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FALL, 2010**Website: <http://www.charlestonbar.com>**

FROM THE PRESIDENT

Dear Fellow Bar Members:

“A lawyer’s time is his (her) stock and trade.”

- A. Lincoln

The axiom is as true at the beginning of the 21st century as when written in the mid 19th century. Lawyers practicing on the defense side of the civil court are acutely aware of accounting for time as a billing necessity, and although the Plaintiff’s bar may not have that requirement, their time investment is equal if not greater as it usually begins long before a case is filed. It is likewise with all counsel in criminal practice. As lawyers, our time is our “stock in trade”. The recent budgetary crisis in our state has significantly impacted our judicial system and funds formerly available for indigent legal services have been drastically reduced putting additional pressure on the South Carolina Commission on Indigent Defense and our own Pro Bono Legal Services, Inc. Pro Bono needs are increasing, adding to non-billable time that lawyers routinely donate, and reimbursement funds are depleted. Few, if any professions are as requiring of its members as ours. The purpose here is to recognize the issue and bring it to our members’ attention. Our collective awareness will hopefully assist our collective effort toward a solution, as we balance our obligations to our clients and practices, our personal needs, and the judicial system we serve.

On other matters, your Executive Committee is continuing to develop a partnership with the state mentoring program to facilitate its implementation locally, as evidenced by Jim Myrick’s work and contribution in this newsletter. We’re also looking forward to an event in late summer or early fall to welcome our new Federal District Judge Richard M. Gergel and to welcome back our own U.S. Magistrate Bruce H. Hendricks. More on that event will follow, in the meantime stay hydrated.

Sincerely

Randell C. Stoney, Jr.

ANNOUNCEMENTS

Ian Ford and Dwayne Green of **Green & Ford LLC** have added a new law partner, **Jon Wallace**, and have changed the firm's name to **Green Ford & Wallace LLC**, found at www.greenfordwallace.com.

Grimball & Cabaniss LLC is pleased to announce that **F. Truett Nettles II** has joined the firm Of Counsel. Truett will continue his well established practice in bankruptcy, construction, commercial transactions, litigation and commercial real estate. His office is located at 473 Savannah Hwy., Charleston, SC 29407.

Jenny R. Moser announces the opening of her practice, **The Moser Law Firm, LLC** focusing on family law issues, private guardian ad litem work and simple estate planning. The office is located in West Ashley at 1816 Belgrade Avenue, Suite 101, Charleston, SC, 29407. Tel. (843) 793-2361; Fax (843) 377-1344; Email: jenny@jennymoserlaw.com.

Reid Green announces the opening of her practice, **E. Reid Green, Attorney at Law, LLC**, focusing on issues related to real property, wills, trusts, probate and family law. Her office is located at 496 Bramson Court, Suite 100, Mt. Pleasant, S.C., 29464. Tel. (843) 654-7574; Email: reidgreen@me.com.

Office sharing West Ashley, 1327 Ashley River Road. Convenient location 10 minutes from downtown. Phones, high speed internet, wi/fi, copier/fax, 2-3 conference rooms, break area, lots of free parking included. Flexible space starting at \$800.00/month. Good restaurants within walking distance, next to Muddy Waters Coffee Bar. **Contact Cindy or Michele 843-820-5356, cmfloydlaw@aol.com**

Hurricane Hugo

By: Ruth W. Cupp

Hurricane Hugo in September of 1989 was the biggest disaster faced by the local Bar since the Civil War. It blew into the city on the night of September 21, 1989.

The rains began about sundown. The winds blew harder and harder and by 7:30 pm, the area was without electricity. The storm escalated to the degree that the wooden parts of the old court house began to sway in the wind. At midnight, the winds and the rain stopped because Charleston was in then in the eye of hurricane Hugo. Less than a half an hour later, the hurricane's fury returned, bringing rain and wind at 145 miles per hour.

On the morning of the 23rd. the sun rose on a beautiful day but there was no running water, no telephone, and no electricity. Attorney Bart Daniels recalled, "I came upon other lawyers also headed to the Four Corners of Law to check on their beloved buildings. I tiered up when I saw the county courthouse with its roof gone, bricks and wood scattered about, and gaping holes in the walls."

The O.T. Wallace County Office building fared better than the court house, but it had six hundred windows blown out. With no electricity, the Family Court could not process child support checks.

That day, Chairman of County Council, attorney Linda Lombard, declared the court house unfit for human habitation, thereby canceling the civil trial docket in session and the term of criminal court which was scheduled to begin on October 2.

The county jail suffered no structural damage during Hugo but there had been a crisis when the jail's emergency power went out. "More than 90 serious offenders had been loaded onto buses to be taken to other prisons. We had another thirty inmates in a hallway when the power went out. That left little room in the jail for suspected looters and curfew violators," said Sheriff Al Cannon.

The next emergency that faced the Bar was to get the courts up and running. The Charleston Bar's heroic efforts was recognized by a Certificate of Merit from the American Bar Association

JUDICIAL NOTICE

Senior U.S. District Judge Solomon Blatt Jr.

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

After nearly 40 years on the bench, the Honorable Sol Blatt Jr. is the longest-serving judge in the 200-year history of the U.S. District of South Carolina - and has been since 2006. Like most judges in senior status, Judge Blatt handles a lighter caseload, but it's enough to keep him at the courthouse most days of most weeks. When the bar newsletter caught up with him in August, Judge Blatt was about to celebrate his 89th birthday, and was still buoyant about the local Bar, bullish on the state of American jurisprudence, and looking forward to keeping a longstanding date: Except for the four years he served in the U.S. Navy during World War II, he's made every Clemson-Carolina football game since 1927. "Seventy nine years," Judge Blatt said. "And Lord willing, I'm going to Clemson this year."

Born: August 20, 1921, Sumter, S.C. (though was raised in Barnwell).

Appointed: May 1971 by President Richard M. Nixon.

Education: A.B., University of South Carolina, 1941; J.D., University of South Carolina, 1946.

Career: U.S. Navy, 1942-46, during which he served in the Atlantic and Pacific theaters on the U.S.S. Fessenden, a destroyer escort; private practice, Barnwell, 1946-71; Judge, U.S. District Court of South Carolina, 1971 to 1986; Chief Judge, U.S. District Court of South Carolina, 1986-90; Senior U.S. District Judge, 1990 to present.

Family: married for 62 years to Carolyn Gayden Blatt until her death in August 2004; three children, Greg Blatt, of Greenville, Sara Hooper, also of Greenville, and Brian Blatt, of Columbia. He has five grandchildren.

1. **Hobbies:** Fishing, golf and following college athletics.

2. **What the Bar would be surprised to learn:** As a student at USC, Blatt was the Southern Conference champion boxer in the 135-pound weight class. When the Gamecocks' 145-pounder was unable to compete at a match at Presbyterian College, Blatt volunteered to fight in the higher weight class. He remembers how the PC crowd "brought the roof down" for his opponent, who had 88 straight knock-outs. "I remember thinking, I'm going to knock this fellow out and show these people," he recalled. "I went out there swinging, and of course he caught them all. I never touched him. . . I became number 89 in 50 seconds of the first round."

3. **Hardest part about being a judge:** Sentencing people. "Occasionally, I'll see somebody who it doesn't bother me to sentence, but 99 times out of a 100, it's hard. . . I don't think I'll ever get used to it. They may deserve it, but to deprive someone of their liberty for 20, 30 years, or even 10 years, it's hard."

4. **Priceless moments in your courtroom:** Years ago, while charging the jury, the foreman suffered a seizure and collapsed. "The defendant was a doctor, and of course he had been told not to have anything to do with the jury, and I had a hard time getting him to go and help the poor lady lying on the floor. He kept saying, 'My lawyer told me not to have anything to do with them.' I didn't know my instructions were that bad."

5. **In your courtroom, Do:** Know the rules of evidence. "A lawyer who knows the rules of evidence will be far more successful than one who doesn't, or who doesn't know them well."

6. **In your courtroom, Don't:** Be disrespectful to opposing counsel. "One of the things that hurts the lawyer when he's trying the case - hurts him with the judge or hurts him with the jury - is when the lawyer comes in and isn't courteous. Being courteous, you know, it doesn't cost anything . . . and not trying to belittle your opponent pays off."

7. **Most valuable experience:** As a practicing attorney, learning the value of preparation. "The thing I learned that helped me most . . . was that I tried to be the best prepared person in the courtroom. That preparation made a lawyer successful 60 years ago when I started, and I think it makes lawyers successful today."

8. What advice would you offer trial attorneys today? "My father used to say that hogs get et and pigs get fed. It's always best if you can settle your case so you don't get et, and you don't get anything. A good settlement, most of the time, is the best procedure to follow, because there are very few perfect cases out there. Some, now, but very few."

9. What would you change about the American judicial system? "There are probably a lot of little things, but the judicial system is one of the foundations of this country, and I think it works well. Juries try to do the right thing. Judges try to do the right thing. I think it's a great system."

10. What's your secret for staying sharp and active for so many years? Staying engaged, he says. "As long as you're enjoying what you're doing, hopefully you'll do it reasonably well. I still like the give-and-take with lawyers. I work with great people. I like to do other things - I like to fish, I like to go athletic events, I like people - but I don't know what I'd do if I didn't have an office, and something to challenge me."

WANTED

If you are a member of the Charleston County Bar Association who has not submitted a picture for the Lawyer Directory on our website, please do so by e-mailing a picture to:

jholzel@vcrlaw.com

Please check the contact information listed on our website to ensure all information is correct.

SAVE THE DATE:

The Charleston Law Review of the Charleston School of Law and the Riley Institute at Furman University will host their third annual Law & Society Symposium/CLE on February 17-18, 2011. This year's program will explore issues related to the First Amendment, with a focus on freedom of speech. For more information, contact Prof. Will Cook at wcook@charlestonlaw.edu.

SAVE THE DATE

Charleston County Bar Association Annual Meeting and Reception

February 23, 2010

Francis Marion Hotel

5:30 p.m.

(More information in January, 2011)

CHARLESTON COUNTY BAR SEEKS MENTORS

The Charleston County Bar is partnering with the South Carolina Commission on Continuing Legal Education and Specialization (Commission) to help provide mentors in Charleston County. These mentors will be instrumental in perpetuating the quality of practice and civility for which Charleston is famous. Please consider whether you could be "part of the solution" by guiding a young attorney along his or her way.

First, some background.

In December of 2008, the Supreme Court issued an Order establishing the Lawyer Mentoring Second Pilot Program. This program is mandatory for all new lawyers in South Carolina admitted between March 1, 2009 and December 31, 2010.

The program pairs new lawyers with more experienced lawyers to help with the transition from the academic world to the practice of law. In its design, the program is meant to help new lawyers learn the practical aspects of the profession, develop professional relationships within the legal community, and develop practical skills to be successful in the profession.

The Commission administers the mentoring program. While the new lawyer has the ability to ask a qualifying lawyer to serve as his or her mentor, the Commission has become aware that many new lawyers do not have mentors. Donette Welch, Assistant Director for the Commission, has been designated as the Mentoring Coordinator and is available to answer questions about the program. She is also available to assist in making the arrangements establishing the mentor relationship with the new lawyer. She can be contacted at (803) 799-5578 or by email at commcle@bellsouth.net. Additional information regarding the mentoring program can be found on the Commission's Web site at www.commcle.org

The need for mentors is critical and through your participation in the mentoring program, you will be providing a great service to the Court, the legal community and the public. Not only will a lawyer's participation as a mentor serve as a mechanism to improve the quality of our profession but it will also automatically qualify the mentoring lawyer to receive four (4) hours of CLE credit to include two (2) hours of legal ethics, once the mentoring period is complete.

Thank you in advance for your consideration of this exciting project.

PRO BONO MOMENTS

By: Marvin H. Feingold, Esquire

It has been a personal honor to be involved in the start-up in November of 2005 of the Charleston Bar's foray into the business of actively facilitating and supporting pro bono service among its members. Most satisfying for me personally, has been working with the more than three hundred volunteer attorneys who have served, pro bono, in cases, large and small, all, of immeasurable value to the clients whose lives have been impacted by the legal system.

Today, (Charleston) Pro Bono Legal Services Inc. (CPB) is at a crossroad in funding. While we have enjoyed the steadfast support of the CCBA and Charleston City and County governments, our one-time federal funding is about to expire. To sustain this office into the future will require the commitment of the Charleston legal community.

The Charleston model represented by CPB was designed locally and is unique in its approach to the delivery of "legal aid" in civil cases. Combining a "brokerage" of appropriate and worthy legal cases among low-income clients and private bar volunteers, along with an in-house delivery system of direct brief service and advice, has resulted in the provision of over 3000 units of service since the program's inception.

CPB has become a relied-upon institution, a fixture in the Charleston Justice system. Each day, clients are referred to CPB's office by: Clerks of Court, police agencies, the Social Security Administration, South Carolina DSS and many others. A "Justice Gap" continues to exist in Charleston as elsewhere in the Country but the gap has been significantly ameliorated by CPB's activities.

CPB has also worked actively with Charleston School of Law to promote clinical opportunities for law students to hone their practice skills while contributing their time to the pro bono mission. The production of two Seminars for Summer Law Interns each summer over the past four years has been very well received. We have also administered the Ackerman Summer Law Fellowships program which is funded by the Ackerman and Yaschik Foundations and employs 6 law students recruited regionally.

One idea which has come out of this past Summer's Ackerman program has emerged from the enormous value derived by these interns from in-court observation. The idea involves installing cameras and sound systems in the courtroom which can be "piped" into a classroom at Charleston School of Law. These telecasts can be broadcast at all times while courts (Family Court, Circuit Court, Small Claims, Etc.) are in session unless the Judge chooses to exclude the proceedings. Such an arrangement would require the approval of the Supreme Court and the cooperation of the Clerk's office, the local judiciary and CSOL. Considering the deficit in practical knowledge of new attorneys such an idea is worthy of consideration.

CPB's federal funding ends on December 31, 2010. We have a plan for sustaining the program which includes the raising of continued governmental and private foundation funding (Charleston County Bar Association and local governments have generously supported CPB throughout) along with substantial contributions from private firms and individual lawyers. We hope you will consider us in your end-of-year contributions and otherwise actively support this program.



CHARLESTON PRO BONO

LEGAL SERVICES, INC.

2010 GIFT

LAWYER or Firm Name:

Contact: _____ Address: _____

Title:

Enclosed is our gift of \$ _____.

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

Please cut out and return to Charleston Pro Bono Legal Services, Inc., Post Office Box 1116, Charleston, SC 29402

Your donation is tax deductible as provided by law.

**Administrative Order
Regarding Charleston County Master in Equity Actions**

WHEREAS this court has seen a significant increase in the number of cases referred to this office and, after consultation with the Master in Equity Bench/Bar Committee, in an effort to manage an ever-increasing docket of foreclosure and non-jury matters,

I FIND that the fair and efficient administration of justice requires this court to implement a case flow management system to track the status of cases referred which requires the use of new Administrative Forms and Pre-Trial Orders, and

IT IS THEREFORE ORDERED:

1. Upon referral of a case to this court, Plaintiff's counsel shall submit a Charleston County Master in Equity Referral Form to this court for determination as to whether the matter can be concluded within a period of 90 days.
2. Any subsequent party to the action shall file the Referral Form with the court upon appearance therein.
3. A status conference shall be set by the court, within 90 days of receipt of the referral form, for any case which will take longer than 90 days to complete.
4. At the status conference, the parties shall appear through their counsel with a proposed Scheduling Order in hand. The court will issue its Scheduling Order at the status conference. All deadlines in the Scheduling Order shall be met, and attendance at a Pre-Trial Conference required, before the matter will be set for trial.
5. At the Pre-Trial Conference, upon determination by the court that all Pre-Trial deadlines have been met, an Order for Trial shall issue which sets a date certain trial within 30 to 60 days of the conference.

IT IS FURTHER ORDERED:

In an effort to fulfill this court's directive, the following Form Orders will be made available online at www.charlestoncounty.org for download and submission to the court:

1. Charleston County Master in Equity Referral Form
2. Scheduling Order
3. Order for Trial

This order shall take effect on July 1, 2010.

IT IS SO ORDERED!

MIKELL R. SCARBOROUGH
Charleston County Master in Equity

June 30, 2010
Charleston, SC

CIRCUIT COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

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

October 4	October 11	October 18	October 25
9 th CPNJ - Harrington Chas CP - Hughston Chas CP - Jefferson Chas GS - Nicholson Chas GS - Young	Chas CP - Hughston Chas CP - Jefferson Chas CP - Young 9 th CPNJ - Nicholson 9 th AW - Dennis Berk GS - Harrington	9 th CPNJ/ - Jefferson Chas CP - Dennis Chas CP - Young Chas GS - Harrington Chas GS - Hughston Berk GS - Watson	Chas GS - Harrington Chas GS - Young Berk CP - Dennis
November 1	November 8	November 15	November 22
9 th CPNJ - Young Chas CP - Dennis Chas CP - Jefferson Chas GS - Harrington	9 th CPNJ - Jefferson 9 th CPNJ - Nicholson Chas CP - Baxley Chas CP - Dennis Chas GS - Harrington Chas GS - Young	9 th CPNJ. - Harrington PCR Chas CP - Hughston Chas CP - Jefferson Chas GS - Nicholson Chas GS - Young Berk CP - Dennis Berk GS - Watson	
November 29	December 6	December 13	December 20
Chas CP - Dennis Chas GS - Jefferson Chas GS - Young Berk GS - Harrington	9 th CPNJ - Young 9 th CPNJ - Nicholson Chas CP - Hughston Chas GS - Jefferson Chas GS - Harrington Berk CP - Dennis Berk GS - Watson	9 th CPNJ - Nicholson Chas CP - Dennis Chas CP - Young Chas GS - Hughston Chas GS - Jefferson Berk GS - Harrington	
December			

CIRCUIT COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

October 4	October 11	October 18	October 25
1 st CPNJ - Goodstein	Dor GS - Goodstein	Dor GS - Goodstein	Dor CP - Goodstein
November 1	November 8	November 15	November 22
1 st CPNJ - Dickson Dor CP - Goodstein	Dor GS - Goodstein	Dor GS - Goodstein	
November 29	December 6	December 13	December 20
	1 st CPNJ/ - Dickson PCR Dor GS - Goodstein 1 st CPCR - Early	Dor GS - Goodstein	
December 27			

FAMILY COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

October 4	October 11	October 18	October 25
Chas - McMahon Chas - Garfinkel Chas - Cate Berk - Creech Berk - Landis	Chas - McMahon Chas - Smoak Chas - Cate Berk - Landis	Chas - McMahon Chas - Cate Chas - Garfinkel Berk - Landis	Chas - McMahon Chas - Garfinkel Chas - Cate Berk - Landis
November 1	November 8	November 15	November 22
Chas - McMahon Chas - Garfinkel Chas - Woods Chas - Cate Berk - Jenkinson Berk - Creech Berk - Landis	Chas - McMahon Chas - Murdock Chas - Garfinkel Chas - Cate Berk - Creech Berk - Landis	Chas - McMahon Chas - Garfinkel Chas - Woods Chas - Cate Berk - Creech Berk - Landis	
November 29	December 6	December 13	December 20
Chas - McMahon Chas - Garfinkel Chas - Cate Chas - Vinson Berk - Landis Berk - Creech Berk - Smoak	Chas - McMahon Chas - Garfinkel Chas - Cate Chas - Long Berk - Creech Berk - Landis	Chas - McMahon Chas - Cate Chas - Garfinkel Berk - Landis Berk - Creech	
December 27			

FAMILY COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

October 4	October 11	October 18	October 25
Dor - McLin Dor - Wylie	Dor - Wylie	Dor - Wylie Dor - McLin	Dor - McLin Dor - Wylie
November 1	November 8	November 15	November 22
Dor - Wylie Dor - McLin	Dor - McLin	Dor - McLin Dor - Wylie	
November 29	December 6	December 13	December 20
Dor - Wylie Dor - McLin	Dor - Wylie	Dor - Wylie Dor - McLin	
December 27			

CHARLESTON COUNTY COMMON PLEAS JURY VERDICTS

(Information supplied by Clerk of Court's Office)

08-CP-10-0069 Dudley N. Carpenter and Jane G. Carpenter vs. Charles L. Measter and Barbara P. Measter

Attorneys: Plaintiffs: Thomas C. Hildebrand, Jr.
Defendants: James A. Stuckey, Jr.

Cause of Action: Contract

Verdict: For the Plaintiffs in the amount of \$65,000 actual damages.

08-CP-10-3461 Alice Denise Benjamin, Alice Denise Benjamin, as Parent and Guardian ad Litem of Ezdies Benjamin, a minor under the age of 18 years vs. The Estate of Myra Jenkins Reed

Attorneys: Plaintiffs: Glen Walters
Defendant: Julian K. Allen

Cause of Action: Motor Vehicle Accident

Verdict: Verdict: For the Plaintiff Ezdies Benjamin in the amount of \$2,999.00 actual damages after reduction of previous payment of \$1.00.

08-CP-10-2025 Kenneth Glasson vs. Robert Miller

Attorneys: Plaintiff: John E. Parker and Barrett Brewer
Defendant: Mark A. Mason

Cause of Action: Assault/Slander/Libel

Verdict: For the Plaintiff as to Plaintiff's Defamation cause of action in the amount of \$600,000 actual damages and \$250,000 punitive damages.

08-CP-10-4134 Arline Derricotte vs. Brenda G. Scott

Attorneys: Plaintiff: Jackson S. Whipper
Defendant: Natalie Byars Fisher

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$49,159.00 actual damages.

09-CP-10-1890 Gene F. Schwartz vs. Michael B. Frazier and Coca Cola Bottling Co., Consolidated, a corporate entity doing business in S.C.

Attorneys: Plaintiff: Pro Se
Defendants: James D. Smith, Jr.

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendants.

09-CP-10-2635 Tressa Denise Page vs. Monique Terri Simmons

Attorneys: Plaintiff: James B. Brauchle
Defendant: Max G. Mahaffee

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant

09-CP-10-3413 Adrienne K. Kalenak vs. Hayley Tindall

Attorneys: Plaintiff: Gary R. Ling
Defendant: Benjamin B. Davis

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$14,738.00 actual damages.

FEDERAL COURT JURY VERDICTS

2:07-cv-02694-CWH Lori Washington vs. Hilton Hotels Corporation, d/b/a Hampton Inn

Attorneys: Plaintiff: Brian D. Phelan and Sallie P. Phelan
Defendant: Paul H. Derrick and Stephanie E. Lewis

Cause of Action: Job Discrimination (Employment)

Verdict: For the Plaintiff in the amount of \$10,000.00 past pecuniary losses and \$10,000.00 for other compensatory damages

2:08-cv-2546-PMD Joseph R. Barnthouse, M.D. and Dorothy Barnthouse vs. Wild Dunes Resort, L.L.C., Destination Hotels and Resort, Inc., and Lowe Enterprises, Inc.

Attorneys: Plaintiffs: M. Dawes Cooke, Jr., Jay Jones, and Randell C. Stoney, Jr.
Defendants: Duke R. Highfield, Brandt R. Horton, and Benjamin A. Traywick

Cause of Action: Personal Injury

Verdict: For the Plaintiff Joseph .I. Barnthouse in the amount of \$115,000.00 actual damages; for the Plaintiff Dorothy Barnthouse in the amount of \$3,000 actual damages.

2:08-cv-2555-DCN Robert J. Nagy vs. United States of America

Attorneys: Plaintiff: Lindsey W. Cooper, Jr.
Defendant: Nathan E. Clukey, John H. Douglas, Daniel J. Healy, Gregory S. Seador and Ellen K. Weis

Cause of Action: IRS: Refund of Tax Penalty

Verdict: For the Defendant in the amount of \$2,636,000 plus interest and all other statutory additions, and the costs of the action.

