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eBlast

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May 26, 2016

NEWS & EVENTS

Judicial Elections

Judicial elections were held May 25. The Bar congratulates the following judges who were elected or re-elected by the General Assembly: Hon. Donald Wayne Beatty, Chief Justice, Supreme Court; Hon. John Cannon Few, Seat 2, Supreme Court; Hon. James Edward Lockemy, Chief Judge, Seat 5, Court of Appeals; Katherine Hall Tiffany, 13th Judicial Circuit, Seat 3, Family Court; Karen Sanchez Roper, 13th Judicial Circuit, Seat 4, Family Court; and Hon. Paul Michael Burch, 4th Judicial Circuit, Seat 1, Circuit Court.

Request for written comments on E-Filing Pilot Program

The Judicial Department is conducting a review of the current Pilot Program for Electronic Filing in the Court of Common Pleas and is seeking comments from attorney e-filers. Attorneys desiring to submit written comments regarding the E-Filing Pilot Program may do so by emailing their comments as an attached PDF file to efilecomments@sccourts.org on or before June 10. Written comments should identify the attorney's practice area(s) and any counties in which the attorney has submitted filings through the e-filing system during the Pilot Program. Attorneys are encouraged to include comments from staff members who have assisted attorneys in e-filing during the Pilot. Read more [online](#).

Get involved!

Looking for new ways to get involved with the Bar? 2016-17 Committee Sign-Up is underway. [Click here](#) to sign up for a committee or designate other ways to get involved! You can also complete the sign-up form in the May issue of SC Lawyer.

Summer E-Blast schedule

Beginning next week, the regular edition of E-Blast will be distributed on Thursdays only. Continue to look for the [CLE edition](#) every Wednesday.

Computer-based testing for July 2016 Bar Examination

Applicants interested in using laptops to complete their answers to the essay sections of the July 2016 South Carolina Bar Examination must complete and return the ["Request to Participate"](#) form by Friday, June 10.

ADVANCE SHEET UPDATE

May 25, 2016

In this legal malpractice action, the Court granted Respondent's petition for rehearing and substituted opinions for the opinions previously filed in the matter. The Court overruled its own decision in *Epstein v. Brown* and held that the statute of limitations for a legal malpractice cause of action may be tolled if the client appeals the matter in which the alleged malpractice occurred. The Court concluded that this rule is mandated by the Appellate Court

Rules and as a result, effectuated the objective standard provided by the legislature.

In applying the rule to this case, the Court held the circuit court erred in granting Respondent's motion for summary judgment because Stokes-Craven's lawsuit was timely filed after the Supreme Court affirmed the verdict.

Additionally, the Court held that the circuit court abused its discretion in denying Stokes-Craven's motion to compel the production of communications between Respondents and their malpractice carrier as there was no evidence to support the court's ruling. The Court reversed the circuit court's order and remanded the matter for further proceedings consistent with the opinion.

Stokes-Craven Holding Corp. v. Robinson, Op. No. 27572 (S.C. Sup. Ct. refiled May 25, 2016) (Shearouse Adv. Sh. No. 20 at 17) is available [online](#).

Chief Justice Pleicones concurred in a separate opinion.

In this action arising from an arbitration agreement between a nursing home (HHE) and its resident, the Court reversed the court of appeals' decision. The Court noted the court of appeals' summary reversal and failure to outline any factual or legal errors committed by the circuit court, and found that HHE waived its right to enforce the arbitration agreement.

Johnson v. Heritage Healthcare, Op. No. 27639 (S.C. Sup. Ct. filed May 25, 2016) (Shearouse Adv. Sh. No. 20 at 37) is available [online](#).

Chief Justice Pleicones dissented in a separate opinion.

ANNOUNCEMENTS

In memoriam

Andrew James Sean Duncan, 70, of Columbia died on May 23. An obituary is available [online](#).

Firm announcements

Nancy Bloodgood and Lucy C. Sanders announce the opening of Bloodgood & Sanders, LLC located at 895 Island Park Dr., Ste. 202, Charleston 29492. (843) 972-0313.

Bluestein & Douglas, LLC announces its relocation to 266 W. Coleman Blvd, Ste. 205, Mt. Pleasant 29464 and that Britton M. Hawk has joined the firm as special counsel. (843) 769-0311.

Regina M. Banis, LLC announces its relocation to Magnolia Village Business Park, 181 Bluffton Rd., Ste. F202, Bluffton 29910. (843) 757-5500.

CALENDAR

May 30

Bar offices closed

June 2

Free legal clinic: Wills, Estates and Probate (Edgefield)

June 3

International Law Committee Meeting, Conference Call

June 7

Consumer Law Section Council Meeting, Conference Call

June 9

Conventions Committee Meeting, Conference Center

June 10

Practice and Procedure Committee Meeting, Bar Building

June 13

Administrative and Regulatory Law Committee Meeting, Bar Building

Pro Bono Board Meeting, Bar Building

June 13-16

S.C. Supreme Court Institute, Columbia

June 14

Wellness Committee Meeting, Bar Building

June 16

Family Law Section Council Meeting, Conference Call

Pro Bono Committee Meeting, Conference Call

June 17

Probate, Estate Planning and Trust Section Council Meeting, Conference Call

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