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SPRING 2012**Website: <http://www.charlestonbar.com>**

FROM THE PRESIDENT

Dear Colleagues:

With best wishes,

ANNOUNCEMENTS

Smith Moore Leatherwood LLP is proud to announce the addition of two new attorneys to the firm's Charleston office Corporate Team. **G.P. Diminich** has joined the firm as a partner and **Halsey O. Schreier** has joined the firm as an associate, each having tax degrees from the New York University School of Law along a wealth of experience in tax and estate planning.

CHARLESTON COUNTY BAR ASSOCIATION EXECUTIVE BOARD**2012-2013**

President-Bobby Bernstein
President-Elect – Lad Howell
Secretary/Treasurer- Brian Duffy
Immediate Past President – John Massalon
Natalie Bluestein – Executive Committee Member
Bernard Ferrara - Executive Committee Member
Andrew Gowdown - Executive Committee Member
The Hon. William Howard - Executive Committee Member
Matthew Hubbell - Executive Committee Member

Jim Myrick - Executive Committee Member
Nosizi Ralephata - Executive Committee Member
Abby Edwards Saunders - Executive Committee Member
Peter Shahid - Executive Committee Member

CLASSIFIEDS

IMPORTANT REMINDER

Please remember to send any changes in your contact information (address, telephone number, e-mail address, etc.) to the below e-mail address so that your mail will not be returned to us and you will receive all notifications sent out via e-blast. All newsletters and other mailouts sent out by the Bar Association are sent bulk mail and the post office will not forward bulk mail.

Julianne R. Holzel, Executive Secretary

Telephone number: (843) 881-6666

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ONLINE MEMBER DIRECTORY

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 and see that any of your contact information and/or headshot is missing, or outdated, please e-mail the information and photo (in jpeg format) to jholzel2@comcast.net.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

PRO BONO MOMENTS

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

Please help this important program continue to serve the Charleston County community



CHARLESTON PRO BONO LEGAL SERVICES, INC.

LAW FIRM: _____

Contact: _____ Address: _____

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

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

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

Judicial Notice

S.C. Circuit Judge Thomas L. Hughston, Jr.

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

Coming from a family with virtually no legal experience, except for a mother who was a legal secretary, Judge Thomas L. Hughston, Jr. has spent his adult life participating in, presiding over, and officiating a variety of matters in various public arenas. From private practice, to a member of the South Carolina House of Representatives Judiciary Committee, to Eighth Circuit court judge, and finally as a high school and college football referee for 30 years, Judge Hughston has made his living interpreting and enforcing the rules, no matter the forum. When the bar newsletter caught up with him, he was recovering from knee surgery. "If you can avoid it, don't ever get knee surgery," he joked.

Born: July 25, 1943, Spartanburg, S.C. (Raised in Greenwood, S.C.)

Elected: February 20, 1985 to Eighth Judicial Circuit

Education: B.A., The Citadel, 1965; J.D., University of South Carolina, 1968

Career: Private practice with W.H. Nicholson, Jr., Thurmond Bishop, and Mary G. Daniel, 1968-85; Elected to S.C. House of Representatives, during which he served as the vice-chairman of the Judiciary Committee and was a member of the original Sentencing Guidelines Commission; 1977-85; Judge, Eighth Circuit, 1985-98; Judge, Active/Retired, 1998-Present.

Family: Wife, Mary Anne McLean, formerly of Anderson and Spartanburg; three children, Karen, Greer, and Mary Leslie. The Hughstons have homes in Greenwood and Charleston.

Hobbies: Officiated college football as a referee in the Southern Conference for 25 years. He admits that these days his athletic involvement consists of "sitting in the stands and yelling at the officials." Also, he spends most of his downtime working in the churchyard cemetery at his church, The Unitarian Church in Charleston.

On your nightstand: He is an avid reader and enjoys a variety of genres. Currently, he is reading a biography on World War I general and former President of the Citadel, General Charles P. Summerall.

What the Bar would be surprised to learn: His favorite food is a good hot dog. Jack's Cosmic Dogs is at the top of his list in Charleston.

Best part about being a judge: The variety of people and factual situations. “I’ve seen some of the most interesting cases in Charleston,” he notes. “Also, the quality of attorneys and fellow judges in the Charleston Bar makes this job all the more enjoyable.”

Hardest part about being a judge: Like for so many judges, its sentencing. “You want to get it right. You don’t want to send someone to jail if you don’t have to, but you want to protect the public and serve as a deterrent. It’s really a balancing act.”

Priceless moments in your courtroom: “The most important thing for a decision-maker to do is to ask the right question,” he points out. “When you ask the right question, you’ll be amazed at what you find out.” A story to illustrate his point happened years in ago in his courtroom. He was taking a guilty plea from a man who was charged with Possession with Intent to Distribute cocaine. “I noticed the defendant was wearing a t-shirt with man’s face on it.” The face on the shirt was the infamous Colombian drug-kingpin, Pablo Escobar. “So, I asked the guy, ‘where did you get that shirt?’ He replied, ‘Someone sent it to me.’ So I asked, ‘So it was like a gift?’ And he responded, ‘Yeah, it was a gift. It came with some other stuff.’ You should’ve seen his attorney’s face, he turned white as a ghost.”

In your courtroom, DO: Be on time and prepared.

In your courtroom, DON’T: “Throw rocks at the other lawyer, especially at non-jury proceedings.”

Is there a legal figure that you particularly admire?: The late Judge Francis B. Nicholson, whose seat he filled after Judge Nicholson passed away. “He was my mentor and a wonderful judge.” Also, law school classmates Chief Justice Jean Hoefler Toal and Justice Costa M. Pleicones. “That’s two of the five votes I might need someday,” he laughs.

Advice to young trial lawyers: Be prepared and work hard. “I also think it’s very important to get to know your clients as people, instead of just as a case. It’ll make you a better advocate. And realize that there are things more valuable than just money.”

NAVIGATING CUSTODY ISSUES FASTER IN CHARLESTON

by Colleen T. Condon

The death of every child is painful. A child’s suicide makes a community question its core values that something so awful could have happened. In December 2010, a 12-year old child in Charleston County committed suicide after his parents waged a custody battle including a trial, experts, therapists, and more. Stories like this are becoming more frequent. We have all heard the myriad of statistics of children who are held hostage on the battlefield of divorce.

In 2011, Judge Paul Garfinkel set up a committee of lawyers who practice in family court to look at how we could to reduce the extent of children suffering. The result is Charleston County Family Court’s pilot program for Fast Track Custody which is now in place. The committee has met throughout the year multiple times and analyzed best practices to Fast Track Custody cases.

The goal is to take some cases and separate out the custody issues for faster resolution with a short window for a concise Guardian investigation and mediation within 90 days. (Check). It is a voluntary program in which the families and attorneys must request a fast track process. While our Committee has designed this program for the good of children and parents, we also believe it offers true benefits for attorneys.

Why Fast Track can be good for you?

Custody cases can be the most time-consuming and emotionally charged battles in Family Court. 7pm Friday or holiday calls from clients to us as their lawyers are too frequent. “What do I do when my ex is not delivering the children for Christmas as ordered?” on Christmas Eve on my Blackberry can sure put a damper on my own family celebration. Having parents out of battle mode and working together as co-parents will make work in Family Court less likely to cause your own anxiety attack. “How much will it cost me to resolve custody?” Clients often ask this, and most attorneys experienced in family court give large ranges such as \$5,000 to \$50,000 or more, because the time and energy is so unpredictable. If your case uses the Fast Track model, your case can more often settle with less posturing for the GAL

There is a set short timeframe for GALs to do work and get to mediation.

Set GAL costs because limited investigation . (3 witnesses each and teachers)

See Fast Track forms on the Clerk's website. <http://www3.charlestoncounty.org/docs/CoC/Forms.html>

Client control

ADR

What cases are good for the Fast Track program?

Will this model work for all families? Of course not! Where there are abuse or neglect issues evident in a private case, where alcohol or drugs affect the ability of a parent, and other extreme situations cannot work within the fast track timeline and methods. However, there are many families with two basically fit parents, for whom there are not other major issues. In marketing, many lawyers tout the successes of mediation and arbitration. Our committee believes Fast Tracking has benefits like ADR.

Judge Paul Garfinkel has stated that "In fast tracking a case, I believe we can get tremendous benefit for the children, parents, system AND lawyers!"

SAVE THE DATE
FEBRUARY 8, 2012

Join the throng honoring **Judge Alex Sanders** at the "**Commitment to Justice**" **Award Reception** hosted by the Center for Heirs' Property Preservation on **Thursday, February 9, 2012** from 6:00-8:30 p.m. in the "Crystal Ballroom" at the Charleston Marriott Hotel, 170 Lockwood Boulevard. Enjoy tasty hors d'oeuvres, a full bar and a stellar program. Host Committee Chairs are: Edward J. Westbrook and Rev. Nelson Rivers, III. The Charleston School of Law has already stepped up as a generous "Presenting Sponsor". Consider becoming a sponsor and be listed in the event invitation and souvenir program. Individual tickets are \$100. Call Tish Lynn at (843) 745-7055 for all ticket and sponsorship details. Proceeds help low-income heirs' property owners with education and direct legal services to keep their family land and preserve their cultural heritage – a cause close to Judge Sanders' heart. www.heirsproperty.org.

SAVE THE DATE

Tenth Annual CCBA "What Works" Seminar

February 3, 2012

Registration to begin at 8:30 a.m.

(More information as to location to be furnished in January)

Charleston County Bar Association Annual Meeting and Reception

February 29, 2012

Francis Marion Hotel

5:30 p.m.

(Invitations to go out in February)

Mark Your Calendar!

May 17 and 18, 2012

On **May 17 and 18, 2012**, the **Tort Trial and Insurance Practice Section of the American Bar Association** will meet in Charleston, SC at The Charleston Place Hotel in conjunction with the General Practice and Solo Section.

Of particular interest to the Charleston Bar are 1) an express invitation to the Charleston Bar to participate; and 2) a nationally-acclaimed CLE program featuring "How Lawyers Can Plan for and Respond to Natural Disasters". We'll learn

how to advise our clients and prepare our law firms for hurricanes that inevitably head our way. CLE topics will also address the latest developments in coverage (wind versus flood), business interruption, bad faith, and related litigation.

More information follows. In the meantime, if you have questions, please contact **Jim Myrick** and jmyrick@wcsr.com or 843-720-4643.

REMINDER

All Charleston County Bar dues should have been paid along with your SC Bar Dues but in the event that this was not done, please remember that we do not send out bills and we must receive your payment by the time of the Annual Meeting on February 29. Annual dues are \$75.00 and should be made *PAYABLE TO THE CHARLESTON COUNTY BAR ASSOCIATION, PO BOX 21136, CHARLESTON, SC 29413; ATTENTION: JULIANNE R. HOLZEL*

CIRCUIT COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

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

January 2	January 9	January 16	January 23
Chas AW - Jefferson Chas CP - McDonald Chas CP - Young Chas GS - Dennis Chas GS - Harrington	Chas CP - Jefferson Chas CP - Young 9 th CPNJ/ - Dennis PCR 9 th CPNJ - Harrington Chas GS - Hughston Chas GS - Nicholson Berk CP - McDonald	Chas CP - Hughston Chas CP - Jefferson 9 th CPNJ - McDonald 9 th CPNJ - Nicholson 9 th CPNJ - Young Berk GS - Dennis	Chas CP - Harrington Chas CP - McDonald Chas GS - Hughston Chas GS - Jefferson
January 30	February 6	February 13	February 20
Chas CP - Harrington Chas CP - Jefferson Chas GS - McDonald Chas GS - Dennis	9 th CPNJ - Young Chas CP - Hughston Chas CP - Jefferson Berk CP - Dennis Berk GS - Nicholson	9 th CPNJ/ - McDonald PCR 9 th CPNN - Nicholson Chas CP - Harrington Chas CP - Jefferson Chas GS - Dennis Chas GS - Hughston	
February 27	March 5	March 12	March 19
Chas CP - Jefferson Chas CP - Hughston Chas GS - Harrington Chas GS - McDonald	9 th CPNJ - Dennis Chas CP - Jefferson Chas CP - McDonald Chas GS - Nicholson Berk CP - Young	9 th CPNJ - Nicholson Chas CP - Young Chas CP - Hughston Chas GS - Jefferson Chas GS - McDonald Berk CP - Harrington	Chas CP - Harrington Chas CP - Jefferson Chas GS - Dennis Chas GS - Hughston
March 26			

CIRCUIT COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

January 2	January 9	January 16	January 23
1 st CPNJ - Dickson 2 st AW - Goodstein	Dor GS - Goodstein	Dor GS - Harrington	Dor CP - Goodstein
January 30	February 6	February 13	February 20
	Dor GS - McDonald	Dor GS - King	
February 27	March 5	March 12	March 19
Dor CP - Dickson	Dor GS - Harrington	Dor GS - Goodstein	1 st CPNJ - Goodstein
March 26			

FAMILY COURT SCHEDULE - NINTH JUDICIAL CIRCUIT

January 2	January 9	January 16	January 23
Chas - Garfinkel Chas - Cate Chas - Martin Chas - Malphrus Berk - Landis Berk - Creech	Chas - Garfinkel Chas - Landis Chas - Robertson Chas - Martin Berk - Cate Berk - Creech	Chas - Garfinkel Chas - Cate Chas - Martin Chas - McMahon Chas - Bartlett Berk - Creech Berk - Landis	Chas - McMahon Chas - Bartlett Chas - Woods Chas - Cate Berk - Bromell Homes Berk - Guyton Berk - Malphrus
January 30	February 6	February 13	February 20
Chas - McMahon Chas - Creech Chas - Morris Chas - Martin Berk - Garfinkel Berk - Landis Berk - Jenkinson	Chas - McMahon Chas - Cate Chas - Snelgrove Chas - Martin Berk - Landis Berk - Creech		Chas - McMahon Chas - Garfinkel Chas - Morris Chas - Martin Chas - Malphrus Berk - Creech Berk - Landis
February 27	March 5	March 12	March 19
Chas - Cate Chas - Martin Chas - McMahon Chas - Garfinkel Berk - Woods Berk - Bromell Holmes	Chas - McMahon Chas - Garfinkel Chas - Cate Chas - Martin Berk - Jenkinson Berk - Landis Berk - Creech	Chas - McMahon Chas - Creech Chas - Cate Chas - Snelgrove Berk - McLin Berk - Martin	Chas - McMahon Chas - Garfinkel Chas - Robertson Chas - Martin Berk - Bromell Homes Berk - Woods
March 26			
Chas - Garfinkel Chas - Morris Chas - Robertson Chas - Martin Berk - Creech			

FAMILY COURT SCHEDULE - FIRST JUDICIAL CIRCUIT

January 2	January 9	January 16	January 23
Dor - Wylie	Dor - McLin Dor - Wylie	Dor - Wylie Dor - Jones	Dor - McLin Dor - Wylie
January 30	February 6	February 13	February 20
Dor - Cate	Dor - McLin Dor - Wylie		Dor - McLin Dor - Cate
February 27	March 6	March 12	March 19
Dor - McLin Dor - Wylie	Dor - McLin Dor - Jones	Dor - Malphrus Dor - Wylie	Dor - Wylie Dor - McLin
March 26			
Dor - McLin Dor - Cate			

CHARLESTON COUNTY COMMON PLEAS JURY VERDICTS

(Information supplied by Clerk of Court's Office)

2007-CP-10-3617
2007-CP-10-3632

Serena Thigpen, Individually and as Personal Representative for the Estate of Trevor S. Beltz, Deceased vs. Nancy B. Stroud, M.D., both individually and as an agent/employee of Richard P. Day and Nancy B. Stroud, LLC, d/b/a Day Stroud Senokozlieff Ball, Richard P. Day and Nancy B. Stroud, LLC d/b/a Day Stroud Senokozlieff Ball and Trident Medical Center

Attorneys: Plaintiff: Christopher J. McCool
Defendants: Molly H. Craig, Chilton Grace Simmons, Elizabeth W. Ballentine

Cause of Action: Wrongful Death

Verdict: For the Defendants.

2008-CP-10-7217

Meeting Street at Tennyson Row Horizontal Property Regime by Meeting Street at Tennyson Row Homeowners Association, Inc. v. Meeting Street Builders, LLC, et al.

Attorneys: Plaintiff: Justin O'Toole Lucey, Joshua Fletcher Evans and Harper L. Todd
Defendants: L. Dean Best and Bachman S. Smith, IV,

Cause of Action: Construction

Verdict: Wasn't sure how to word this (e-mail from Attorney Harper Todd said:
"verdict was actually \$12.5 million, and the judgment was \$6,617,500.00 (after set-off from prior settlements with other defendants").

2009-CP-10-1041

Ebbie James Atkinson and Kelly Atkinson d/b/a Kelly Odom vs. The Mungo Company d/b/a Harbor Homes, LLC; Associated Developers, Inc.; Parkhill, LLC; Seamon Whitesides & Associates, Inc.; and City of North Charleston

Attorneys: Plaintiffs: Michael S. Seekings
Defendants: Duke R. Highfield, Benjamin A. Traywick, Paul E. Sperry and Kent T/ Stair

Cause of Action: Real Property

Verdict: For the Defendants.

2009-CP-10-7946

Lenora Cols vs. Devada Marie Snipe

Attorneys: Plaintiff: Gary A. Ling
Defendant: Alan Ross Belcher, Jr.

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$13,000.00 actual damages

2010-CP-10-1486

Joseph John Karoly vs. Eric Lane Harris and David Mark Julian, individually and as Agent and Servant o NBC Display Solutions of American, Inc.

Attorneys: Plaintiff: J. Tyler Lee, Jr.
Defendants: Christy R. Fagnoli, Duke R. Highfield and Brandt Horton

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$2,000.00 actual damages.

2010-CP-10-4295 Paul Aliengena vs. John Doe

Attorneys: Plaintiff: Arthur C. McFarland
Defendant: Andrew S. Halio

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

2010-CP-10-4597 Jeffrey Knowles vs. Charleston County Sheriff's Office

Attorneys: Plaintiff: Mark A. Peper
Defendant: Rick Corrigan and Harry Ragsdale

Cause of Action: False Imprisonment / Malicious Prosecution / Gross Negligence

Verdict: For the Plaintiff as to the malicious prosecution cause of action in the amount of \$50,000.00.

2010-CP-10-4612 Isaac J. Pear vs. Abraham Ward and Yellow Cab Company of Charleston

Attorneys: Plaintiff: Julio A. Rossington
Defendants: David L. Savage

Cause of Action: Motor Vehicle Accident

Verdict: In favor of the Plaintiff in the amount of \$7,000.00 actual damages.

2010-CP-10-4740 Joanne Riggs vs. Regal Entertainment Group and Regal Cinemas, Inc. d/b/a Charles Town Square Regal Cinemas 18

Attorneys: Plaintiff: Christopher J. McCool
Defendant: Stephen E. Darling

Cause of Action: Premises Liability

Verdict: For the Defendant

2010-CP-10-8129 Peter E. Reilly vs. Lisa C. Burke

Attorneys: Plaintiff: Robert Sansbury
Defendant: Julian K. Allen

Cause of Action: Motor Vehicle Accident

Verdict: For the Defendant.

2010-CP-10-8531 Ariel Brown vs. Laura L. Salzillo

Attorneys: Plaintiff: Paul D. G. Ribeiro
Defendant: Max G. Mahaffee

Cause of Action: Motor Vehicle Accident

Verdict: For the Plaintiff in the amount of \$2,419.41 actual damages.

THERE ARE NO FEDERAL COURT JURY VERDICTS