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

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**FROM THE PRESIDENT**

Dear Fellow Members of the Charleston County Bar:

Thank you for the honor of serving as president for the upcoming year and to the members of your Executive Committee who have made the time commitment to serve. The collegiality of our county bar is recognized state wide, but with our number rapidly approaching two thousand, getting to know new members has become an increasing challenge. Over the course of this year the Executive Committee will be studying ways to increase our interaction both socially and professionally in an effort to maintain this unique and cherished tradition.

Our responsibilities as attorneys are broad, ever guided by our oath, and pledge to uphold the Constitution and Rule of Law. We are all indebted to our members involved in the current effort to maintain the integrity of the division of power among our three branches of government which is now before our State Supreme Court.

In closing, gratitude is expressed along with deep appreciation and respect for our immediate Past President and my childhood friend Mark Andrews whose leadership this past year has been solid and constant. The dignity and circumspection with which he and his family have handled the difficult challenge of these last months are examples for all to follow. Looking forward to the year ahead, I remain

Sincerely

Randell C. Stoney, Jr.

## ANNOUNCEMENTS

**Christy Ford Allen** has been named a partner in the law firm of **Wills & Massalon LLC**. The firm was renamed **Wills Massalon & Allen LLC** beginning February 1, 2010. Allen focuses her law practice in the areas of commercial and real estate litigation, professional business liability and litigation, construction litigation and negligence.

**Drew Carroll** announces the opening of the **Carroll Law Firm, LLC**, a practice devoted primarily to the defense of Driving Under the Influence cases. The Firm is located at 44 Markfield Drive, Suite C, Charleston, SC 29407. Telephone: 843-737-4245, Fax: 843-737-4265 email: [drewcarroll@carrolllawfirm.net](mailto:drewcarroll@carrolllawfirm.net).

The **Ramsdale Law Firm** is pleased to announce that Taylor Leigh Johnson has joined the firm as an associate attorney. The Ramsdale Law Firm practices family law and is located at 1031 Chuck Dawley Blvd., Suite 8A, Mt. Pleasant, SC 29464, (843) 849-8744.

The law firm of **Savage and Savage, PA** is pleased to announce that **Virginia K. Murray** and **Breen Stevens** have joined the Firm. Virginia Murray is a 2008 graduate of the Charleston School of Law and a 2009 graduate of the Boston University LL.M. program in Taxation. Virginia practices in the area of criminal defense, specializing in white collar crime. Breen Stevens is a 2009 graduate of the Charleston School of Law and is expected to be admitted to the South Carolina Bar in May of 2010. Breen practices in the areas of general litigation and appellate practice.

**Mount Pleasant offices for rent.** Two separate furnished rooms, one large, one small. One or both available. Located near Long Point Road and Highway 526 in Mount Pleasant. Price negotiable. Contact the **Lawton Law Firm, Tel (843)881-9901**.

**Office Space for Rent:** Executive Office Space Available in the heart of Mt. Pleasant - off of 950 Houston Northcutt Blvd. in the Watermark Plaza. 4 large offices available ranging from \$650.00 to \$850.00. Rent includes utilities, high-speed internet, use of conference room, kitchen and receptionist (negotiable). Call **Brian Warden** at **(843) 388-1188**.

# JUDICIAL NOTICE

## Chief U.S. District Judge David C. Norton

The Honorable David C. Norton has been Chief Judge of the United States District Court, District of South Carolina since 2007. When the bar newsletter caught up with him in early spring, Judge Norton was starting a new initiative: Meeting with people he had sentenced to prison and who are about to be released. His message? "Now that you've served your time, we're here to help you get on with your life and help you be a productive citizen."

**Born:** July 25, 1946 in Washington, D.C.

**Appointed:** June 1990 by President George H.W. Bush; Chief Judge since 2007.

**Education:** B.A., University of the South (Sewanee), 1968; J.D., University of South Carolina, 1975.

**Career:** Private practice, Charleston, 1981-90; Isle of Palms city attorney, 1980-85; assistant deputy solicitor, Charleston, Ninth Judicial Circuit, 1977-80; private practice, Charleston, 1975-77; U.S. Navy, 1969-1972.

**Family:** wife, Kim Collins, M.D.; two daughters -- one is an attorney in Charlotte, the other is a psychiatric nursing student at the University of North Carolina.

1. **Your legal hero:** Senior U.S. District Judge Sol Blatt, Jr., who enters another year in "Senior Status" regularly hearing cases. "I want to be like Sol."

2. **Hobbies:** Hunting; travel; SCUBA; riding cutting horses.

3. **What the Bar would be surprised to learn:** He has dived on Australia's Great Barrier Reef.

4. **On your nightstand:** An Amazon Kindle! The electronic device allows users to download books, and His Honor has several in the works: Lords of Finance: The Bankers Who Broke the World, by Liaquat Ahamed; The Last Empress: Madame Chiang Kai-shek and the Birth of Modern China, by Hannah Pakula; and Pursuit of Honor, the latest in Vince Flynn's Mitch Rapp spy-thriller series.

5. **Hardest part about being a judge:** Sentencing people. "Bad guys are easy to sentence. It's the kids that never have a chance, and get caught up in drugs and crime and have pretty high sentences," along with others who suddenly find themselves crossways with the law for offenses such as on-line pornography. "A lot of them have never had a traffic ticket, and then they're sent to jail for five, six years."

6. **Priceless moments in your courtroom:** Older attorneys who try to use high-tech gadgets, computer slide-shows and the like to present evidence. "It works for about 10 minutes, then he's throwing paper again."

7. **In your courtroom, Do:** "When you ask a question of the witness, you probably ought to listen to their answer rather than get ready for the next question . . . A lot of answers are surprising. You miss opportunities if you don't listen."

8. **In your courtroom, Don't:** Forget your sense of humor. "If you show the judge you've got a sense of humor, it kind of breaks the ice."

9. **Most valuable experience:** Working as an assistant solicitor for three years. "I learned to try cases in General Sessions and Magistrate's Court, handle a volume of work, make lots of decisions and learned how to interact with other lawyers, police officers, victims, witnesses, courthouse personnel and judges. I would highly recommend a few years in the Solicitor's Office or Public Defender's Office for anyone who wants to be a trial lawyer."

10. **One thing you would change about American jurisprudence:** Having judges stand for elections. Even though that's not the practice in South Carolina, Judge Norton believes it gives the public the impression that judges are influenced politically. He prefers the system of lifetime appointment of Article III federal judges such as himself. "You get a lot of criticism . . . but you do the best you can. You decide based on the case, rather than who's in the case."

## **Lowcountry Aids Services Legal Clinic**

**Lowcountry Aids Services Legal Clinic** is in its 18<sup>th</sup> year. This is the only legal clinic run by volunteer lawyers in South Carolina for people living with AIDS. For the past number of years Charlie Bernstein, Evan Lackey, Suzanne Groff, Ashley Ameika, Bobby Phipps, David Hoyle, Sarah Pflug, Harry Hancock, Joe Jacumin, Allen Badger, Ann Hutto and Francis McCann have served as volunteer lawyers.

The Lowcountry Aids Services is on Meeting Street and the Clinic is held every second Wednesday of every month at 2:00 p.m. Volunteer lawyers are assigned only two afternoons a year for a total of four hours. A paralegal is present to assist the volunteer lawyer. General legal questions usually include wills, healthcare powers of attorney, durable powers of attorney, questions about domestic cases, landlord-tenant and general legal questions.

The Clinic is in need of additional volunteers. The rewards are worthwhile and the time commitment is minimal. The clients are appreciative. Please consider volunteering by calling **Frank McCann at 577-4242** or e-mailing him at [fxmccann@mccannlaw.net](mailto:fxmccann@mccannlaw.net).

### **WANTED**

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

[jkemp@vcrlaw.com](mailto:jkemp@vcrlaw.com)

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

## **PRO BONO MOMENTS**

By: Marvin H. Feingold, Esquire

When I was asked to speak at the Charleston Inn of Court, I thought this meant I might be speaking at a local motel, kind of like La Quinta only with medieval décor. I soon learned how far afield my assumption had been; I'd been out of touch.

The American Inns of Court grew out of the English tradition of legal education and practice. Several centuries ago, the Inns of Court were buildings or precincts where barristers traditionally lodged, trained and carried on their profession. Before there were law schools and bar exams, barristers came to the profession through apprenticeship. The British system has retained a heavy reliance on the clinical training of barristers even as more formal training has evolved. The American legal system is unusual in that, with few exceptions, it has no formal apprenticeship or clinical training requirements.

In the late 1970's, as result of and exchange program between English and U.S. attorneys and judges, the idea for an American Inns of Court was born and championed by Chief Justice Warren Burger and other federal judges and educators. The mission would be to foster a culture of excellence in: professionalism, ethics, civility and skills.

In 1980, a pilot organization took root in the Provo/Salt Lake City area of Utah under the guiding hand of Senior United States District Court Judge A. Sherman Christensen. Within the next three years, additional American Inns formed in Utah, Mississippi, Hawaii, New York, and Washington, D.C.

In 1983, Chief Justice Burger created a committee of the Judicial Conference of the United States to explore whether the American Inn concept was of value to the administration of justice. and, if so, whether there should be a national organization to promote, establish and assist American Inns, and promote its goals on a national level. The Judicial Conference approved the favorable report of the committee and, ultimately endorsed the American Inn concept and the formation of a national structure. In 1985, the American Inns of Court Foundation was formally organized.

An American Inn of Court is not a fraternal order, a social club, a course in continuing legal education, a lecture series, an apprenticeship system, or an adjunct of a law school's program. While an AIC partakes of some of each of these concepts, it is quite different in aim, scope, and effect. Members of local chapters meet each month to break bread, listen to a speaker and exchange ideas in furtherance of the Inns' goals. The Inns compete with no other professional organization and do not lobby or take political positions.

The Petiru Inn of Court was formed in Charleston in 2009. Further information is available through Charleston Pro Bono.

## **A DEED OF A CHILD**

Tillman versus Tillman

By Ruth W. Cupp

Lucy, the granddaughter of Francis W. Pickens, U.S. Ambassador to Russia, was the bride. The groom was "R.B.", son of Governor and Senator "Pitchfork" Ben Tillman. They were married at Christmas in 1901 and had two daughters.

Both families owned plantations in Edgefield County.

When the girls were ages five and two, "B.R." took his daughters to his parents and signed a deed of the children over to them. At that time in this state, a father, of an unmarried minor under the age of 21, could dispose of his children by deed or will. The mother could exercise these powers if the father was deceased. The father was charged with the support of his children, therefore his right to their custody was superior to that of the mother.

J.W. Thurmond, lawyer for "Pitchfork" Ben wrote a letter to Lucy informing her that his clients had a deed to her children. Lucy's lawyer filed a writ of habeas corpus with the S.C. Supreme Court and the court took original jurisdiction. Lucy's argument was she had not deserted her husband and was entitled to custody. She also filed 176 Affidavits that she was the better parent.

Intense public reaction was favorable to Lucy. State Senator William Graydon introduced a bill to amend that law requiring that both parents must sign a Deed of a Child and it was enacted into law.

The unanimous decision of the SC Supreme Court found that the statute, giving the father the right to give custody to his children by deed or will, was unconstitutional. It was a clear victory for Lucy. The court, saying further, "The question of the custody of minors and their illegal restraint has always been recognized as a judicial question to be determined by the courts."

The grandparents were required to bring the children to court for delivery to Lucy. Their litigation did not stop with this law suit. Lucy sued "B.R." for misappropriating monies from her plantation. "R.B." sued Lucy alleging she was an unfit mother because she is a "divorced Catholic" and uneducated, therefore unfit to raise children. The Supreme Court refused to take the children from Lucy, but gave the father some visitation.

Minor points of disagreements in the visitation went to the SC Supreme Court three more cases.

"Pitchfork" Ben Tillman lamented the damage that the trials had done to the relationship with this granddaughters, writing to a friend, "I have no idea the little girls will ever do other than hate me."

## CIRCUIT COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

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

April 5	April 12	April 19	April 26
Chas GS - Hughston Chas GS - Nicholson Chas CP - Young 9 <sup>th</sup> AW - Dennis	Chas CP - Jefferson Chas CP - Nettles Berk GS - Dennis Berk CP - Harrington 9 <sup>th</sup> CPNJ - Young	9 <sup>th</sup> CPNJ - Baxley 9 <sup>th</sup> CPNJ - Harrington Chas CP - Dennis Chas GS - Hughston Chas GS - Jefferson Berk GS - Watson	Chas CP - Dennis Chas CP - Young Chas GS - Hughston Chas GS - Jefferson Berk GS - Harrington
May 3	May 10	May 17	May 24
	9 <sup>th</sup> CPNJ - Hughston Chas CP - Dennis Chas GS - Jefferson Chas GS - Young Berk GS - Harrington	9 <sup>th</sup> CPNJ - Jefferson 9 <sup>th</sup> CPNJ - Nicholson Chas CP - Hughston Chas CP - Young Berk CP - Dennis Berk GS - Watson	9 <sup>th</sup> CPNJ - Nicholson Chas CP - Dennis Chas CP - Harrington Chas GS - Nicholson
May 31	June 7	June 14	June 21
9 <sup>th</sup> CPNJ/ - Young PCR Chas CP - Dennis Chas CP - Harrington	Chas CP - Dennis Chas CP - Jefferson Chas CP - Harrington Chas GS - Young	9 <sup>th</sup> CPNJ - Harrington Chas CP - Hughston Chas CP - Young Chas CP - Jefferson Berk GS - Dennis	9 <sup>th</sup> CPNJ - Nicholson Chas CP - Jefferson Chas CP - Young Chas GS - Harrington Berk CP - Dennis Berk GS - Watson
June 28			
9 <sup>th</sup> CPNJ - Dennis Chas CP - Jefferson Chas CP - Young Chas GS - Hughston Chas GS - Nicholson Berk GS - Harrington			

## CIRCUIT COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

April 5	April 12	April 19	April 26
Dor GS - Goodstein	Dor GS - Goodstein	1 <sup>st</sup> CPNJ - Goodstein	Dor CP - Goodstein
May 3	May 10	May 17	May 24
		Dor GS - Goodstein	Dor GS - Goodstein
May 31	June 7	June 14	June 21
1 <sup>st</sup> CPNJ - Goodstein	1 <sup>st</sup> CPNJ/ - Goodstein PCR 1 <sup>st</sup> CPNJ - Dickson	Dor GS - Goodstein	Dor GS - Goodstein
June 28			
Dor CP - Goodstein			

**FAMILY COURT SCHEDULE - NINTH JUDICIAL CIRCUIT**

<b>April 5</b>	<b>April 12</b>	<b>April 19</b>	<b>April 26</b>
Chas - McMahon Chas - Andrews Chas - Garfinkel Chas - Cate Berk - Landis Berk - Creech	Chas - Cate Chas - Garfinkel Chas - McMahon Chas - Andrews Berk - Landis Berk - Creech		Chas - Cate Chas - Garfinkel Chas - McMahon Chas - Andrews Berk - Creech Berk - Landis
<b>May 3</b>	<b>May 10</b>	<b>May 17</b>	<b>May 24</b>
Chas - Long Chas - McMahon Chas - Cate Chas - Garfinkel Chas - Neese Chas - Andrews Berk - Creech Berk - Landis	Chas - McMahon Chas - Cate Chas - Garfinkel Chas - Jenkinson Chas - Andrews Berk - Creech Berk - Landis	Chas - McMahon Chas - Garfinkel Chas - Cate Chas - Jenkinson Berk - Creech Berk - Landis	Chas - McMahon Chas - Cate Chas - Garfinkel Chas - Andrews Berk - Creech Berk - Landis
<b>May 31</b>	<b>June 7</b>	<b>June 14</b>	<b>June 21</b>
	Chas - Cate Chas - Garfinkel Chas - Jenkinson Chas - McMahon Chas - Andrews Berk - Creech Berk - Landis	Chas - Cate Chas - Garfinkel Chas - McMahon Chas - Andrews Berk - Landis Berk - Creech	Chas - Cate Chas - Garfinkel Chas - McMahon Chas - Andrews Berk - Creech Berk - Landis
<b>June 28</b>			
Chas - Cate Chas - Andrews Chas - Jenkinson Chas - McMahon Berk - Creech Berk - Landis			

**FAMILY COURT SCHEDULE - FIRST JUDICIAL CIRCUIT**

<b>April 5</b>	<b>April 12</b>	<b>April 19</b>	<b>April 28</b>
Dor - McLin	Dor - Wylie Dor - McLin		Dor - McLin Dor - Wylie
<b>May 3</b>	<b>May 10</b>	<b>May 17</b>	<b>May 24</b>
Dor - McLin	Dor - McLin	Dor - McLin Dor - Wylie	Dor - McLin Dor - Wylie
<b>May 31</b>	<b>June 7</b>	<b>June 14</b>	<b>June 21</b>
	Dor - McLin	Dor - Wylie Dor - McLin	Dor - McLin Dor - Wylie
<b>June 28</b>			
Dor - McLin Dor - Wylie			



# **CHARLESTON COUNTY COMMON PLEAS JURY VERDICTS**

(Information supplied by Clerk of Court's Office)

07-CP-10-665                      Dillard O. Jeffcoat and Marvetta L. Jeffcoat vs. Charleston Commissioners of Public Works and Donald L. Sondles

Attorneys:                      Plaintiffs:            L. Lisa McPherson  
   Defendants:          John H. Tiller

Cause of Action:                Motor Vehicle Accident

Verdict:                          For the Plaintiff Dillard O. Jeffcoat against Defendant Charleston Commissioners of Public Works in the amount of \$2,200,000.00.

07-CP-10-1704                      Larry K. Bowman vs. Miller Cadillac, Inc.

Attorneys:                      Plaintiff:              Costa Steven Moskos  
   Defendant:            E. Warren Moise

Cause of Action:                Personal Injury

Verdict:                          For the Plaintiff in the amount of \$42,500.00 less prepaid amounts to Plaintiff in the amount of \$22,697.57 for a total judgment of \$19,802.43 actual damages.

07-CP-10-4045                      Heather Curlin vs. David Knight and James Kirkwood

Attorneys:                      Plaintiff:              Zachary J. Closser  
   Defendants:          James R. Brauchle and David W. Whittington

Cause of Action:                Breach of Contract

Verdict:                          For the Plaintiff in the amount of \$17,482.00; for the Defendants in the amount of \$2,482.00.

07-CP-10-5846                      Price Carolina Aqua Pools, Inc. d/b/a Price Carolina Aquatech Pools vs. Eadie's Construction Company, Inc.

Attorneys:                      Plaintiffs:            Robert T. Lyles, Jr. and Jason A. Pittman  
   Defendant:            Michael A. Timbes

Cause of Action:                Contract

Verdict:                          For the Defendant.

08-CP-10-0806                      Jacquelin S. Bennett, Genevieve S. Felder, Felder and Kathleen S. Turner, individually, as Co-Trustees and beneficiaries and Jacquelin S. Bennett and Kathleen S. Turner, as Co-Personal Representative of the Estate of Jacquelin K. Stevenson vs. Thomas C. Stevenson, III, Daniel R. Stevenson, II, Fabtech, Inc., Laurentide, Inc., East Tray, LLC, Carolina Fresh Cut, LLC, d/b/a Toogoodoo Farms, Toogoodoo Farms of the Carolinas, and Commerce Circle, LLC

Attorneys:                      Plaintiffs:            Robert H. Hood  
   Defendants:          Robert H. Brunson

Cause of Action:                Judgment/Settlement

Verdict:                          For the Plaintiffs in the amount of \$8,848,413.00 actual damages and \$1,962,128.00 punitive damages.

08-CP-10-1200 Terrence J. Hickey and T. Patrick Broyhill vs. Resolution Management Consultants, Inc., Gerald P. O'Keefe, Jeffrey B. Kozek, and Thomas J. Cummings

Attorneys: Plaintiffs: Stanley E. Barnett  
Defendants: Thomas E. Lydon

Cause of Action: Personal Injury

Verdict: For the Plaintiff T. Patrick Broyhill against Defendant Resolution Management Consultants, Inc. in the amount of \$140,000.00 actual damages and \$151,000.00 punitive damages; for the Plaintiff Terrence J. Hickey against Defendant Resolution Management Consultants, Inc. in the amount of \$5,691.38 actual damages.

08-CP-10-5131 Mitry Michael Kirshy, Jr. vs. John J. Maskell

Attorneys: Plaintiff: John S. DeBerry  
Defendant: Julian K. Allen

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$40,000.00 actual damages.

08-CP-10-5743 Turtle Point II Villas vs. Sand Dollar Remodeling and Repair, LLC and Joel Purvis

Attorneys: Plaintiff: Arthur C. Pelzer  
Defendants: Pro Se

Cause of Action: Breach of Contract

Verdict: For the Plaintiff in the amount of \$3,715.00 actual damages.

08-CP-10-5987 Stuart Hurley vs. Michael Palmer

Attorneys: Plaintiff: Brian C. Duffy and Lee Anne Walters  
Defendant: Sean K. Trundy

Cause of Action: Assault/Slander/Libel

Verdict: For the Plaintiff in the amount of \$1,590.00 actual damages.

08-CP-10-6279 Maurice L. Heyward vs. Leslie R. McEwen

Attorneys: Plaintiff: Russell M. Bynum  
Defendant: Max G. Mahaffee

Cause of Action: Motor Vehicle Accident

Verdict: SEE VERDICT – DID NOT KNOW HOW TO WORD THIS

08-CP-10-6783 Proctor Cooper vs. Louise E. Nelson

Attorneys: Plaintiff: John P. Hayes  
Defendant: Michael J. Ferri

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

08-CP-10-6862 Kimberley L. Kittle vs. Sheriff of Charleston County

Attorneys: Plaintiff: Stephen M. Abrams  
Defendant: Robin L. Jackson

Cause of Action: Personal Injury

Verdict: In favor of the Defendant.

**THERE ARE NO FEDERAL COURT JURY VERDICTS**