member. If you have a large number of employees, establish smaller groups to facilitate communication immediately before and after any adverse event. Also, consider if you have any team members who live alone or have special needs and be sure you have a plan in place to assist.

## EQUIPMENT

Plan ahead for what needs to be protected and how you will protect it when the threat of danger is upon you. Assign particular duties in advance or appoint a team member to be responsible for at least the following:

- Conduct a room-by-room walk-through of your office to determine what needs to be secured.
- Attach equipment and cabinets to walls or other stable equipment.
- Place heavy or breakable objects on low shelves.
- Move workstations away from large windows, if possible.
- Elevate equipment off the floor to avoid electrical hazards in the event of flooding.
- Unplug electronics, computers and coffee makers.

## DATA and COMPUTER SYSTEMS

It only makes sense to contact your IT advisors and plan ahead. Rick Krenmayer, CEO of Stasmayer, Inc., provides outsourced IT systems for law firms around the state and offers specific advice for law firms. Rick suggests, "If your firm operates on a physical server located in our office, plan ahead for backups and access to the data, even if you don't have access to your office." Stasmayer sets its law firm clients up to operate completely "in the cloud" and he ensures his clients know how to access their data remotely. He

further suggests that firms be sure to all employees know how to remotely access their firm email accounts and the firm's stored data. Finally, Krenmayer warns law firms to "remember that information stored in the cloud actually has to be stored somewhere physically. Know where your data is housed and if there are contingencies for disaster at that site."

## COMPREHENSIVE PLANNING

While our IT systems are likely our most necessary tools for re-starting work after a disaster, a prudent approach to planning will involve much more. Krenmayer encourages Stasmayer's law firm clients to develop a living document called a Business Continuity Plan and further recommends using a professional company to assist in the planning. Scott Cave of Atlantic Business Continuity Services located in Mount Pleasant explains that "the basis of a solid Business Continuity Plan requires a thorough assessment of the various threats and risks to your business." "In our daily work," Cave adds, "we routinely face the unfortunate fact is that most organizations do not really understand how to plan for hurricanes or other disasters, and even when they do plan, their planning is often not comprehensive or flexible enough to lead to a successful recovery."

The good news, according to Cave, is that hurricanes are a relatively straightforward threat for preparedness planning, thanks to the advanced notice that most storms provide before landfall. Following are some of the important topics that a solid preparedness plan ought to address.

**Plan to Recover.** Planning should always begin with the end goal in mind. The purpose of your hurricane plan should be to **recover** quickly and effectively. We have reviewed many hurricane plans from a variety of organizations, businesses, and municipalities over the years, and have seen first-hand that most plans fall short in the recovery section. The plan may have 20 pages of detail covering the actions to be performed leading up to the hurricane, but only one or two pages of actions after the hurricane. The preparatory steps are important, but the recovery steps are even more important. If you don't have a detailed recovery plan then your plan is setting your organization up for failure.

**Plan to Relocate.** In the worst-case scenario, a major hurricane could cause enough damage that it may take weeks or even months to return to your office. Your organization needs a long-term plan to conduct business at an inland facility for an extended period of time. This involves more than just finding another building or office space. There are housing considerations, families, pets, children, day care, schools, and a long list of other technical, resource, and planning issues. Make sure your organization takes the time to really unpack all the details associated with long-term relocation of your people, technology, equipment, and communications.

## 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.sccourts.org/calendar/scmapping.cfm>.)

### CIRCUIT COURT - NINTH JUDICIAL CIRCUIT

July 2	July 9	July 16	July 23
	9 <sup>th</sup> CPNJ - Goodstein	9 <sup>th</sup> CPNJ - Murphy	AW - Young, R.
	Chas GS - Nicholson	Chas GS - Dennis	9 <sup>th</sup> CPNJ/PCR - Jefferson
	Chas GS - Dennis	Chas GS - Jefferson	9 <sup>th</sup> GSNJ - Dennis
	Chas GS - Jefferson	Chas GS - Nicholson	Chas CP/NJ - Goodstein
		Chas GS - Mullen	Chas CP/NJ - Brown

July 30	August 6	August 13	August 20
9 <sup>th</sup> GSNJ - Dennis	9 <sup>th</sup> CPNJ - Buckner		AW - Jefferson
Chas CP/NJ - Hayes	Chas GS - Dennis		9 <sup>th</sup> CPNJ - Addy
Chas CP/NJ - Young	Chas GS - Young, R.		Chas GS - Dennis
Berk CP/NJ - Jefferson	Berk GS - McCoy		Chas GS - Young, R.
Berk GS - McCoy			Chas GS - Cooper, T.

August 27	September 3	September 10	September 17
9 <sup>th</sup> GSNJ - Dennis	9 <sup>th</sup> GSNJ - Dennis	9 <sup>th</sup> CPNJ - Goodstein	9 <sup>th</sup> CPNJ - McIntosh
Chas CP/NJ - Young, R.	Chas CP/NJ - Gibbons	9 <sup>th</sup> CPNJ - Young, R.	Chas GS - Dennis
Chas CP/NJ - McCoy	Chas CP/NJ - Goldsmith	Chas GS - Nicholson	Chas GS - Young, R.
Berk CP/NJ - Jefferson	Chas CP/NJ - Young, R.	Chas GS - Murphy	Chas GS - McCoy
Berk GS - Nicholson		Berk CP/NJ - Jefferson	Berk GS - Jefferson

September 24
Chas CP/NJ - Goodstein
Chas CP/NJ - Young, R.
Chas CP/NJ - McCoy
Berk CP/NJ - Dennis

### CIRCUIT COURT - FIRST JUDICIAL CIRCUIT

July 2	July 9	July 16	July 23
	1 <sup>st</sup> CPNJ/PCR - Stillwell	Dor GS - Kelly	Dor CP/NJ - Murphy
			Dor GS - Cooper, T.

July 30	August 6	August 13	August 20
Dor CP/NJ - Murphy	1 <sup>st</sup> CPNJ - Dickson		Dor CP/NJ - Goodstein
			Dor GS - Buckner

August 27	September 3	September 10	September 17
Dor GS - Goodstein	AW - Dickson	Dor GS - Cooper, T.	Dor GS - Goodstein
	Dor CP/NJ - Goodstein		

September 24
Dor CP/NJ - Murphy

FAMILY COURT - NINTH JUDICIAL CIRCUIT

July 2		July 9		July 16		July 23	
Chas	- Cate <sup>(5)</sup>	Chas	- Cate	Chas	- Cate	Chas	- Cate
Chas	- Forsythe <sup>(3)</sup>	Chas	- Martin	Chas	- Martin	Chas	- Martin
Berk	- Creech <sup>(2-3)</sup>	Chas	- Richter	Chas	- Richter	Chas	- Richter
Berk	- Landis <sup>(5-6)</sup>	Chas	- Forsythe	Chas	- Forsythe	Chas	- Forsythe
		Berk	- Creech	Chas	- McGee	Chas	- Landis
		Berk	- Landis	Berk	- Creech	Berk	- Norton
				Berk	- Landis	Berk	- Creech

July 30		August 6		August 13		August 20	
AW	- Forsythe	Chas	- Martin			AW	- Landis
Chas	- Cate	Chas	- Richter			Chas	- Cate
Chas	- Morris	Chas	- Forsythe			Chas	- Martin
Chas	- Martin	Chas	- Bultman - Richter			Chas	- McGee
Chas	- McGee	Berk	- Landis			Chas	- Forsythe
Chas	- Richter	Berk	- Holt			Berk	- Creech
Berk	- Creech					Berk	- Richter
Berk	- Landis						

August 27		September 3		September 10		September 17	
Chas	- Cate	Chas	- Cate	Chas	- Cate	Chas	- Martin
Chas	- McGee	Chas	- Martin	Chas	- Martin	Chas	- McGee, J.
Chas	- Richter	Chas	- Richter	Chas	- Richter	Chas	- McGee, R. <sup>(17-20)</sup>
Chas	- Forsythe	Chas	- Forsythe	Chas	- Forsythe	Chas	- Richter
Berk	- Landis	Berk	- Creech	Chas	- Woods	Chas	- Forsythe
Berk	- Holt	Berk	- Landis	Berk	- Creech	Berk	- Creech
				Berk	- Landis	Berk	- Landis

September 24	
Chas	- Cate
Chas	- Brigman
Chas	- Forsythe
Chas	- McGee, R.
Berk	- Creech
Berk	- Landis

FAMILY COURT - FIRST JUDICIAL CIRCUIT

July 2		July 9		July 16		July 23	
Dor	- Wylie <sup>(3, 5)</sup>	Dor	- McLin	Dor	- Wylie	Dor	- McLin
		Dor	- Wylie			Dor	- Wylie

July 30		August 6		August 13		August 20	
Dor	- McLin	Dor	- McLin			Dor	- McLin
Dor	- Wylie	Dor	- Jones				

August 27		September 3		September 10		September 17	
Dor	- McLin	Dor	- McLin	Dor	- McLin	Dor	- Wylie
Dor	- Wylie	Dor	- Jones			Dor	- Jones

September 24	
Dor	- McLin
Dor	- Wylie

By: Karen Shelton

I've worked with attorneys, as a legal nurse consultant and life care planner, for the last 30+ years. In that time, and having worked with thousands of injured clients, I've worked in all phases of a case: discovery, causation, damages, and settlement. Now that we have Medicare Secondary Payer regulations to contend with, post-settlement issues are an even bigger hurdle for most attorneys. Each step brings its own set of challenges for both the plaintiff and defense attorneys.

I've watched attorneys struggle with understanding, and documenting, the full scope of an injury. Identifying the primary injury is usually pretty easy---comparatively---but establishing the secondary conditions and potential complications can be tough. And, even if the attorney has an understanding, it is often difficult to obtain the necessary causal relationship and future medical recommendation statements from the treating physicians. The best way to establish causation is by scheduling and attending in-person conferences with all treating or specialty (IME) physicians. Find out what their opinion is; ask them to document in the medical record or in a special report.

Moving past causation, the next challenge is establishing the medical damages. Future medical treatment generally follows fairly standard medical treatment protocols, with individualization for medications and specific medical concerns. Just as I've worked with hundreds of attorneys, and thousands of cases, I've also worked with just as many physicians discussing future medical treatment recommendations for every type of injury imaginable. The one thing I've learned, universally, is that docs will recommend the most basic future treatment if filling out our forms or dictating a medical note---they often leave it up to their staff to do this; but, when asked specifically, these same docs will provide much more information. Most often, you have to ask the docs through a questionnaire, deposition, or in-person conference to get the most comprehensive information.

Listed below are some pointers to ask the physician, works well for both plaintiff and defense, estimated costs are for your information only---most docs don't know how much anything costs. Prices shown are usual and customary fee schedule; worker's compensation fee schedule is less; Medicare fee schedule even lower; Medicaid fee schedule the lowest. OWCP (for federal cases) has its own formula/fee schedule.

Medical Categories for discussion and documentation:

**Diagnostics:** for almost all orthopedic injuries, future diagnostics will include MRI/CT and x-rays at least every 5 years, more often if surgery has been performed. Pricing for MRI ranges from \$1,800-\$3,200 with professional component included.

**Laboratory:** if client on NSAIDS, need to consider annual liver and kidney function testing monitored by family practice; also, if on narcotics, most docs will perform a

urine drug screen at least twice annually. CBC and CMP studies cost about \$150 per year. Urine drug screening is about \$300; and, if docs perform blood analysis, can go up to about \$1,500.

**Physician visits:** if on prescription medications, physicians will schedule quarterly visits for non-narcotic medications and monthly evaluations if narcotics prescribed. Cost for follow-up visits generally range from \$95 to \$195 each visit.

**Equipment:** find out from your client their current equipment needs and ask the physician if medically necessary; most docs will not know the case management protocol for replacement scheduling. In general, most durable medical equipment is replaced every 5 years. Supplies follow a different scheduling; accessible vans every 10 years; and some other equipment purchased on a one time only basis. Costs vary, but some examples: wheelchair accessible vans cost about \$65,000, wheelchairs range from \$750 to \$15,000, TNS unit is about \$400 with monthly supplies of about \$25, custom back brace is about \$1,200.

**Medications:** medications are typically one of the most expensive future medical care needs. Ask docs for drugs, if generic or brand name advised, and if needed on a lifetime basis. Monthly pricing varies but you can generally count on at least \$300 per month for chronic pain management medication. I've seen monthly prescription costs as high as \$4,000 per month. A good resource if you want to quickly calculate the cost of meds is [goodrx.com](http://goodrx.com).

**Injections:** many kinds: trigger point, joint, epidural and facet steroid, botox, radio-frequency ablation, et al. Find out how many per year and if on a lifetime basis. Epidural steroid injections are recommended, sometimes, up to 6 per year at about \$2,500 each. Botox costs about \$1,500, and radio-frequency ablation injections are about \$2,800 (some doctors charge another \$2800 for medial branch blocks prior to each ablation procedure).

**Surgery:** if surgery is recommended but not yet scheduled, ask physician what type of surgery is planned and when; if surgery has been performed, ask physician if additional surgery or adjacent level surgery is anticipated; if hardware has been placed, ask physician if removal a possibility. Arthroscopies generally cost in the range of \$22,000; fusions in the range of \$85,000 to \$150,000; joint replacements \$55,000 to \$125,000 with revisions anticipated within 12-18 years for most joints.

**Spinal Cord Stimulator:** undoubtedly the most expensive future medical treatment currently on the books---annualized cost is about \$10-12,000 per year. SCS implantation consists of a required psychological evaluation prior to trial placement, then a trial placement, then a permanent placement, with revisions/replacements of the generator every 7-10 years.

**Therapy:** In the chronic phase of treatment, physical/occupational therapy is typically limited to sessions for

## JURY VERDICTS

### CHARLESTON COUNTY COMMON PLEAS

(Information supplied by Clerk of Court's Office)

**2016-CP-10-1605** Christie O'Riley v. Richard Hoats

**Attorneys:**

Plaintiff: Jeffrey Girardi  
Defendants: Nickisha M. Woodward

**Cause of Action:** Motor Vehicle Accident

**Verdict:** For the Plaintiff in the amount of \$38,000.00.

**2016-CP-10-1740** Cynthia DeDominick v. Charleston Carriage Works, LLC

**Attorneys:**

Plaintiff: Adrian Gabriel Dejeu  
Defendants: Bonum Sams Wilson, III

**Cause of Action:** Personal Injury

**Verdict:** For the Defendant.

**2016-CP-10-2845** Larry Frick v. Daniel Louis Rogers

**Attorneys:**

Plaintiff: Jeffrey Wayne Buncher, Jr.  
Defendants: Lauren Nicole Vriesinga

**Cause of Action:** Motor Vehicle Accident

**Verdict:** For the Defendant.

**2016-CP-10-5892** Curtis Mills v. South Carolina State Ports Authority

**Attorneys:**

Plaintiff: Ladson Fishburne Howell, Jr.  
Defendant: Randell Croft Stoney, Jr.

**Cause of Action:** Personal Injury

**Verdict:** For the Plaintiff in the amount of \$616,710.07 actual damages.

**2016-CP-10-6500** Nicole Baker & Brett Baker-Goines v. First Baptist School of Charleston, et al.

**Attorneys:**

Plaintiff: William Mullins McLeod, Jr. and Jacqueline LaPan Edgerton  
Defendant: W. James Flynn and Richard E. Marsh, III

**Cause of Action:** Personal Injury

**Verdict:** For the Plaintiff against First Baptist School of Charleston in the amount of \$5,872,583.40; For the Defendant Matthew Mullins.

**2017-CP-10-1170** Kathryn Piner v. Megan Petrie

**Attorneys:**

Plaintiff: Jeffrey Girardi  
Defendant: William Joseph Horvath

**Cause of Action:** Motor Vehicle Accident

**Verdict:** For the Plaintiff in the amount of \$10,000.

CORRECTION TO FOLLOWING VERDICT PRINTED IN SPRING 2018 NEWSLETTER:

**2016-CP-10-6861** Everett Simmons v. Heather D. Walpole

**Attorneys:**

Plaintiff: Fatima Alexis Zeidan  
Defendant: Andrew S. Halio

**Cause of Action:** Motor Vehicle Accident

**Verdict:** For the Defendant.

### FEDERAL DISTRICT COURT - CHARLESTON DIVISION

(Information supplied by the Clerk of Court's Office)

**2:15-cv-3870-MBS** Ruland v. Nationstar Mortgage LLC, et al.

**Attorneys:**

Plaintiff: David Paul Traywick and Benjamin Alexander Traywick  
Defendant: Joseph Clay Hopkins, William E. Hopkins, Jr., Kristen N. Nichols and Richard S. Dukes, Jr.

**Cause of Action:** 28 U.S.C. 1331 Federal Question

**Verdict:** For the Defendants.

**2:16-cv-1087-DCN** McDaniel v. City of North Charleston, et al.

**Attorneys:**

Plaintiff: Alan David Toporek and Jeffrey Wayne Buncher, Jr.  
Defendant: Robin Lilley Jackson

**Cause of Action:** 1983 Civil Rights Act

**Verdict:** For the Plaintiff against the City of North Charleston in the amount of \$25,000.00 actual damages.

**8:15-cv-1238-RMG** Artis v. Williamson

**Attorneys:**

Plaintiff: Abigail Louise Kobrovsky and Christopher Austin Jaros  
Defendant: David Cornwell Holler

**Cause of Action:** 1983 Civil Rights Act

**Verdict:** For the Defendants.

flare-up or worsening of condition; exception is spinal cord injury where therapy remains a cornerstone of future treatment. Cost for chronic pain management is typically \$4,500 in lifetime, but clients with spinal cord injuries typically need at least \$4,500 per year.

Cognitive-Behavioral Therapy: Most chronic pain management programs will include limited sessions of cognitive-behavioral therapy; ask the physician if this would benefit the client - usually up to 10 sessions to stabilize effects of chronic pain and lifestyle changes.

Home modifications, Transportation, Case management: most physicians will defer discussion of these items to other professionals.

If this is helpful, I am working on a reference guide for attorneys that details typical standard of care treatment for most injuries. This is still a work-in-progress, but, will be available soon. Call me with any questions--Karen Shelton, RN, CNLCP, MSCC, 843.830.0701.

PRO BONO MOMENTS

By: Alissa C. Lietzow, Esquire

Executive Director of (Charleston) Pro Bono Legal Services, Inc.

Like all attorneys, my e-mail inbox is always filling up. Every day I parse through the new messages, determine priority, calendar deadlines, and get to work on responding. My favorite e-mails to receive are ones from local attorneys looking to give back. "What's new at Charleston Pro Bono, and how can I get involved?" These take top priority for me because we are only able to do what we do thanks to the generosity of the CCBA and its attorneys. So, if you're one of those local attorneys looking to get involved, allow me to bring you up to date on our activities and needs:

Outreach Programs: Several times a month, you can find Charleston Pro Bono in the community hosting educational seminars and clinics. Have a passion for children? Then our partnership with HALOS, a kinship caregiver support nonprofit, would be a great fit. Think we need to do more to support parents? Then you would really enjoy our work with Father to Father in North Charleston. What about helping someone work through a legal issue that is preventing them from moving toward escaping a cycle of poverty? Then you should get involved with our programs with Next Steps of Johns Island. This certainly is not an exhaustive list of our non-profit partners. No matter your location within the County or your area of focus, we can find a way for you to make a difference.

Private Bar Involvement: Too many in our community are navigating the court system pro se for no other reason than lack of income. We can all agree that there is no substitute for having direct representation and the

benefit of an attorney advocating on behalf of a client. Just last month, after wrapping up one of our pro bono cases, attorney Natalie Bluestein e-mailed me to say, "We had a great experience in the case, and ended up getting a great result for the client. It's just unfortunate that she didn't have representation at the beginning, because that could have circumvented the next year of litigation (after which she ultimately prevailed)." First, thank you to Natalie and her team on behalf of our client. Second, we agree! We always have clients in need of direct representation, including family law, property, and estate planning. As a private attorney, accepting even one pro bono case a year would make an incredible impact.

Fundraising Events: Maybe you just find your plate too full to get involved in an outreach program or to accept a case. If so, consider supporting one of our fundraising activities we conduct throughout the year. From our Fifty for Fifty Campaign to our annual Art on the Beach - Chefs in the Kitchen event on Sullivan's Island, whether it is a straight donation or a sponsorship, it all supports the work we do every day at Charleston Pro Bono. Think of the impact we could make with the donation of the monetary equivalent of one billable hour from every attorney not currently working on one of our cases. A Director can dream...

Newsletter: For more frequent updates on our activities, descriptions of cases in need of an attorney, and feel-good success stories, sign up to receive our monthly newsletter. Or, feel free to send me an e-mail that says, "What's new at Charleston Pro Bono, and how can I get involved?"



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**Plan to Recalibrate.** Even the best plans don't always play out as expected. In our experience, the best plans are those that have the most options. Make sure your plan has enough flexibility and options to allow your team to recalibrate and adjust as needed based on the conditions of the event. Time and again we see the value of tabletop exercises as the best way to identify gaps or weaknesses in plans that often lead to more plan options. Continue to take time for tabletop exercises to engage your team in the plan and identify those areas that can be improved or strengthened. This practice is invaluable in setting your team up for success to recalibrate and adjust as needed during an actual event.

So where do you start? Following are ten important elements of any hurricane plan. Review or start developing your hurricane plan with these elements, while keeping in mind the three main themes of your plan from above.

1. **Hotel reservations.** It's far too late to make reservations when evacuation orders are announced. Don't wait for an evacuation order to make your escape plan. Know your destination, your route, and your accommodation reservations. A good best practice is to start making reservations when the storm first shows a potential impact to your area. Develop a short list of hotels in two or three different areas that are at least 125 - 150 miles inland, and then choose your destination based on the expected path of the storm.

2. **Office Closing.** Some businesses send an advanced team inland before the evacuation order is given, while others close the day before or morning of an evacuation order. Determine your timing to close the doors and send staff home, considering a trigger such as the evacuation order (e.g., 24 hours before evacuation order, or when schools close). Talk to your staff about this pre-established timing so they can plan to prepare their homes and families, knowing when the office will close.

3. **Communications Plan.** Talk to your staff about their evacuation plans and make sure you know where they plan to go and how you can stay in touch with them. Develop a regular daily schedule for briefings or updates to your staff, customers, and other stakeholders. Identify conference call lines, email distribution lists, and alternate methods of communication if landlines and/or cell phones stop working.

4. **Packing List.** Make sure each staff member develops a short list of critical items that are essential to performing their job. Then develop a packing list so everyone knows what they are taking with them during an evacuation to perform their job remotely.

5. **Local Emergency Information.** In South Carolina, our state and county emergency management use Operating Conditions, or OPCONs, to identify the status of their emergency operations. OPCON 5 is normal

(good), and OPCON 1 is full operations (bad). For a hurricane in South Carolina, OPCON 1 generally means that an evacuation order has been issued by our Governor. These OPCON changes are generally announced through the local media and government social media channels. Consider using these OPCONs as triggers for actions in your plan.

6. **Re-entry.** Once an evacuation order is issued, a separate process known as re-entry is implemented in phases to return residents, workers, etc. back into the evacuated area. This process varies by jurisdiction, so check with your local county and/or municipal government on their exact process for credentials and procedures. In most cases, pre-registration with government entities is required to allow your key staff to return early (i.e., before the public) to assess office damage and start the recovery process.

7. **Technology.** Make sure your IT systems, including computers, software, data, communications, internet, etc. are all prepared for an extended evacuation. Verify that your staff knows how to access these systems and use them productively while remote for an extended time. Work with your IT partners and vendors to make sure these systems are resilient and ready with a back-up plan if needed. If you need help in this area, I'm certain the good folks at Stasmayer can help!

8. **Insurance.** Make sure you know the process to follow if an insurance claim is required. Get all the proper documentation in order now so it is ready when needed, including policy information, contact numbers, video and photographic documentation, asset lists and values, financial information, etc.

9. **Employees.** Don't forget that all disasters are personal, and you and your staff need to personally prepare yourself, your home, and your family. This includes boarding up windows and protecting garage doors, gathering important insurance documents, taking video of your home and contents, filling prescriptions, making hotel reservations for family members and pets, getting emergency supplies ready, etc.

10. **Customers.** Talk to your customers about your hurricane plan and how you intend to continue to serve them before, during, and after a storm. Ask if they have any concerns or special requirements that should be considered. This type of dialogue is priceless in terms of deepening trust in your business relationships with customers.

**By: Tom Gressette, Esquire** with special thanks to Rick Krenmayer of Stasmayer, Inc. ([www.stasmayer.com](http://www.stasmayer.com)) and Scott Cave of Atlantic Business Continuity Services ([www.atlanticprep.com](http://www.atlanticprep.com)) for sharing their insights and expertise.

## 2018-2019 CHARLESTON COUNTY BAR ASSOCIATION EXECUTIVE BOARD

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