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G-Bar News



“Is Greenville envious or just new?”

By: E. Grantland Burns

A musician’s tour manager recently asked that question during a stop in our city. It took me a while to get it.

Greenville is in a very enviable position right now. When I was growing up here I hardly ever came downtown for anything (except maybe a Red Baron sandwich). Now downtown is bursting at the seams with great restaurants, shops, and seemingly weekly special events on Main Street with something for everyone. Downtown condominium developments are springing up everywhere you look - and they can’t even seem to keep pace with demand.

Existing manufacturing companies around the perimeter of Greenville thrive and expand, while new investment floods into the area constantly. Clemson’s ICAR (International Center for Automotive Research) is the latest and greatest example of the kind of excitement our city is generating. Tens of millions of dollars are being poured into just the physical plant of that campus, and you can bet the world will be coming here in short order to see innovation at work in the automotive and motor sports industries.

We may have lost the G-Braves, but that is a short-term set back. That our community has its priorities straight is nothing to be ashamed of. The creative

thinkers, including some of our Bar members, who fought to keep the team here will surely lure another franchise in the near future. Today’s Greenville is an easy sell. Heck, even Kevin Costner and Tom Brokaw think this place is cool!

Getting back to the to the original question, my answer is: “Green means go.” We in Greenville are going full throttle right now. The role of attorneys in this accelerated pace cannot be overstated. In addition to our Bar members performing an enormous amount of paid legal services in connection with this growth and investment, you will find Greenville attorneys in every community service and non-profit organization around. The infrastructure provided by these organizations is what makes Greenville an attractive place for investment in the first instance. Organizations like Habitat for Humanity, the Meyer Center, the United Way, the zoo, the symphony, our museum boards, and countless other groups depend on the leadership and pro bono assistance which our Bar members volunteer generously. If you’re one of these volunteer members of our Bar, my hat is off to you. If you’re not actively involved in our community right now, the opportunities are out there waiting. You’ll find it fulfilling per-

sonally and professionally to pitch in and make a difference behind the scenes. This is true even when, or maybe especially when, politicians try to blame societal woes on “the lawyers.” To the contrary, just as Gus in “My Big Fat Greek Wedding” could trace any word to its Greek origin, we can trace the good things in Greenville to some involvement by our Bar members.

Speaking of community involvement, I’m sure you’ll join me in thanking Debra Gammons and Katie Fayssoux for organizing a great Law Week. From the road race and the wills clinic to the school visits and the golf tournament, and everything in between, it was a success all the way around. Many thanks to those who headed each event and to those who participated. Thanks also to Judge Matthew Perry for traveling here for our Law Day Luncheon. Finally, congratulations to Nell Stewart on being this year’s recipient of the Liberty Bell Award. Nell’s volunteer service to the guardian *ad litem* program and more recently to the school district’s youth courts program merit this recognition for making a difference in our community.

*Two free passes for the next Bar social event to the first person who e-mails the musician’s name to me: gburns@nexsenpruet.com.

170th edition

May 2004

- Reception with S. C. Court of Appeals—November 16, Greenville Country Club
- Christmas Party—December 9, Greenville Country Club (This is a date change!)
- Annual GCBA CLE—December 3, County Square
- Memorial Service—December 16, Greenville County Court-house

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Verdicts

Caption: Advanced Technical Resources LLC v. Sci Electronics Inc. v. Robert Reed
Case No.: 2002-CP-23-8732
Attorney for Plaintiff(s): Larry Briggs
Attorney for Defendant(s): William Hogan
Cause of Action: Conversion, conspiracy
Verdict: for ATR \$17,087.36 for SCI \$28,653.02 actual damages

Caption: Julius B. Watts v. Mary Jane Rogers
Case No.: 2000-CP-23-651
Attorney for Plaintiff(s): Ken Porter
Attorney for Defendant(s): T. David Rheney
Cause of Action: Damages
Verdict: Plaintiff; \$20,000

Caption: Kristen Sims v. Sylvia B. Meadows
Case No.: 2003-CP-23-1251
Attorney for Plaintiff(s): Andrew Barr
Attorney for Defendant(s): Patricia Ravenhorst
Cause of Action: Automobile accident
Verdict: Plaintiff—\$3,000 actual damages

Caption: Jeffrey J. Ritts v. Fortis Insurance Co.
Case No.: 2003-CP-23-1002
Attorney for Plaintiff(s): Rob Hoskins, Chad Bacon
Attorney for Defendant(s): Keith Martens, Christi Cox
Cause of Action: Breach of contract
Verdict: Plaintiff, \$83,047.63 actual damages

Caption: Lavonne Ramsey v. Steven Thomas
Case No.: 2003-CP-23-2603
Attorney for Plaintiff(s): Russell Guest
Attorney for Defendant(s): Kurt Rozelsky
Cause of Action: Damages
Verdict: Plaintiff—\$2,430 actual damages

For Terms of Court information and CLE opportunities, visit our website at www.greenvillecountybar.org and go to the links on the opening page.

Family Court Liaison Report

Present: Judge Stephen S. Bartlett, Judge R. Kinard Johnson, Jr., Judge Timothy L. Bruce, Shirley Bruce, Melinda Waters, Terry Reid, Jennifer Roberts, Saralyn Evans, Eddie Harbin, David Rutledge, Kimberly Montanari and Fran Duarte.

The new Chief Administrative Judge will be Aphrodite Konduros beginning July 4, 2004.

Please read the following carefully. DO NOT send or **MAIL** the Judges any money. The Judges and the Judge's secretaries cannot process money and it is not their job to take your money and paperwork to the Clerk of Court. If you have a filing fee or a Motion fee with a proposed motion or order please take it to the Clerk of Court. If you mail the money and paperwork in then mail it to the Clerk of Court. The Clerk of Court will make sure the appropriate Judge will receive the Order and or Motion. Please treat all Motions and Orders like you would a Complaint with a Temporary Motion attached. Bring it to the Clerk of Court for processing.

Attention all Attorneys: Please dress appropriately for court. Men should be wearing suits and women should be wearing skirt suits, pant suits or dresses.

If your order contains the wrong docket number, a short supplemental order will need to be done to correct the problem.

Please remember to attach a Child Support Direction Sheet and a Motion Cover Sheet with all orders.

The Family Court needs volunteers to be GALs and attorneys in abortion hearings. The hearings usually last about 15 minutes and your attendance at the hearing will count toward your 608 requirements.

If you have a pro se defendant on your case and he/she has filed an answer, please put their name and address on the Motion Cover Sheet.

Please be aware of the process for Orders of Transportation. (See next page)

The next Family Court Liaison meeting will be **May 21, 2004 at 2:00 p.m. in the Conference Room in the Judge's Hallway.** Anyone who is unable to attend these meetings but has issues they would like addressed may contact the following lawyers: **Christine M. Howard** (282-8575); **Wallace A. Mullinax** (233-4351); **Robert M. Rosenfeld** (235-9613); or **Thomas W. Traxler** (242-3566).

Law Week Wrap-Up

Thanks to Debra Gammons and her committee for their work on Law Week events.

Congratulation to our Liberty Bell Award winner Nell Watson Stewart for her efforts to implement the Youth Court program in Greenville County Schools. Congratulations also to our essay winners: Paige Myers– Best Overall (Eastside), Stephen Hawkins, Jr. (Riverside) Angelica Sligh (Greenville), and William Hawkins (Riverside). Photographers—Kendra Whiteside, Monika Anderson, and Crystal Williams (all from Carolina).

Congratulations also to our attorneys who have been in practice for 50 years: Rodney Culbertson, Wade C. Humphrey, Carl Thackston and Donald Ferguson.

Many thanks to Judge Matthew Perry for his remarks on Law Day and the landmark case *Brown v. Board of Education*.

Race Judicata—Congratulations to the winners:

Females—Diana Ivankovic, Beth Montgomery, April Herron. Males—Miren Ivankovic, John Boyanoski, Linny Moore. Youth—Deshante Thurman, Jacob Holl, Austin Hood. Fastest Lawyer—Maureen White; Jimmy Brehm and Mark Moyer.

Thanks to our attorneys who participated in the events:

Wills Clinic—Don McAlister, Pete Byford, Chet Chea, Ben Leaphart, Lesley Moore, Judy Lineback, Ginger Phillips, Mike Bridges, Chuck Verdin, Alan Hill, and paralegal Dorothy Sizemore and her staff from Datastream.

Committee members: Sandi Wilson, Jimmy Brehm, Katie Fayssoux, Sidney Mitchell, Leigh Paoletti, Tracy Hulsey, Andrew Culbreath, John Riordan, Bozzie Boggs, William Foster; Joe Ramseur, Rochelle Williamson, Terrell Mills, and Margaret McGee.

Office of the Sheriff

Judicial Services Division Mike Robertson (Master Deputy) 301 University Ridge

Greenville S. C. 29602-0757

(864) 467-5921 FAX (864) 467-4605

Dear Greenville County Bar Members,

We have been encountering some problems at Family Court when it comes to transporting inmates from the Greenville County Detention Center for private attorneys. These are the proper steps you need to follow when you need an inmate for a court hearing.

If the inmate is in the Greenville County Detention Center: Complete a transportation order and have it signed by a Judge; File it with the Greenville County Clerk of Court's Office at Family Court; Bring two (2) copies of the transportation order to one of the Court Security Deputies located in the front lobby of the Family Court. The deputy will sign and date one copy and you will retain this copy for your records as a receipt. The deputy will retain the other copy for our records.

Please allow 24 hours notice due to man power and time constraints.

If the inmate is in the custody of the South Carolina Department of Corrections:

Complete a transportation order and have it signed by a Judge; File it with the Greenville County Clerk of Court's office at Family Court; Then you will need to contact Lynn Turbeyville (803) 896- 2077 and advise her what you have and she will instruct you on what to do.

Please allow some time for this because of dealing with personnel in Columbia.

If you have any questions on this matter please do not hesitate to call and speak to me or to Sgt. J. Morgan
Sincerely, Mike Robertson (Master Deputy)

Announcements

Wilson, Jones, Carter & Baxley, LLC is pleased to announce that Richard B. Kale, Jr. has joined the firm as a member in its Greenville Office. The firm is also pleased to announce that Michael D. Owens has joined the firm as an associate. The firm concentrates its practice in the area of workers compensation defense and has offices in Greenville and Mount Pleasant, SC.

Merline & Meacham, P.A. is pleased to announce that Margaret C. McGee has become an associate with the firm. She holds an LLM in Taxation from New York University. Also, Keith G. Meacham, a shareholder in the firm, has been appointed by the S. C. Supreme Court to a three year term on Estate Planning and Probate Law Specialization Advisory Board. He is a former Chairman of the Supreme Court Taxation Law Specialization Advisory Board.

Cecil H. Nelson, Jr. is pleased to announce that David Alexander has joined his law firm located at 25 East Court Street, Suite 201. David will concentrate his practice in the areas of commercial, business and products liability litigation.

The Firm of Jackson Lewis has relocated its office to One Liberty Square, 55 Beattie Place, Suite 800, Greenville, SC. The phone and fax numbers remain the same.

The Gaddy Law Firm, LLC is please to announce that Susan Gaddy has been appointed to serve as a Thirteenth Judicial Circuit Delegate in the S. C. Bar House of Delegates.

Rodney Pillsbury is pleased to announce the relocation of his practice, Pillsbury Law Firm, P.C. to 111 Toy Street in Greenville. His new telephone number is 271-3511 and his new fax number is 467-0087. His firm specializes in civil litigation, primarily plaintiff, in both federal and state court and includes trial and appellate work.

Joseph S. Lyles announces the opening of his law firm located at 610 Grove Road. The telephone number is 232-1676. Mr. Lyles specializes in personal injury cases and plaintiff's litigation.

Herman E. Cox and William A. Jordan are pleased to announce the relocation of the office of Cox & Jordan, P.A. from 667 N. Academy Street, Greenville, SC to 115 Broadus Avenue, Greenville, SC 29601. The telephone numbers 242-4711 and 235-0147 remain the same.

James Stone Craven and William Pete Reid announce the formation of Craven & Reid, LLC, located at 12 East Stone Avenue, Greenville, SC 29609. The telephone number is 242-9934 and the fax number is 242-9936.

Bench/Bar Committee

The Bench/Bar Committee met with Judge Patterson on Friday, April 30, 2004. Several issues were discussed, including special order trials, the non-jury docket, and settlements. Judge Patterson stated a concern regarding the failure of some attorneys to complete mediation as required within 300 days or by the time status conferences are held. Additionally, the statewide ADR rules proposed by the ADR Commission were discussed. Jack Griffeth noted that the proposed rules are based on the Greenville County model, but that there is no explicit provision for the parties to select their own mediator after the notice to mediate is issued. Please review the proposed rules and post a comment to the ADR Commission using the SC Bar website by May 31, 2004.

Bench/Bar Committee meetings will occur on the last Friday of each month at 2:00 p.m. in Courtroom 7 at the Greenville County Courthouse. The next meeting will take place on May 28, 2004. If you are interested in attending these meetings, or if you have questions or concerns, please contact the Greenville County Bar Association Judicial Liaison, Matt Johnson, at (864) 271-5348.

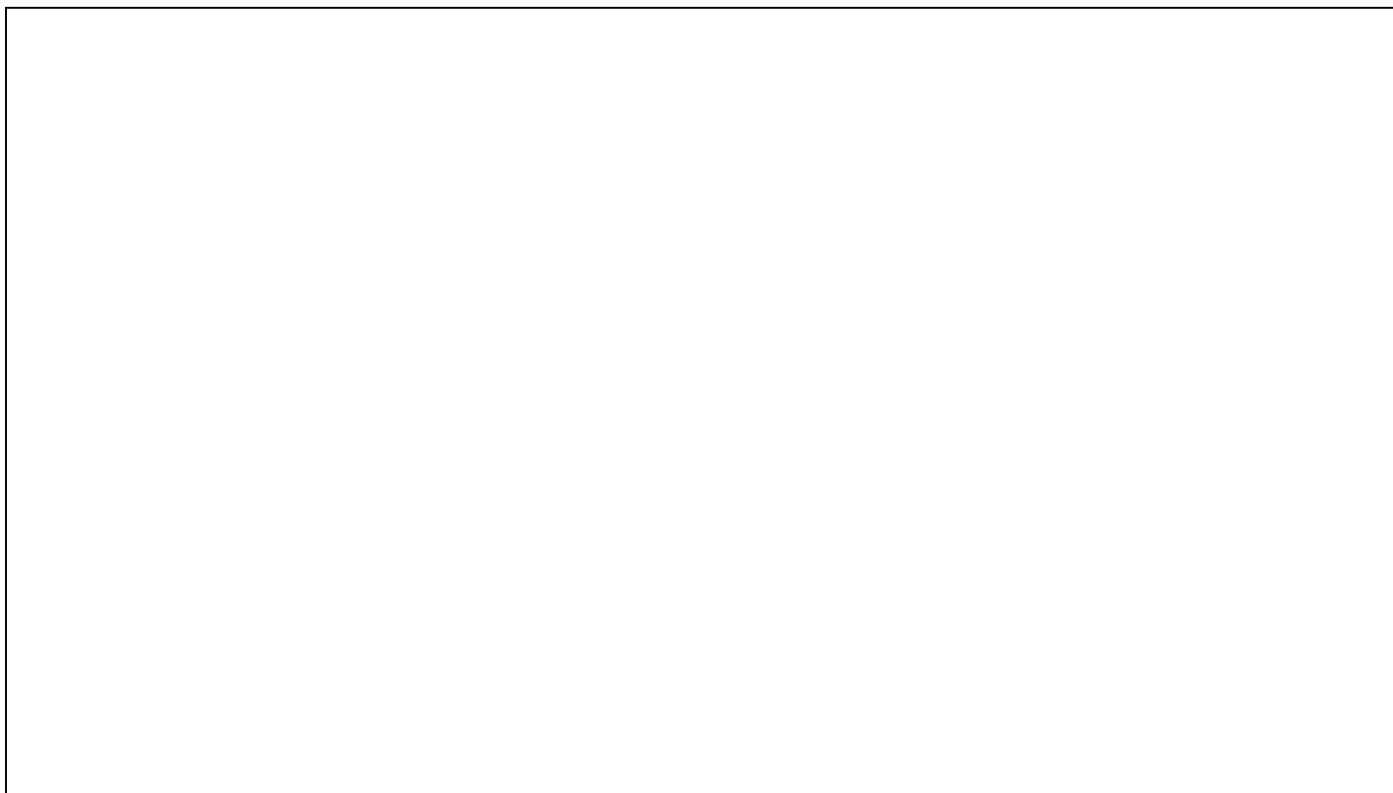
Greenville Association of Legal Assistants (GALA) meets the second Thursday of each month at the Poinsett Club from 12:30 p.m. until 1:30 p.m. You do not have to be a member to attend. For reservations, please e-mail Phyllis Mitchell at pmitchell@dobsonlaw.com or call her at 271-8171.

Legal Staff Professionals of Greenville proudly sponsors Probate Court Overview, Friday, October 1, 2004, 9 a.m. to 12:15 p.m. 3.0 hours CLE credit. Cost is \$85 (LSPG members—\$65). Box lunch provided. Mark the date on your calendar now!

Newly installed officers for 2004/2005 are as follows: President: Francis Powell; President Elect: Jimi Bullard; Vice President: Barbara Owens; Secretary: Camilla Pittman; Treasurer: Tara Prevatte; and Past President: Lois Belle. Congratulations to Barbara Owens who received a \$500 scholarship from LSPSC and \$200 from the local chapter. Just another great reason to join!

LSPG meets on the third Wednesday of each month at 12:30 p.m. Any legal support staff is welcome to attend.

Visit our LSPG website at www.lspg.org or the NALS website at www.nals.org.



Advertisements

Offices for rent—3 downstairs and 2 upstairs. Conference room, copier, fax and postage machines available. Ready by April 2, 2004. Rent negotiable. Contact 467-0100/230-8540.

Office Suite available—downtown Greenville. Contact Jeff Merriam or Tom Traxler at 242-3566.

Near Courthouse—408 N. Church Street. Call Stephen Yacobi @ 242-3271.

For Lease: 119 Manly Street, one-half block from Bilo Center. Call John M. Dillard at (864) 834-0301.

For Lease: 100 Williams St. at Pettigru. Call 242-5133.

Office building available for rent at 10 Brookside Circle. Call Jim Sarratt or Bill Clarke at 271-4100.

Office space available; 202 West Stone Avenue. For details call 282-8575.

Office space for rent—Contact Kimberly Dunham or Stacy Greene at (864) 282-8686.

Office space available at 101 E. Camperdown Way. Call Rebecca or Tammy at 864-370-9771.

Office space available: 33 Wade Hampton Blvd., Greenville. \$650 per month. Call Cindy at 271-6371.

Employment Opportunities:

Real Estate paralegal position available at small law firm. Looking for a candidate with excellent phone etiquette, ability to multi-task and good computer skills. Working knowledge of Soft Pro and Time Matters would be a plus. Looking for someone with common sense and initiative. Salary will depend upon experience and qualifications. Send resume to Phillips Law Firm, 1425 Augusta Street, Greenville, SC 29605.

Guest article—What Every Attorney Needs to Know About Special Needs Trusts

An attorney for a disabled person may do a great job to obtain a settlement or a verdict for their client. You should be congratulated, shouldn't you?

However, most disabled persons depend upon a variety of governmental programs, like SSI, Medicaid, subsidized housing, for their basic needs. What if the settlement you work so hard to achieve disqualifies your client for these benefits?

It may be a great settlement, but the client may not be pleased if it cause them to lose their monthly Social Security check, their health insurance, treatment for a mental illness or another disability, and perhaps make it necessary for them to move.

Special needs trusts can be an answer to this unexpected and sometimes almost incomprehensible result.

Special needs trusts are a hot topic these days. If you don't remember even hearing the term until fairly recently, you're not alone. Nevertheless, there are a few things that any lawyer who deals with disabled persons as a part of his practice needs to know about special needs trusts.

First, what is a special needs trust?

In a few words, a special needs trust is a trust for a disabled person designed to preserve the disabled person's eligibility for public benefits.

Second, for whom is a special needs trust appropriate?

A special needs trust is appropriate for a disabled person who receives means tested public benefits (usually SSI, Medicaid, VA benefits, housing subsidies, or other benefits) and who inherits money or who receives a settlement or a gift.

Third, what makes a special needs trust necessary?

Ordinarily, the receipt of such funds (whether from a settlement or from other sources) causes the disabled person to be disqualified from their public benefits. Thus, the settlement or other funds would have to be spent until exhausted to provide the same necessities that the public benefits were providing. After spending all of the money, the disabled person would again (presumably) qualify for their public benefits. Thus the receipt of the gift, inheritance or settlement produces no permanent benefit for the disabled person.

Fourth, how does a special needs trust work?

Placing the gift, inheritance or settlement in a special needs trust usually means that the disabled person can continue to receive means tested public benefits, but all of this protection doesn't come without a cost.

Of course, if the funds in the trust were as easily available as they would be in a bank account, there would be little reason the assets in the trust would not also disqualify the disabled person.

For this reason, there are limitations on the purposes for which the funds in the trust can be spent, and in general the trust assets can be spent only for needs not provided by public benefits.

On the other hand, this may be an enormous benefit, albeit more or less in disguise. For many disabled persons, funds in a special needs trust can be spent gradually over a period of years on items which public

benefits would never provide and the special needs trust in many instances can be an almost permanent benefit for the disabled person.

The trust can also ensure that the settlement funds will be properly managed, often for beneficiaries who cannot manage large amounts of money themselves.

Fifth, what are some common examples of the supplemental needs that a special needs trust can provide?

Supplemental needs are needs other than the basic support needs of the disabled person (food, shelter, and clothing).

These can include modifications to a residence appropriate for the disabled person, medical treatment and medical equipment not provided by public benefit programs, educational and recreational equipment, such as computers, musical instruments, and sports equipment, travel expenses, prepaid funeral arrangements, and recreational opportunities (just to name a few).

Lastly, if a special needs trust is appropriate for my client, should I do it myself?

If your client needs a special needs trust, call an elder law attorney experienced in special needs trusts and familiar with the public benefit your client receives.

Article supplied by Frank Dana, at www.danalawfirm.com.

[Attorneys desiring to submit articles should send them to gbarnews@aol.com. The editorial staff will review them for value to the Greenville County Bar Association. Publication of any articles shall not be deemed an endorsement by the Greenville County Bar Association of any of the opinions expressed in such articles.](mailto:gbarnews@aol.com)