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SUMMER 2012**Website: <http://www.charlestonbar.com>****FROM THE PRESIDENT**

Dear Colleagues:

Whether a born and raised Charlestonian or a lowcountry attorney by choice, as members of the Charleston County Bar we are indeed fortunate to practice our profession in these historic surroundings. Having personally practiced law in a different jurisdiction, I can attest to the special collegiality which exists between our membership and our judiciary. The professional fulfillment of practicing here is not limited to interaction among our members, however; any Charlestonian will tell you that one of the charms of living here is the wonderful surroundings in which we work and play. We enjoy the use of our beautiful and functional courthouse facilities; but members who have been admitted within the last ten years do not realize that this was not always the case.

On the night of September 21, 1989, the practice of law in Charleston changed drastically. Our courthouse was severely damaged by Hurricane Hugo, and the Charleston Bar leadership at the time helped secure alternative facilities in North Charleston. Though not luxurious, the North Charleston courthouse was functional and actually provided many more courtrooms and administrative space for the conduct of judicial functions. Our historic courthouse sat in a state of disrepair, however, as politicians debated whether and how to restore a functioning judicial facility downtown.

The Friends of the Courthouse was established to help raise funds and guide the restoration of the historic courthouse at Broad and Meeting Streets. Led by several of the members of our Bar in conjunction with preservation groups and governmental leaders, significant private funding was raised to help with the restoration project of the historic courthouse. In 2001, our new courthouse was opened, and our historic courthouse was reopened as a functioning courthouse facility. The historic courthouse is an operating facility which cannot be matched for historic significance in the country.

Many presume that since the reopening, all of the needs of these facilities have been met with public funds, and that private support is no longer necessary; this presumption would, however, be wrong. While the Friends of the Courthouse led us most of the way, we need to continue our support to finish the restoration of our historic courthouse, and continue to support our Clerk in maintaining first rate courthouse facilities. The Friends of the Historic Courthouse is sponsoring a fundraiser in October to raise the remaining funds necessary to fulfill the vision of restoration of our historic facility. While the executive committee of the Charleston County Bar has authorized a contribution to the fundraiser, the unfortunate fact is that we do not have the funds in our coffers necessary to provide the funds necessary to bring the restoration to its completion. As you use our courthouse over the coming months, I urge you to visit the historic courthouse and marvel in its splendor, think back to the days when we did not have the pleasure of practicing in our current surroundings, and give when asked to support the final restoration efforts. If we all give a little, we can accomplish a lot!

Here's wishing you a pleasant and productive summer!

With best wishes,

Robert A. Bernstein

ANNOUNCEMENTS

Akim Anastopoulos announces the opening of a new downtown Charleston location for **Anastopoulos Law Firm, LLC**, at 215 E. Bay Street, Suite 404, Charleston. Tel. 800-313-2546. Web: www.akimlawfirm.com. The North Charleston location at 2850 Ashley Phosphate Road, Suite B, will also remain open.

Jamie C. Cade, Esquire proudly announces the opening of **Jamie C. Cade, Attorney At Law**, conveniently located at 116 Church Street, Suite One in downtown Charleston. Ms. Cade's court experience compelled her to create her innovative business model, comprised of covering limited court appearances on behalf of Attorneys throughout the South Carolina Lowcountry, now providing attorneys the opportunity to effectively be in two places at once. Ms. Cade's practice focuses primarily on covering the following types of court appearances: Criminal Bond Hearings, Guilty Pleas & Transfer Court; Traffic and Administrative Hearings; Preliminary Hearings & Pre-Trial Conferences; Arguing Criminal and Civil Motions; Motions on Appeal; Motions to Re-Open and Re-Consider; and Probate and Family Court appearances for Hearings and Motions; **Telephone: 697-6555; E-Mail: jc.cade@gmail.com**.

Harvey & Vallini, LLC is pleased to announce that **Amanda Morgan Blundy**, formerly of McAngus Goudelock & Courie, LLC, has joined the firm as an Attorney in the Litigation Department. Her practice will be focused upon business litigation, construction, and commercial/professional liability. Amanda will primarily work in the firm's Mount Pleasant office, which is located at 497 Bramson Court, Suite 201, Mount Pleasant, SC 29464. Tel. (843) 388-8883; Fax (843) 388-8884; Email: amandab@hvlawsc.com.

Hinchey, Murray and Pagliarini, LLC is pleased to announce that **Mary Murray** has relocated her practice to 38 Alexander Street, Charleston, SC 29401. Tel. [\(843\) 284-6529](tel:(843)284-6529) and Fax: [\(843\) 637-4998](tel:(843)637-4998). Email: Mary Murray at or Kami Ruple at paralegal@lawyershmp.com.

The Charleston office of global law firm **K&L Gates LLP** has added **Richard A. Farrier Jr.** as a partner in its commercial disputes practice. Farrier joins K&L Gates from Nelson Mullins Riley & Scarborough LLP, where he was Managing Partner of the firm's Charleston office.

Laura W. Moore announces the relocation of her office to 23 Broad Street.

Motley Rice welcomes three new lawyers to its Mt. Pleasant, S.C., headquarters, **Max N. Gruetzmacher, P. Graham Maiden** and **Ann E. Rice Ervin**. Having varying educational and work backgrounds, each adds valuable experience to the firm's work representing consumers, investors, patients, victims of terrorism and other human rights abuses and those who have suffered due to corporate negligence and wrongdoing.

The **Pflug Law Firm, LLC** is pleased to announce that **Sarah B. Pflug** has joined the firm. She will focus her practice on real estate, business law, and estate planning. The office is located at 159 Civitas St., Suite 210 Mt. Pleasant, South Carolina 29464. Mailing address is PO Box 801, Mt. Pleasant, South Carolina 29465-0801. Phone: 843-647-7774. Fax: 866-446-6170. Email: sarah.pflug@pfluglaw.com

Ravi Sanyal is pleased to announce the opening of the **Sanyal Law Firm** located at 1350 Ashley River, Suite F, Charleston, SC. The Sanyal Law Firm will specialize in Personal Injury and Criminal Defense. Telephone: 641-0347; Fax: 641-0362; E-Mail: ravi@sanyallaw.com.

Wall, Templeton Haldrup, P.A. is pleased to announce **Tommy Boger** has joined the firm's Charleston office as an associate attorney. A graduate of Clemson University and the Charleston School of Law, Boger will focus his practice in the areas of complex litigation, construction and commercial litigation.

Classified Ads:

LAW OFFICE SPACE FOR RENT – DOWNTOWN CHARLESTON: First floor of two-story brick building on East Bay Street in downtown Charleston. Approximately 2300 square feet. Onsite parking included. Please call **David Yarborough** at **843-972-0150** or **843-814-0221** for additional information.

IMPORTANT REMINDER

Please remember to send any changes in your contact information (address, telephone number, e-mail address, etc.) to the below e-mail address so that your mail will not be returned to us and you will receive all notifications sent out via e-blast. We are missing e-mails from many attorneys so checking your e-mail on our website is very important and providing us with the correct information via e-mail is appreciated. In addition, all newsletters and other mailouts sent out by the Bar Association are sent bulk mail and the post office will not forward bulk mail.

Julianne R. Holzel, Executive Secretary

Telephone number: (843) 881-6666

E-Mail: jholzel2@comcast.net

Mailing Address:

PO Box 21136

Charleston, SC 29413

ONLINE MEMBER DIRECTORY

Please help us have a more complete online member directory. If you go to the Lawyer Director on <http://www.charlestonbar.com> and see that any of your contact information and/or headshot is missing, or outdated, please e-mail the information and photo (in jpeg format) to jholzel2@comcast.net. We will add the new information to the website as quickly as possible. **This is especially important for new members.**

PRO BONO MOMENTS

By: Marvin H. Feingold, Esquire
Director/ Legal Counsel
(Charleston) Pro Bono Legal Services, Inc.

The emphasis placed by bar associations and organizations like the South Carolina Bar Foundation on the issue of pro bono service by the private bar, grows out of a concern that the ideal of “equal justice under law” is more in jeopardy than ever.. As a practical matter, only about 20% of the need of poor people for legal services in the civil arena is being met. A group convened by the Bar Foundation is, over a period of months, considering how best to expend its resources to leverage pro bono service in South Carolina.

The Pro Bono Committee of the SC Bar submitted two items to the House of Delegates last Month:

- 1) A change to the pro bono “aspirational” goal to include an option for payment in lieu of pro bono service was aimed at those who can’t, won’t or are precluded from taking a case, to allow them to support pro bono efforts. The recommendation is payment of \$250 if the lawyer is admitted 5 years or less; \$500 if admitted 6 years or more or a member of the judiciary. The request passed with almost no opposition. Funds will be paid to the Bar Foundation and earmarked for pro bono delivery.

- 2) In furtherance of voluntary reporting of pro bono efforts, the Committee proposed including in the license fee statement, a survey of Bar members to determine their pro bono activities. The survey will be a reporting of either number of matters (cases, AAL, legal clinics, presentations at law school for non-lawyers sessions) or hours of pro bono service provided by the attorney. This item also passed; however it did have some opposition.

As the Bar Foundation seeks the most effective path to support Pro Bono service in South Carolina it will be challenged by the special problems of rural South Carolina, a problem possibly alleviated by regional organizations of County Bar Associations where membership is low and the need, high. Another factor to deal with is our Rule 608 system of court appointments which many attorneys view as “pro bono work.” and which deters attorneys from accepting truly voluntary cases.

The Charleston County Bar Association is the vanguard of county bar pro bono programs, the most robust such program in the Southeastern United States. CCBA members can be proud that they have unanimously supported a future for pro bono service in Charleston County.

The success which Charleston Pro Bono has had over last 6 years can continue only with your further financial support. In the Fall of 2012, Charleston Pro Bono will present a fundraising event. Please watch for the announcement and do what you can to help.

CHARLESTON PRO BONO



LEGAL SERVICES, INC.

LAW FIRM: _____

Contact: _____ Address: _____

Enclosed is our gift of \$ _____. (Lead gift \$5,000 and above)

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

CPB is a 501c3 organization, your donation is tax deductible as provided by law.

A Lawyers Time and Advice

By: Ruth W. Cupp

In the 1950s, every law office on Broad Street displayed the sign of Lincoln and his dictum, “A LAWYER’S TIME AND ADVICE ARE HIS STOCK IN TRADE.”

A decade earlier, 1941, the young attorney T. Allen Legare noticed that every law office had this motto hanging in their reception room. “It was there together with the picture of President Franklin D. Roosevelt and they displayed a Bible in the reception room.

Now, there is only one sign left hanging in the office of a Charleston lawyer. It belongs to Gaines W. Smith of 720 St. Andrews Blvd. He says that sometimes people ask me “What does it mean?” Gaines bought the sign from an art store on King Street.

Also on the face of this collector’s item reads, “Compliments of West Publishing Co., St. Paul, Minn. U.S.A.” This West Publishing Company was the forerunner of today’s WESTLAW. All of the Charleston Bar got their motto from one of those law book salesmen.

John B. West founded this company 135 years ago in St. Paul. He was a book salesman, not an attorney. Twelve years later he was publishing *The Syllabi* with opinions from both Minnesota and Wisconsin courts. By 1887 he was publishing these case books for every state in the union.

The company launched WESTLAW in 1975.

Judicial Notice

S.C. Family Court Judge Paul W. Garfinkel

By: Robert T. Crabtree, Charleston School of Law, Class of 2013

A lifelong resident of Charleston, S.C., Paul W. Garfinkel has been a family court judge for over 17 years. Outside of the courtroom, he has served as a national trustee for the National Council of Juvenile and Family Court Judges, was elected as a board member for the State Occupational Health and Safety Review Board, and recently co-authored an article that was published in the Family Court Review entitled *Family Drug Treatment Courts and Social Determinants of Health*. But, behind his many professional achievements and his participation in various legal organizations, it is really a passion for people that is expressed through the practice of law that drives Judge Garfinkel.

Born: August 10, 1944, Charleston, S.C.

Elected: May 1995 to the position of Family Court Judge for the Ninth Judicial Circuit.

Education: B.A., University of South Carolina, 1967; J.D., University of South Carolina, 1970.

Career: Solo practitioner, 1970-1989; Riesen, Gardner and Felder, 1989-1995.

Family: Wife, Susan; five children, Jeffrey, Allan, Haskell, Eric, and Emily. He has thirteen grandchildren.

1. **Hobbies:** Reading and numerous organizational activities. Among others, he has been a member of both the Bench Bar Committee and the Children's Justice Act Task Force, as well as the Family Court Judges Advisory Committee. Also, he presently serves on the Charleston School of Law Board of Advisors.
2. **On your nightstand:** *Overthrow: America's Century of Regime Change from Hawaii to Iraq*, by Stephen Kinzer.
3. **Best part about being a judge:** For him, it is about the children. "The best part about my job is that hopefully the decisions I make will benefit the future a child or children," he said.
4. **Hardest part about being a judge:** "The hardest part is determining parental supervision time and the circumstances of supervision," he noted. "It's extremely difficult to tell a parent when and how much time they can spend with their own child."
5. **Most surprising part about being judge:** The level of preparedness of lawyers who appear before him. "I was shocked at how few lawyers were actually completely prepared on every aspect of the case they were handling," he said. "Especially with regard to the rules of procedure," he added.
6. **Priceless moments in your courtroom:** Every day in his courtroom something happens that causes him to say to himself and the court staff, "You can't make this stuff up." One incident in particular involved a father petitioning for sole custody of his child. However, when asked, the father was unable to state the child's full name, the child's date of birth, the school the child attended, or the name of the child's pediatrician. "And yet, this man still felt that he deserved full custody of the child. I disagreed," he said.
7. **In your courtroom, DO:** Read the Rules of Civil Procedure and the South Carolina Rules of Family Court. "And then follow them!" he added emphatically.
8. **In your courtroom, DON'T:** Show a lack of civility to the opposing party, opposing counsel, or any of the court staff. "It is not the lawyer's job to be an extension of his client's anger," he pointed out. "The lawyer's job is to be the calm, cool, professional in the room."
9. **Advice to young lawyers:** Pay attention to what good lawyers do, both in and out of the courtroom. Also, he believes that it is vital to develop a mentor relationship with a few experienced lawyers. In fact, he said that he meets

with a different, relatively new attorney three to four times per month to discuss the practice of family law. “I enjoy those experiences immensely,” he said. And finally, “don’t be afraid to ask for help,” he insists.

- 10. Is there a legal figure that you particularly admire?:** A law professor from his days at the University of South Carolina named Coleman Karesh. “I have a picture of Professor Karesh that hangs on the wall over my right shoulder in my chambers. It’s been over my right shoulder since the day I started practicing law, forty-two years now,” he said. “The man had an encyclopedic mind. He would brief, by hand, every case in the South Carolina advance sheets. There were shelves of three-ring binders in his office that contained those briefs.”
- 11. What would you change about the American judicial system?:** Without question, providing better training for *pro se* litigants. “The number of *pro se* parties continues to rise, particularly in family court, and these people tend to be very unprepared for their time in court,” he pointed out. “Given that the majority of these parties are unsophisticated, we need to do a better job of teaching them how to handle their own case.”

Mark Your Calendar!

**University of South Carolina School of Law
Interview Day
Friday, August 24, 2012**

**CCBA Cocktail Party
Thursday, September 13**



UNIVERSITY OF
SOUTH CAROLINA
School of Law

**University of South Carolina School of Law
Interview Day
Friday, August 24, 2012**

**Interview 2nd year law students for Summer 2013 clerkships
and/or
Interview 3rd year law students for Fall 2013 permanent positions**

**Interviews will be held at the
Charleston Federal Courthouse
85 Broad Street**

Reservations are accepted on a first-come first-served basis. You will receive resumes on July 31, 2012, which will give you two weeks to make your selections.

Lunch will be provided for the Friday interviewers.

For your convenience you may complete the [Charleston registration form online](#) or [print and fax the form](#) to 803-777-8565. You may also email the information to lamprey@law.sc.edu. Please contact our office at 803-777-8479 if you have questions about registering.

If you prefer to interview 2Ls and 3Ls in Columbia at the University of South Carolina School of Law any day from August 20 - November 9, 2012, please contact us at **803-777-8479** for that registration form. Also contact our office if you have 2L and 3L hiring needs for offices other than Charleston.

For other hiring needs: If you prefer to have students apply to you directly, call **803-777-8479**, or complete the [form on our website](#) and we will be happy to post a notice for you.

NON-DISCRIMINATORY POLICY

The University of South Carolina School of Law is a member of the Association of American Law Schools (AALS) and is committed to abide by AALS standards of nondiscrimination on the basis of race, color, religion, national origin, sex, sexual orientation, age, handicap or disability. The Law School is also a member of the National Association for Law Placement (NALP) and adheres to the standards set forth by the Association. The Law School's facilities are available only to employers who agree to abide by both University and NALP guidelines for employment offers, nondiscriminatory hiring practices, and recruiting activities. Submission of registration indicates your compliance.

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>.)

July 2	July 9	July 16	July 23
	Chas AW - Jefferson 9 th CPNJ - Dennis Chas CP - Young Chas GS - McDonald Chas GS - Nicholson	9 th CPNJ - Nicholson Chas CP - Hughston Chas CP - Jefferson Chas GS - McDonald	9 th CPNJ/ - McDonald PCR Chas CP - Jefferson Chas CP - Young Berk GS - Harrington
July 30	August 6	August 13	August 20
Chas CP - Jefferson Chas CP - McDonald Chas GS - Young Chas GS - Hughston	9 th CPNJ - Harrington Chas CP - Jefferson Chas GS - McDonald Chas GS - Dennis	Chas CP - Brown Chas CP - Hughston Chas GS - Harrington Berk CP - Jefferson Berk GS - Young	
August 27	September 3	September 10	September 17
Chas CP - Dennis Chas CP - McDonald Chas GS - Hughston Chas GS - Jefferson	9 th CPNJ - Nicholson Chas CP - Jefferson Chas CP - Harrington Chas GS - Hughston Chas GS - McDonald	9 th CPNJ - Young Chas CP - Hughston Chas CP - McDonald Berk CP - Jefferson Berk GS - Nicholson	9 th CPNJ - Dennis Chas CP - Brown Chas CP - Jefferson Chas GS - Young Chas GS - Hughston
September 24			

CIRCUIT COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

July 2	July 9	July 16	July 23
	Dor AW - Goodstein	Dor GS - Goodstein	Dor GS - Goodstein
July 30	August 6	August 13	August 20
1 st CPNJ - Dickson Dor CP - Harrington	Dor GS - Dickson	Dor GS - Mullen	
August 27	September 3	September 10	September 17
	1 st CPNJ - Goodstein Dor GS - Dickson	Dor GS - Harrington	Dor GS - Harrington
September 24			

FAMILY COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

July 2	July 9	July 16	July 23
	Chas - McMahon Chas - Garfinkel Chas - Woods Chas - Martin Berk - Landis Berk - Creech	Chas - Kinon Chas - Cate Chas - Martin Chas - Garfinkel Chas - McMahon Berk - Woods Berk - Creech	Chas - McMahon Chas - Garfinkel Chas - Phillips Berk - Cate Berk - Creech
July 30	August 6	August 13	August 20
Chas - McMahon Chas - Cate Chas - Landis Chas - Martin Berk - McLin Berk - Fuge	Chas - Garfinkel Chas - Jenkins Chas - Landis Chas - McMahon Berk - Woods Berk - Snelgrove Berk - Creech	Chas - McMahon Chas - Garfinkel Chas - Woods Chas - Cate Berk - Landis Berk - Creech	
August 27	September 3	September 10	September 17
Chas - McMahon Chas - Cate Chas - Fuge Chas - Martin Berk - McLin Berk - Woods Berk - Phillips	Chas - McMahon Chas - Garfinkel Chas - Cate Chas - Martin Berk - Creech Berk - Landis	Chas - McMahon Chas - Woods Chas - Martin Chas - Cate Berk - Creech Berk - Phillips	Chas - Kinon Chas - Jenkins Chas - Snelgrove Chas - McMahon Chas - Garfinkel Berk - Landis Berk - Woods Berk - Creech
September 24			

FAMILY COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

July 2	July 9	July 16	July 23
Dor - Wylie Dor - McLin	Dor - McLin Dor - Wylie	Dor - Wylie Dor - McLin	Dor - McLin
July 30	August 6	August 13	August 20
Dor - Edwards Dor - Wylie	Dor - Riddle Dor - McLin	Dor - Jones	
August 27	September 3	September 10	September 17
Dor - Wylie Dor - Edwards	Dor - McLin Dor - Wylie	Dor - McLin Dor - Wylie	Dor - Riddle
September 24			

Cause of Action: Personal Injury

Verdict: For the Defendant.

2010-CP-10-9934 Mark Calhoun vs. Bishop of Charleston, a Corporation Sole, Robert Guglielmon, The Bishop of Charleston in his official capacity, Gregory Wilson, in his official capacity

Attorneys: Plaintiff: Gregg E. Meyers
Defendants: Albert P. Shahid

Cause of Action: Unfair Trade Practices

Verdict: For the Defendants.

2011-CP-10-1347 Willamae Thorne vs. Kevin Lamar Saunders

Attorneys: Plaintiff: Gary A. Ling
Defendant: Max G. Mahaffee

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

2011-CP-0-2312 Irvin A. Green vs. Catlin Molony

Attorneys: Plaintiff: J. Kevin Holmes
Defendant: Trevor A. Cangelosi

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

THERE ARE NO FEDERAL COURT JURY VERDICTS