



ISSUE #36

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

WINTER 2017

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FROM THE PRESIDENT



Dear Colleagues,

What do you want your County Bar Association to be?

I am proud of the year we have had serving Charleston's lawyers. There is more that the CCBA could do as an organization, however. Is there more that we should do? That question has generated

constructive debate on the Executive Committee this year, as it has for many years preceding this one. Should community outreach be a bigger part of our operations? Philanthropy? Perhaps a scholarship endowment for a local student? Should we undertake efforts to affect proposed legislation directly affecting the practice of law? Should we more directly promote the Bar in the eyes of the public and highlight accomplishments of certain members? If the answer is "yes, we should do more," that answer will beg another question: are you willing to support an increase in dues to support those efforts?

The results of the membership survey over the summer indicated that you generally are happy with the how the CCBA is performing what you identified as the top three functions: (1) communication among members, such as the Tuesday Talk email series and the quarterly newsletter; (2) CLEs; and (3) social events. The survey accurately reflects what Members of the Executive Committee largely have viewed as our charge from the membership and where we have focused our energies. Over the past year we have updated the email communication format and newsletter, offered many free CLE courses and secured discounts for members for many others, and have continued to host our four traditional social events. While we can and will make some improvements around the edges, such as pre-registration for CLEs to manage attendance issues and a better social media presence, any big steps for the organization will require additional funding.

Your CLE Committee will have offered nearly thirty hours of free CLE credits when the annual deadline rolls around—all on a budget of \$5000. We have had the good fortune of having the good graces of Julie Armstrong and others in the County who have been able to provide space for our events, as well as the hospitality from our friends in the federal courthouse. Nevertheless, the CLE Committee's success is not reasonably sustainable going forward, especially without funds to secure space on dates we need or to pay expenses for speaker travel. Your Executive Committee, therefore, recently approved selling sponsorships for CLEs and advertisements in our Tuesday Talks as a means of easing the herculean tasks facing our CLE Committee each year. We believe that generating funds from sponsorships will make the CLE Committee's task more manageable and that sponsorships in these settings will not be intrusive.

We dedicate the great majority of our annual funding to four events: a social gathering in the spring, one in the fall, the Holiday Party, and the Annual Meeting and Reception in February. Should we also allow sponsorships of our social events to generate additional funds for those events, or for other bar functions?

The CCBA Mission Statement adopted within the past ten years provides that

The Charleston County Bar Association is a nonprofit organization committed to promoting ethics and education within Charleston County's legal community as well as assisting the public through outreach programs and service projects.

Generally speaking the CCBA has focused most of its services internally – for direct benefit of our members. The latter part of our mission statement has garnered less attention.

For the past several years, the CCBA has hosted a handful of public education seminars each year at County libraries. Our members have volunteered to address topics such as landlord-tenant law, social security disability, and criminal law. In our progress toward more detailed budgeting over the past years, the Community

Outreach Committee received its first line item in the budget this past year: \$2000. Our more robust committee launched a voter registration initiative: the Spread the L.O.V.E. (Law Office Voting Effort) Campaign. While the budget allocation constitutes a \$2000 increase, it still is a relative shoestring at 1% of our roughly \$200,000 budget.

In addition to programs of our own, the CCBA has consistently supported legal services providing public benefit in our area. First and foremost, pursuant to our bylaw amendment in 2012, we allocate \$25 per member from our dues (approximately \$50,000 total) to Pro Bono Legal Services, Inc. This year we divided \$8000 among the following programs the Executive Committee chose to support following their presentations: The Center for Heirs' Property Preservation, Charleston Legal Access, and the Turning Leaf Project.

This year we also donated \$10,000 to the Charleston Forum project which I have addressed with you before. The CCBA is the founding member of this venture which boasts the participation of leaders from many sectors of our community. One basic premise of this effort to lead race relations in our community and nation forward stems from what we see as lawyers all the time: two

necessary steps for people to appreciate a different view are (1) a willingness to hear a different perspective, and (2) the ability to be heard or see that others with your view are being heard. That understanding and appreciation – not necessarily adoption of others' views – is the foundation upon which we can move forward together. We intend for our event the evening of June 16, 2017 at the Charleston Music Hall to begin the process of step one. More is to come on this initiative and these plans, but please save the date and spread the word.

The CCBA's operations during the 2016-17 year reflect, I submit, a fine vision for what our bar association should do. We have opportunities to do more. Should we act on them? Are certain goals worthy of a dues increase? Would an increase sacrifice our effort to make the organization as inclusive of local lawyers as we can be? What is your vision of what the CCBA can and should do? We hope you will participate in a survey in early 2017 to let the members of your Executive Committee know whether we should take any bigger steps and, if so, in what direction.

Very truly yours,

Brian Duffy

ANNOUNCEMENTS

Barnwell Whaley Patterson & Helms, LLC announces that: **Randell C. Stoney, Jr.** has been appointed managing member of the firm after succeeding B.C. Killough in that position. A third generation attorney, Stoney joined the firm in 2006 and focuses his law practice on premises and product liability, construction law and general liability litigation; **B.C. "Bill" Killough** has been selected by the Federal Circuit Bar Association to prepare summaries of Federal Circuit patent decisions for the Circuit Case Digest, a monthly publication. Outlines of the case summaries may be found on the Barnwell Whaley law firm blog at www.barnwell-whaley-blog.com or for full summaries see the Federal Circuit Digest website at <https://www.fedcirbar.org/IntegralSource/Case-Digest>; special counsel **John A. "Jay" Jones** has accepted an invitation to join the International Association of Defense Counsel. The IADC is an invitation-only association for lawyers and insurance executives who represent corporate and insurance interests around the world; associate **John Fletcher** has recently attained his South Carolina Board of Arbitrator and Mediator Certification from the South Carolina Bar Association. Mr. Fletcher joins M. Dawes Cooke, Jr., B.C. Killough, Randell Stoney, Phillip Ferderigos and Jay Jones in the firm's mediation practice. John is part of Barnwell Whaley's civil litigation and appellate practice groups; and that **Anna Strandberg** has joined the firm's Charleston office as an associate. Ms. Strandberg's law practice focuses on business and civil litigation, employment law, business immigration and probate and estate services. Ms. Strandberg graduated from the University of Wisconsin at

Madison with a degree in anthropology and earned her law degree from the Charleston School of Law. Prior to joining Barnwell Whaley, Ms. Strandberg clerked for the Honorable Judge Irvin Condon in the Charleston County Probate Court, the ACLU of South Carolina, and a local law firm.

Bart Daniel was recently elected President of the National Association of Former United States Attorneys. Please see the article entitled "Daniel Heads National Association of Former U.S. Attorneys," which follows Pro Bono Legal Moments in this Newsletter.

Mary S. Willis has joined **YCRLAW** as an Associate in the Charleston office. Mary will practice primarily in the firm's Commercial Litigation and Appellate Practice Group. Prior to joining the firm, Mary served as a Judicial Law Clerk for both the Honorable Timothy M. Cain and the Honorable G. Ross Anderson, Jr. Mary graduated, magna cum laude, from the University of South Carolina School Law in 2015 and she earned a bachelor's degree in political science from Saint Michael's College.

Smith Moore Leatherwood is proud to announce that **G.P. Diminich** has been inducted as a Fellow of the American College of Tax Counsel (ACTC). Mr. Diminich is one of only 11 Fellows in South Carolina. ACTC Membership is reserved for those leaders who have made an exceptional contribution to their chosen profession. The College provides a venue for these outstanding lawyers to work together to promote sound tax policy and to engage in thoughtful discussion with the government about matters affecting the tax system.

Haysworth Sinkler Boyd, P.A. announces that:

Mac McQuillin has joined the Coastal Area Board of Directors for Junior Achievement of Greater SC, in addition to his public service on the Berkeley County School Board and non-profit service as a director for the Lord Berkeley Conservation Trust. McQuillin's practice focuses on litigation involving local governments and local businesses; LLC and partnership disputes; and probate, estate, and trust cases; the additions of **Bess C. Allen** and **Bryan J. Kitz**, as associates of the firm. Mrs. Allen's practice focuses on corporate litigation matters. She received a J.D., cum laude, from the University of South Carolina School of Law in 2016. She was a member of USC Law Moot Court Bar, USC Women in Law, ABA Real Property Trust and Estate Law Journal and Order of the Barristers. Mr. Kitz concentrates on real estate and general corporate matters. The Smithfield, VA native earned a J.D., cum laude, from Tulane University Law School in 2015, where he served as Editor in Chief of the Tulane Maritime Law Journal and competed in the Judge John R. Brown Appellate Moot Court Competition.

K&L Gates' Charleston office is pleased to welcome: **Will Grossenbacher** as an associate in the firm's Corporate/M&A practice group. Mr. Grossenbacher received his J.D. from University of Virginia School of Law

in 2016, where he was the Editor and Chief of the Virginia Environmental Law Journal. Prior to that, he received his B.A. from the University of Mississippi in 2011; and **Tara Sullivan** as an associate in the commercial disputes practice focuses her practice in the area of complex commercial litigation and has experience specifically related to franchise and distribution litigation, construction litigation, and lender liability issues. She received her J.D. from the University of South Carolina School of Law in 2010, where she graduated magna cum laude and was the Research Editor for the South Carolina Law Review. She graduated summa cum laude from the University of South Carolina Honors College, where she received her B.A. in Political Science and Criminal Justice in 2007.

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.

SOUTH CAROLINA LAWYERS WEEKLY

ISSUED 4 TIMES A YEAR / VOL. 18, NO. 12 / CHARLESTON, SOUTH CAROLINA / 2016

Christie's tax guide
Employment 10
Court won't rewrite noncompete

Despite settlement, defendant still on hook for restitution

Seller beware

Commonly used arbitration clause in home contracts 'unconscionable'

Family of man killed in trench can sue city

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South Carolina Family Court Judge, Michèle Patrão Forsythe

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

Born: Newark, New Jersey, but grew up in Washington D.C.

Appointed: 2016

Education: B.A., University of Maryland Baltimore County, 1996; J.D., University of South Carolina, 2002

Career: Judge Forsythe began her career in 1995 working as an assistant to the Executive Assistant to Senator Paul Sarbanes. Judge Forsythe was then recruited by the Department of Defense and worked as an analyst for the National Security Agency at Fort Meade. There, she met her husband and later moved to Charleston, South Carolina in 1998. Judge Forsythe began law school in 1999 and, upon graduation in 2002, worked in politics until she began work as a contract attorney. In 2006, Judge Forsythe joined Query Sautter Gliserman & Price, LLC. In 2012, she became a partner and the firm became known as Query Sautter Forsythe, LLC.

Family: Husband, Charles Robert "Rob" Forsythe; Son (7).

1. **What the bar would be surprised to learn:** Judge Forsythe almost became an NFL cheerleader before going to college, but decided to go to college instead. She also noted that—believe it or not—she is actually a shy person.
2. **Personal life away from the bench:** Judge Forsythe is “big into fitness” and explained that working out allows her to maintain both physical and mental fitness. She also enjoys traveling and is planning to visit Portugal next year.
3. **Best part about being a judge:** Judge Forsythe stated that, “for her, the best part about being a judge is working with juveniles” and seeing their growth and transformation. She explained that she has grown to appreciate her ability to help juveniles in the best way available under the law.
4. **Hardest part about being a judge:** Judge Forsythe stated that the hardest part about her job as a family court judge is making decisions that affect

children. She explained that it is important for family court judges to make careful decisions—especially in light of how much power family court judges have.

5. **In your courtroom, DO:** “Treat everyone with civility and kindness.” Judge Forsythe made clear that attorneys should always be civil and be mindful of what another attorney may be going through. Judge Forsythe also noted that attorneys should dress appropriately in her courtroom.
6. **In your courtroom, DON'T:** Judge Forsythe’s pet peeves include rude attorneys and attorneys who interrupt each other. She explained that one of her biggest pet peeves is when attorneys are rude to her courtroom staff.
7. **Advice to young lawyers:** “Read, read, read.” Judge Forsythe explained “lawyers are always going to learn something new.” She also emphasized how important it is for attorneys to continue to use books instead of solely relying on electronic databases. Although Judge Forsythe uses electronic databases, she still “really enjoys looking through the code!”
8. **What experience best prepared you for the bench?** Judge Forsythe stated that trying cases best prepared her for the bench because “you’re under unbelievable pressure when you’re listening to testimony, preparing to object, and that puts an enormous strain on you.” As she explained, trying cases taught her to be patient with attorneys and to let them say what they need to say to best serve their clients.
9. **What would you change about the American Judicial System?** “Absolutely nothing. We are so lucky.” In fact, Judge Forsythe explained that both sides of her family grew up in countries with enormous judicial and political upheaval. She also noted how important it is for attorneys to know the history of our common law because that knowledge helps attorneys make sense of what is happening in the courtroom.

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 Karen Fetter at (843) 881-6666 or by email at secretary@charlestoncountybar.org

2016-2017 Advertising Rate	<u>SIZE</u>	<u>COST</u>
	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.

By: Whitney B. Harrison

Walking out of the South Carolina Court of Appeals last week, I could not help but smile as I looked back at the entrance and thought about my friendship with Tanya Gee. The last time we were together at the court, it was not for any legal reason. Instead, Tanya asked me to be a part of her latest great idea—to have a Love Actually moment in the middle of her speech for Chief Judge Lockemy's investiture. She planted singers throughout the audience and on her signal each of us broke into song, including a Supreme Court Justice. The courtroom filled with excitement and laughter, crescendoing to cheers as the song ended and Tanya concluded her remarks. The entire experience was perfectly Tanya Gee. Like its mastermind, the performance was an exquisite blend of wit, creativity, and affection.

Tanya Gee was a beautifully complex person. She was a lover of all things Harry Potter (obviously, a member of Gryffindor) and she allegedly satisfied her foreign language requirement in college with Shyriiwook of the Wookiee origin. She was always ready with the cleverest quip, and was the queen of practical jokes. When she wasn't serving as the Clerk of Court for the Court of Appeals, appealing her heart out as a practicing attorney, or regulating as a Circuit Judge she was crafting her next poem, song, or skit. She could school anyone on legal issues, but was far too humble to ever do so. As an avid reader and podcast loyalist, she made for the ideal trivia teammate. She became a Hollywood darling by hosting Judiciary Squares, and was the best storyteller, especially when a story involved her children. In short, she was the consummate Renaissance woman, delighting us with her talents without ever noticing our own shortcomings.

No matter where you encountered her, whether in law school, her courtroom, or even the grocery store you inevitably became part of Tanya Gee's world. Her warm and welcoming spirit drew you in effortlessly. Her sincere and selfless desire to make others feel loved was impossible to resist. One of the great joys of my life has been sharing in Tanya's friendship. She was my best friend—my champion in triumphs, my companion in laughter, and my comfort in sorrow. I've come to learn in recent months that many adored her with the same title and attachment, which comes as no surprise. Tanya was a best friend to us all. She made time for each of us and genuinely cared. She relished in our victories and grieved our losses, all the while reminding us to remain ever hopeful. She loved life completely and all of us who were in it.

There can be no greater tribute to our best friend than to become friends ourselves. I have no doubt she would delight in this idea to the point that she would be unable to contain her infectious smile. In fact, before this newsletter even made it to your desk she would have

created a friendship app or sent out a mass e-mail to share contact information—immediately excited to bring her next great idea to fruition.

As we prepare to start our new friendships, it seems necessary to break some potentially harsh news: we may not have a lot in common. Tanya's deep regard for us extended beyond the bounds of differences that many dare to cross. She unabashedly loved us without respect to our race, gender, political ideology, or religion. She would even overlook the fact that although you had not read any of the Harry Potter books, you had seen the movies and figured that was the same thing. While on the surface we may not share the same hobbies or interests, we do share what really counts: the heart of Tanya Gee. She wanted her life to be defined not by her wealth of accomplishments, but by the love she shared with all of us. Tanya dedicated her life to love and to justice for those she cared about, along with those she would never meet. She inspired us to dream bigger, laugh more, and to serve others with all of our heart. Those are the simple yet profound legacies she leaves for us to take up together in her absence. I can't wait to become friends with each of you—whether you wear a robe, a suit, or a Star-Wars t-shirt. Until then, thanks for being a friend to my best friend.

For those interested in making a gift in Tanya Gee's honor:

Tanya A. Gee Warriors for Justice Fund at the USC School of Law: As everyone knows, Tanya was passionate about public interest law and, accordingly, asked that a loan forgiveness program be established at the University of South Carolina School of Law for students who became public defenders. Contributions can be sent to the Tanya A. Gee Warriors for Justice Fund at the USC School of Law, 701 S. Main Street, Suite 202, Columbia, SC 29208 – or can be made online at <https://giving.sc.edu/supportanarea/collegesschools/schooloflaw.aspx> (scroll to the bottom of the page).

Tanya Gee Family Educational Trust: A very generous friend of Tanya's, who wishes to remain anonymous, had the wonderful idea of creating a trust to help defray educational expenses for Will and Sabin. The trust has almost been completed and initial funding will shortly follow. If you would like to join this effort, checks can be made payable to the Tanya Gee Family Educational Trust and, for at least the foreseeable future, can be sent to my attention at 808 Knox Abbott Drive, Cayce, SC 29033.

Whitney B. Harrison is an attorney at McGowan, Hood and Felder, LLC in Columbia. She can be reached at wharrison@mcgowanhood.com.

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

January 2		January 9		January 16		January 23	
9 th CPNJ	- Young, W.	9 th CPNJ/PCR	- Seals	Chas CP/NJ	- Jefferson	9 th CPNJ	- Nicholson
9 th CPNJ	- Harrington	Chas CP/NJ	- Addy	Chas GS	- Couch	9 th GSNJ	- Dennis
9 th CPNJ	- Jefferson	Chas GS	- Couch	Chas GS	- Dennis	Chas CP/NJ	- Newman
9 th GSNJ	- Dennis	Chas GS	- Dennis	Chas GS	- Nicholson	Chas CP/NJ	- Jefferson
9 th GSNJ	- Young, R.	Chas GS	- Young, R.	Berk CP/NJ	- Young, R.	Chas CP/NJ	- Young, R.
		AW	- Jefferson	Berk CP/NJ	- Harrington	Berk GS	- Harrington
		Berk GS	- Harrington				

January 30		February 6		February 13		February 20	
AW	- Harrington	Chas CP/NJ	- Addy	9 th CP/NJ	- Cooper, T.	9 th GSNJ	- Dennis
9 th GSNJ	- Dennis	Chas CP/NJ	- Jefferson	Chas CP/NJ	- Harrington	Chas CP/NJ	- Nicholson
Chas CP/NJ	- Early	Chas GS	- Couch	Chas CP/NJ	- Nicholson	Chas CP/NJ	- Keesley
Chas CP/NJ	- Lee	Chas GS	- Dennis	Chas GS	- Dennis	Chas CP/NJ	- Jefferson
Chas CP/NJ	- Hyman	Chas GS	- Young, R.	Chas GS	- Jefferson	Berk CP/NJ	- Culbertson
Berk CP/NJ	- Seals	Berk CP/NJ	- Harrington			Berk GS	- Harrington
Berk GS	- Murphy						

February 27		March 6		March 13		March 20	
9 th CPNJ	- Young, R.			9 th CP/NJ	- Nicholson	Chas CP/NJ	- Hughston
9 th GSNJ	- Dennis			Chas CP/NJ	- Jefferson	Chas CP/NJ	- Nicholson
Chas CP/NJ	- Nicholson			Chas GS	- Newman	Chas GS	- Couch
Chas CP/NJ	- Hyman			Chas GS	- Couch	Chas GS	- Dennis
Chas CP/NJ	- John			Chas GS	- Dennis	Chas GS	- Jefferson
				Berk GS	- Harrington	Berk CP/NJ	- Harrington
				Berk GS	- Young, R.		

March 27	
9 th CPNJ	- Harrington
9 th GSNJ	- Dennis
Chas CP/NJ	- Hughston
Chas CP/NJ	- Jefferson
Chas CP/NJ	- Young, R.
Berk GS	- Kelly

CIRCUIT COURT - FIRST JUDICIAL CIRCUIT

January 2		January 9		January 16		January 23	
1 st CPNJ	- Goodstein	Dor CP/NJ	- Goodstein	Dor GS	- Murphy		
1 st GSNJ	- Murphy	Dor GS	- Murphy				

January 30		February 6		February 13		February 20	
1 st GSNJ	- Goodstein	1 st CPNJ	- Lee	Dor GS	- Goodstein	1 st CPNJ	- Murphy
Dor CP/NJ	- Dickson	Dor GS	- Goodstein			Dor CP/NJ	- Goodstein

February 27		March 6		March 13		March 20	
1 st CPNJ/PCR	- Hood			Dor GS	- Murphy	Dor CP/NJ	- Goodstein
						Dor GS	- Young, W.

March 27	
Dor CP/NJ	- Goodstein
Dor GS/SGJ	- Murphy

FAMILY COURT - NINTH JUDICIAL CIRCUIT

January 2		January 9		January 16		January 23	
Chas	- Martin	Chas	- Landis	Chas	- Cate	Chas	- Bromell Holmes
Chas	- McGee	Chas	- Morris	Chas	- Sprott	Chas	- Martin
Chas	- Richter	Chas	- Martin	Chas	- Norton	Chas	- Newton
Chas	- Forsythe	Chas	- Richter	Chas	- Martin	Chas	- Richter
Berk	- Creech	Chas	- Forsythe	Chas	- Richter	Chas	- Forsythe
Berk	- Landis	Berk	- Creech	Berk	- Landis	Berk	- Creech
		Berk	- Smithdeal	Berk	- Long		
				Berk	- Smithdeal		

January 30		February 6		February 13		February 20	
Chas	- Cate	Chas	- Landis			Chas	- Pogue
Chas	- Holt	Chas	- Long			Chas	- Norton
Chas	- Martin	Chas	- Martin			Chas	- Martin
Chas	- Richter	Chas	- Richter			Chas	- Richter
Chas	- Forsythe	Chas	- Forsythe			Chas	- Forsythe
Berk	- Creech	Berk	- Creech			Berk	- Guyton
Berk	- McLin	Berk	- Cate			Berk	- Smithdeal
Berk	- Landis	Berk	- McGee				

February 27		March 6		March 13		March 20	
Chas	- Cate	Chas	- Cate	Chas	- Jenkinson (13-16)	Chas	- Cate
Chas	- Jenkinson	Chas	- Martin	Chas	- Kinlaw	Chas	- Khoury
Chas	- Fuge	Chas	- Ballenger	Chas	- Guyton	Chas	- Brigman
Chas	- Snelgrove (27-28)	Chas	- Buchannon	Chas	- Richter	Berk	- Creech
Chas	- Richter	Chas	- Richter	Chas	- Forsythe	Berk	- McGee
Berk	- Creech	Berk	- Creech	Berk	- Creech		
Berk	- Landis	Berk	- Landis (6-9)	Berk	- Landis		
		Berk	- Forsythe				

March 27	
Chas	- Cate
Chas	- Bromell Holmes
Chas	- Fuge
Chas	- Martin
Chas	- Richter
Berk	- Morris
Berk	- Snelgrove

FAMILY COURT - FIRST JUDICIAL CIRCUIT

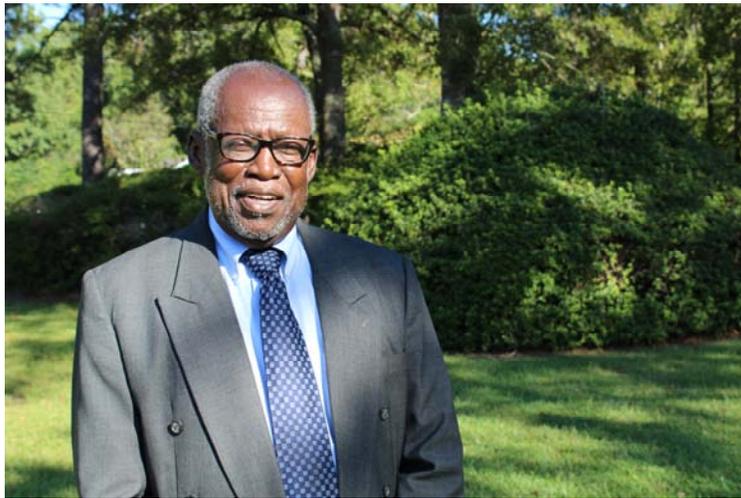
January 2		January 9		January 16		January 23	
Dor	- McLin	Dor	- McLin	Dor	- McLin	Dor	- Wylie
Dor	- Wylie	Dor	- Wylie	Dor	- Fuge	Dor	- Kinlaw

January 30		February 6		February 13		February 20	
Dor	- Wylie (30-1)	Dor	- McLin			Dor	- Wylie
Dor	- Jones	Dor	- Wylie			Dor	- McGee (22-24)

February 27		March 6		March 13		March 20	
Dor	- Jones	Dor	- Wylie	Dor	- McLin		
Dor	- Kinlaw	Dor	- Jones	Dor	- Wylie		

March 27	
Dor	- McLin
Dor	- Jones

On Thursday, March 9th, the Center for Heirs' Property Preservation will honor a giant of justice - Rev. McKinley Washington, Jr. with its 2017 "Commitment to Justice" Award at the Francis Marion Hotel (387 King St.) from 5:30-8:00PM. The Master of Ceremonies for the evening will be I.S. Leevy Johnson.



Rev. McKinley Washington, Jr. 1

Reverend Washington grew up the son of a sharecropper in Sumter County to become the devoted pastor of the Presbyterian Church of Edisto Island for 50 years and led the struggle for Civil and Human Rights in his community and across the state.

He saw the needs in his beloved Edisto community and fought to address them. He helped start the Sea Island Comprehensive Health Care Corporation; started the NAACP's first Edisto Branch in 1967; petitioned the Kennedy administration to allocate funds for Head Start when local and state politicians had rejected them. He secured funds for a life-saving bridge to be built between Edisto Island and the mainland that enabled residents in need of emergency medical to get it in time, unlike countless others before who did not survive the long journey overland. He served for 16 years in the SC Legislature and 10 years in the SC Senate, and introduced early legislation in an effort to reduce the risk of land loss for heirs' property owners.

There is so much more, but you must come to the "Commitment to Justice" reception to hear it!

Please join us to honor Rev. Washington and support the Center by becoming a sponsor. To view all sponsors, go to: <http://www.heirsproperty.org/get-involved/special-events-initiatives>.

Proceeds support the Center's work to protect heirs' property and to promote the sustainable use of land through for increased economic benefit to low wealth, historically under-served families. To become a sponsor or reserve tickets, please contact Tish Lynn at: (843)745-7055 or email at: tlynn@heirsproperty.org

2017 "Commitment to Justice" Award Reception



"Commitment to Justice" Award Reception

Full Bar, Heavy Hors D'oeuvres and a Stellar Program

WHO: Center for Heirs' Property Preservation

WHAT: "Commitment to Justice" Award honoring Rev. McKinley Washington, Jr.

WHERE: Francis Marion Hotel (387 King Street)

WHEN: Thursday, March 9, 2017 from 5:30-8:00 PM

PROGRAM

Master of Ceremonies: I.S. Leevy Johnson

Speakers: Senator John W. Matthews, Jr. and Judge Bernard Fielding

Award Presenter: Linda Gadson

HOST COMMITTEE

E. Bart Daniels, Esq. ~ Judge Bernard Fielding ~ Hon. Curtis B. Inabinett, Sr. ~ Councilman Curtis Inabinett, Jr. ~ Sen. Marlon E. Kimpson ~ Bennett "Bernie" Mazyck ~ Shirley Mills-Bannister ~ Hon. Richard W. Riley ~ Ambassador Bob Royall ~ Tumiko Rucker

Early Sponsor Leadership

PRESENTING SPONSOR - \$5,000 (15 tickets)

Charleston County Bar Association

Robin C. Duke Foundation

EVENT SPONSOR - \$2,500 (10 tickets)

Rhodes Forests, LLC

SPONSORS - \$1,000 (5 tickets)

Ursula Alexander ~ Anne Francis Bleecker ~ Bloodgood & Sanders, LLC ~ Richard E. Fields Charitable and Educational Fund of CCF ~ Francis Marion Hotel ~ Friends of Jim Clyburn ~ Law Offices of F. Renee Gaters, LLC ~ Kaye Lingle Koonce ~ Lucey Law Firm ~ Harriet P. McDougal ~ Charles and Celeste Patrick ~ Ambassador Bob Royall ~ Alex and Zoe Sanders ~ SC Legal Services ~ South State Bank ~ The Bank of South Carolina ~ W. Frazier Construction, Inc. ~ Charlie Way and The Beach Company ~ Womble Carlyle Sandridge & Rice, LLP

SUPPORTERS - \$500 (2 tickets)

Craft-Essig Associates, LLC ~ Eduardo and Tamara Curry ~ E. Bart Daniel ~ Duffy & Young, LLC ~ Tish Lynn ~ Hon. Richard W. Riley ~ Rosen Hagood

SUPPORTERS - \$250 (1 ticket)

J. Sidney Boone, Jr. ~ Joseph and Blanche Hamilton ~ Ralph and Elizabeth McCullough ~ Ethel and E.O. "Rod" Rutledge ~ William and Mary Wrighten

Charleston County's criminal justice system leaders are rethinking the way our jail is used

In one of the biggest collaborative efforts in the local criminal justice system, a group of Charleston County's leaders have been working hard to rethink the way the community uses the Sheriff Al Cannon Detention Center and reforms are already underway.

The Charleston County Criminal Justice Coordinating Council (CJCC) is an unprecedented collaborative of



elected and senior officials within city, county and state law enforcement, prosecution, defense, courts, mental health and addiction services, and community representatives working together on local justice reform efforts.

In early 2015, officials came together to compete for a national grant from the John D. and Catherine T. MacArthur Foundation called the Safety and Justice Challenge. The Challenge is establishing a network of jurisdictions around the country to model and inspire effective local criminal justice reforms. It drew applications from nearly 200 jurisdictions and 45 territories. Charleston County was one of 20 jurisdictions selected to participate in the first phase of the Challenge.

Phase one included a small grant and technical assistance from national experts. During phase one, the CJCC hired a director with significant justice reform experience, Kristy Pierce Danford, to lead the day-to-day efforts, and conducted an extensive analysis of the local justice system to identify priorities for reform. The CJCC also reignited and expanded its membership while strengthening its dedication to improving the local justice system, safely lowering the jail population, and addressing racial and ethnic disproportionality in Charleston County's justice system.

By the end of phase one, the CJCC developed a three year transformation plan with six strategies to safely reduce the jail population by 25%, lower racial and ethnic disproportionality, and improve the local justice system. "These strategies help us to better sort the high risk from the low risk, keeping dangerous people behind bars and providing law enforcement and the courts more appropriate options when dealing with low-risk offenders," said CJCC Chairman and Charleston County Sheriff's Office Assistant Sheriff Mitch Lucas.

The transformation plan served as the blueprint for another successful competitive grant from the Challenge in which half of the 20 sites were selected to receive implementation funding. In April of 2016, Charleston received \$2.25 million from the Challenge to fund implementation of the six strategies in the transformation plan. The CJCC's strategies include:

1. Providing law enforcement with tools to assist with the decision-making process to divert, cite and release, and/or make a custodial arrest in low-level charge situations.
2. Implementing a triage service within the crisis stabilization center to provide law enforcement with real-time alternatives to jail for individuals living with mental illness, addiction, or homelessness.
3. Launching an automated court reminder system in Charleston Municipal and General Sessions Courts to lower the need for criminal bench warrants.
4. Enhancing the bond court process to include pretrial services and public defender representation for those that qualify. Independent, pretrial services provide bond-setting judges an actuarial assessment of risks of flight and danger, and determine eligibility for a public defender. Consistent public defender representation is then provided for those that qualify and would like one, continuing from the bond hearing throughout the judicial process.
5. Reducing the amount of time it takes for General Session cases to reach disposition by expediting timeliness for the transfer of evidentiary information from law enforcement to prosecution, scheduling of first and second appearances, and instituting changes in case management under the leadership of a long-term Chief Judge for Administrative Purposes assigned by the Chief Justice of the Supreme Court.
6. Creating a centralized data warehouse to share information between agencies, continually analyze system functioning, and further study and develop improvements.

In October of 2016, the CJCC requested applications from community members to serve as community



A Meeting of the CJCC

representatives on the CJCC for a period of one to two years. By the application deadline, nearly 40 people submitted applications to fill the 10 community representative spots and further incorporate community feedback into the reform process. "It has already been and will continue to be vital for members of this community to have a voice in this transformational process," said CJCC Co-Chair and Charleston Center Director Dr. Chanda Brown.

In 2016, the CJCC also became a founding member of the White House Data-Driven Justice Initiative, bipartisan coalition of city, county, and state governments committed to using data-driven strategies to divert low-level offenders with mental illness out of the criminal justice system, and to change pretrial approaches so low risk detainees pending trial no longer stay in jail simply because they cannot afford a bond. In addition, the CJCC was selected to become a member of the National Network of CJCC's. The Network is a small group of innovative CJCC's which provide peer-to-peer learning on effective means for improving public safety, system-based approaches to justice issues, and improving how local jurisdictions allocate limited system resources. By working hard and collaborating locally,

and leveraging relationships with other national leaders on these issues, Charleston County is well-suited to make additional advancements in the years to come.

Over the latter half of 2016, the CJCC has been busy testing various strategies on a small scale while building necessary infrastructure, and installing staff to support implementation efforts. All six strategies are on pace to be implemented to scale over 2017. The CJCC meets monthly to review progress, troubleshoot issues, and advance efforts. All are welcome to attend.

For more information on the CJCC, visit cjcc.charlestoncounty.org or send an email to cjcc@charlestoncounty.org.

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SAVE THE DATES

January 13, 2017
Elder Law CLE
Charleston County Public Library (Main Branch)
9:30 am - 1:00 pm

January 25, 2017
Maritime CLE
TBA

January 26, 2017
Advertising and Marketing for Lawyers CLE
TBA

February 3, 2017
CCBA Annual "What Works For Me" CLE
Charleston Music Hall
8:00 am - 5:00 pm

February 16, 2017
CCBA Annual Meeting & Reception
Francis Marion Hotel
5:00 pm - until

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

JURY VERDICTS

CHARLESTON COUNTY COMMON PLEAS

(Information supplied by Clerk of Court's Office)

2013-CP-10-3891 Linda Beth Weddle vs. Charleston County Sheriff's Office

Attorneys:

Plaintiff: Daniel C. Boles
Defendant: Ellore A. Gaines and Benjamin H. Joyce

Cause of Action: Personal Injury

Verdict: For the Plaintiff in the amount of \$75,000.00 actual damages.

2014-CP-10-3796 Clear Blue Pools, Inc. vs. Edward Terry and John Glyder

Attorneys:

Plaintiff: Brandt Shelbourne
Defendants: James Atkinson Bruorton

Cause of Action: Mechanic's Lien

Verdict: For the Plaintiff in the amount of \$10,000.00 against Defendant Terry and \$6,400 as to Defendant Glyder.

2014-CP-10-6989 Jennifer Prine vs. Mark Blackburn

Attorneys:

Plaintiff: Shaun Pinkston and Benjamin Parker
Defendants: Julie Craig and Joe Weston

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$9,448.00 actual damages.

2015-CP-10-3390 Tiffany L. Deas vs. Melissa B. Correa

Attorneys:

Plaintiff: Lauren Sturdivant
Defendants: Paul Trainor

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$5,229.00 actual damages.

2015-CP-10-4072 Sebastian C. Holland vs. Eugene Ravenel

Attorneys:

Plaintiff: Roy Willey and Eric Poulin
Defendant: Jack Daniel and Madison Suttie

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

2015-CP-10-4206 Melvin Harry vs. Paula Horne

Attorneys:

Plaintiff: J. DeVeaux Stockton
Defendant: Robert Kneece

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$5,640.34 actual damages.

2015-CP-10-5320 Normal Howell Singleton and James B. Singleton vs. Quest Nazon

Attorneys:

Plaintiff: Trey Harrell
Defendant: Julie Craig

Cause of Action: Personal Injury

Verdict: For the Defendant.

FEDERAL DISTRICT COURT - CHARLESTON DIVISION

(There were no Federal Court Verdicts for this period)

THE LIFE AND TIMES OF WATIES WARING

The South Carolina Historical Society (SCHS), a consistent contributor to the Charleston County Bar Association Newsletter, is hosting the tenth year of its Winter Lecture Series and included in that series will be a lecture that might be of particular interest of the members of CCBA being presented by United States District Judge Richard Gergel entitled "The Life and Times of Waties Waring."

Judge Gergel's lecture is currently scheduled for Tuesday evening March 7, 2017 at First Baptist Church at 48 Meeting Street in downtown Charleston. More information is available at: <http://schistory.org/explore/events/2017-winter-lecture-series/>. In addition, SCHS is hopeful to have video recordings made of the entire lecture series and would welcome contributions towards this effort. Anyone interested in making a contribution may contact Virginia DeWitt Zemp, Director of Development, 100 Meeting Street, Charleston, SC 29401, (843) 723-3225, ext. 119, Virginia.zemp@schsonline.org.

By: Alissa C. Lietzow, Esquire

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

By the time this newsletter is published and distributed, it'll be 2017. What a year it's been! Here's a brief look back at the changes within our organization, highlights of the past year, and exciting endeavors ahead.

The year started out with a transition in leadership. Our long-time fearless champion, Marvin Feingold, retired and I enthusiastically stepped into the role of leading this local non-profit, the only legal services in this state directly supported by its county bar association. We then welcomed 2011 Charleston School of Law graduate, Michael W. Harrington, as our Staff Attorney in May.

Our team hosted the tenth annual Ackerman Fellowship Program, made possible by grants from the Ackerman and Yaschik Foundations. Eight law students from around the country participated in two 6-week immersive legal fellowships. They conducted client intake, eligibility determination, fact-gathering, and assisted in preparation of pro-se pleadings. They also helped us at various community events and clinics such as City of Charleston's Homeless Taskforce meetings, Community Resource Day hosted by the Charleston Housing Authority, and working with clients from the Ryan White Wellness Center and Habitat for Humanity.

Charleston Pro Bono held two very successful fundraising events this past year. First was our Valentine's Day online auction in February, made possible by our generous community - both the local businesses that donated items and the legal community who purchased them. In November, we hosted the 17th annual Art on the Beach - Chefs in the Kitchen home tour/art walk/food tasting on Sullivan's Island. This was the second year the event benefited our organization and we reached record-breaking numbers! A special thank you to the Charleston County Bar Association members who supported us - you were sponsors, homeowners, volunteers, and patrons!

This past year was also a year of collaboration. Our Board Chairman, Gerald A. Kaynard, and I were honored to serve alongside Mayor Tecklenburg and many other community leaders on the Homeless Taskforce to address the immediate needs within Tent City. We're continuing to work on tackling homelessness on a larger scale, specifically with regard the City's on-going priority of affordable housing. We attended House Charleston - an event organized by City of Charleston Department of Housing and Community Development. It was certainly inspiring and encouraging to see so many organizations dedicated to ending homelessness. We continued our work with Ryan White Wellness Center, East Cooper Community Outreach, and Habitat for Humanity. We expanded services with educational and legal clinics at Next Steps and Ansonborough House. We also started serving on the South Carolina Bar's Pro Bono Program circuit delegation under the leadership of Charleston Pro Bono Board Member John Robinson. This initiative lead by Beth Hamilton highlights the importance of pro bono work and will encourage more participation from members of our bar.

Looking ahead, 2017 will mark fifty years of legal aid in this community - dating back to Neighborhood Legal Assistance in 1967. And although legal services for indigent families have come a long way, there's still work to be done. This past October, we participated in SC Access to Justice for All Summit in Columbia. Although we see it on a daily basis, the raw numbers still shocked us. South Carolina ranks 50 out of 50 for providing civil legal aid. We are in last place. And for every 10,000 living in poverty, our state has less than 1 attorney providing free civil services. This needs to change. We are strengthening our efforts to make an impact. We need volunteer attorneys to take a case, assist with a clinic, teach a seminar - no matter your practice area, we have an opportunity for you. Will you help us?

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CPB is a 501(c)3 organization; your donation is tax deductible as provided by law.

DANIEL HEADS NATIONAL ASSOCIATION OF FORMER U.S. ATTORNEYS

On October 8, 2016, at the National Association of Former United States Attorneys annual conference in San Diego, E. Bart Daniel (District of South Carolina, 1989-1992) was elected president of NAFUSA by acclamation.



Daniel served as United States Attorney from 1989 to 1992. While U.S. Attorney Bart was appointed to the Attorney General's Advisory Committee. He also directed the investigation and prosecution of Operation Lost Trust, one of the nation's largest and most successful public corruption prosecutions. It resulted in 27 convictions, including 17 members of the South Carolina General Assembly along with

other public officials. Bart served as Lead Counsel in 6 of the 8 jury trials, all resulting in convictions. In 1991 Bart was awarded the Attorney General's Flag Award – the highest award given to a U.S. Attorney.

Bart graduated from The Citadel and University of South Carolina School of Law. He served as an Assistant

Attorney General in its White Collar Crime Unit from 1980 to 1982. He was then appointed as an Assistant U. S. Attorney, prosecuting white collar and False Claims Act cases for 4 years. Thereafter, Bart opened his law practice defending government investigations and False Claims Act cases before being appointed U.S. Attorney in 1989.

Bart has served as President of the Charleston County Bar, Chairman of the Salvation Army Advisory Board, and Chairman of the Finance Committee on the South Carolina Commission on Higher Education. He has at various times been appointed Special Counsel by the Governor, the South Carolina Securities Commission, and Lead Counsel by the South Carolina House of Representatives in a lengthy reapportionment trial before a three-judge federal panel.

Bart has authored numerous publications including Health Care Fraud and Collateral Consequences (2nd Edition), Federal and State Securities Enforcement, and Environmental Crimes and Corporate Liability (2nd Edition).

Since returning to private practice in 1992, Bart has primarily defended government investigations including alleged violations of the False Claims Act.

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