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# G-Bar News

192nd edition

August 2006

## **BITS AND PIECES**

**By: Jeffrey A. Merriam**

### **The Honorable William W. Wilkins**

2006 is the 25th anniversary of Judge Billy Wilkins' appointment to the Federal Bench. He has had a distinguished career as a lawyer and a public servant. After graduating from USC Law School, he served as a Law Clerk to Judge Clement Haynsworth, a Legislative Assistant to Strom Thurmond, and practiced law in Greenville with his father W. W. Wilkins, Sr. He was elected Thirteen Circuit Solicitor and served in that post until he was appointed a United States District Judge by President Ronald Reagan. He served as Chair of the United States Sentencing Commission which formulated the Federal Sentencing Guidelines and was appointed to the Fourth Circuit Court of Appeals where he is now the Chief Judge.

The Greenville County Bar Association and members of the legal and business communities from throughout the State will host a reception celebrating Judge Wilkins 25 years on the Federal Bench on October 16, 2006, at the Poinsett Club. This promises to be a grand event to which all the members of the Greenville County Bar as well as judges and lawyers from throughout the state will be invited. Please mark your calendars as this will be a very special occasion for our Bar.

### **Doing Well and Doing Good**

Last month the Bar Association held a luncheon welcoming the summer associates who are working at local law firms. Family Court Judge Robert N. Jenkins, Sr., gave an address entitled "Doing Well and Doing Good". He reminded us that we must not only do well professionally by providing quality legal services to our clients, but we must also do good by using our skills and abilities to help solve community problems. Several people were inspired by Judge Jenkins' talk and asked for copies of his speech. So that everyone can have the benefit of his address we are posting it on our website at [www.greenvillecountybar.org](http://www.greenvillecountybar.org)

### **A Tribute**

Last month Judge Carey R. Werner of Greer retired after 37 years as a Greenville County Magistrate. Judge Werner was an exemplary Magistrate who assiduously sought to do substantial justice in every case he handled. Although not a lawyer, he had a wonderful legal mind and worked diligently to become learned in the law. Most importantly, Judge Werner wanted every lawyer and every litigant who appeared before him to come away with respect for the rule of law and feeling they had been treated fairly and with courtesy. He unflinchingly accomplished this, as anyone who ever appeared before him can attest. The citizens of Greenville County were well served by Judge Werner, and he will be missed.

### **UPCOMING EVENTS**

- **September 1: Judge Stephen Bartlett Reception**
- **September 20: Fall BBQ at Blind Horse Saloon**
- **October 16: Judge William W. Wilkins Reception**

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## Announcements

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The Law Firm of **Price, Paschal & Ashmore, P.A.**, announces that **Pat Paschal** has received the first and only Price, Paschal & Ashmore, P.A. Great American Award which was given to him in recognition of his being a great trial lawyer, partner and friend. **Ryan L. Beasley**, an associate with the firm of Price, Paschal & Ashmore, P.A. since August 2003, is now a partner. The new partnership will be known as Price, Ashmore, & Beasley, P.A. **Joseph J. Watson** remains of counsel to the firm.

**James H. "Chip" Price, III** of **Price, Ashmore & Beasley, P.A.** announces the hiring of **Johnny "Jody" Black** as his private investigator. Mr. Black will assist Mr. Price in the investigation and defense of DUI and general criminal cases. Mr. Black recently attended and completed a twenty-four hour instruction requirement in the Theory of Science of Evidential Breath Alcohol Testing by National Patent Laboratories in Dayton, Ohio. National Patent Laboratories is the manufacturer of the BAC Datamaster, the breath testing machine used throughout South Carolina in DUI cases.

The **Thirteenth Circuit Solicitor's** office has available a position for an attorney with 2 -3 years experience. Compensation based on experience. Interested applicants should contact Marcia Barker at (864)467-8622.

The law firm of **Haynsworth Sinkler Boyd, P.A.** is pleased to announce that **Margaret R. (Meg) Scoopmire** joined the Greenville office of Haynsworth Sinkler Boyd. Serving as Special Counsel, her practice primarily concentrates on real estate, commercial transactions, and corporate matters. Prior to joining the Firm, she was a shareholder in a general business law firm in Greenville, SC.

**McAngus Goudelock & Courie, LLC** is pleased to announce that **Doc Morgan** has moved to the firm's Greenville, SC office. Doc practices in the areas of litigation, including personal injury, bad faith/arson and insurance fraud, premises liability, products liability and insurance coverage.

The **Wyche Burgess Freeman & Parham, P.A.** law firm is pleased to announce that **Frank S. Holleman III**, a member of the firm, has been elected to membership in the American Law Institute. Members of the Institute are selected on the basis of professional achievement and demonstrated interest in the improvement of the law.

**David A. Merline**, a shareholder in the law firm of **Merline & Meacham, P.A.**, has been elected President of the Senior Lawyers Division of the South Carolina Bar. Merline is a former President of the South Carolina Bar and practices in the areas of taxation, estate planning, mergers and acquisitions, partnership law and corporate law.

**Mary Watters**, attorney at **Leatherwood Walker Todd & Mann, P.C.**, received the Special Event Volunteer of the Year Award for her work on the Fine Wine Auction, the largest annual fundraiser for the Upstate South Carolina Chapter of the American Red Cross. Mrs. Watters has worked on the Fine Wine Auction for four years. She chaired the 2006 Fine Wine Auction Pay Table Committee and was instrumental in successfully introducing a new Silent Auction "buy it now" option. In part through her continued efforts, the 2006 event raised \$260,000 net.

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### **FALL BBQ—September 20**

**Place: Blind Horse Saloon**

**Time: 6 p.m. – 8p.m.**

**Cost: \$17 (includes BBQ and two adult beverages)**

**Register at [gbarnews@charter.net](mailto:gbarnews@charter.net) and send in your check to GCBA, PO Box 10145, Greenville, SC 29603 by September 15**

**THE GREENVILLE COUNTY BAR ASSOCIATION  
AND  
MEMBERS OF THE LEGAL AND BUSINESS COMMUNITIES**

**Invite you to a reception**

**HONORING**

**Chief Judge William W. Wilkins  
25 YEARS ON THE FEDERAL BENCH**

**MONDAY, OCTOBER 16, 2006  
FIVE-THIRTY  
THE POINSETT CLUB  
807 EAST WASHINGTON STREET  
GREENVILLE, SOUTH CAROLINA**

**R.S.V.P. BY OCTOBER 6th  
GREENVILLE COUNTY BAR ASSOCIATION  
POST OFFICE BOX 10145  
GREENVILLE, SC 29603  
gbarnews@charter.net**

**BUSINESS ATTIRE**



## Verdicts

**Caption: Julian Patino vs. Carrie T. Lamb**  
**Case No: 2005-CP-23-1836**  
**Attorney for Plaintiff: Andrew Barr**  
**Attorneys for Defendant: Wilson Sheldon**  
**Verdict for Plaintiff: \$20,000 Actual Damages, \$1,100 Punitive Damages**

**Caption: Tyler C. Rice vs. Jian Dong**  
**Case No: 2005-CP-23-2642**  
**Attorney for Plaintiff: Andrew Barr**  
**Attorneys for Defendant: Wilson Sheldon**  
**Cause of Action: Damages**  
**Verdict for Plaintiff: \$3,281.22 Actual Damages**

**Caption: Leah Howard f/k/a Leah Elizabeth Pitzer vs. R & H Maxxon Incorporated**  
**Case No: 2005-CP-23-2130**  
**Attorney for Plaintiff: Ken Porter**  
**Attorneys for Defendant: John Bell, Jr**  
**Cause of Action: Slander/Libel**  
**Verdict for Defendant**

**Caption: Sonya Watson and Willie E. Carter vs. Ford Motor Company, TRW Inc.**  
**Case No: 2002-CP-23-8147 & 8242**  
**Attorneys for Plaintiff: James Walter Fayssoux Jr., Ann Kimmel Ritter, James Edward Bell, III, Kevin Dean**  
**Attorneys for Defendant: Elbert Stockman Dorn, Gordon Sproule, D. Alan Thomas, Adam R. Fox, Andrew R. Kruppa, James D. Brice**  
**Cause of Action: Many**  
**Verdict for Plaintiff: \$18 million Actual Damages**

Verdicts provided by the office of  
Paul Wickensimer, Clerk of Court

The CLE Committee  
of the Greenville County Bar Association  
is seeking suggestions for topics  
for our December CLE.  
Please send any suggestions  
to [gbarnews@charter.net](mailto:gbarnews@charter.net)



**The DEFENDER CORPORATION OF GREENVILLE COUNTY intends to hire an Assistant Public Defender to represent indigent defendants assigned to the Public Defender's Office. This position involves representation of offenders in General Sessions Court. Salary DOE**

**Anyone interested should notify the Public Defender on or before September 1, 2006.**

**John I. Mauldin, Public Defender  
Greenville County Courthouse, Room 123  
305 East North Street  
Greenville, South Carolina 29601  
PHONE (864) 467-8522  
FAX (864) 467-8521  
jmauldin@greenvillecounty.org**

## **PROBATE COURT OVERVIEW**

**FRIDAY SEPTEMBER 29, 2006**

**9 a.m. - 12:15 p.m.**

Don't miss this informative opportunity for 3 hours of approved CLE. Registration 8:30 a.m. to 9 a.m. Lunch is provided. Presentations will be given by representatives from all areas of the Greenville County Probate Court, including The Honorable Debora A. Faulkner. Each attendee will receive a comprehensive package of outlines, forms, statutes, new probate brochures, and other resource materials. For more information regarding the Probate Court seminar, visit us at [www.lspg.org](http://www.lspg.org) or contact Jimi Bullard at the numbers listed below .

### **REGISTRATION INFORMATION**

Name:	Employer:
Address:	
Phone/E-mail:	
NALS Member No. (if applicable) or Bar No.:	

**FEES** NALS Member \$65 Nonmember \$85 **CLE**  
**CREDIT 3.0** hours (approved by the Comm. on CLE)

Return this registration form with your **check payable to LSPG** to:

Jimi Bullard, ALS

P.O. Box 2757

Greenville, SC 29602

Phone: 864.241.1835 Fax: 864.235-8806

E-mail: [jimi.bullard@ogletreedeakins.com](mailto:jimi.bullard@ogletreedeakins.com)





## Retirement Reception

*Please join us in saying farewell  
to the  
Honorable Stephen S. Bartlett  
Friday, September 1, 2006  
2:00 to 4:00  
Greenville Family Court House  
Courtroom 2  
Shhhh...It's a surprise!!!*

## **Legal Auxillary Fundraiser for 2006-2007–Interactive Murder Mystery Event**

*Friday, the Thirteenth* of October, 7pm  
Greenville’s Commerce Club  
\$75 per person

*Everybody loves a mystery!* Lawyers, regardless of their professional specialty—tax lawyers, real estate, insurance, patent, and bankruptcy lawyers, perhaps even more than those who specialize in criminal law—all seem to love solving a murder mystery. John Grisham, James Patterson, PD James, and John Mortimer (*Rumpole of the Bailey*) owe a large segment of their book sales to attorneys and their families. So..., how perfect is Greenville County Legal Auxiliary’s idea for the year’s major fundraiser? It’s an interactive Murder Mystery Gala, to be held on Friday the 13<sup>th</sup> of October.

The event will begin at 7:00 pm with cocktails. A cast from The Creative Edge, out of Atlanta, will present the evening’s murder mystery for guests to solve. Participants will enjoy hearty appetizers, a martini bar, coffee, desserts, and of course, wicked spirits! Also included will be a Premier Wine Auction, a “Wine Toss” (You toss carnival rings over the wine bottles—you don’t toss the wine bottles!), and a Silent Auction.

Invite your friends. Come dressed “fit to kill” (cocktail attire)! Plan to hold a friendly “Who done it?” competition with your legal rivals. And know that the cost of your evening’s entertainment will benefit three very worthwhile charities: Housewise Streetwise, the Friends of *Guardian ad Litem*, and the Greenville County Schools (Peer) Youth Court. Even if you cannot attend, please reply to the invitation with a generous check. This is Legal Auxiliary’s fundraiser for the year—we aren’t going to hit you for more money next spring.

For more information about the Mystery Gala, call Ways and Means Chair, Michelle Ingram—675-0252, or GCLA President Amy Cassidy—676-0755.

Greenville County Legal Auxiliary is the service and social organization through which attorneys’ wives and female attorneys of Greenville County meet and serve the Greenville community. The GCLA Social and Supper, for members, potential members, and spouses, will be held Thursday evening, September 14. If you would like more information about joining or attending the Membership Supper, please call Membership Vice President Carole Lyles—294-9196. GCLA dues of \$30 (\$25 for new members or current members who rejoin before Sept. 1) may be mailed to Betsy Farry, GCLA Treasurer, PO Box 116, Greenville SC 29602.

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## Job Opportunities

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Growing Upstate litigation firm seeks attorneys with 5-7 years litigation experience. Qualified candidates must have excellent writing and communication skills, good academic record and be prepared for primary and secondary roles in complex litigation practice. Salary commensurate with experience. Excellent benefits including Profit Sharing/401k, flexible spending/cafeteria plan, life, long & short term disability, medical and dental. Send inquiries to: Recruiting Coordinator, PO Box 1448, Greenville, SC 29602, facsimile 706/413-6040, or e-mail [recruiting@scupstatelaw.com](mailto:recruiting@scupstatelaw.com)

Growing Upstate litigation firm seeks attorneys with 3-5 years litigation experience. Qualified candidates must have excellent writing and communication skills, good academic record and be prepared for primary and secondary roles in complex litigation practice. Salary commensurate with experience. Excellent benefits including Profit Sharing/401k, flexible spending/cafeteria plan, life, long & short term disability, medical and dental. Send inquiries to: Recruiting Coordinator, PO Box 1448, Greenville, SC 29602, facsimile 706/413-6040, or e-mail [recruiting@scupstatelaw.com](mailto:recruiting@scupstatelaw.com)

McAngus Goudelock & Courie, LLC, a regional law firm with five locations across the Carolinas, seeks full-time Workers' Compensation Associates with 3-5 years of experience for our Greenville, SC office. Generous relocation assistance is available. Our firm offers competi-

tive compensation, excellent benefits, and a positive work environment. All inquiries will be kept confidential. Submit resumes to Jay Courie, Managing Partner, at PO Box 12519, Columbia, SC 29211 or email [jcourie@mgclaw.com](mailto:jcourie@mgclaw.com)

Seeking Litigation Associates in Greenville, SC McAngus Goudelock & Courie, LLC, a regional law firm with five locations across the Carolinas, seeks full-time Litigation Associates with 3-5 years of experience for our Greenville, SC office. Generous relocation assistance is available. Trial experience is required. Our firm offers competitive compensation, excellent benefits, and a positive work environment. All inquiries will be kept confidential. Submit resumes to Jay Courie, Managing Partner, at PO Box 12519, Columbia, SC 29211 or email [jcourie@mgclaw.com](mailto:jcourie@mgclaw.com)

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## **A guest article by Frank J. Dana, III**

### **Nursing Home Medicaid Program Changed**

On February 8, 2006 President Bush signed the Deficit Reduction Act of 2005 (DRA 2005), which included one of the most sweeping amendments to the nursing home portion of the Medicaid program in many years. This act will significantly affect the eligibility of older persons for nursing home Medicaid, and in general, will greatly increase the likelihood that nursing home residents will have to spend a large portion of their assets before qualifying for payment of their nursing home expenses through the Medicaid program.

Particularly hard hit by the new law will be single persons whose planning measures include gifting to children or other family members. At this point, many of the provisions currently in the Medicaid law for married couples, such as the community spouse resource allowance, monthly maintenance needs allowance, and transfers between spouses, among other things, can still be used. As a result, the impact upon married persons is likely to be somewhat less devastating.

Among the major changes are the following:

- The “look back” period has been changed from three years to five years for all transfers occurring on or after February 8, 2006. As a practical matter, this means that transactions older than three years will not have to be reported until February 8, 2009.
- The date when a penalty period resulting from gifts or asset transfers will begin to run has been changed to the date when the nursing home Medicaid recipient is eligible for Medicaid but for the disqualifying effect of the transfer. As a practical matter, this means only at a time when the Medicaid recipients resources are less than \$2,000.00, among other things.
- Partial month disqualifications can no longer be disregarded which will mean that a transfer of more than \$148.00 but less than \$4473.00, will result in a disqualification period of part of a month.
- Annuities purchased for the purpose of Medicaid qualification will have to list DHHS as first beneficiary after the annuitant to the extent of payments made by the South Carolina Medicaid program for the benefit of the annuitant or spouse, according to a recent DHHS ruling. There is dispute about this point, though, and it is possible that this point will eventually be litigated.
- The value of a home is still excluded but only if the equity of the homeowner in the home does not exceed \$500,000.00.
- Purchase of life estate in a home is considered a disqualifying transfer unless the purchaser actually resides in the home for at least one year after the date of purchase.

New planning techniques are beginning to be used, and the next couple of years may see the emergence of more “safe harbors” and proven techniques. In the meantime, there is much uncertainty about interpretation of the new law.

There are quite a number of other changes and anyone with existing Medicaid plans may wish to review their existing arrangements in light of the new provisions. For more information on the new provisions and particularly, their application to your individual situation, consult an elder law attorney.

**A Publication of the Greenville  
County Bar Association**

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advertisements is the 15th of  
each month for the next  
publication.***