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**WORDS FROM THE PRESIDENT – CELEBRATING AND CHANGING**



This month we celebrate Black History Month. In March, we celebrate Women’s History Month. In 1915, Carter G. Woodson, historian, and Jesse E. Moorland, minister, founded the Association for the Study of Negro Life and History. This organization researched and promoted the achievements of Black Americans and began publicizing the work of Black Americans, leading to National Negro Week in 1926. National Negro Week expanded across the United States and became known as Black History Month in the 1960s. The Civil Rights movement and Women’s Rights movement were gaining attention and results during the 1960s. In 1976, President Gerald Ford was the first President to designate February as Black History Month and every President since that year has done so.

Attorneys played major roles in the fight for civil rights, including rights for females. Attorneys are still playing major roles in changing our State and our country. We represent people; we work to ensure the guarantees of the United States Constitution and the South Carolina Constitution are upheld. We work to ensure that the government, through its representatives and its laws, do not step on the rights of individuals.

In recognizing and celebrating these achievements of Black people and females, we are reminded of the struggles people have endured. In

remembering the struggles, we can dedicate our lives and our work to bring about improvements for all. I spoke at Charleston School of Law about implicit bias. Implicit bias can be described as an almost instinctive bias or belief about a certain social group; some theorists define it as almost an instinctive bias or belief about a certain social group; some theorists define it as an unconscious bias. What are your biases? What beliefs do you have about a particular group of people? Do the people you invite to dinner or to your home look like you? Do you reach out to people who you think may be different from you? Being aware of biases and prejudices and being honest with oneself allow for open discussions and unity. Being aware of biases and prejudices and being honest with oneself allow for open discussions and unity. Being aware of biases and prejudices allows for people to make important decisions, acting with fairness. You make important decisions based upon evaluating people as individuals, not as part of a group. When we see people as individuals, we move closer to the dream of not only Dr. Martin Luther King, Jr. but also of a majority of people – that people will be judged by the content of their character and not by the color of their skin.

As attorneys, we can create positive change in our representation of our clients, examining how we treat our clients. As attorneys, we can create positive change in our community service, working in communities that may be different from our own. As attorneys, we can create positive change in our interactions with those in the Courthouse, examining how we treat custodians, clerks, court reporters, and judges. We have the power to create positive change. We can be the change we want to see in the world.

## ANNOUNCEMENTS

**YCRLAW**, is pleased to announce that **Victoria (Tori) L. Anderson, Nicholas J. Rivera and William O. Sweeny, IV** have been named Partners in the Charleston Office: **Ms. Anderson** received her Juris Doctor from the J. Reuben Clark Law School, Brigham Young University in 2010 and her undergraduate degree from Brigham Young University in 2005. Ms. Anderson practices primarily in the firm's Trucking and Transportation and Commercial Litigation groups and holds memberships in the J. Reuben Clark Law Society, the Charleston County Bar Association and the South Carolina Bar Association. **Mr. Rivera** received his Juris Doctor from the Charleston School of Law in 2008 and his undergraduate degree from Clemson University in 2004. Mr. Rivera practices primarily with the firm's Construction Law group and holds memberships in the Charleston County Bar Association and the South Carolina Bar Association.

**Mr. Sweeny** received his Juris Doctor from the University of South Carolina School of Law in 2007, an International Masters of Business Administration from the University of South Carolina, Moore School of Business in 2007 and his undergraduate degree from Wake Forest University in 2003. Mr. Sweeny's past experience involves tax litigation with the South Carolina Department of Revenue. Mr. Sweeny practices primarily with the firm's Trucking and Transportation group and Administrative and Regulatory Law group.

**Haynsworth Sinkler Boyd** is pleased to announce that **Jeff Stover** has been elected shareholder. Jeff's practice focuses on intellectual property, including patent, copyright, trademark, trade secret, unfair competition and related matters for clients operating in a wide range of technologies, including manufacturers, technology companies and startups. He also has litigation experience in a number of substantive areas, including general business disputes, shareholder disputes, fraud and misrepresentation claims, fiduciary duty claims, insurance coverage and bad faith disputes, and other types of disputes on behalf of both plaintiffs and defendants. Based in the firm's Charleston office, Jeff serves on the Board of Directors and

executive committee for the South Carolina Biotechnology Innovation Organization (SCBIO). He is also a member of the American Bar Association and the American Intellectual Property Law Association. Jeff received a bachelor's degree and a master's degree from Clemson University and his juris doctor from Charleston School of Law.

**Barnwell Whaley Wilmington** member attorney **Chris Hinnant** has been listed as a *Top Rated Civil Litigation Attorney* in the 2020 edition of *North Carolina Super Lawyers*. Hinnant concentrates his law practice in the areas of medical malpractice, construction defects, premises liability, dram shop claims, personal injury and all manner of commercial disputes. He is licensed to practice in both North Carolina and South Carolina.

**Haynsworth Sinkler Boyd** is pleased to announce that **Perry MacLennan** was elected President of the South Carolina Bar Young Lawyers Division effective January 1, 2020. Active in the community and the legal profession, Perry teaches business law at the College of Charleston. He serves on the board of Helping and Lending Outreach Support (HALOS), as Administrative Director of the ABA Young Lawyers Division and President of the Clemson Young Alumni Council. Perry is a workforce and business lawyer helping companies establish or expand operations in South Carolina and comply with various laws applicable to doing business here. He focuses on employment law, economic development incentives, contracts and general corporate matters. Perry has a passion for employment law and regularly blogs about workplace issues at [www.scemployersblog.com](http://www.scemployersblog.com).

**Womble Bond Dickson** is pleased to announce that Environmental law, toxic tort and product liability litigation attorney **Yancey McLeod III** has joined Womble Bond Dickinson's Charleston office as a Partner.

**Smith Debnam**, a Raleigh based firm, announced the addition of veteran bankruptcy and creditors' rights attorney Ron Jones <https://www.smithdebnamlaw.com/people/j->

[ronald-jones-jr/](#) to the firm, with plans to open an office in Charleston, South Carolina in early February. Jones joins Smith Debnam as a partner and will concentrate his practice and over 30 years of experience in the areas of commercial law and bankruptcy litigation, including all areas of creditors' rights.

**Shumaker, Loop & Kendrick, LLP**, is pleased to announce that **Scott C. Crowley** has joined its Charleston health care practice group as a partner. Scott has nearly two decades experience serving as general counsel for two hospital systems and co-founding a health care revenue cycle management company. Adept at counseling health care leaders and providers, Scott provides regulatory and compliance counseling, assistance with government investigations and audits, as well as advice on fraud and abuse issues. Scott has successfully closed a wide variety of transactions for an array of provider types, including mergers, acquisitions, asset purchases, joint ventures, private equity affiliations, MSAs, non-ownership collaborations, and co-management agreements. Scott's practice also includes tax-exempt bond financing, managed care contracting, physician recruitment, EMTALA, medical staff issues, and clinical research compliance.

**Burr Forman McNair** continues growth in the Carolinas with the addition of counsel **Mark Sharpe**, who joins the firm in the Real Estate practice group. Sharpe focuses on commercial real estate and finance, commercial transactions, and related disputes. Sharpe has represented lenders and borrowers in substantial real estate and corporate transactions, and represented lenders in mortgage and UCC foreclosures. Prior to becoming an attorney, he was a Certified Public Accountant (CPA) licensed in the state of New York, where he practiced with a predecessor to the accounting firm now known as PricewaterhouseCoopers. Sharpe has been appointed by State and federal courts to conduct foreclosure sales of commercial property on behalf of the Court, and to conduct related proceedings. He regularly serves as a speaker at continuing legal education programs, and has made presentations in the areas of commercial real estate, banking law and creditors' rights. Additionally, he is a past chair of the both the real estate section and the

corporate, banking, and securities law section of the South Carolina Bar, and is a member of the American College of Real Estate Lawyers and the American College of Mortgage Attorneys. Sharpe earned his undergraduate degree from Yale University, his Master of Business Administration degree from New York University and his law degree from University of South Carolina School of Law. He is licensed in South Carolina.

**Young Clement Rivers, LLP** is pleased to announce that **D. Jay Davis, Jr.** has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in North America. The special induction ceremony at which **D. Jay Davis, Jr.** became a Fellow took place before an audience of 807 during the recent Induction Ceremony at the 2019 Annual Meeting of the College in Vancouver, British Columbia. D. Jay Davis, Jr. is a partner in the firm of Young Clement Rivers, LLP. The newly inducted Fellow is an alumnus of the University of Georgia and the University South Carolina School of Law.

**YCRLAW**, is pleased to announce that **Robert S. Dodds** and **James D. ("Tripp") Gandy, III** have joined the firm as Special Counsel in the Charleston Office. **Mr. Dodds** began his career with Wise & Cole, P.A. in Charleston. He subsequently practiced with Nelson Mullins Riley Scarborough in its Charleston office. Thereafter, Mr. Dodds formed the law firm of Cisa & Dodds, LLP, where he practiced for nearly 20 years in Mount Pleasant, SC, his childhood home. He then established Dodds Law, LLC and worked as a sole practitioner for 2 years prior to joining YCRLAW. Mr. Dodds has more than 30 years of experience helping individuals and businesses with planning and taxation issues. He also served on the Mount Pleasant Town Council. Mr. Dodds will be, primarily, a member of the Business, Insurance, Real Estate and Regulatory Matters Practice Group. **Mr. Gandy** worked as a solo practitioner prior to joining YCRLAW. Before that, he represented insurance companies and other corporations for over 24 years in state and federal court in personal injury cases, toxic tort litigation and insurance cases. Mr. Gandy has significant experience in divorce and family law, personal injury and insurance law. He also has significant experience in asbestos litigation and other toxic tort litigation in both federal and state court. Mr.

Gandy will be, primarily, a member of the Professional Liability Practice Group.

**K&L Gates'** Charleston office is pleased to welcome **Claire Flowers** as an associate in the firm's Labor, Employment and Workplace Safety practice group.

Ms. Flowers was a summer associate at K&L Gates. Prior to joining the firm, Ms. Flowers also served as a judicial extern to the Honorable Rebecca B. Connelly in the United States Bankruptcy Court for the Western District of Virginia. She received her BA from the University of Georgia (*magna cum laude*) and her JD from Washington and Lee University School of Law (*cum laude*), where she was given the Outstanding Woman Law Student Award by the National Association of Women Lawyers and was an Editor on the *Washington and Lee Law Review*.

**YCRLAW Welcomes Three New Associates.** **Alexandra (Alex) J. Ginsburg** practices primarily in the firm's Professional Liability practice group. Before coming to YCRLAW, Alex worked as an Assistant Solicitor in the Ninth Judicial Circuit Solicitor's Office, during which time she handled a varied caseload and tried numerous cases to jury verdict. She was also the Animal Abuse prosecutor for Charleston County and still serves on the Anti-Cruelty Committee for the Charleston Animal Society. Alex graduated from The University of the South, Sewanee, Tennessee, *magna cum laude*, in 2012 and from the University of Tennessee College of Law in 2015. While in law school, Alex won several CALI awards, including Trial Advocacy. She also clerked with the United States Attorney Office in both Chattanooga and Knoxville, Tennessee. She also was an adjunct professor at the College of Charleston and taught Criminal Justice.

**T. Ashton Phillips, III** practices primarily in the firm's Professional Liability practice group. Ashton graduated from Vanderbilt University in 2016 and from the University of South Carolina School of Law in 2019. In law school, Ashton was a member of the Moot Court Bar and clerked for the U.S. Attorney's Office in Charleston. **W. Cole Shannon** practices primarily in the firm's Construction Law practice group. Cole graduated from Wofford College, *cum laude*, in 2016 and from Wake

Forest University School of Law in 2019. In law school, Cole served as the Executive Editor and Research Editor on the Journal of Law and Policy, served on the Moot Court Board, and authored appellate briefs in the North Carolina Court of Appeals, the U.S. Court of Appeals for the Fourth Circuit, and the United States Supreme Court as a member of Wake Forest's Appellate Advocacy Clinic. He also won the CALI Award for Appellate Advocacy and the Dean Suzanne Reynolds Award for Academic Excellence in Great Jurists. During law school, he interned for the Honorable J. Michelle Childs and the Honorable David C. Norton.

**McAngus Goudelock & Courie**, a regional insurance defense firm, is pleased to announce its inclusion in the *U.S. News – Best Lawyers®* "Best Law Firms" list for 2020. The firm was named to the "Best Law Firms" list in the following metropolitan areas:

**Metropolitan Tier 1:** Asheville, NC

- Litigation – Insurance

Charleston, SC

- Litigation – ERISA

Charlotte, NC

- Workers' Compensation Law - Employers

Columbia, SC

- Commercial Litigation

- Insurance Law

- Litigation – Banking & Finance

- Workers' Compensation Law – Employers

Greenville, SC

- Insurance Law

- Personal Injury Litigation – Defendants

- Workers' Compensation Law – Employers

Jackson, MS

- Workers' Compensation Law - Employers

Raleigh, NC

- Workers' Compensation Law – Employers

**Metropolitan Tier 2:**

Asheville, NC

- Commercial Litigation

- Workers' Compensation Law – Employers

Charleston, SC

- Employment Law – Management

- Litigation – Insurance

- Litigation – Labor & Employment

- Workers' Compensation Law – Employment

Columbia, SC

- Bet-the Company Litigation

- Litigation – Insurance
  - Product Liability Litigation – Defendants
- Greenville, SC
- Commercial Litigation
  - Product Liability Litigation – Defendants
- Jackson, MS
- Personal Injury Litigation – Defendants

Knoxville, TN

- Construction Law

Memphis, TN

- Insurance Law

Raleigh, NC

- Professional Malpractice Litigation – Defendants

Wilmington, NC

- Litigation – Insurance

**Metropolitan Tier 3:**

Charleston, SC

- Employment Law – Individuals
- Personal Injury Litigation – Defendants

Charlotte, NC

- Commercial Litigation
- Insurance Law
- Litigation – Construction
- Litigation – Insurance

Columbia, SC

- Litigation – Construction

**YCRLAW**, is pleased to announce that **Robert S. Dodds** and **James D. (“Tripp”) Gandy, III** have joined the firm as Special Counsel in the Charleston Office. Mr. Dodds began his career with Wise & Cole, P.A. in Charleston. He subsequently practiced with Nelson Mullins Riley Scarborough in its Charleston office. Thereafter, Mr. Dodds formed the law firm of Cisa & Dodds, LLP, where he practiced for nearly 20 years in Mount Pleasant, SC, his childhood home. He then established Dodds Law, LLC and worked as a sole practitioner for 2 years prior to joining YCRLAW. Mr. Dodds has more than 30 years of experience helping individuals and businesses with planning and taxation issues. He also served on the Mount Pleasant Town Council. Mr. Dodds will be, primarily, a member of the Business, Insurance, Real Estate and Regulatory Matters Practice Group. Mr. Gandy worked as a solo practitioner prior to joining YCRLAW. Before that, he represented insurance companies and other corporations for over 24 years in state and federal court in personal injury cases, toxic tort litigation and insurance cases. Mr. Gandy has significant experience in divorce and family law, personal injury and insurance law. He also has significant experience in asbestos litigation and other toxic tort litigation in both federal and state court. Mr. Gandy will be, primarily, a member of the Professional Liability Practice Group.

**IN MEMORIAM**

**Natalie Byars Fisher**– January 10, 2020

**Walter Bilbro, Jr.** – January 17, 2020

**Timothy V. Norton** – January 26, 2020

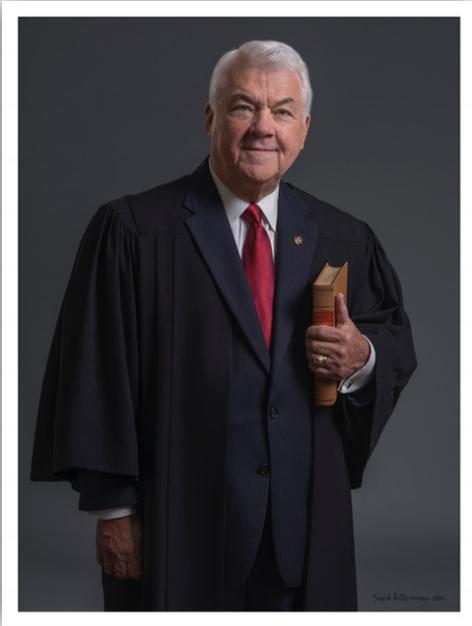
**HAVE YOU RECENTLY MOVED OR CHANGED FIRMS?**

Take a few minutes to log in to the Charleston County Bar website ([www.charlestoncountybar.org](http://www.charlestoncountybar.org)) to make sure your contact information is correct. Having your correct information ensures that you will receive Charleston Bar news.

### THE HONORABLE PATRICK MICHAEL DUFFY

Retired Judge

Interview by Johnathan Rice



#### **Now that you are retired, how do you enjoy the time with your family?**

Well, at 77, I did not realize how quickly time flies by. And with grandchildren, I realized there are windows of opportunity where I get to create memories they will remember later when I am gone. So, I look at it as an opportunity to create more memories with them; we try to do fun and exciting things with them. Both my wife and I love having fun with them. She does camps for them, such as Mimi's Christmas and summer camps, which involve scientific experiments and races and things of that kind.

#### **How many grandchildren do you have?**

We have seven grandchildren. The two oldest are in D.C., and the other five are here. The oldest is graduating high school, getting ready to go to college. The youngest is 10.

#### **In light of your retirement, what do you miss most about sitting on the bench?**

Well, the thing I miss the most is all the people. We had such great support in the federal court system. I had an assistant, who was my paralegal before I went on the bench, and we worked together for 30 years. I had two law clerks and those rotated every other year, to have an experienced clerk working with a new clerk. Every time we got a new clerk, it charged our batteries because everybody brought something new to the table. I thoroughly enjoyed it, and I missed those kinds of things.

#### **I do not know if you remember me, but I met you while interning for Judge Gergel. You mentioned that each law clerk brought something new, so what advice do you have for aspiring law clerks?**

Well, it is worthwhile. I would encourage anyone who is interested and who has the qualifications to seek the position. The trial experience in the federal court is wonderful; however, we generally ended up with more criminal trials because not many civil cases go to trial anymore. I think mediation suits the litigants because most of the cases are resolved. Criminal cases are always emotionally draining because the import of your decisions affects people's lives directly; it wears you down after a while. It is not as fun trying a case like that as it is a civil case.

#### **Over the years on the bench, what are some common qualities among the clerks that worked for you?**

I think when a judge hires law clerks, they are all well qualified, the clerk has the best education and is the best student. We had applicants from Harvard, Yale, and Stanford, but I always hired someone with a nexus to South Carolina. I wanted to train people who were going to practice law here instead of using the position to go to practice in New York or California. I found all of them bright enough to do the job. I looked for someone who was a self-starter, someone who had the interest and confidence to take on the task. I would tell the law clerk not to write me a bench memo that argues both sides of the case; that is not why you are here. I wanted their brainpower and their experience to bear on this issue, and I wanted them not just to make a recommendation but go ahead and write a

proposed order. I wanted them to justify their position in that order. If I agreed with them, I would make the changes I want, but we can send the order, right? We would not have to start from scratch. Twenty-three years on the bench, only two law clerks had a problem making the call, and they always wanted to argue both sides to me. I would tell them to go figure it out and bring me back what they thought was the best answer. Well, by the time they got finished, they could do it quite well. I would tell them; this is what you have to do with your clients; you need to be able to discern the best position and explain to the client why that is the best position, which is why they come to you. Now, it is ultimately the client's decision, but they want your best advice.

**Let me back up a little and ask about your background. Where are you from?**

I am from Charleston. I was born in St. Francis Hospital and graduated from Bishop England High School. I graduated from The Citadel in '65 and graduated from the University of South Carolina Law School in '68.

**Did you join the military after completing law school?**

I had a commission and the Vietnam War was active at the time. And everybody deployed to Vietnam. I fully expected to go, but kidney stones kept me home for a while. So, during that period from May of '68 to January of '69, when I reported for duty with the U.S. Army, I worked at the Neighborhood Legal Assistance as a staff attorney, which was an enjoyable experience. It was a six-month apprenticeship. I went on active duty as a Military Police Officer because I did not want to spend four years in the JAG, and they told me I would get great legal experience in the MPs, so I did.

**Tell us about your military experiences.**

The world was in turmoil at that time, and they sent me to Germany. The Russians had taken Czechoslovakia in '68; they would bring tanks up to the border, saber-rattling, to see if the U.S. could respond because we were so committed in Vietnam. Martin Luther King was assassinated. Bobby Kennedy was assassinated. John Carlos

did the black power salute at the Olympics, and the Students for Democratic Society demonstrated against America's military presence in Germany.

I was sent to Heidelberg, Germany, for riot control when the students would threaten to overrun U.S. Army headquarters in Heidelberg. Later, I was given orders to go to Vietnam, but the war was winding down by that time; however, Germany was heating up because some soldiers in Vietnam acquired drug habits while in the service. The U.S. Army sent those soldiers to Germany to clean up before they came home. They created many problems in Germany; we had our hands full so they left me in Germany. It is an experience that I could never have gotten anywhere else—invaluable life experiences. I profited greatly from it.

**Tell us a little about your family.**

My wife, Kathy, and I had a daughter my last year in law school. She is now a Senior Foreign Service Officer in Washington, D.C. We had a son while stationed in Germany, and he is now in Charleston as a clinical psychologist. And my youngest son is a lawyer. So, my family came at various stages of my life, one in law school, one in the Army, and one while practicing law. All of that made for a different challenge, but all enjoyable experiences, which wove the fabric of our family.

**We share a few experiences you mentioned. I was a federal agent before I came to law school and I was in the Navy. So, thank you for your service. I appreciate it. I served in Iraq, a different type of war.**

Well, thank you for that.

**Thank you, sir. Also, I agree that the military provided the foundation for who I am today. Ultimately, I think those experiences give me the strength to succeed, especially in demanding environments like law school. Any thoughts on that?**

I can understand that readily. I agree that it does that for most people. And that is why I wish more folks today would go into the service. It brings people from all over the country together, different parts, different cultures, and they get to

know each other, and they invest in their country, they serve together. And when they come out, they feel proud of their service just as you do, just as I do. The investment in our country, we have lost that.

I see all of the division in society and the lack of opportunity for people on street corners. And I always think had they gone in the military, a lot of that would be different, and they would have better jobs, families, and all the rest of it because of what the military offers. Just as you said, you profited, as I did. So, I lament that not more people go into the service.

### **You were in private practice too?**

I was in private practice for 27 years before going onto the bench for 23 years. I have 50 years of service, so that is when I retired from the bench, which by the way, so far as anybody around here knows, I am the only U.S. District Court Judge in the history of South Carolina to retire fully. The rest of them took senior status and continued to work a partial caseload, and they kind of all died with their boots on.

My health is not going to be with me always. So, I wanted to retire young enough to do things with my family and grandchildren. I do not regret it.

### **How did you decide after 27 years of practicing law that the bench was appropriate for you?**

My answer is going to be unusual. Most people who go on the bench have the ambition to be judges, and they sought the position and tried to qualify themselves and stamp the tickets along the way. I never thought of myself as judicial material; all I wanted was to be a trial lawyer. I truly loved trying cases and did so for 27 years, both civil and criminal. The offer came to me. Judge Bruce H. Hendricks' father was a great trial lawyer in Charleston and was very prominent in the Charleston Bar. When Judge Hawkins retired, I did not know this, but Mr. Arthur Howe got every past president of the Charleston Bar to sign a petition asking Senator Fritz Hollings to nominate me. The signatures included plaintiff lawyers, defense lawyers, Republicans and Democrats, and all the Charleston Bar past presidents signed it. It was funny because they did not tell me they

were doing it. That is the highest compliment I could ever get, and I was humbled by it.

### **What is Judge Duffy's legacy in Charleston?**

I think the people who worked with me would say I tried to be open-minded and fair to everyone who came into court. I treated everyone who came into court with respect and dignity, and it makes a difference. When I went on the bench, we had mandatory guidelines. So, lawyers would advise their clients of the sentencing range. However, I wanted their clients to know I considered their cases individually, that they were not a statistic. The guidelines did not tell me how I was going to handle their problem. I received feedback from lawyers, who told me they would advise their clients, Judge Duffy will listen, and if their client distinguished him or herself, it would make a difference.

I had some great examples to learn from over the years. The judges I watched were Sol Blatt, Jr., Weston Houck, and Falcon Black Hawkins, Jr. They were kind, understanding, brilliant, and fair people. They set great examples for people like me, and I tried as hard as I could to live up to those kinds of standards.

### **In "Understanding Criminal Sentencing" class with retired Judge Kristi Harrington, the class discussed sentencing hurdles. Was there ever a time the mandatory minimum guidelines forced you to do something you did not want to do as a judge?**

I railed against the guidelines. I will say this now, and I would say it in Washington, D.C. under oath, the Congress has no right to inject itself in sentencing. They tried in the name of being tough on crime to come up with mandatory minimum sentences. Plainly stated, the United States Supreme Court should have rejected their intrusion into sentencing with mandatory guidelines when they were written. The Court ultimately reached that conclusion stating that Congress can have guidelines, but the guidelines cannot be mandatory; that is the correct position.

However, in between, there were many cases tried, where people were subjected to unconstitutional mandatory guidelines. One of

the first criminal cases I inherited addresses your question. There were a man and a woman; he was an Ohio police officer and she was a spousal abuse victim. The man was called to the woman's house several times and he fell in love with her while trying to help her. She divorced her husband; he married her; and they moved to South Carolina. She had bad health and money issues, so they decide to rob a bank. Well, she had a friend from Ohio, an art student on scholarship, who knew of the woman's problems. She came down to watch the woman's three kids during spring break; when she arrived, the man and woman told her about the planned robbery the night before it was supposed to occur. The friend told them she did not want anything to do with it. They said that without her, they would leave the children sitting in the car by themselves while they robbed the bank. After hearing that, she agreed to sit in the car with the children. The couple robbed the bank. The friend sat in the car with the children and cried.

All three were arrested. I had to sentence the friend to 10 years in prison. She had no criminal record and did not want any involvement. She

deserved better consideration than the 10-year mandatory minimum in that case. When I got ready to sentence her, I had to recess the Court and leave the Courtroom. I was emotional because I did not want to do it. I was tearful when I sentenced her.

A week later, I got a letter from the friend's mother, which said thank you for showing us the human side of sentencing, and we know how hard it is for the judge as well as the defendant. Those kinds of things are reasons why at the end, I did not particularly appreciate trying criminal cases. It wears you down.

**Based upon your tough experiences, what advice do you have for aspiring judges to be the best version of themselves on the bench?**

First, be themselves. They cannot go on the bench and try to be someone else. Learn to be a good listener, as well. So, to that degree, I would say to an aspiring judge, be compassionate, be yourself, be a good listener, and possess a good sense of humor.

## COLLOQUY – FROM THE BENCH

### THE HONORABLE TAMARA C. CURRY

Charleston County Associate Probate Judge  
Interview by Shantel Middleton

*What Associate Probate Judge Tamara Curry really thinks about the law and the one thing she's certain will help you be better prepared for your next big case.*

You are a trailblazer and a history maker. How does that hit your ears? Do you reflect on this, and, then, maybe go "that might be a little bit true?"

**Most of the time it doesn't feel like it. I hear it from my daughter and other young people. Sometimes when I kind of think about it, I see it. There are just so many other people I admire. The other day I was speaking to one of my mentors; I have a few that I seek advice from often.**

One of the things I always find myself discussing with attorneys and judges is the power of mentorship. You got one early on in your career.



The mentors that I had were mainly non-legal mentors even though I had a legal mentor.

Why is that?

**Because that is what I was exposed to early in my career. Attorney Armand Derfner was my first legal mentor and one of the first lawyers that I knew. I started hanging out in his law office. Then I got to shadow him at his office. It is because of him that I moved back to Charleston.**

**As to non-legal mentors, my mother volunteered and worked in the community a lot and I gained exposure to women like Marjorie Amos Frazier; former House of Representative Member Lucille Whipper, and Dr. Maxine Smith – all strong women who have guided me with invaluable words of wisdom through various periods in my life.**

**What is very interesting is that I have four female cousins who have ended up being lawyers and two of us judges with one recent male graduate. My mother, who is an educator, always taught us we could excel in whatever we chose. One of my sisters is a speech pathologist; another sister is a parent advocate. My daughter is a computer engineer with a Master's degree in electrical engineering. She was always good in math, and she was like, "Mom you why do you push me into STEM?" You would think that I would want her to pursue a degree in law, but I saw that she was good in math and science. I ask that she now mentor others.**

**I have encouraged all of my children to pursue what they are good at, not what I want them to be. Both of my sons are doing that. That is how my mother raised us.**

**I always remember when it was time for me to go to law school. My mom told me: "This is where our roads split because I can support you but you're going on a different path. I'm a teacher. I'm not a lawyer. I don't know that path. I can support you. I will be here to support you. You're going in an area that I'm just not familiar with, but I am here for you. The Lord will be with you. He will be with you in ways that I cannot."**

Knowing all that, I imagine it's important that you give back to others now.

**It is very important for me and my husband who is a lawyer and pastor. Giving back to the community is important to us. We also have a church.**

You just don't have enough things to keep you busy in the Curry household?

**Correct. We still have to give back. Even when we had children at home, trying to practice law together, we continued to do community work, and do what is required for our ministry. I am on the Board of Trustees for Allen University and I have mentees. I have a young lady who was not going to college and did not understand the process of applying to college and FAFSA. I assisted her and she got into school. Every time I have a board meeting, I remember to text her and put a couple of dollars in her hand. When it is time to go back to school, I will have a packet for her. Those are our responsibilities.**

To whom much is given, much is expected.

**Correct. Some days you feel overwhelmed, but you have to make time. You have to do these things. Over Christmas I get a text, and it's, "I got my grades. All As." She would have never gone to college if I had not assisted her. She is a first-generation college student.**

That brings me to another point of how much representation matters. There are so many lawyers, but many people in our community have never met a lawyer. Without that personal relationship, all people know is what they see on TV and in commercials. Does that make you fearful?

**Yes, that is why we have to dispel the stereotypes and I try to make all speaking engagements in our communities, and go to schools, and allow as many students as I can to shadow the court. I try very hard to break the misconceptions of what they see on television. I want all of our communities to be informed of the need to be prepared and to have estate planning prepared.**

What is driving you to do all that you do? To take the time and energy to go beyond what your job requires you to do?

**My passion is outreach and helping others. I believe that we all have a purpose in life and I want to make sure that I am fulfilling my purpose to the best of my ability daily. One of those things is the Mental Health Court, one of my favorite Courts.**

You had the first mental health court in the state. That was 2003? Now it's 2020, and mental illness is still stigmatized. How did you know mental health court was necessary?

**When I first was appointed to the bench, I heard cases in the Therapeutic Division and I kept seeing persons who suffered with mental illness repeatedly but they had criminal charges. Mental Health Courts started around the country a few years after Adult Drug Courts; these Courts would be an answer to decrease the days someone is in jail and eliminating the use of jails as hospitals. Even today, there are only five Mental Health Courts in our State. Sometimes, they are still difficult to sustain.**

What made them difficult?

**With all specialty Courts, there are certain criteria to meet in order to be admitted as a participant. You have to meet the criminal criteria and/or mental or substance abuse criteria. A participant cannot have a current Criminal Domestic Violence or Criminal Sexual Conduct charge.**

That is all interesting because mental illness manifests in a number of ways. The criteria are very limiting.

**All specialty courts have disqualifiers. We still have to look at treating the illness but public safety is also an issue. Mental Health does manifest in a number of ways. A person who just graduated today started in our Juvenile Drug Court, but he failed out. He is duly diagnosed, meaning he suffers with both a mental illness and substance abuse issues. I placed him in Mental Health Court because he is only 20. He has been in and out of the civil commitment process because of his mental illness and severe drug addiction. He just graduated (Mental Health Court). I worry about him because he is young and I gave him my personal phone number if he has a crisis.**

And you are still invested?

**I'm still invested because I want him and the others who appear before me in Court to succeed. I want them to be productive citizens living normal lives. For the last five years, I go by my favorite restaurant and see one of my former participants still working. When I see him, I know why I continue to do what I do. In December, I participated in a seminar and just because I spoke about our needs, I was informed of a grant. We applied for it and received a \$5,000 grant from Roper Saint Francis Hospital Mission Department that will help with housing, bus passes, dental health, eyeglasses, bicycles, and other necessities.**

Do you sometime wonder if you're the only one who sees these needs? You have a keen awareness.

**Some days when I'm frustrated because – when we had the flood and somebody's house was flooded and I'm calling the Red Cross and they're telling me that even though there's water up to half the door, no money is approved; this person had a special needs child and could not get a check. Some days it's just . . . the shelter's full. There's no housing. So, yes, I get frustrated many days. Lack of resources and a lot of people who are homeless with limited resources.**

I want to talk about the way the workplace, for you the courtroom, has changed. What's your view on the future of lawyering?

**Definitely, there are more lawyers. As the years go on, I find more lawyers who are less prepared. Sometimes, they do not know the Rules of Evidence or Civil Procedure; some are flippant and not courteous to each other. I would like to see lawyers more respectful and courteous to each other. No matter what your position is, there should be a certain decorum when you appear in court.**

Do you find that more attorneys are making it about themselves than about their clients?

**I think that because we are such a litigious society, lawyers are willing to file all kinds of pleadings and often do not explain the law to**

**their clients. In addition, many attorneys do not stand when addressing the bench.**

They don't stand?

**There are a number of attorneys who practice this new relaxed form of litigation. I have to ask them to stand.**

What are your words of guidance to new attorneys?

**Be prepared. Think about what you need when going to court or if you have a trial. Am I fully prepared, do I need a notebook, exhibits, copies of documents? You may want to observe other attorneys during Motion Hearings and other proceedings. The more different lawyers you see, the more you can see what is effective and what is not.**

**Know your Rules of Civil Procedure and how to apply them. Not knowing the Rules of Civil Procedure will kill your practice. I do not have a great memory and always have my Rules book handy, unlike my husband. I could go today and say, "Eduardo (husband) give me an example of a Rule 53(b)." He'll state the Rule. He is like an encyclopedia; which annoys me. He's just like**

**that. That's not me. I know that's not me, and that's okay. That's why we have books. I just make sure that I have my book with me.**

Charleston County Bar President and Charleston School of Law professor, Debra Gammons, told me judges can tell an attorney is serious if she has a copy of the Rules of Evidence in the Courtroom.

**It's just little things like that. Those are the things to me that I see that are pitfalls for attorneys. I'm not old school, and we have had a tendency to become more relaxed in some of our cases. However, when you have an opposing lawyer and they are prepared, I am embarrassed for you. We have to always remember to be prepared. There is no case too big or too small.**

You have an amazing career. You're licensed to practice law in South Carolina and Ohio, but you're not going back to Ohio because no one does that. What is next for you?

**I love the law. When I stop being a judge, I will probably start my own mediation company. I will do mediations and arbitrations around the country. I may also go back to school and teach on the college level or at the law school.**

## MEET OUR INTERVIEWERS



My name is **Johnathan D. Rice**, and I am a 3L at the Charleston School of Law and contributor to the Charleston County Bar Association's newsletter. I enjoy creative writing and reading, such as poetry and prose, with a specific love for prose poetry. Prose poetry was the foundation of *Zombieland: The Only Place Where Stigma Does Not Exist*, my thesis for the University of North Carolina Wilmington (UNCW)'s Graduate Liberal Studies (GLS), Master of Arts in Liberal Studies (MALS). When not writing or reading, I spend most of my free time with family and friends, as Charleston is home away from home, and they make it a little cozier.

**Beverly Bolyard** is a current 3L at the Charleston School of Law. She attended Marshall University where she earned a Bachelor of Arts in Secondary Education Social Studies 5-Adult. She also earned a Master of Arts in Curriculum and Instruction Advanced Social Studies from West Virginia University. Before law school, Beverly taught middle school social studies in rural West Virginia for three years. In her spare time she enjoys reading, volunteering, and advocating for animal rights.



## A WARM WELCOME TO OUR NEW EXECUTIVE SECRETARY

The Charleston County Bar Association welcomes **Kimberly Steele** as their new Executive Secretary. Kim graduated from the University of South Carolina School of Law in 2002. Her early years of practice were in the areas of real estate and foreclosure. She then joined the Charleston County Solicitor's office as an assistant solicitor. After several years with the solicitor's office, she left the practice of law to stay home and focus on her family. Kim is excited to once again be involved with the Charleston County Bar Association and the legal community. This position gives her the flexibility to work while also allowing time to remain available to her family. Kim lives on Johns Island with her husband and two daughters.

## JURY VERDICTS

### **CHARLESTON COUNTY COURT OF COMMON PLEAS**

(Information supplied by Clerk of Court's Office)

2017-CP-10-06554      Jacqueline Drayton-Davis v. Joseph Earl Pittman Jr.

Attorneys:                      Plaintiff:      Joshua Timothy Howle  
   Jared L. Wigger  
   Defendant: Jeffrey Michael Crudup

Cause of Action:              Assault/Battery

Verdict:                              For the Defendant

2018-CP-10-00262      Marsh Waterproofing Inc. v.      Arc Café USA0001 LLC, et al.

Attorneys:                      Plaintiff:      Albert A. Lacour, III  
   Defendant: C. Clay Olson

Cause of Action:              Mechanics Lien

Verdict:                              For the Plaintiff

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## COURT ROSTERS

Simply click the links below to be taken to the respective roster. Please note that court schedules are changing constantly; please verify current information through S.C. Court Administration or by checking the South Carolina Judicial Department website at [https://www.sccourts.org/clerks/roster\\_map.cfm](https://www.sccourts.org/clerks/roster_map.cfm).

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## PRO BONO MOMENTS

By: Alissa C. Lietzow, Esq.  
**Charleston Pro Bono Legal Services**

Every year at the annual meeting of the Charleston County Bar Association, Charleston Pro Bono Legal Services is provided an opportunity to update the members on our recent achievements and upcoming initiatives. It is around this time every year that I make a point to take stock of our small but mighty nonprofit, and to reflect on where we started and how far we've come.

I had the great honor of taking over as Executive Director in January 2016. Thinking back over the past four years, I'm reminded of the adage: the days are long but the years are short. During that time, we've grown our team from a staff of 3 in 2016 to a staff of 7 in 2020. This increased capacity has provided for a remarkable upgrade in the quantity and quality of services provided to our clients. We've added direct representation, started providing Spanish-speaking services, helped launch the Charleston County Housing Court Pilot Program, and created a robust outreach initiative producing about 50 programs annually.

Thanks to grants from both governmental agencies and foundations, we've improved long-standing programs and created new ones. We are extremely proud of our annual Ackerman Fellowship Program, now in its 14th year, which provides an intense clinical experience for law students from across the United States. Our Housing Attorney, a position made possible by the South Carolina Bar Foundation, continues to provide increased access to justice for low-income tenants at risk for wrongful eviction. In 2019, she had a 95% eviction defense success rate. Thanks in part to a grant from Trident United Way, we are developing a Medical-Legal Partnership with MUSC to address negative social determinants of health. And, with a partnership between our organization and the Tri-County Human

Trafficking Task Force, we will soon be hiring an attorney dedicated to providing legal services to victims of human trafficking.

I would be remiss if I did not point out that our success is a result of many dedicated supporters. From our wonderful Board of Directors, led by Chairman Jerry Kaynard, to the amazing donors, and the incredible attorneys who give their time and talent by accepting pro bono cases and assisting with outreach, it is truly a collaborative effort. And, of course, the true heroes: our dedicated staff. This group is a close-knit team who shows up every day committed to providing better access to justice, not just within the walls of our office, but throughout Charleston. Our staff serves on countless Boards, Commissions, and Committees, weaving ourselves into the very fabric of our community. This commitment to public service is truly deserving of the community's recognition and appreciation.

But, there will be no resting on our laurels. We are so excited to take on 2020 and the next decade! Looking ahead, we are striving to strengthen our efforts to make a lasting impact. But, we simply cannot do it without you! Volunteer opportunities are listed in our monthly newsletter, so please be sure to let us know if you would like to be added to our e-mail list. We need volunteer attorneys to accept cases pro bono for direct representation. Alternatively, please consider assisting with a wills clinic, teaching a seminar, volunteering with Housing Court, or simply donating. No matter your area of practice or level of experience, we have an opportunity for you.

Should you attend the reception following this Annual Meeting, we encourage you to stop by our silent auction. One hundred percent of funds raised at this evening's auction will directly support our mission of providing access to justice to the low-income Charleston community.



**CHARLESTON PRO BONO**

**LEGAL SERVICES, INC.**

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*"Commitment to Justice" Award Reception*

## 2020 "Commitment to Justice" Award Reception Honoring Christine Osburn Jackson

On Thursday, March 19, 2020 the Center for Heirs' Property Preservation will honor Christine Osburn Jackson with its "Commitment to Justice" Award at the Francis Marion Hotel (387 King St.).

Mrs. Jackson has epitomized the pursuit of justice throughout her life. She moved to Charleston in 1963 as a home economist for Clemson University Extension Service. She followed her husband, the late Rev. E. L. Jackson, who moved here after losing his job as a football coach for simply participating in a civil rights march. The fight for equality and justice was a part of the couple's D.N.A.; it is a family trait. Ms. Jackson is first cousin to Coretta Scott King, widow of Dr. Martin Luther King, Jr.

Christine Jackson led the Greater Charleston YWCA, formerly the Coming Street YWCA, for 37 years. When she became Executive Director in 1966, the organization was a segregated institution. Under her leadership the YWCA withstood vestiges of racial segregation to emerge as the local community's premiere organization inspiring generations of young women to become strong leaders and advocates for opportunity.

Join us to honor Christine Osburn Jackson and support the Center. *Proceeds support the Center's work to protect heirs' property and to promote the sustainable use of land through increased economic benefit to low wealth, historically under-served families.*

Past award recipients include: Judge Richard E. Fields, Judge Alex Sanders, Dr. Theodore S. Stern, Ret. Chief Justice Ernest A. Finney, Jr., Honorable Lucille S. Whipper, Ret. Chief Justice Jean H. Toal, Rev. McKinley Washington, Jr., Judge Bernard Fielding and Attorney Armand Derfner, Esq.

This event welcomes nearly 200 guests each year. It is not a sit-down dinner but an hour reception with passed and plated hors d'oeuvres and an hour program. The emphasis is on story-telling and humor and personal reminiscences by those close to the honoree. The evening invariably feels like a big family that has come together to show their love and admiration for the recipient.

### **2020 "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 Reception

**WHERE:** Francis Marion Hotel (387 King Street)

**WHEN:** Thursday, March 19, 2020 from 5:30-8:00 PM

**TICKETS/SPONSORSHIPS:** Visit [www.heirsporproperty.org/events](http://www.heirsporproperty.org/events)

Contact Brett Wadford at 843-745-7055 or [bwadford@heirsproperty.org](mailto:bwadford@heirsproperty.org)



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If you have an idea on how to make the newsletter more valuable to CCBA members, please send your suggestion to Alexis McCumber at [alexis@akimlawfirm.com](mailto:alexis@akimlawfirm.com)

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