

## COURT SCHEDULES

(Court schedules are changing constantly; please verify current information through S.C. Court Administration or by checking the South Carolina Judicial Department website at <http://www.judicial.state.sc.us/calendar/index.cfm>)

### CIRCUIT COURT - NINTH JUDICIAL CIRCUIT

#### July 4

#### July 11

Chas AW - Harrington  
Chas CP - Dennis  
Chas CP - Hughston  
Chas GS - Jefferson  
Chas GS - Young

#### July 18

9th CPNJ - Dennis  
PCR  
9th CPNJ - Jefferson  
Chas CP - Young  
Chas CP - McDonald  
Chas GS - Nicholson  
Chas GS - Hughston

#### July 25

9th CPNJ - Young  
9th CPNJ - Nicholson  
Chas CP - Jefferson  
Chas CP - Hughston  
Berk GS - Dennis  
Berk CP - Harrington

#### August 1

9th CPNJ - Dennis  
Chas CP - Harrington  
Chas CP - Young  
Chas GS - Hughston  
Chas GS - Jefferson

#### August 8

Berk CP - Dennis  
Chas CP - Hughston  
Berk GS - Jefferson  
Chas CP - Young

#### August 15

#### August 22

9th CPNJ - Jefferson  
9th CPNJ - McDonald  
Chas CP - Dennis  
Chas CP - Harrington  
Chas GS - Nicholson  
Chas GS - Young

#### August 29

9th CPNJ - Nicholson  
Chas CP - Harrington  
Chas CP - Young  
Chas GS - Jefferson  
Chas GS - McDonald  
Berk GS - Dennis

#### September 5

9th CPNJ - Dennis  
9th CPNJ - Young  
Chas CP - Harrington  
Chas CP - Hughston  
Chas GS - Nicholson

#### September 12

9th CPNJ - Jefferson  
PCR  
9th CPNJ - Nicholson  
Chas CP - McDonald  
Chas CP - Dennis  
Chas GS - Hughston  
Chas GS - Young

#### September 19

Chas CP - Harrington  
Chas CP - Hughston  
Chas GS - Dennis  
Chas GS - Jefferson  
Chas GS - Young

#### September 26

### CIRCUIT COURT - FIRST JUDICIAL CIRCUIT

#### July 4

#### July 11

Dor GS - Goodstein

#### July 18

Dor GS - Goodstein

#### July 25

#### August 1

1st CPNJ - Dickson

#### August 8

Dor GS - Dickson

#### August 15

#### August 22

Dor GS - Dickson

#### August 29

1st CPNJ - Dickson  
PCR  
Dor CP - Goodstein

#### September 5

#### September 12

Dor GS - Goodstein

#### September 19

Dor GS - Goodstein

#### September 26

### FAMILY COURT - NINTH JUDICIAL CIRCUIT

#### July 4

#### July 11

Chas - McMahon  
Chas - Garfinkel  
Chas - Martin  
Berk - Landis  
Berk - Creech

#### July 18

Chas - McMahon  
Chas - Martin  
Chas - Garfinkel  
Berk - Creech

#### July 25

Chas - McMahon  
Chas - Creech  
Chas - Martin  
Berk - Cate  
Berk - Landis

#### August 1

Chas - Garfinkel  
Chas - Landis  
Chas - Cate  
Chas - Martin  
Berk - McMahon  
Berk - Creech

#### August 8

Chas - McMahon  
Chas - Garfinkel  
Chas - Cate  
Chas - Martin  
Chas - Morehead

#### August 15

#### August 22

Chas - McMahon  
Chas - Garfinkel  
Chas - Cate  
Chas - Martin  
Berk - Creech  
Berk - Landis

#### August 29

Chas - McMahon  
Chas - Garfinkel  
Chas - Cate  
Chas - Martin  
Chas - Creech  
Berk - Landis  
Berk - Jenkinson

## COURT SCHEDULES • Ninth Judicial Circuit continued from page 3

### FAMILY COURT - NINTH JUDICIAL CIRCUIT

**September 5**

Chas - McMahon  
Chas - Garfinkel  
Chas - Cate  
Chas - Martin  
Berk - Creech  
Berk - Landis

**September 12**

Chas - McMahon  
Chas - Garfinkel  
Chas - Cate  
Chas - Vinson  
Chas - Martin  
Berk - Creech  
Berk - Landis

**September 19**

Chas - McMahon  
Chas - Jenkinson  
Chas - Martin  
Chas - Garfinkel  
Berk - Landis  
Berk - Creech

**September 26**

---

### FAMILY COURT - FIRST JUDICIAL CIRCUIT

**July 4****July 11**

Dor - McLin  
Dor - Wylie  
Dor - Jenkinson

**July 18**

Dor - Wylie

**July 25**

Dor - McLin  
Dor - Wylie

**August 1**

Dor - McLin  
Dor - Wylie

**August 8**

Dor - McLin  
Dor - Wylie

**August 15****August 22**

Dor - McLin  
Dor - Wylie

**August 29**

Dor - McLin

**September 5**

Dor - Wylie  
Dor - Jones

**September 12**

Dor - McLin

**September 19**

Dor - Wylie

**September 26**

## Chief Justice Jean Toal to Preside Over RiverDogs CLE Night July 21

CHARLESTON, SC - Recognized nationally as one of the most creative groups in professional baseball, the Charleston RiverDogs are taking it to the bench for another unique night at Joseph P. Riley, Jr. Park.

Not the dugout bench, mind you, but the judges bench.

On Thursday, July 21, at Joseph P. Riley, Jr. Park, Lowcountry lawyers will take part in the Charleston RiverDogs annual Continuing Legal Education (CLE) Night at the Park.

Beginning at 4:00 p.m., area attorneys will be earning credit hours for attending a presentation by South Carolina Supreme Court Chief Justice Jean Toal. The group will then enjoy the regularly-scheduled South Atlantic League contest between the RiverDogs and the Lexington Legends. First pitch is set for 7:05 p.m.

Chief Justice Jean Hofer Toal began her service as an Associate Justice on the South Carolina Supreme Court on March 17, 1988. She was re-elected in February of 1996 and was installed as Chief Justice on March 23, 2000 for the balance of the term of her predecessor, which expired

June 30, 2004. In February of 2004 she was re-elected as the Chief Justice and installed on June 9, 2004, for a 10-year term.

Chief Justice Toal received her B.A. degree in philosophy in 1965 from Agnes Scott College where she served on the Judicial Council, the National Supervisory Board of the U.S. National Student Association and played goalie for the field hockey team. She received her J.D. degree in 1968 from the University of South Carolina School of Law where she served as Managing Editor, Leading Articles Editor, and Book Review Editor of the South Carolina Law Review. She is a member of the Order of the Coif, Mortar Board and Phi Beta Kappa.

Cost for CLE Night is \$55 per person and includes the CLE seminar, ballpark-style picnic and reception and a ticket to the baseball game. Additional game tickets for family members are \$7 each.

For information please call Melissa Azevedo at 843 577-DOGS or log on to [www.RileyParkEvents.com](http://www.RileyParkEvents.com).

## Charleston Lawyer's Minimum Fee Schedule

**By: Ruth W. Cupp**

Between the years 1790 to 1972, the Charleston Bar Association had a mutual minimum fee agreement between its members.

This agreement came to an end when an action was filed against every member of the Fairfax County Bar Association and the Virginia State Bar, alleging that their minimum fee schedule constituted price-fixing in violation of the Sherman Antitrust Act of 1890.

That suit, like the first shot at Fort Sumter, was heard around the world, at least around the insular world of the American legal profession. The Charleston Bar hastily called a meeting to consider how to respond to a similar action.

Harvard educated attorney, Robert Hollings raised the legal theory of "conscious parallelism." He explained that members who continued to use the fee schedule informally after it was abolished might be individually liable for violating the antitrust act.

Whereupon, the great lawyer Gedney M. Howe, Jr. stood and made a motion that the Charleston Bar never has had a minimum fee schedule. Every lawyer knew that the motion was bunkum, but it put a smile on everyone's face. The Bar unanimously passed Howe's motion and the meeting was adjourned.

The United States Supreme Court took *certiorari* jurisdiction of the Virginia case and issued a unanimous opinion against the Bar in *Goldfarb v. Virginia State Bar*, 421 U.S. 773 (1975). The issue before the court involved a prescribed minimum fee for examination of a real estate title.

The US Supreme Court considered the argument that minimum fee schedules were exempt from the antitrust act because they involved a "learned profession." Chief Justice Warren Burger, writing the opinion of the court said,

"[T]he exchange of such service for money is 'commerce' in the most common usage of that word. It is no disparagement of the practice of law as a profession to acknowledge that it has this business aspect. . ."

This decision affected the income from the practice of law. Clients began calling law offices shopping for lower fees.

Irvin J. Slotchiver, a Charleston tax attorney, has preserved his copy of the Chas. Bar Association's last minimum fee schedule, which states, "At a meeting of the Charleston Bar Association held July 2, 1970, it was resolved by the members present that the within Schedule on Minimum Fees be approved and adopted, effective August 3, 1970, Coming Ball Gibbs, Jr. Secretary."

Fees for sixty-two professional services were grouped under the following titles: admiralty, collections, contracts, corporations, criminal law, depositions, domestic relations, estates, general matters, litigation, personal injury claims, and actions and real estate. Sample fees included:

- Trial of crime involving death penalty: twelve months earning, but no less than \$2,500.00
- Drawing simple will: \$35.
- Divorce or annulment, uncontested: \$250
- Personal injury actions, the plaintiff on contingency: 33%
- Drawing simple deed: \$35.
- Drawing Note and Mortgage: \$25.

To understand the real value of these fee rates, it is worth knowing that in 1970, coffee sold for 69 cents per pound, twenty-five pounds of grits sold for \$1.98. A Hoover vacuum cleaner cost \$159.95.

Ten dollars in 1970 had the buying power of \$49.20 in 2004.

