

Newsletter



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Words From The President - Finding Our Way



Dear Colleagues,

The dangers of COVID-19 continue to wear heavy on individuals and institutions locally, nationally and globally. The Charleston County Bar Association (CCBA) is committed to assisting its members and the public as we all endeavor to withstand the

risks associated with this pandemic. In order to do that, the CCBA has adapted its operations to safely provide many of its traditional services to our members in a virtual format wherever possible. To date, CCBA has already offered enough virtual CLE programming hours via Zoom Webinars for members to satisfy their annual reporting requirement and many more programs are either already organized or are in the planning stages. The CLE Committee, chaired by Mary Lee Briggs, and our volunteer presenters have worked hard to provide such interesting and informative topics.

Our Mentoring Committee, chaired by Kristi Harrington, has partnered with the Charleston School of Law to provide a more robust mentoring experience for the members of our Law Student Division. This would not be possible without our lawyer members volunteering their time to work with mentees to facilitate their transition within the practice of law and I thank them for doing so.

The Wellness Committee, chaired by Marie-Louise Ramsdale, continues to support our members by: providing their 'Wellness Tips' in the Tuesday Talk; sponsoring a Book Club organized by Michael Abro; hosting a Mental Health First Responder training; and conducting periodic 'Wellness Challenges' to encourage our members to explore healthy habits.

Unfortunately, the need for social distancing and the limitations on large gatherings impairs our ability to host the social events we had planned for this year. We intended to hold multiple happy hour type events at rotating locations throughout the county for a change of pace and to allow for easier access to our members who work or reside off the peninsula. Unfortunately, due to COVID-19, those events had to However, our Engagement postponed. Committee, co-chaired by Ravi Sanyal and Robert Sumner, has continued to brainstorm opportunities for our members to interact with one another and have begun hosting virtual programs where you can participate in a happy hour type event in a sociallydistanced manner, while networking with peers.

Another area of service for the CCBA which has changed due to COVID-19 is our Community

Outreach efforts. Of course, we maintain our support for Charleston Pro Bono Legal Services and other allied legal non-profits, but our past practices of participating in the United Way Day of Caring or Cocky's Reading Express were postponed until they can be safely performed. If you have any ideas for safe Community Outreach activities please email them to secretary@charlestoncountybar.org.

It seems now, more than ever, that most of our inperson interactions with other lawyers are either during social gatherings or case proceedings, so limited in-person courtroom proceedings and the postponement of social functions have also impaired the activities which support and enhance the level of collegiality for which our Bar has been nationally recognized. I recently had the opportunity to participate in a virtual trial with Cheryl Whipper-Hamilton and I can't overstate what a pleasure it was to work with her during the presentation of that case. Getting back into the courtroom, even a virtual one, was an encouraging development after so many months while it was not even an option. Thankfully, jury trials are slated to resume on a pilot basis, with a Common Pleas jury trial set for the term of November 9, 2020 and a General Sessions jury trial is scheduled for November 16, 2020. Decisions on further jury trial terms will be made following an evaluation of the proceedings and their aftermath. Julie Armstrong has worked closely with the CCBA Executive Committee to provide updates as courthouse procedures have In fact, changed throughout the pandemic. members of our Executive Committee were permitted to participate in a walk-through of the Charleston County Judicial Center in order to observe the tentative procedures for conducting jury selection and trial proceedings so that an update could be circulated to you via the Tuesday Talk. We will continue to share updated information on the upcoming and future jury trials as we receive it.

It is hard to believe, but we have reached that point during our annual cycle that my tenure as President is drawing to a close. It has been an honor to serve the CCBA and its members and I would encourage anyone with an interest in getting involved to reach out to an Executive Committee member or officer to explore getting involved with a committee. In addition, the nominating period for the Executive Committee and officer positions is open and nominations will be accepted until the end of November for anyone interested in expanding their role with the CCBA.

As always, the CCBA is here to help our members and the public find their way during these uncertain times.

Very truly yours,

David Wolf



Debbie Herring-Lash 9th Circuit Assistant Solicitor

By Shantel Middleton, Assistant Editor

She's got the job that at some point Law & Order SVU almost convinced you to seek out. Debbie Herring-Lash got involved with special victims cases long before the popular TV series, and her background in Social Work brought her into it.

brc

First, it's wild how COVID-19 came out of nowhere, turned everything on its head topsy-turvy, and we're just trying to push forward. Are you in your office still?

I am. I'm here every day. Four attorneys are here; the other attorneys and staff members rotate every third day. We haven't had actual, physical court since March, which means we have had no jury trials. We are doing virtual guilty pleas. For several months we couldn't meet with victims or have appointments in our office.

That's especially significant because of the type of work you do, the type of victims you work with.

Right. I can't go forward with even an indictment without meeting the victim, but then we haven't had a grand jury since June.

We jumped into this. Tell me a little more about yourself. Where are you from?

My father was in the military (Army) so we traveled around most of the time, but I was born in Alabama. I've lived in Charleston since '76.

What was Charleston like in 1976? I'm always noticing the changes here.

Oh, yes it's changed! I worked for the Department of Social Services then. I think there were very few restaurants in Charleston back then.



Now that's hard to imagine. However, the criminal justice system has also changed significantly.

Right. In the mid 70s through the 80s, most of the interfamily cases were handled by Family Court. Predominately, if a sex assault of a child went to criminal court, the Defendant would not be someone in the victim's family. It would be like a violent offender type, which is extremely rare.

In the mid 80s, the local solicitor agreed that if law enforcement

would concentrate on charging people, he would designate a prosecutor and investigator to deal with those cases. He did that; that was Charlie Condon. I was hired as the special investigator for those cases here at the Ninth Circuit Solicitor's Office in '85. I had been a Department of Social Services sexual abuse investigator for several years. In that role I testified in General Sessions, interviewed witnesses, made sure witnesses showed up in court, gathered the documents, and sat with the prosecutor in court.

Did you keep working between that first run in '85 and when you finished law school and came back in '90?

The second and third years of law school I worked at the Solicitor's Office in Richland County as a law clerk.

Was it always your plan to go to law school?

I never even thought about it. The Assistant Solicitor I worked for really encouraged me to go. She just told me she thought it was something I should do. She thought law school would give me the opportunity to make more of a difference.

What did you want to be when you were little?

A Peace Corps Volunteer. I got an undergraduate degree in Social Work and a Master's in Social Work. By the time I had a college education, I was married and decided to be a social worker to do the same type of work here in essence. I don't sit around thinking about things a lot.

What do you do outside of work? What's your favorite hobby?

Running. I've been running since college or before. I probably run four days a week, and I lift weights two or three days a week. During trial you fall out of your routine. There's sometime like three weeks around trials where it's hard to do anything but work.

How do you find your way back?

When you're preparing for a trial and especially during trial, it's pretty much all of your waking hours. The best part about my job is meeting with victims and going to trial, but there's still a lot to do.

When did you know trial was your favorite part?

Every Sunday night before a trial, I hate it. Once you get in there, it's really invigorating. You have to appreciate the process because you really don't have a lot of control over the disposition.

What's the best advice you've ever received?

Prepare very well and return all phone calls. The other thing is it's really important to meet people face-to-face. That's why I haven't met with any clients via Zoom. I just have to wait until they can come in.

That's the best advice you've ever received. What's the best advice you can give other attorneys?

Do the best you can at everything. There's a lot of little stuff you need to do to get to the big stuff. You have to do what you don't want to do to get to what you want to do. A lot of people think this is what they want to do until they do it. It's not rewarding unless you feel a reward. People don't say thank you. It's not like you get this feeling that you've done a good job. Even in court, winning a trial is not a good job for the victim most of the time. They're not going to be saved; the trauma is not going to be alleviated by the criminal justice system ever. I think when people figure that out, they realize it's not as rewarding as they think.

Please continue reading the Colloquy on Page 5 with an interview of Johnny Stewart.

Photographic images used in this Newsletter were taken for the benefit of the Charleston County Bar Association by Raymond Colin Murray of R C Murray Photography with permission from the Charleston County Clerk of Court's Office. R C Murray Photography can be contacted at (843) 442-4614 or rcmurrayphotography@gmail.com. Other images by R C Murray Photography can be viewed at www.rcmurrayphotography.com.

ANNOUNCEMENTS

Haynsworth Sinkler Boyd is pleased to announce that Marshall Allen has joined as Special Counsel, based in the firm's Charleston office; Carter Deupree is serving as Secretary of Leadership South Carolina's Board of Trustees; and Elliot Condon, an associate in the firm's Charleston office, has graduated from the Charleston Metro Chamber's Spring 2020 Leadership Discovery Program.

Joel (Jay) Anderson Berly IV has joined the Charleston office of **Butler Snow**. He will practice with the firm's commercial litigation group, focusing on a wide variety of complex civil litigation matters.

ACCOLADES

Gallivan White Boyd is pleased to announce that their firm has been selected for inclusion in the 2021 Edition of Benchmark Litigation – United States and **Grayson Smith** has been recognized as a Future Star. Future Stars are ones to watch. These are lawyers who are building their reputations in the market.

Haynesworth Sinkler Boyd is pleased to announce that Bryan Kitz has been selected to participate in the Charleston Metro Chamber of Commerce Leadership Charleston Class of 2021; and that Best Lawyers®, a legal peer-review guide, has selected 15 attorneys for inclusion in The 2021 Best Lawyers in America©, which are listed below, including the first two attorneys being identified "Lawyer of the Year" for Charleston and the final two attorneys listed as "Ones to Watch" in Charleston:

Charlton deSaussure, Jr. - Public Finance Law; David M. Swanson - Real Estate Law; Scott Y. Barnes -Organizations (including LLCs Partnerships); Corporate Law; Tax Law; John R. Chase - Tax Law; Trusts and Estates; Jeremy L. Cook -Economic Development Law; Public Finance Law; Stephen E. Darling - Personal Injury Litigation -Defendants; Product Liability Litigation - Defendants; David C. Humphreys III - Real Estate Law; Stafford J. McQuillin III - Commercial Litigation; Wm. Howell Morrison - Commercial Litigation; Professional Malpractice Law - Defendants; James H. Suddeth III - Real Estate Law; David M. Swanson - Litigation -Real Estate; Real Estate Law; John H. Tiller – Personal Injury Litigation - Defendants; Product Liability Litigation - Defendants; John Paul Trouche - Public Finance Law; H. Clayton Walker - Personal Injury Litigation – Defendants; **Amy Foster Bower** – Insurance Law; Personal Injury Litigation - Defendants; Jane **Bouch Stoney** – Business Organizations (including LLCs and Partnerships); Corporate Law; Real Estate law



Johnny Stewart, Esq. Shelly Leeke Law Firm Litigation Team

By Anthony Roccograndi, Charleston School of Law J.D. Candidate 2021

He loves his work, but attorney Johnny Stewart has a life outside of the office, too. Find out the local restaurant he highly recommends and the team he can't stay away from.

Mr. Stewart, you graduated from the University of Tennessee with a degree in Political Science, and then you attended Charleston

School of Law. When did you know that you had a passion for the law?

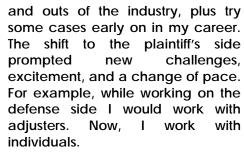
I decided that I wanted to become an attorney and had a passion for the law when I was a freshman in high school. There was a local attorney in Nashville who assisted in a Mock Trial Competition. In preparation for that competition my team was able to practice our argument at their law firm. From that moment on, I knew this was a career that I wanted to pursue. I have been on that path ever since.

At Shelly Leeke Law Firm you are involved in a variety of cases including motor vehicle accidents, wrongful death, and much more. How did you get involved in this area of the law?

When I first started law school, I was not sure what area of the law I wanted to pursue. Luckily, I was fortunate enough to secure a clerkship with a defense firm that specialized in motor vehicle accidents. From that experience I developed a passion for this area of the law and chased after a career from there.

You started your career working for a defense firm, and now you are on the plaintiff side. What prompted the shift?

It is all about finding the right fit; it's not about what side you are on. While working for the defense firm I was able to learn from stellar attorneys, learn the ins



Every attorney I meet says you will remember your first case, as a litigator what do you remember from your first case?

My first case was a week after I passed the bar. It was a small claims trial. I went into court with

the supervising attorney, and it was a trial by fire moment. Luckily, we received a good result, and the client hugged me. At that moment I realized what great work an attorney does, and I have been grinding ever since.

When you think of your legal career, what has been a moment that you still remember to this day?

I think of the great opportunities with the Judicial Observation and Experience (JOE) Program. In between my first and second year of law school I was paired with Justice Kaye Hearn of the South Carolina Supreme Court. That was the most influential summer of my legal career. Every day we would prepare for hearings, go to court, and Justice Hearn would ask us what our favorite and least favorite parts of the argument were. This discussion showed me how each attorney presented their case, connected the concepts that I learned in law school to real life, and introduced me to some great attorneys.

As a member of the litigation team, what do you believe makes a successful trial attorney?

I believe the most important characteristic is having a willingness to learn. If you are able to bring positive energy every day, the sky is the limit. In our industry there are always going to be more experienced attorneys, but a great way to even the playing field is to keep an open mind and learn from every experience. On the flip side what do you find the most challenging?

Work-life balance. At times you can find yourself on many teams helping out on many cases, but there are plenty of ways to overcome that. The Charleston County Bar has a great community where everyone is willing to help one another, and there are great resources like the Mindfulness Series.

2020 is an unusual year. How has the COVID-19 pandemic impacted your practice?

Surprisingly enough, the pandemic has had a positive and negative effect on my practice. A negative effect was the slowdown of business. However, my firm has been able to adapt with the times and use Zoom plus other videoconferencing sources for mediation and deposition hearings, which has been a great change.

Additionally, one thing the pandemic has reinstated with me is the willingness to learn. The pandemic has shown me that there is always going to be some uncertainty. With that uncertainty you can never know everything. If you are willing to learn in a changing environment, that can lead to positive results.

When you are not working on a case, how do you spend your free time?

One of my favorite activities is cheering on the University of Tennessee. For all the Volunteers out there, you know that the Volunteer Spirit is one of a kind. I like to believe that I carry it out every week. Additionally, I am involved with Big Brothers Big Sisters of the Lowcountry. This organization has had such a positive impact on my life, and it is a great way to become involved with the community. I encourage everyone to participate. Lastly, I love spending time with my family.

Last question, one of my favorite hobbies is trying new restaurants, do you have any recommendations for the Charleston area?

Of course, my favorite restaurant is Maison. Will Love has done an amazing job with the restaurant, and they have some of the best French food in the area. It is definitely worth a visit!



ADVERTISE WITH US!

The Charleston County Bar newsletter is a quarterly must-read for over 2,000 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 the Executive Secretary, Kim Steele, at (843) 881-6666 or by email at secretary@charlestoncountybar.org

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COVID-19 JURY TRIAL PROCEDURES

On September 14, 2020, Chief Justice Beatty issued a Memorandum instructing "all judicial circuits" to "prepare to conduct General Sessions and Common Pleas jury trials through the remainder of 2020." Under the Memorandum, each county is responsible for submitting its own COVID-19 Jury Trial Plan for approval by the Supreme Court. This has led to questions from the CCBA membership as to how jury trials will be conducted in Charleston County. In an effort to answer these questions, CCBA President David Wolf, Executive Committee Members Andrew Connor and Grayson Smith, and CCBA member Jeff Gerardi met with Charleston County Clerk of Court Julie Armstrong, court staff, and Circuit Judge Markley Dennis for a tour of the courthouse facilities and an overview of the COVID-19 protocols for jury trials.

There are currently two scheduled jury trial terms of court—a Common Pleas jury term scheduled for the week of November 9th and a General Sessions jury term scheduled for the week of November 16th. No further term of jury trials has been set for Charleston County, which is likely to be the case through the end of the calendar year. The cases for the upcoming Common Pleas term will be selected consistent with normal procedure from the jury trial roster. Status conferences are currently being conducted for cases on the civil jury trial roster to identify potential cases for the November 9th trial term. Because of the intervening Veteran's Day holiday on November 11th as well as anticipated delays in procedure due to COVID-19 protocols, only cases with anticipated trials of three days or less are being considered for the November 9th civil trial term. As for the General Sessions term, that case has already been selected and the attorneys from the Solicitor's and Public Defender's offices have been notified their case is scheduled for trial that week. This case is expected to be tried in four days or less.

Jury qualification and selection will be modified to allow for appropriate social distancing. Each juror summons, in addition to the normal questions, will be accompanied by a COVID-19 related questionnaire. Jurors, like anyone else having business at the courthouse, must wear face masks and have their temperature checked. The total summoned for jury service will remain the normal 300 to 350 people. However, jury qualification will be modified to take place in three shifts each accommodating a third of the jury pool. Those shifts will take place at 9:00 a.m., 11:00 a.m., and 1:00 p.m. on the first day of the trial term. The qualified jurors will be instructed to return to the courthouse at 4:00 p.m. that same day to be empaneled and sworn in.

The jury trials will be conducted in Courtroom 4C as it is the only courtroom large enough to accommodate social distancing. All persons in the courtroom are required to wear masks. However, dependent on the presiding judge's preferences, witnesses may remove their masks while on the stand and counsel may remove their masks when speaking.

The Judge, witness stand, clerk, and reporter will all be in their traditional locations. However, plexiglass shields will be installed to allow for appropriate separation. The jury will be seated in the gallery, masked, and appropriately socially distanced.

Because they will be seated in the gallery, the jury will enter and exit the courtroom through the main doors which lead to the typically public hallway which will be closed off for trial purposes. The jury will be sequestered and will deliberate in Courtroom 4D. Sound machines will be used to ensure complete privacy for jury deliberations.

Because the jury will be using the public hallway, counsel, the parties, and witnesses will enter the courtroom from the back hallway—escorted by a bailiff or deputy. Witnesses will be seated in Courtrooms 4A and 4B until it is their turn to testify.

Counsel tables, with three chairs apiece, will be located in the well of the courtroom facing each other. If additional space is needed, some limited space may be available at the judge's discretion in the jury box. However, it is recommended that only the party or its representative and the lawyers be in Each side—the party and its the courtroom. lawyer(s)—will be considered a "family" as the courtroom is not large enough to accommodate social distancing between a party and its lawyer. On the table, there will be no pitchers of water or cups provided. Counsel is advised to bring their own clear bottles of water for the courtroom. There will be two lecterns—one for each side—between the counsel tables and the jury. All witness questioning should be done from the lectern. There will be a line taped on the floor in front of the jury to indicate how far away from the jury counsel must be.

Two sixty-inch televisions will be set up on the sides of the courtroom showing a close up of each witness and allowing exhibits to be shown to the jury. Courtroom 4C is equipped with presentation technology to allow counsel to connect their computers and display exhibits electronically. Thus, to the extent possible, counsel should plan on using electronic copies of exhibits to avoid handling of paper exhibits by multiple people. Should paper or physical exhibits be necessary, that issue should be raised with the presiding judge. Court staff will be available to assist in the operation of the presentation

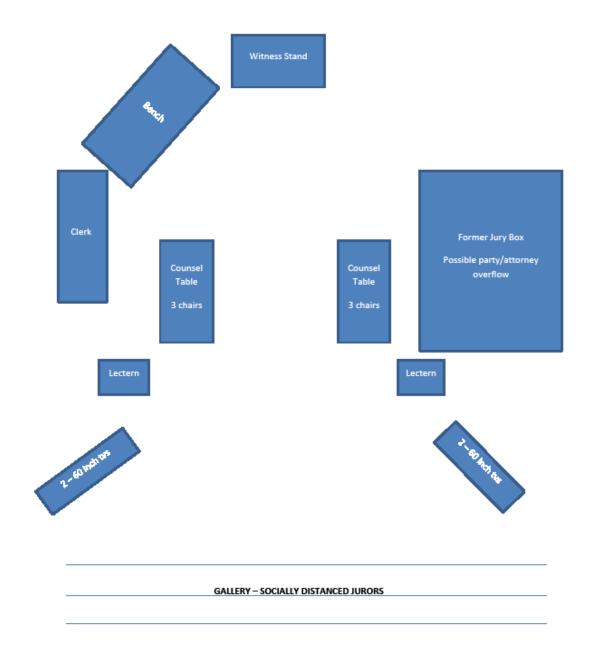
system and attorneys with cases on the trial roster are welcome to contact the Clerk's office for an appointment to test the equipment prior to the week of trial.

Because of social distancing guidelines, bench conferences should be avoided. If the trial can continue with the notation of an objection and a preliminary ruling, the presiding judge may allow supplementation of the record and additional argument on the objection or issue during a break. However, if the trial cannot continue without a definitive ruling on the issue, the jury will need to be excused.

Below is a layout of the courtroom.

Finally, to the extent the media or the public may wish to view the proceedings, the jury qualification room will be available with multiple televisions showing the proceedings.

In all, while the courtroom setup and procedures may be different, not much else has changed. Julie Armstrong and her staff are more than happy to assist the CCBA and other attorneys in navigating the new COVID-19 jury trial protocols. Like the rest of us, judges are well-aware of the challenges involved in this new environment. Together, we can ensure that justice continues to be carried out while making every effort to keep participants in the system—judges, staff, jurors, deputies, lawyers, parties, and the public—safe.



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UPCOMING EVENTS

Thursday, November 12, 2020

Networking Social @ 5:00 pm

Speed Networking Zoom Event - presented by the CCBA Engagement Committee in an effort to get lawyers together to network and socialize. Participants will have about 2 minutes to talk about their law practice and the types of referrals in which they would be interested.

Click Here to Register

Friday, November 13, 2020

Human Trafficking CLE

Oftentimes victims of trafficking are overlooked, unheard, and lack knowledge of available resources. When they are encountered by law enforcement, victims are generally re-traumatized and met with doubt when they share their story. As a result, they either share very little, or nothing at all. This training is intended to inform attorneys of what human trafficking is, how their services may assist victims, and some of the common legal needs trafficking victims have.

Click Here to Register

Wednesday, November 18, 2020

Webinar @ 1:00 pm - 3:00 pm

All Land is not Creating Equal: Unleashing Family and Community Wealth through Land Ownership - a free Webinar presented by the Center for Heirs Property Preservation with Breakout Session and Special Event Screening with Chuck Leavell following that.

Click Here to See More Information

Thursday, November 29, 2020

Lunch & Learn: Intellectual Property @ 12:00 pm

CLE approved for 2 hours credit

Click Here to Register

Thursday, December 3, 2020

Lunch & Learn: Personal Injury @ 12:00 pm

CLE approved for 2 hours credit

Click Here to Register

Friday, December 11, 2020

Mental Health First Aid Training @ 9:00 am

Just as CPR helps you assist an individual having a heart attack, Mental Health First Aid helps you assist someone experiencing a mental health or substance use-related crisis. You are presented the risk factors and warning signs for mental health and addiction concerns, strategies for how to help someone in both crisis and non-crisis situations, and where to turn for help.

CLE approved for 7.5 hours credit

Registration Information will be provided via Tuesday Talk in the near future.



Pro Bono Moments

By: Pamela J. Larson, Esq.

The 2019 South Carolina Attorney General's Annual Report on Human Trafficking recognized Charleston County as one of the top five most prevalent counties in the state for instances of human trafficking. In response to this statistic, Charleston Pro Bono Legal Services collaborated with the Tri-County Human Trafficking Task Force to find a way to address the legal needs of trafficking survivors in Charleston County and the surrounding areas. As a result of this partnership, Charleston Pro Bono Legal Services is a sub-recipient of a multiyear grant from the Department of Justice Office of Victims of Crime, as well as, a matching grant from the Ackerman Foundation, to create a new staff attorney position dedicated exclusively to representing victims of trafficking. In August 2020, I was brought on as the Human Trafficking Victim Rights Attorney at Charleston Pro Bono. I am uniquely qualified for this position as a Purple Heart Veteran with service-connected PTSD, as well as, previous work experience with at-risk youth and as a former Probation Agent with SCDPPP. Therefore, I am acutely aware of how to approach traumatic experience and de-escalate a triggering situation.

I provide a wide range of direct legal services to both adult and minor victims based on their individual legal needs. I am also working to build a network of private attorneys who are willing to take on human trafficking victim's cases on an asneeded basis. Common legal needs of a trafficking victim may include: family law, immigration law, employment law, personal injury, criminal law/expungement, and victim rights. I also serve as Co-chair of the Legal Innovations Subcommittee of the Tri-County Task Force, along with fellow Charleston County Bar member Rene Dukes.

Oftentimes victims of trafficking are overlooked, unheard, and lack knowledge of available resources. When they are encountered by law enforcement, victims are generally re-traumatized and met with doubt when they share their story. As a result, they either share very little, or nothing at all. In my role as the Human Trafficking Victim Rights attorney, I serve as an advocate for trafficking victims by providing them with a sense of control over their lives, and giving them a voice. My role on the task force aides my services so that I may assist victims through the use of a multidisciplinary network of trauma-informed and victim-centered service providers.

If you are interested in joining our anti-trafficking initiative, there are many ways you can help. You may join the Legal Innovations Subcommittee of the Tri-County Human Trafficking Task Force to be notified of upcoming events and trainings. If you would like to be added to the private attorney volunteer listsery to potentially receive victim case referrals, please contact me PLarson@CharlestonProBono.org with your name and area of practice. Additionally, if you or your firm would like to receive training for how to screen clients who you believe may be trafficking victims, please contact me.

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HAVE A SUGGESTION?

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

USEFUL LINKS

Charleston Bar Website

CLE Calendar

Classifieds

Attorney Resources

SC Bar Website

The Charleston County Bar is now accepting classified ads for just \$1 per word. For information on placing your ad in our next newsletter or on our website and in our weekly Tuesday Talk e-blast, please contact Kim Steele either by Tel. (843) 881-6666 or Email: secretary@charlestoncountybar.org



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