

Charleston County Bar Association
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CHARLESTON COUNTY BAR ASSOCIATION

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WINTER 2010

PRESIDENT
Mark O. Andrews
755 Highway 17 Bypass
Mt. Pleasant, SC 29464
843-881-8886

PRESIDENT-ELECT
Randell C. Stoney, Jr.
P.O. Drawer H
Charleston, SC 29402-0197
843-577-7700

EDITOR
Mia Lauren Maness
241-243 East Bay Street
Charleston, SC 29401
843-577-5100

FROM THE PRESIDENT



Dear Fellow Members of the Bar:

Hard to believe this year has almost come to a close.

In the first newsletter I mentioned how this year might be our most challenging yet. I had no idea just how true those words would become.

First, I want to thank all of you for the opportunity to serve as your president, a highlight of my career. I am deeply, humbly grateful for all your support, which has meant more to me and my family than you may ever know.

On the heels of recent events, I am in a quandary as I write this. I have opinions, feelings... and frankly, I am exhausted.

On the eve of what may very well be the greatest legal challenge I have witnessed in a 30-year career, I am passing the bar on to you. It's not about one case or one person. It's much bigger than that.

There are monumental issues at stake. Separation of powers. The independence of our judiciary. Basic principles that go to the very heart of our state constitution. Indeed, fundamental ideas upon which the United States was built.

Thank you for taking up the bar - the baton - the ball - and running with it.

God bless and Godspeed,

Sincerely,

Mark O. Andrews



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ANNOUNCEMENTS

The attorneys of **Buist Moore Smythe McGee P.A.** are pleased to announce that **Melissa K. Hazell** and **Harrison M. Trammell** have become associates of the firm. Ms. Hazell's practice areas include admiralty and maritime, business litigation, civil litigation, employment, and product liability. Mr. Trammell's practice areas include business litigation, civil litigation, construction, and construction product liability.

Finkel Law Firm LLC is pleased to announce that **Marta J. Borinsky** and **Virginia K. Murray** have become associates of the firm located at 3955 Faber Place Drive, Suite 200, North Charleston, SC 29405. Tel. (843) 577-5460.

Lawton Law Firm, LLC announces that **Erica B. McElreath** has joined the firm as an associate in the Mount Pleasant office located at 496 Bramson Court, Suite 100, Mount Pleasant, SC 29464.

The Seibels Law Firm, P.A. is pleased to announce that **Christine Companion Varnado** has joined the firm as a partner and that the firm has relocated its offices to 127 King Street, Suite 100, Charleston, SC 29401. Tel. (843) 722-6777.

Turner Padgett Graham & Laney, P.A. is pleased to announce that **Phillip Florence, Jr.** has joined the firm as "of counsel" in its litigation group and that **Sarah G. Verstraten** has joined the firm as an associate. Both are in the Charleston office. Mr. Florence will focus his practice in the areas of general litigation, construction law, employment law and personal injury defense, and Ms. Verstraten practices primarily in the areas of general litigation and personal injury defense.

CENTER FOR HEIRS' PROPERTY PRESERVATION: BLACK HISTORY MONTH WILLS CLINICS

To further the Charleston County Bar Association's (CCBA) efforts to address heirs' property, CCBA made a \$10,000.00 donation to support the work of the Center for Heirs' Property Preservation (the Center). CCBA is the first local bar association to make a gift to the Center, a nonprofit organization that provides education and legal services to heirs' property owners. CCBA's donation to the Center will assist the Center in conducting educational seminars and wills clinics. The gift will also be used to provide legal services to heirs' property owners in Charleston County.

The wills clinics will offer CCBA members an opportunity to volunteer and prepare wills. Two wills clinics will take place during Black History Month (February 2010) on Saturdays at local churches from 9 a.m. to 1 p.m. Specific dates will be made available on the Center's website beginning December 21. Please send all inquiries or offers to volunteer to **Jennie Stephens** at jstephens@heirsproperty.org or **745-7055** no later than January 8, 2010. Thank you so much for your support for this important project.

PRO BONO MOMENTS

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

The first annual National Pro Bono Celebration was held October 25 - 31. Sponsored by the American Bar Association's Standing Committee on Pro Bono and Public Service, the celebration was a coordinated national effort to showcase the positive difference which *pro bono* attorneys make in the lives of low income clients and in the general quality of our communities. In line with actions of state and local governments around the country, the City of Charleston proclaimed the week as Pro Bono Week in recognition of the vital work done by *pro bono* attorneys.

The newly organized Student Division of the Charleston County Bar Association has been actively working to promote involvement between law students residing in Charleston County and Charleston County Bar Association members. Programs and benefits focus on helping students prepare for practice within Charleston County. In particular, the group focuses on fulfillment of trial experiences, mentoring programs, fostering social relationships, and bolstering community contributions.

In October the Student Division held a well attended mixer at Hall's Steak House. Days later, and to coincide with the National Pro Bono Celebration, the Student Division held an oyster roast for the benefit of Pro Bono Legal Services, Inc. Bar members and students mingled in the back yard at O'Malley's on King Street. The event was well attended. Everyone enjoyed the food and drink, and a good cause was served. Stephanie Brinkley and Matthew Keller, students at the Charleston School of Law and co-presidents of the Student Division, deserve our thanks for helping to create this wonderful connection between the local Bar and law student residents of Charleston County.

At a time of the year symbolized by giving and selflessness, please consider taking a *pro bono* case if called upon to do so. In Charleston County we are fortunate to have a fully staffed office for intake of appropriate cases. The office is also prepared to support attorneys willing to represent these clients, even if the case may be outside of an attorney's regular area of practice.

Pro Bono Legal Services, Inc. is a program of the Charleston County Bar Association.

CIVIL APPOINTMENTS

Richard G. Duerinckx, family-law and probate 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.

Charleston School of Law 3L with impressive resume and credentials seeks interview for fall 2010 associate position with local small to mid-sized firm. Areas of interest include business law, personal injury and wrongful death (products, med mal) and reproductive technology. Please send confidential inquiries to csol2010@yahoo.com.

ADVERTISE WITH US!

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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SIZE	COST
Business Card	\$100 per issue
1/4 Page	\$200 per issue
1/2 Page	\$400 per issue

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 \$50.00. Checks should be sent to Charleston Law Review, Attention: Laura Moore, 81 Mary Street, Charleston, SC 29403. Your support is greatly appreciated.

SAVE THE DATE

**February 18, 2010
CCBA Annual Meeting
and Reception
Marriott Hotel
Lockwood Boulevard**

For Rent: Fully furnished and equipped 1,200 square foot office space available in great location in Mt. Pleasant. Contains two attorney offices, two paralegal offices and a conference room. Receptionist included for greeting clients and answering telephones. Multi-function printer, Internet access, telephone service and library available. Please contact Nick Sottile at (843) 884-2022.

08-CP-10-1615
Howard Barrow vs. Richard Artale

Attorneys:
Plaintiff: J. Rutledge Young, III
Defendant: Eugene P. Corrigan, III

Cause of Action: Premises Liability

Verdict: For the Defendant.

08-CP-10-2216
Suzie Simmons, Mable Simmons and Shalicia Thomas vs. Krystal Alyce Manigo

Attorneys:
Plaintiffs: Matthew Douglas
Defendant: Michael J. Ferri

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff Suzie Simmons in the amount of \$471.00 actual damages; for the Plaintiff Mable Simmons in the amount of \$1,477.00 actual damages; for the Plaintiff Shalicia Thomas in the amount of \$1,915.90 actual damages.

08-CP-10-1927
Jennifer Bagby vs. Rhode Construction Company and William Perritte as Employee/Agent of Rhode Construction Company

Attorneys:
Plaintiff: John P. Hayes
Defendants: Christopher W. Nickels

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$1,442.00 actual damages.

08-CP-10-3279
Anthony Ramos vs. Edward K. Stonaker

Attorneys:
Plaintiff: Carl H. Jacobson
Defendant: Henry E. Grimboll

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

08-CP-10-3527
Mei Tsai vs. Lenzie Crosby

Attorneys:
Plaintiff: John P. Hayes
Defendant: Thomas H. Milligan

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

08-CP-10-3533
Sean K. Locklear vs. Kristen D. Dennis

Attorneys:
Plaintiff: Keith E. Robinson
Defendant: Jeffrey A. Ross

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$3,514.00 actual damages.

08-CP-10-5347
William Toomer and Izhah Watson vs. Harold H. Goodman

Attorneys:
Plaintiffs: Samuel B. Cooper, Jr.
Defendant: Max G. Mahaffee

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff William Toomer in the amount of \$4,306.00 actual damages; for the Defendant as to Plaintiff Izhah Watson's negligence cause of action.

JURY VERDICTS - FEDERAL
(There were no federal court jury verdicts last quarter.)

(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

January 4 Chas GS - Harrington Chas GS - Hughston Chas CP - Jefferson Chas CP - Young 9th AW - Dennis	January 11 Chas CP - Dennis Chas CP - Hughston Chas GS - Harrington Chas GS - Young 9th CPNJ - Jefferson	January 18 9th CPNJ - Young 9th CPNJ - Nicholson Chas CP - Dennis Chas CP - Jefferson Berk GS - Harrington	January 25 9th CPNJ - Harrington Chas CP - Jefferson Chas CP - Young Chas GS - Hughston Chas GS - Nicholson Berk CP - Dennis	February 1 9th CPNJ - Jefferson Chas CP - Dennis Chas CP - Harrington Chas CP - Hughston Chas GS - Young
February 8 9th CPNJ - Young PCR Chas CP - Hughston Chas CP - Jefferson Chas CP - Dennis	February 15	February 22 Chas CP - Cooper Chas GS - Jefferson Chas GS - Nicholson Berk GS - Harrington	March 1 9th CPNJ - Harrington 9th CPNJ - Nicholson Chas CP - Baxley Chas CP - Dennis Chas CP - Hughston Chas GS - Jefferson Chas GS - Young-	March 8 9th CPNJ - Jefferson Chas CP - Baxley Chas GS - Weimaker Berk CP - Harrington Berk GS - Young
March 15 Chas CP - Baxley Chas CP - Harrington Chas CP - Young Chas GS - Weimaker Chas GS - Hughston	March 22 9th CPNJ - Nicholson	March 29 9th CPNJ - Nicholson Chas CP - Dennis Chas CP - Nettles Chas GS - Harrington Chas GS - Jefferson		

CIRCUIT COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

January 4 Dor GS - Goodstein	January 11 Dor GS - Goodstein	January 18 1st CPNJ - Goodstein	January 25 Dor CP - Goodstein	February 1 Dor GS - Goodstein
February 8 Dor GS - Goodstein	February 15	February 22	March 1 1st CPNJ - Goodstein PCR	March 8 Dor GS - Dennis
March 15 1st CPNJ - Goodstein Dor GS - Dennis	March 22	March 29 1st CPNJ - Dickson 1st CPNJ - Goodstein		

FAMILY COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

January 4 Chas - McMahon Chas - Andrews Chas - Garfinkel Chas - Cate Berk - Landis Berk - Creech	January 11 Chas - McMahon Chas - Andrews Chas - Garfinkel Chas - Cate Chas - Jenkinson Berk - Landis Berk - Creech	January 18 Chas - Garfinkel Chas - Landis Chas - Vinson Chas - Cate Chas - Vinson Chas - Neese Berk - Creech	January 25 Chas - Andrews Chas - Garfinkel Chas - Cate Chas - Jenkinson Berk - Creech Berk - Landis	February 1 Chas - Andrews Chas - Garfinkel Chas - Cate Chas - Long Berk - Creech
February 8	February 15 Chas - Andrews Chas - Garfinkel Chas - Landis Chas - Cate Chas - Creech	February 22 Chas - McMahon Chas - Andrews Chas - Garfinkel Chas - Cate Chas - Jenkinson Berk - Creech Berk - Landis	March 1 Chas - McMahon Chas - Andrews Chas - Garfinkel Chas - Cate Berk - Landis Berk - Creech	March 8 Chas - McMahon Chas - Andrews Chas - Garfinkel Chas - Cate Berk - Creech Berk - Landis

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FAMILY COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

March 15	March 22	March 29
Chas - McMahan	Chas - McMahan	Chas - McMahan
Chas - Andrews	Chas - Andrews	Chas - Andrews
Chas - Garfinkel	Chas - Garfinkel	Chas - Jenkinson
Chas - Vinson	Chas - Cate	Chas - Cate
Berk - Landis	Berk - Creech	Berk - Creech
		Berk - Landis

FAMILY COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

January 4	January 11	January 18	January 25	February 1
Dor - McLin	Dor - Wylie	Dor - McLin	Dor - McLin	Dor - McLin
Dor - Wylie			Dor - Wylie	Dor - Wylie
February 8	February 15	February 22	March 1	March 8
	Dor - McLin	Dor - McLin	Dor - Wylie	Dor - Wylie
		Dor - Wylie	Dor - McLin	
March 15	March 22	March 29		
Dor - Wylie	Dor - McLin	Dor - McLin		
Dor - McLin	Dor - Wylie			

Charles Town Bar in a Crisis

By: Ruth Cupp, Esquire

A major crisis occurred at the Charles Town Bar by the passage of British Stamp Act. This law required that these stamps be applied to every legal document, except those in General Sessions Court.

This law was to take effect November 1, 1765. The stamps were not available. The courts closed. Seven attorneys demanded that the Clerk of Court accept civil legal proceedings and he refused.

Next the Bar went to the Chief Justice on November 7 and requested him to open the courts, claiming that "closing posed serious economic and social problems (and) human law must give way to emergencies." Eventually, the Chief Justice decided that he would not be a party to any violation of the Stamp Act.

The Governor tried to circumvent the Chief Justice by appointing three new judges. When court opened for the spring term, attorney Rawlins Lowndes spoke for the Bar. He asked rhetorically, "Was the Stamp Act intended to unhinge the Constitution of the Colonies, to unloose the hand of violence and oppression, to introduce anarchy and confession amongst us, and reduce us to a state of outlawry? Thus the act should not be construed to require the

suspension of all legal business merely because stamped paper was unavailable."

The Bar then turned its attention to removing the Chief Justice until the repeal of the Stamp Act in March of 1776. To celebrate the event they subscribed to purchase a statue of William Pitt for leading the repeal of the Stamp Act. Pitt's statue, wearing a Roman toga, now stands in the entrance of our court house.

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@ycrlaw.com

CHARLESTON COUNTY COMMON PLEAS

(Information supplied by Clerk of Court's Office)

06-CP-10-1578

Lawton Limehouse, Jr. vs. Paul Hulsey

Attorneys:

Plaintiff: Frank M. Cisa
 Defendant: A. Camden Lewis and Robert H. Hood, Sr.

Cause of Action: Slander/Libel

Verdict: For the Plaintiff in the amount of \$1,000,000.00 actual damages and \$2,600,000.00 punitive damages.

06-CP-10-2996

Angelic Brown and Trojan Bell, individually and as Personal Representatives of the Estate of Travone L. Bell, Decedent vs. City of North Charleston Police Department and the Charleston County Sheriff's Office

Attorneys:

Plaintiffs: Michael W. Sautter
 Defendants: Robin L. Jackson and G. Wade Cooper

Cause of Action: Personal Injury

Verdict: For the Defendant.

07-CP-10-1069

CM Dukes Oil Company vs. Exxon Mobil Corporation

Attorneys:

Plaintiff: S. Jahue Moore
 Defendant: I. S. Leevy Johnson

Cause of Action: Breach of Contract

Verdict: For the Defendant.

07-CP-10-4528

James M. Mackey vs. City of Charleston and South Carolina Department of Public Safety

Attorneys:

Plaintiff: Donald Gist
 Defendants: Bob J. Conley and Robin L. Jackson

Cause of Action: Contract – Employment

Verdict: For the Plaintiff in the amount of \$1,387.57 actual damages against the South Carolina Department of Public Safety; for the Defendant City of Charleston.

07-CP-10-4747

Floyd Deandrade and Susan Deandrade vs. Thomas O'Keefe

Attorneys:

Plaintiff: Zachary J. Closser
 Defendant: Benjamin Goldberg

Cause of Action: Breach of Contract

Verdict: For the Plaintiffs in the amount of \$8,000.00 actual damages.

08-CP-10-0747

Robert Bryan Green and Brenda Green vs. Patriots Point Development Authority

Attorneys:

Plaintiffs: Stephen A. Butaitis
 Defendant: John A. Jones

Cause of Action: Personal Injury

Verdict: For the Defendant.

08-CP-10-1144

Dana Bradford, individually and as mother and natural guardian of Emma Grace Bradford, a minor, and Dennis Bradford vs. Josiah S. Cillpam

Attorneys:

Plaintiffs: Francis M. Ervin, II
 Defendant: Joseph R. Weston

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff Dana Bradford in the amount of \$175,000.00 actual damages; for the Plaintiff Dennis Bradford in the amount of \$170,000.00 actual damages.

08-CP-10-1389

Jannie Washington vs. Elva M. Holliday

Attorneys:

Plaintiff: Jonathan F. Krell
 Defendant: Michael J. Ferri

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$50,000.00 actual damages and \$20,000.00 punitive damages.