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G-Bar News



183rd edition

September 2005

PRESIDENT'S ARTICLE

By: James H. Price, III

How are you? We're fine, thanks. With all of the disaster, carnage, and hunger in the world, including our own country, do you ever pause and think about how truly blessed we are in this area? We have jobs. We have homes. We have power. We have drinkable water. We have courthouses that are open and functional. We have government services. Contrast all the things that we take for granted in Greenville with our fellow citizens sleeping on air mattresses in the Palmetto Center and our brothers and sisters in the legal profession who have no offices, files, telephone service, courthouses or any way to make a living. It's sad when the sound of a well flushed toilet is a luxury.

All of us have been inundated with pleas for financial assistance and other forms of aid as a result of Hurricane Katrina. The Greenville County Bar Association is participating with the South Carolina State Bar Association in recruiting volunteers to provide such legal services as we can to our fellow citizens in the Palmetto Expo Center. Our effort is being spearheaded by the Young Lawyers Division. Trey Suggs has put in many, many hours getting our volunteers coordinated. Thank you, Trey, for all your hard work.

Thanks also to Chris Gantt who organized a very successful and educational Employment Law CLE on September 16 with more than 60 lawyers in attendance.

On a lighter note, we have several social functions coming up soon. On October 5, 2005, we are sponsoring a barbeque at the Blind Horse Saloon. The hours are 6:00 p.m. until. The cost is reasonable, the food extraordinary, and the company, priceless. On October 12th, we will have a luncheon at the Hyatt honoring this year's winner of the Tommy Thomason award. This is a very special award given only to very special people. Please support the memory of Tommy Thomason and the qualities of his character by attending this function. Sometime in November we will jointly sponsor an oyster roast with the Young Lawyers. More about this later, but let's plan to show the young dudes and dudettes that we can still hang with them.

UPCOMING EVENTS:

- October 5: BBQ
- October 12: Tommy Thomason Award Lunch
- December 8: Christmas Party

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Announcements

Kurt Rozelsky of **Leatherwood Walker Todd & Mann, P.C.** has been selected for membership in the Federation of Defense and Corporate Counsel (FDCC). The FDCC is an organization of 1000 defense attorneys nationwide and abroad selected for achieving professional distinction and demonstrating a commitment to promoting knowledge, fellowship, professionalism, and justice.

Kenison & Dudley, LLC is pleased to announce that **James S. Carter, III** has joined the firm as an associate. Mr. Carter was the Honorable R. Markley Dennis, Jr.'s Law Clerk for the past year. Mr. Carter will concentrate his practice in construction and commercial litigation.

John Creech, a shareholder at **Ogletree, Deakins, Nash, Smoak & Stewart, P.C.** was recently elected to serve a fourth term as general counsel for the South Carolina Chamber of Commerce. During his previous terms, Creech has provided advice and representation to the State Chamber in various ways including filing amicus briefs on issues that have affected South Carolina such as Right to Work and Handbook cases. He also has displayed leadership by lecturing on behalf of the chamber.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C. is proud to announce that, for the first time, it has been included on the prestigious "Am Law 200" list of top U.S. law firms. Ogletree Deakins ranked number 194 on the list, which is compiled and published by *The American Lawyer* magazine. The survey lists the nation's law firms based on profits per partner, revenue per lawyer, value per attorney and gross revenues.

Leatherwood Walker Todd & Mann, P.C. is pleased that **Jonathan D. Hammond** has rejoined the firm as an associate attorney. Mr. Hammond was an associate with Leatherwood from August 2002 until October 2004 and returns to the firm to practice in the areas of Insurance & Tort Litigation, Products Liability, and Business & Commercial Litigation.

William S.F. Freeman is proud to announce the opening of his own firms, the **William S. F. Freeman Law Firm**. The firm will be located at 16 Whitsett Street and mail should be sent to P.O. Box 383, Greenville, SC 29602. Their telephone number is (864) 271-3838, fax (864) 271-2828 and email is william@wfreemanlaw.com.

The Law offices of **John W. Howard, III**, are relocating from 107 Broadus Avenue, Greenville, SC 29601, to 604 University Ridge, Greenville, SC 29601. The telephone number (864-232-8722) and fax number (864-232-9977) will remain the same.

Leatherwood Walker Todd & Mann, P.C. has been recognized by Chambers USA: America's Leading Lawyers for Business as a leading South Carolina law firm in Corporate Law, General Commercial Litigation, and Real Estate Law. **Richard L. Few, Jr.**, **Joseph E. Major**, and **A. Marvin Quattlebaum** were also individually recognized by the publication based on interviews conducted with their peers and clients.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C. is pleased to announce that 13 attorneys from the Greenville office have been named in the 2006 edition of *The Best Lawyers in America*, with 10 attorneys being renamed to the list and three recognized for the first time. **Joel A. Daniel**, **Robert O. King**, and **Kristofer K. Strasser** are making their first appearances in the 2006 edition of *The Best Lawyers in America*, while **Thomas M. Christina**, **John G. Creech**, **J. Howard Daniel**, **L. Gray Geddie, Jr.**, **Thomas G. Greaves III**, **Knox L. Haynsworth, Jr.**, **William R. McKibbon, Jr.**, **Lewis T. Smoak**, **J. Hamilton Stewart III**, and **Fred W. Suggs** were renamed to this list.

The **Thirteen Circuit Solicitor's Office** is pleased to announce the following appointments of assistant solicitors in the Greenville office: **Denton Mathews** graduated from the University of South Carolina in 1995. He returned to USC School of Law and obtained a JD degree in 2004. **Monty Desai** is a 2001 graduate of the University of SC in Spartanburg and a 2004 graduate of the Thomas M. Cooley School of Law in Lansing Michigan. **Kimberly Grande** obtained a BA degree from Wofford College in 2002 and her JD from the Cumberland School of Law, Samford University, Birmingham Alabama in 2005. **Wanda Adams** is a 1982 Graduate of the University of South Carolina and a 1992 graduate of the University Of Tennessee College of Law in Knoxville, Tennessee.

The law firm of **Devlin & Parkinson** is please to announce that it has moved to its new office located at 27 Cleveland Street, Suite 201, Greenville, SC. Telephone: (864) 242-4050; Fax: (864) 242-4277.

McNAIR LAW FIRM, P.A. is pleased to announce that **Cort R. Flint** has been chosen for inclusion in *The Best Lawyers in America*® 2006 based solely on a vote of his peers.

Leatherwood Walker Todd & Mann, P.C. is pleased to announce that **J. Kurt Schumacher, Jr.** has joined the firm as an associate attorney.

Fall BBQ - October 5th, Wednesday

Place: The Blind Horse Saloon, 1035 Lowndes Hill Road, Greenville
 Time: 6 p.m. – 8 p.m.
 Cost: \$15 per person (includes barbeque plate and two adult beverages)

Register at gbarnews@charter.net and send in your check to GCBA, P. O. Box 10145, Greenville, SC 29603 by **September 30, 2005**

Tommy Thomason Award Luncheon

The Tommy Thomason Award was established by the Greenville County Bar Association in 1993 to honor a Greenville lawyer whom best exemplifies the wonderful qualities of Tommy Thomason:

- compassionate and sensitive to all people regardless of their station in life;
- friendly, unassuming, humble with a warm, genuine and abiding faith in all people;
- strong personal values, optimism and faith;
- positive diplomacy that works to minimize conflict and resolve disputes in the least hostile manner;
- unshakable integrity, coupled with an instinct for fairness;
- dedicated to community interest, public service and improvement of the community;
- loves the practice of law and pursues the practice as a service to people;
- dedicated to the improvement of the legal system and justice for all people;
- widely respected and admired by peers for personal and professional achievement.

This year's recipient will be honored at a luncheon as follows:

Speaker: The Honorable Aphrodite Konduros
 Place: Hyatt Regency Downtown, 220 North Main Street
 When: October 12, 2005, Wednesday, 12:00 noon
 Menu: Pan Seared Chicken with Sun-Dried Tomato, Roasted Pepper and Shiitake Mushrooms in a Light Cream Sauce (vegetarian dish available upon request)
 Cost: \$24 per person

Register at gbarnews@charter.net and send in your check to GCBA, P. O. Box 10145, Greenville, SC 29603 by **October 5, 2005** (specify if you want a vegetarian dish)

Circuit Court Statistics

January 1, 2005 thru August 23, 2005

No. of Civil Cases filed: 5,458

No. of Civil Cases tried: 29

(13 Jury, 16 non-jury)

No. of Cases dismissed: 2,103

No. of Criminal Cases filed: 8,528

No. of Plead Guilty: 3,247

No. of Cases tried: 91

No. of Cases dismissed: 3,095



Verdicts

Caption: Lester & Ethel Mattison v. Linton B. West and Palmetto Urological Associates, P.A.

Case No. 2004-CP-23-3382

Attorney for Plaintiff(s): William Jordan

Attorneys for Defendant(s): Matthew Utecht

Cause of Action: Medical Malpractice

Verdict: Defendants

Caption: John L. West v. Jeremiah Verdin and James Verdin

Case No. 2004-CP-23-3434

Attorney for Plaintiff(s): Eddie Harbin

Attorneys for Defendant(s): Marcus McGarr

Cause of Action: Automobile Accident

Verdict: Plaintiff, \$4,080.25 Actual Damages

Job opportunities

Growing construction/business litigation firm in downtown Greenville is looking for associate with 3-5 years business/construction litigation experience. Salary commensurate with experience. Send resumes to Kenison & Dudley, LLC via facsimile (864)242-4844, Attn: Tom Dudley.

Small law firm accepting resumes for associate attorney to practice primarily in the areas of real estate and civil litigation. Successful candidate must be good time manager and dependable. Salary depends on the qualifications and experience of applicant. Please email resume to Greenville_attorney@yahoo.com.

The Thirteenth Circuit Solicitor's Office has a position available in the Greenville office for a contract attorney to handle pre trials and jury trials in Magistrate's Court eight days a month. Interested persons should contact Marcia Barker at 467-8622

Transactional position available with small Greenville law firm with multi-state commercial real estate practice. Experience required. Flexible schedule. Complete confidentiality. Thorough resumes and confidential contact information required. Please send to P. O. Box 8118, Greenville, SC 29604-8118.

GUEST ARTICLE

**New *pro hac vice* rule --
which increases the admission fee to \$250.00
and implicates arbitration, mediation, and ADR proceedings --
will take effect on October 1, 2005.**

By: William M. Wilson, Esq.

By an order dated June 20, 2001, the Supreme Court of South Carolina amended Rule 404 of the South Carolina Appellate Court Rules to increase the fee for admission *pro hac vice* to \$250 (from \$100) and to require lawyers not admitted to practice law in South Carolina to file a verified statement and pay a \$250 fee when providing legal services pursuant to newly amended Rule 5.5(c)(3) of the Rules of Professional Conduct, Rule 407. The rule also was amended to substitute the word "tribunal" for "court" (thereby clarifying that a non-South Carolina attorney may appear *pro hac vice* "in any action or proceeding before a *tribunal* of this state") and defines "tribunal" as "any court of this state, and the South Carolina Administrative Law Court and any South Carolina agency authorized to hear and determine contested cases as defined under S.C. Code Ann. § 1-23-310." These amendments are to take effect on October 1, 2005.

The most substantial change to Rule 404 is within newly added subsections (g), (h), and (i), which require non-South Carolina lawyers to meet certain requirements when providing legal services pursuant to newly amended Rule 5.5(c)(3) of the Rules of Professional Conduct. Rule 5.5 also was amended on June 20, 2005, and also is to take effect on October 1, 2005. Newly added subsection (c)(3) to Rule 5.5 provides that a non-South Carolina lawyer "may provide legal services on a temporary basis in this jurisdiction that . . . are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are

reasonably related to the lawyer's representation of an existing client in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires *pro hac vice* admission." In this circumstance, Rule 404(i) now requires the non-South Carolina lawyer to "file a verified statement with the South Carolina Supreme Court Office of Bar Admissions stating that the lawyer has not filed more than three statements pursuant to this rule in a 365-day period" and to include a \$250 fee. The filing and fee are all that are required; it is not necessary to seek *pro hac vice* admission (provided that no more than three such filings occur within a year period). Rule 404(h) further provides that a non-South Carolina lawyer "who seeks to provide legal services pursuant to Rule 5.5(c)(3) in more than three matters in a 365-day period shall be presumed to be providing legal services on a regular, not temporary, basis." Such a presumption could prevent the lawyer from obtaining *pro hac vice* admission in South Carolina, as Rule 404(b) provides that "[a]n attorney may not appear *pro hac vice* if the attorney . . . is regularly engaged in the practice of law. . . in South Carolina, unless the attorney has filed an application for admission under Rule 402, SCACR."

Newly amended Rules 404 and 5.5 may be accessed online at <http://www.judicial.state.sc.us/opinions/advSheets/no262005.pdf> and at <http://www.judicial.state.sc.us/courtReg/newrules/NewRules.cfm>.

CLE OPPORTUNITY

Life Choices for People with Disabilities: ETHICAL ISSUES

Protection and Advocacy for People with Disabilities, Inc. (P&A) will present a national legal conference on **Friday, November 18, in Columbia SC**. Topics include ethical decisions regarding treatment and commitment of individuals with mental illness, advance health care directives, guardianship and competency issues, and ethical issues in representing people with disabilities. Charleston attorney Harriet McBryde Johnson will provide a personal perspective regarding disability, power, and medical choices.

Presenters: Hon. Jacqueline D. Belton, Assoc. Probate Judge, Richland County
Prof. Nathan Crystal, USC School of Law
Lillie Hart, Esq. MSW
Harriet McBryde Johnson, Esq.
Prof. David Orentlicher, MD, JD Indiana University School of Law—Indianapolis
Prof. Elizabeth Patterson, USC School of Law

Fee of \$50 includes lunch. The program has been pre-approved for **six hours of CLE credit, including two hours of ethics.**

REGISTRATION:

Call Cat Tuano-Buice with P&A at 1-866-275-7273 ext. 210 or
P&A website: www.protectionandadvocacy-sc.org

**Friends of Guardian ad Litem,
Housewise Streetwise (a child safety project),
Greenville County Schools Youth Court,
A Child's Haven...**

These are just a few of the organizations that the Greenville County Legal Auxiliary (GCLA) has helped. What is GCLA? We are a social and service group made up of female attorneys and attorney's wives. Over the past 4 years we have given over \$100,000 to the community—all while having fun in along the way.

We would like to invite all female attorneys, and wives of attorneys to see what we are all about. Contact Charlotte Stilwell at cwstilwell@charter.net or 244-2899 for more information.

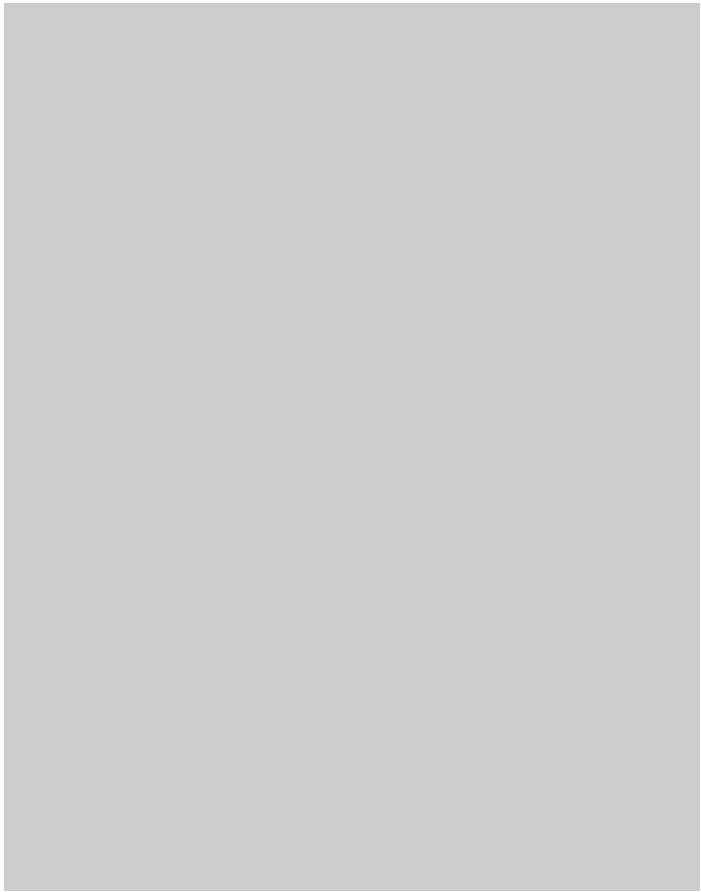
CITY OF GREENVILLE'S NEW LAND USE ORDINANCE

The City of Greenville has been working on a new version of the zoning and land development regulations that will be presented to the Planning Commission on October 25, 2005. The City prepared this ordinance so that the neighborhoods are better protected, pedestrian safety is better enforced, current ordinances could be updated to allow for the type of new development that the city is seeking, to make the code more user friendly, and to streamline the process for development review. For more information on how the LUDO affects you, please join City Staff for question and answer sessions on September 29th at the Palmetto Expo Center Room 104 A&B. Commercial Users will meet at 8:00am and Residential Users will meet at 7:00pm. For more information, please call the City Bureau of Planning and Zoning at 467-4476 or visit the City's web site at www.greatergreenville.com.



The Greenville County Bar Association wishes to extend its sympathies to the family and friends of the Honorable Marc H. Westbrook and Randall Davis.

The Memorial Service Committee is already at work on our December 2005 Memorial Service. This year we will be celebrating the lives of Thomas K. Johnston, Jr. and Ben Bowen. If there are other Greenville lawyers who have passed away this year, please let Jack Griffith know as soon as possible. Please call him or his secretary, Nancy Moore, at 242-6360.



**Please note that, effective immediately,
the mailing address for Judge Joseph R.
Anderson, Jr is as follows:**

**Joseph F. Anderson, Jr
Chief United States District Judge
901 Richland Street
Columbia, SC 29201**

Family Court Liaison Report

June 17, 2005

Present: Judge R. Kinard Johnson Jr., Timothy L. Brown and Aphrodite K. Konduros, Paul Wikensimer, Linda Roberts Bobbie Hill, Christine Howard, Faye Hart, David Rutledge, Robert Clark, Vanessa Hartman and Tommy Hodges.

Attention Attorneys: Please note that the next meeting will be August 19, 2005 at 1:00 PM. THERE IS NO JULY MEETING.

Attention Attorneys: Please be advised that the master list that is used for 608 appointments only has already started over from the beginning of the alphabet and July is not here yet. So, the possibility increases that an attorney may be appointed more than once in one year. If an attorney advertises or has an office in other counties, they will be assigned appointments from all counties they advertise in.

Attention Attorneys: If you are able to speak Spanish fluently and wish to help with Spanish speaking parties in DSS cases who need an attorney, please call Linda Roberts with the Clerk's office. Your help will count toward your 608 appointments.

Attention Attorneys: The GAL office has a new staff attorney, Robert Clark, who will begin once Ann Miner leaves on July 28, 2005.

Attention Attorneys: Allison Dunham, Don Phillips and Vanessa Hartman are the only attorneys at our local DSS office at this time.

Lawyers are reminded that a continuance for lack of service on the Defendant(s) may be handled by letter, not motion, thereby avoiding a motion fee.

Lawyers are reminded to state opposing counsels' or pro se's position on continuances for any other reason in their motion or cover letters. Court will not act on continuance requests without this information.

August 19, 2005

Present: Judge R. Kinard Johnson Jr., Stephen S. Bartlett and Aphrodite K. Konduros, Paul Wikensimer, Saralyn Evans Terry Reid and Shirley Bruce, Christine Howard, Jim Sarratt, Fran Duarte, Diane Riley and Catherine Christophillis.

Attention Attorneys: Please note that the next meeting will be October 14, 2005 at 1:00 PM. THERE IS NO SEPTEMBER MEETING.

Attention Attorneys: Please review the docket number on all submitted orders to Court. The Clerk has had a rash of orders with the wrong docket number. You will have to submit an amended order if the docket number is wrong. The Clerk is not able to just change the number on the mislabeled order.

Attention Attorneys: If you have an order which directs the Clerk to issue a bench warrant for failure to abide by the Order, please submit all identifying information such as a physical description, date of birth, social security number, home and work address and picture.

Attention Attorneys: Please be advised that all mediation orders must be served on the opposing party or pro se litigant. If you rule the litigant in for failure to appear at mediation the Court will want to see that the mediation order has been properly served on the litigant.

The next Family Court Liaison meeting will be **October 14, 2005 at 1:00 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: **Christine M. Howard (282-8575).**

Legal Staff Professionals Report

Legal Staff Professionals of Greenville is celebrating Court Observance Week October 10-14, 2005. This year's theme is We The People. In his proclamation for Court Observance Week, President Gerald Ford stated that "without the skill and dedication of our Nation's lawyer's assistants...the wheels of justice would grind to a permanent halt. One way in which their employers can demonstrate their appreciation for jobs well done is by giving their assistants greater opportunities to observe courtroom proceedings—to see more of the system in action." In keeping the spirit of this proclamation, LSPG will sponsor court observance at Greenville Municipal Court on Wednesday, October 12, 2005, for legal staff, students, and support vendors. For more details, contact Tara Prevatte at the Office of Attorney David

ARE YOU CERTIFIABLE? Is your assistant certifiable? Don't miss this event:

Education and Certification Seminar
November 12, 2005,
Womble Carlyle Sandridge & Rice

Anyone interested in basic certification (ALS), advanced certification (PLS), or professional paralegal certification (PP) should take advantage of this low-cost, one-day preparation seminar. Cost is only \$75 for members, \$95 for non-members, and includes all study materials. Contact Fran Powell at Turner Padgett, 552-4623 or FPowell@TurnerPadgett.com. Registration form and additional information will be posted on our website (www.lspg.org) or may be obtained from Fran Powell.

Greene (tara@davidgreeneattorney.com), Deborah Reynolds at Nelson Mullins Riley & Scarborough (Debbie.reynolds@nelsonmullins.com), or visit www.lspg.org.

Available Office Space

Office space for rent—512 East North Street, Excellent parking, sharing, fax, copier, law library in walking distance of County Courthouse. Call Jim Calmes at 233-6224 for appointment and/or details.

For rent—office space in the Historic Davenport Apartments, corner of Church and Washington Streets, across from the Federal Courthouse. This space is ideal for attorneys and is the only office space allowed within the Davenport. Convenient parking is available. Contact Bud Babb at 242-6360 to discuss your space needs, rates, to view the office space, etc.

Offices for rent—1 attorney and 1 secretary. Conference room, copier, fax and postage machines available. Rent negotiable. Contact 467-0100/230-8540.

For Lease: Several professional offices available along with

shared facilities. 100 Williams St. at Pettigru. Call 250-2273.

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

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

Office space available: 23 Wade Hampton Blvd., Greenville. \$500 per month. Call Cindy at 271-6371..

Office Suite for Lease—Approximately 288 sq. feet of lease space available, reception area and one office. Prestigious downtown location with easy access to all downtown Courthouses. Free parking and easy access to I-385. Utilities include power and water. Access to two conferences rooms. Available wireless/DSL Internet. Call John at 242-1114.

**A Publication of the Greenville
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***Deadline for articles or
advertisements is the 15th of
each month for the next
publication.***