

CHARLESTON COUNTY BAR ASSOCIATION

ISSUE #6

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

SPRING 2009

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FROM THE PRESIDENT



Dear Fellow Members of the Bar:

We find ourselves in a moment of history that is unique, presenting unprecedented challenges on many fronts. Recent political and economic change has come upon us as quickly as our lowcountry "winter" shifts to the heavy humidity of summer. With such rapid, accelerating change comes an increased sense of crisis. We have watched reality change before our eyes, on a

national level, for our clients and for many of us personally. As lawyers, we often find ourselves almost overwhelmed as we stretch for more time to deal with the load. The weight of the responsibility we have accepted may never have been greater.

If we are not careful, we can get lost in the crisis points we deal with daily. For those who have been practicing for years, it may be tempting to look back to better times, wax nostalgic and wish for halcyon days gone by. For others who are just beginning to make their mark in the legal arena, it is equally tempting to look completely toward the future, living in hopes or expectations of the bright future that is just beyond the hazy horizon. The truth is, while present times may be unique and uncertain, today is all we know we have, and it's all we have to work with.

I am reminded of that very old, very important truism – *carpe diem*. Seize the day. Life is speeding by all of us. My wife Charlie and I recently celebrated our Silver Anniversary, and within the same week we watched as our youngest child graduated from high school. These two big milestones gave me some serious, humbling pause. Am I making time for those things that are really important? Am I really living every day? An old Japanese proverb states, "We're fools whether we dance or not, so we might as well dance." Am I dancing? Are you?

As professionals, we spend so much time with our noses to the grindstone. I wonder if sometimes we forget to look up. Amidst all the things we do for so many, I hope we take the time to savor life, to do the simple daily things that are so easy to push down the to-do list. Whether it is taking time to coach a small fry team, catch up with an old or new friend, or spend a quiet moment with someone you love, these are the things that add up to a life well lived. Time is short. There is much to do. *Carpe diem*. CARPE TODAY!

Sincerely,

Mark O. Andrews



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ANNOUNCEMENTS

Austin & Rogers, P.A. announces that the firm has opened a new office located at 505 Belle Hall Parkway, Suite 101, Mount Pleasant, SC 29464. Tel. (843) 856-2627. The firm is also proud to announce that C.C. (Cotton) Harness, III and **Melinda A. Lucka** have joined the firm Of Counsel, in the Mount Pleasant office. Mr. Harness has a multi-state environmental and land-use practice. Ms. Lucka focuses her practice in zoning, local governmental law, land-use and environmental regulations.

Dwayne Green and **Ian Ford** are pleased to announce that they have formed **Green & Ford LLC**, a boutique law firm focusing on general and complex litigation. The firm is located at 602 Rutledge Avenue, Charleston, SC 29403. www.greenandford.com.

William H. Nixon, Jr. announces the relocation of his office to One Cool Blow Street, Suite 201, Charleston, SC 20403. The telephone number, (843) 414-5450, fax number, (843) 853-7816, and email address, bill@billnixonlaw.com, remain the same.

Lon Shull is pleased to announce the formation and opening of **The Shull Law Firm, LLC**. Mr. Shull and **Julianne M. Stokes** will continue practicing in the areas of family litigation, alternative dispute resolution, and personal injury at 755 Johnnie Dodds Boulevard, Mount Pleasant, SC.

Beautifully Renovated Professional Office Suite in Mount Pleasant: Fantastic renovation of 2100 square foot professional office suite at 880 Johnnie Dodds Boulevard in Mount Pleasant. Includes teak hardwood floors throughout, crown molding and chair railing, oil rubbed bronze hardware, kitchenette with granite countertops and solid cherry cabinetry, two bathrooms with marble-top vanity and above counter glass sink, and comfort height water closets. Five large offices with windows, two offices without windows, large open reception area. Lots of light with windows and French doors. All new wiring for computers and phones, with locations in each room and reception area. Suite is second floor walkup. Conference room available, if needed, on first floor. Foyer entrance on first floor with travertine floor. Great location in brick building easily seen from Highway 17 Bypass with frontage road and building signage available. Courtyard in front with benches. Multiple parking spaces right by building. Easy access to banks, post office, office supply stores, and restaurants. Friendly, comfortable atmosphere as family run law business on first

floor with possibility of referrals. Contact **Emily: (843) 442-5800** or emily@charliecondon.com. Can show anytime.

Law Office Building for Sale or Lease in West Ashley: Located on Wappoo Drive and Wappoo Road in West Ashley. Approximately 1200 square feet. \$375,000 or \$2,500 per month. Phone system included. Call **Mike Coleman** at **(843) 871-3711**.

Office Space Available: Located 764 St. Andrews Boulevard. Minutes from downtown. Easy access to Sam Rittenberg Boulevard (Highway 7), Savannah Highway (US 17), and I-26 (via Cosgrove Avenue). Conference/meeting room, high-speed internet access and receptionist services. Contact **Renee C. Newman (rcn@bonllc.net)** or **Shirrese B. Brockington (sbb@bonllc.netsbb@bonllc.net)**. **(843) 571-5000**.

Office Space for Rent: Mount Pleasant. Belle Hall Parkway near Long Point Road and I-526. Two furnished offices. Available May 15, 2009. \$1,500 per month, per space. Rent includes shared conference room; receptionist to greet clients and answer calls; copier; fax; wireless internet connection; parking; electricity; and janitorial services. Prefer business or civil litigation attorneys. Call **(843) 856-2627** or email Ashley@HarnessLawFirm.com.

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The Charleston County Bar newsletter is a quarterly must-read for over 1700 of the area's legal professionals. Can you think of a better advertising venue for your business? For information on placing your ad in our next newsletter, please contact Julie Kemp at 843-724-6669 /jkemp@ycrlaw.com

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Please note that the Bar newsletter accepts ads from businesses serving the legal community but not from law firms or practicing attorneys.

The Charleston County Bar newsletter is now accepting classified ads for just \$1 per word. For information on placing your ad in our next newsletter, please contact Julie Kemp at 843.724.6669 /jkemp@ycrlaw.com

The **Charleston Law Review** has agreed to assist the Charleston County Bar Association in production of this and future Charleston County Bar Association newsletters. Yearly subscriptions to the Charleston Law Review (four issues) may be purchased for \$30.00. Please send checks to *Charleston Law Review*, Attention: Steve Bruce, 81 Mary Street, Charleston, SC 29402. Your support is greatly appreciated.

LOUIS E CONDON
Attorney at Law
235 Wandolea Drive
Mount Pleasant, SC 29464
(843) 884-2544
Judgelec@aol.com

May 18, 2009

Mr. Thomas Waring and Portrait Committee
Attorney at Law
40 Calhoun Street
Charleston, SC 29401

Dear Tom,

I hope it was obvious to you when you were in our home initiating the painting of my portrait that I was overwhelmed and humbled by the thought of it hanging in the Charleston County Courthouse in our beloved city of Charleston. I would like to thank you, your committee and all those who contributed to the success of the project and ask that you please extend my gratitude to them.

I have visited the courthouse on a couple of occasions with family and friends and am still amazed at the magnificent art Emmy Bronson created. While the subject matter may have its shortcomings, her wonderful talent seemed to make them disappear. Thank you, also, for choosing her as the artist.

Your kind remarks at the unveiling were truly appreciated by Marie and me, and the honor was enhanced by the opportunity to be with so many of friends and fellow professionals. Again, thank you for all of the time, effort and support you gave to making a "best moment in my life" for me and my family.

Sincerely,

Louis E. Condon

JURY VERDICTS - STATE • continued from page 7

07-CP-10-5761

Clarence Rutledge and Raja Rutledge vs. AlSCO, Inc.

Attorneys:

Plaintiffs: Daniel A. Beck
 Defendant: Richard C. Thomas

Cause of Action: Personal Injury

Verdict: For the Defendant.

08-CP-10-0036

Louise A. Cormier vs. Jillian Chewning

Attorneys:

Plaintiff: James R. Brauchle
 Defendants: Natalie Byars-Fisher

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

08-CP-10-0581

Carmelita L. Galang and Terisita T. Canieso vs. MGA Systems International, Inc.

Attorneys:

Plaintiffs: Nancy Bloodgood
 Defendant: Paul B. Ferrara, III

Cause of Action: Breach of Contract

Verdict: For the Plaintiff Carmelita L. Galang in the amount of \$2,090.00 actual damages; for the Plaintiff Terisita T. Canieso in the amount of \$4,180.00 actual damages.

JUDICIAL NOTICE

More on Local Magistrate Eugene Herron

The following was sent by email to Ruth Cupp, by John Bleecker, in response to Ms. Cupp's article on Magistrate Gene Herron which appeared in the last issue of this newsletter. Mr. Bleecker wrote:

I witnessed another use of the Bible by Judge Herron some years ago. I was in his court when a young married Union Heights couple were complaining about an elderly tiny black lady who was standing before Judge Herron. Their complaint was that the lady was throwing grave yard dirt on their home. They were scared and testified that the lady was a witch.

The little woman denied throwing grave yard dirt. My recollection was she said, 'Ain't throwing no grave yard dirt.' The lingo was mostly Gullah.

Judge Herron, to resolve the matter, picked up his Bible and held it by the string and allowed the Bible to twist in the air and said that the skeleton key would stop on the party telling the truth. The Bible never stopped twisting but in the process the little lady broke down and was very frightened and confessed. Judge Herron verbally restrained her from going near the home of the couple or throwing anymore grave yard dirt. That ended the case.

This hearing happened during the Christmas season. I recall that my stepfather was visiting for the Christmas holidays so I took him with me when I had to appear in Judge Herron's court. He spent his career in Wall Street and was always formally dressed, wore neck ties, business suits, and pointed toe shoes. For the rest of his life he never stopped talking about witnessing the proceedings before Judge Herron's court. It was a cold day. The oil burning stove was stoked, the windows were broken out but stuffed with newspaper. All in the courtroom sat on wooden chairs. The bathroom which was behind the Judge's desk served as the jury room. An interesting era in South Carolina's jurisprudence.

Magistrates usually considered themselves to be community peace keepers. They issued orders and dealt with parties before them in such a way as they thought would keep the peace. Much of the powers they exercised were not sanctioned by the South Carolina Constitution. It still worked for many decades. They were respected as the "law" within their jurisdictions. Today our Magistrates are under the control of the Supreme Court and the earlier peace keeping practices of those courts is mostly history.

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JURY VERDICTS - FEDERAL

(There are no Federal Court Jury Verdicts)

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WANTED

Pictures of Attorneys for Lawyer Directory of the Charleston County Bar website.

If you have not submitted a picture to be placed beside your contact information on our website, especially if you are a new member of the Charleston County Bar Association, you can do so by e-mailing a picture to: jkemp@yrcrlaw.com

COURT SCHEDULES

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

CIRCUIT COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

July 6 9th CPNJ - Dennis Chas CP - Newman Chas GS - Harrington Chas GS - Young 9th AW - Jefferson	July 13 Chas CP - Jefferson Chas CP - Newman Chas GS - Young Chas GS - Hughston Berk GS - Dennis	July 20 9th CPNJ/ - Young PCR Chas CP - Jefferson Chas CP - Newman Berk CP - Harrington
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August 3 9th CPNJ - Dennis Chas CP - Hughston Chas GS - Jefferson Chas GS - Young Chas GS - Harrington	August 10 Chas CP - Young Chas CP - Jefferson Berk GS - Dennis	August 17
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August 31 Chas CP - Jefferson Chas CP - Hughston Chas GS - Young Chas GS - Denis Berk GS - Harrington	September 7 9th CPNJ - Harrington Chas CP - Young Chas CP - Hughston Berk CP - Dennis	September 14 Chas CP - Dennis Chas CP - Jefferson Chas GS - Young Chas GS - Hughston Berk GS - Harrington
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September 28

CIRCUIT COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

July 6 1st CPNJ - Goodstein Dor GS - Maddox	July 13 Dor GS - Goodstein	July 20 Dor GS/ - Goodstein State Grand Jury	July 27 Dor CP - Goodstein
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August 3 Dor GS - Goodstein	August 10 Dor GS - Goodstein	August 17	August 24 Dor CP - Goodstein
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August 31 1st CPNJ - Dickson	September 7 Dor GS - Goodstein	September 14 1st CPNJ/ - Goodstein PCR Dor GS - Dickson	September 21
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September 28

FAMILY COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

July 6 Chas - McMahon Chas - Andrews Chas - Landis Chas - Garfinkel Berk - Creech	July 13 Chas - McMahon Chas - Andrews Chas - Cate Chas - Jenkinson Chas - Garfinkel Berk - Creech Berk - Landis	July 20 Chas - McMahon Chas - Andrews Chas - Cate Chas - Garfinkel Berk - Creech	April 27 Chas - McMahon Chas - Andrews Chas - McLin Chas - Cate Chas - Jenkinson Berk - Creech Berk - Landis
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August 3 Chas - McMahon Chas - Andrews Chas - Armstrong Chas - Cate Chas - Garfinkel Berk - Landis Berk - Creech	August 10 Chas - McMahon Chas - Andrews Chas - Garfinkel Berk - Creech Berk - Landis	August 17	August 24 Chas - Creech Chas - Cate Chas - Garfinkel Chas - Fuge Berk - Landis
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JURY VERDICTS - STATE

CHARLESTON COUNTY COMMON PLEAS

(Information supplied by Clerk of Court's Office)

06-CP-10-939
Estate of Janie Young vs. Gambro Health Care of Charleston

Attorneys:
Plaintiff: John H. Price, Jr.
Defendants: Richard Sheinis

Cause of Action: Medical Malpractice

Verdict: For the Defendant.

07-CP-10-827
Anthony Rivers vs. Ford Brothers Sales Company Inc.

Attorneys:
Plaintiff: Lionel S. Lofton
Defendant: John H. Tiller

Cause of Action: Motor Vehicle Accident

Verdict: Plaintiff and Defendant were found to be equally negligent and \$0.00 actual damages were awarded.

07-CP-10-1543
Beachside Real Estate, Inc. and Vicki Hollingsworth vs. Suncoast Properties of South Carolina, LLC

Attorneys:
Plaintiffs: Joseph F. Rice and Theodore H. Huge
Defendant: Suzanne E. Coe and O. Grady Query

Cause of Action: Breach of Contract

Verdict: For the Plaintiff Beachside Real Estate in the amount of \$1.00 actual damages; for the Plaintiff Vicki Hollingsworth in the amount of \$583,900.00 actual damages.

07-CP-10-1647
DCTL, LP d/b/a Buffington Homes, L.P. vs. Stewart Birbrower and Sylvia Birbrower

Attorneys:
Plaintiff: Thomas C. Hildebrand, Jr.
Defendants: Jay S. Masty

Cause of Action: Contract - Debt Collection

Verdict: For the Plaintiff in the amount of \$176,422.99 actual damages.

07-CP-10-4882
Danielle Johnson vs. Joshua David Morrisette

Attorneys:
Plaintiff: Johnny F. Driggers
Defendant: Barrett R. Brewer

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

07-CP-10-5178
Juan Robert Galarza vs. Paul J. Shromoff, D.P.M.

Attorneys:
Plaintiff: James D. Mosteller, III
Defendant: Joseph J. Tierney

Cause of Action: Medical Malpractice

Verdict: For the Defendant.

07-CP-10-5349
Tidal Wave Watersports, Inc. vs. Brothers Property Management Corp.

Attorneys:
Plaintiff: Clayton B. McCullough and Jamie A. Kahn
Defendant: William A. Scott

Cause of Action: Breach of Contract

Verdict: For the Plaintiff in the amount of \$51,732.41 actual damages.

07-CP-10-5724
John W. Shabotynskyj vs. Karen Sue M. Bolds

Attorneys:
Plaintiffs: Jonathan F. Krell
Defendant: Joseph R. Weston

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

By: Marvin H. Feingold
 Director/Legal Counsel
 Pro Bono Legal Services

For the third consecutive year, Pro Bono Legal Services, Inc. (PBL) is administering the Ackerman Summer Law Fellowship Program for rising second and third year law students. Three Ackerman Fellows will work on outreach and intake of cases, investigation, legal research, pleading preparation, and other aspects of the PBL mission during each of two six-week sessions. This year's Ackerman Fellows were selected from more than 70 applicants and represent the Charleston School of Law, the University of South Carolina School of Law, the University of Georgia School of Law, and the Wake Forest University School of Law. The Ackerman Summer Law Fellowship Program has traditionally included an educational component. This year, as in the past, Ackerman Fellows will have a series of luncheons with experts in various legal specialties.

In partnership with the Charleston County Bar Association and the Charleston School of Law, PBL will present "What Works for Me" on July 17. This is a half day seminar for summer law clerks in Charleston County. The presenters will be the Honorable Julie Armstrong and attorneys Mark Joye, Gordon Rhea, Joe Rice, and Peter Wilborn. The object of this seminar is to educate prospective attorneys about practical matters not necessarily taught in law school. The seminar was also presented on June 5, when we were privileged to have as presenters attorneys Mark Andrews, Gedney Howe, Ruth Cupp, Wilbur E. Johnson, and Greg Forman.

This summer marks the first offering by the Charleston School of Law of a three-credit elective in poverty law. This course is now offered at more than twenty law schools. The inclusion of poverty law in the law school curriculum recognizes that a considerable body of law has developed both defining and affecting the poor. More than a billion dollars per year in government and private grants is spent on legal services for the poor. The majority of these funds are spent on jobs for lawyers and paralegals.

Poverty law, perhaps more than any other legal specialty, carries with it substantial reliance on the ethos of *pro bono publico*. Poverty law deals with more than complex litigation and social welfare policy. It concerns accessibility to basic legal services. Wills, powers of attorney, and divorce proceedings are just a few examples of legal services required by rich and poor alike. The majority of federal dollars appropriated for civil legal aid to the poor, more than \$350,000,000 annually, is spent on such basic services, yet, according to a recent Legal Services Corporation report, eighty per cent of the need for such services remains unmet.


Educating law students about the interaction of law and poverty through programs like the Ackerman Summer Law Fellowship Program and law school coursework will hopefully result in a growing tradition of public service.

Harbour Club Membership Opportunity

Limited time reductions in Initiation Fees and Monthly Dues

- Everyday Breakfast Buffet \$3.20 inclusive
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Contact Leigh Wilkes, Membership Director
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FAMILY COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

August 31 Chas - McMahon Chas - Andrews Chas - Garfinkel Chas - McLin Chas - Cate Berk - Landis Berk - Creechl	September 7 Chas - McMahon Chas - Andrews Chas - Garfinkel Chas - McLin Chas - Cate Berk - Creech Berk - Landis	September 14 Chas - McMahon Chas - Andrews Chas - Garfinkel Chas - Cate Berk - Creech Berk - Landis	September 21 Chas - McMahon Chas - Andrews Chas - Garfinkel Chas - Cate Berk - Creech Berk - Landis
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FAMILY COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

July 6 Dor - McLin Dor - Jenkinson	July 13 Dor - Wylie Dor - McLin	July 20 Dor - Wylie	July 27 Dor - Smoak
August 3 Dor - McLin Dor - Wylie	August 10 Dor - McLin Dor - Wylie	August 17	August 24 Dor - Wylie
August 31 Dor - Smoak	September 7 Dor - Smoak	September 14 Dor - Wylie Dor - Jenkinson	September 21 Dor - Wylie Dor - McLin

September 28

HAVE YOU JOINED THE FEDERAL BAR ASSOCIATION?

Although you may be admitted to practice in the District of South Carolina and the United States Court of Appeals for the Fourth Circuit, you are not a member of the Federal Bar Association (FBA) unless you have joined the organization and paid your yearly dues. Active Membership in the FBA is open to any person admitted to the practice of law before a federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the U.S. or in the District of Columbia, provided you are or have been an officer or employee of the U.S. or the District of Columbia, or you have a substantial interest or participate in the area of federal law. Membership is for one year from the date you join.

The FBA also provides an Associate Membership, Foreign Associate to persons admitted to practice law before a court or administrative tribunal of a country other than the U.S. and an Associate Membership, Law School Associate to any law student currently enrolled in law school, who is not currently admitted to practice law.

Join the FBA online: www.fedbar.org/join.html. For questions concerning membership contact **Mia Maness: (843) 577-5100** or mia@tanenbaumlaw.com.

UPCOMING EVENT:

The South Carolina Chapter of the Federal Bar Association
 Annual Meeting, CLE, and Judicial Reception

September 17, 2009

The Westin Poinsett
 Greenville, S.C.

Three-Hour Ethics CLE
 (CLE credit application pending)

CLE registration will begin at 1:30 p.m.
 Reception to follow at 5:30 p.m.

CLE and reception – Complimentary for FBA members; \$150 for non-members (includes one-year FBA membership).

Hotel reservations: <http://www.starwoodmeeting.com/Star-GroupsWeb/res?id=0902138567&key=70B9D>

DSS APPOINTMENTS

Richard G. Duerinckx, family-law attorney, will assume carriage of your appointed DSS cases as Substitute Counsel pursuant to South Carolina Appellate Court Rule 608(h)(2) in Berkeley, Charleston or Dorchester Counties in consideration for payment of a one-time fee of eight hundred and fifty dollars (\$850.00) per case. Please call (843) 727-4140.