

# MG&C NEWS

Summer 2006

McAngus Goudelock & Courie Attorneys at Law

# 75 ATTORNEYS

## MG&C growth at record pace

On April 28th, MG&C added its 75th lawyer. The firm, established in March 1995, has rapidly grown from four attorneys to 75 in eleven years. Within this time, we have opened five offices across the Carolinas. Even *South Carolina Lawyers Weekly* noted in their April 24th issue that MG&C has the second-largest percentage gain, which added 16 attorneys for a 28.6 percent increase in 2005. Jay Courie explains that the firm has seen significant growth in what was their core business, which was insurance litigation and workers' compensation. MG&C has expanded into real estate, probate and estate planning, utilities, appellate law, etc. which has quickly increased our number of attorneys. Courie says, "I think that this year we'd like to take a deep breath and make sure that we're handling our growth in a smart manner, but we're always excited about new opportunities and we certainly will continue to grow in areas that we think add value to our core business."



## Kids' Chance of South Carolina

### Dennis Brewer Memorial Golf Tournament

On April 21st, Rusty Goudelock, Sterling Davies, Mike Hainley (Walker, Hunter & Assoc.), and Brian O'Keefe (L-R) participated in the Kids' Chance of South Carolina's 9th Annual Dennis Brewer Memorial Golf Tournament. This organization helps improve the educational choices of children whose families have sustained an economic loss due to a serious, work-related injury or death that is compensable under SC Workers' Compensation Law. The tournament was held at Windermere Country Club in Blythewood. With an incredible score of 57, our team won first place.

## GET THE SCOOP

### Part I\*

Many clients have expressed interest in learning more about our attorneys. In mid-May, the firm conducted a survey to provide you with more information. Today, we bring you the scoop.

- Average number of years our attorneys have been practicing law: 8.21 (Hugh McAngus has practiced the longest: 30 years)
- Worked for 3 years or more for MG&C: 45.8% (1 month the shortest and 11 years and 3 months the longest)
- Received another advanced degree other than their J.D.: 9.7%
- Average age: 34.9 (Most frequent age is 31)
- Married: 66.7%
- Male: 72.2% (73% of the men are married)
- Female: 27.8% (50% of the women are married)
- Married with at least one child: 70.8% (Carl Edward and Hugh McAngus have the most children, with four each.)
- No children: 50%

\*Please be sure to read Part II of **Get the Scoop** in our fall 2006 newsletter to discover more entertaining and interesting facts about our attorneys.

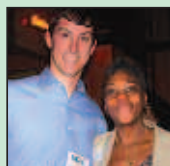
## News from the South Carolina Workers' Compensation Commission

Andrea C. Pope has been appointed to the SC Workers' Compensation Commission. The Commission consists of seven members appointed by the Governor with the consent of the Senate to serve a term of six years. The Governor then designates one commissioner to serve as chairman who is responsible for implementing the policies formed by the commission for a term of two years. Ms. Pope will be replacing Commissioner Lisa Glover, and her term will begin June 30, 2006 and expire June 30, 2012.

In 1998, she joined Barnes, Alford, Stork & Johnson in Columbia, SC. Ms. Pope's practice areas include appellate law, workers' compensation defense, and medical malpractice defense.

## MG&C Events Near You!

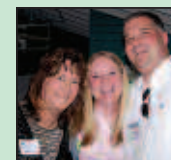
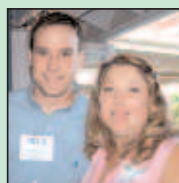
### Atlanta



### Charlotte



### Raleigh



### Columbia



## Faces of MG&C



**FULL NAME:** Jeffrey Donovan Keister

**NICKNAME:** J.D.

**JOINED FIRM:** 2002

**PLACE OF BIRTH:** Van Wert, Ohio

**COLLEGE/LAW SCHOOL:** Bowling Green State University and Ohio Northern University Pettit College of Law

**FAMILY:** Single

**HOBBIES:** Sports, fitness, reading, and spending time with my two nephews

**PET PEEVES:** Cases settling on the courthouse steps; Gum chomping

**FAVORITE MOVIES:** Caddyshack and Rounders

**AS A CHILD, WHAT DID YOU WANT TO BE WHEN YOU GREW UP?**

A baseball player or comedian

**FUN FACT:** I've played basketball against or with over 10 NBA players

**FAVORITE MG&C MOMENT:** John Jeffries catching trout with his paws at the last firm retreat. MG&C email wars between the offices.

## MG&C Logo Spotted in Afghanistan



Mac Tolar's brother, Bryan Tolar, is a Captain in the SC Army National Guard and is currently serving with a Special Forces unit as an embedded US Combat Advisor for the Afghan National Army. Steve Bates, demonstrating his continual support of the firm, recently shipped a MG&C golf hat to Bryan as part of a care package. Bryan writes Steve, thanking him and says, "I wear it proudly."

# South Carolina Update

## From the Courts

### Workers' Compensation

#### Smith v. NCCI, Opinion No. 4115.

Although the case addressed several issues, the most significant is the Court of Appeals affirmed the Commission's finding of a compensable back injury caused by long distance driving in a sub-compact car, despite evidence that Claimant had pre-existing back problems. For more information, visit:

[www.sccourts.org/opinions/displayOpinion.cfm?caseNo=4115](http://www.sccourts.org/opinions/displayOpinion.cfm?caseNo=4115)

### General Liability

#### Legette v. Piggly Wiggly, Inc.

The Court of Appeals affirmed the trial court's grant of summary judgment in a slip-and-fall to Piggly Wiggly. Evidence showed warning signs and mats had been placed by the store near the entrance due to rain and pursuant to the store's inclement weather procedures, and the trial court correctly held these procedures were reasonable and sufficient per the store's duty to keep its premises in a reasonably safe condition. For more information, visit:

[www.judicial.state.sc.us/opinions/displayOpinion.cfm?caseNo=4105](http://www.judicial.state.sc.us/opinions/displayOpinion.cfm?caseNo=4105)

# North Carolina Update

## From the Courts

### Workers' Compensation

#### Hunt v. APAC Carolina, Inc./Ashland, Inc.

Where an employer paid the plaintiff an extra hour wage to transport temporary workers, via a company truck, to and from a jobsite, the North Carolina Court of Appeals held that the plaintiff was acting within the course and scope of his employment when he was involved in an accident after he dropped off the last temporary worker and was driving to his residence. For more information, visit:

[www.aoc.state.nc.us/www/public/coa/opinions/2006/unpub/050512-1.htm](http://www.aoc.state.nc.us/www/public/coa/opinions/2006/unpub/050512-1.htm)

#### Knight v. Abbott Laboratories

The North Carolina Court of Appeals held that psychological problems, suffered by the plaintiff after working for an abusive supervisor, were not an occupational disease because an abusive supervisor was not a condition "characteristic of and peculiar to" a particular employment, but rather an ordinary disease to which the general public is equally exposed. For more information, visit:

[www.aoc.state.nc.us/www/public/coa/opinions/2006/unpub/051061-1.htm](http://www.aoc.state.nc.us/www/public/coa/opinions/2006/unpub/051061-1.htm)

#### Correa v. Kmart Corp.

The North Carolina Court of Appeals held that an approved Form 26 destroyed the presumption of temporary total disability benefits, but created a presumption of temporary partial disability where the defendants' evidence did not rebut temporary partial disability. For more information, visit: [www.aoc.state.nc.us/www/public/coa/opinions/2006/unpub/050926-1.htm](http://www.aoc.state.nc.us/www/public/coa/opinions/2006/unpub/050926-1.htm)

### General Liability

#### Dram Shop Liability

In order to prevail against a seller of alcohol, a plaintiff whose injury was proximately caused by a bar patron must also allege and prove (1) that the patron was intoxicated and (2) that the tavern knew or should have known that the patron was in an intoxicated condition at the time he or she was served. However, North Carolina law places no legal duty upon a commercial vendor of alcoholic beverages which, having determined a patron is not intoxicated at the time of service, has served said patron his or her final drink. For more information, visit:

[www.aoc.state.nc.us/www/public/coa/opinions/2006/050199-1.htm](http://www.aoc.state.nc.us/www/public/coa/opinions/2006/050199-1.htm)

#### Contributory Negligence – Premises Liability

A landowner is under no duty to protect a visitor against dangers either known or so obvious and apparent that they reasonably may be expected to be discovered, and a landowner need not warn of any apparent hazards or circumstances of which the invitee has equal or superior knowledge. For more information, visit:

[www.aoc.state.nc.us/www/public/coa/opinions/2006/050555-1.htm](http://www.aoc.state.nc.us/www/public/coa/opinions/2006/050555-1.htm)

#### Contributory Negligence – Pedestrian v. Motor Vehicle

When evidence exists showing Plaintiff was walking along a road at night in dark clothes while intoxicated, the trial court erred in failing to present the issue of contributory negligence to the jury. For more information, visit:

[www.aoc.state.nc.us/www/public/coa/opinions/2006/040822-1.htm](http://www.aoc.state.nc.us/www/public/coa/opinions/2006/040822-1.htm)

### Causation

The facts in the instant case warranted a jury instruction on peculiar susceptibility due to a pre-existing mental or physical condition, the trial court's failure to instruct the jury accordingly would constitute reversible error. For more information, visit:

[www.aoc.state.nc.us/www/public/coa/opinions/2006/050551-1.htm](http://www.aoc.state.nc.us/www/public/coa/opinions/2006/050551-1.htm)

### Statute of Limitations

Four year statute of limitation applies to Unfair and Deceptive Trade Practices Claim, while breach of contract is three year statute of limitations. For more information, visit:

[www.aoc.state.nc.us/www/public/coa/opinions/2006/051012-1.htm](http://www.aoc.state.nc.us/www/public/coa/opinions/2006/051012-1.htm)

**Please note that all upcoming MG&C newsletters will list one-sentence summaries for the most significant cases. We will include links for more detailed information.**

## MG&C 2006 Educational Seminar

MG&C will host their annual educational seminar on Thursday, November 16, 2006 at the Charlotte Hilton University Place in Charlotte, NC. The seminar will have a panel of reputable speakers who will present interesting and significant information for NC and SC workers' compensation and general liability law. The seminar will be submitted for six continuing education credits. Please contact Kim Schneider at 803-227-2282 or [kschneider@mgclaw.com](mailto:kschneider@mgclaw.com) to learn more.

# Calendar

## OF EVENTS

- July 27-29**  
Asheville, NC  
Grove Park Inn  
South Carolina Defense Trial Attorneys Association Joint Meeting
- August 13-16**  
Orlando, FL  
Florida Workers' Compensation Educational Conference
- October 18-20**  
Durham, NC  
Sheraton Imperial Hotel and Conference Center  
North Carolina Workers' Compensation Educational Conference
- October 22-25**  
Hilton Head Island, SC  
Hilton Head Marriott Resort  
South Carolina Workers' Compensation Educational Conference
- September 7-8**  
San Francisco, CA  
The Westin St. Francis  
DRI's Construction Law Seminar
- November 16**  
Charlotte, NC  
Hilton Charlotte University Place  
MG&C 2006 Educational Seminar

[mgclaw.com](http://mgclaw.com)  
Check out our newsletter online

## DID YOU KNOW?



Trula R. Mitchell, a workers' compensation member in MG&C's Charlotte office, has ancestors that were outlaws. In fact, her biological paternal grandfather served time in federal prison for making and distributing moonshine.

## Web Sites of Interest

CHECK THESE OUT!

### [www.visitnc.com](http://www.visitnc.com)

For those of you who would love to plan a getaway to the North Carolina coast, piedmont, or mountains this website has it all.

### [www.discoversouthcarolina.com](http://www.discoversouthcarolina.com)

Come see what South Carolina has to offer. Plan a vacation to visit our waterfalls, lakes and rivers, or islands and coast.

### [www.redcross.org/services/hss/sumsafety/](http://www.redcross.org/services/hss/sumsafety/)

Looking for ways to cool down while the summer temperatures rise? Check out this link from the American Red Cross.

### [autos.msn.com/everyday/gasstations.aspx?zip=&src=Netx](http://autos.msn.com/everyday/gasstations.aspx?zip=&src=Netx)

With gas prices on the rise, visit this website and enter your zip code to find the cheapest gas prices near you.

mgclaw.com

919-719-8200  
RALEIGH, NC 27622  
PO Box 30516  
SUITE G-02  
5400 GLENWOOD AVE.

RALEIGH

864-239-4000  
GREENVILLE, SC 29602  
PO Box 2980  
SUITE 300  
75 BEATTIE PLACE

GREENVILLE

843-534-0101  
CHARLESTON, SC 29402  
PO Box 877  
SUITE 200  
78 WENTWORTH STREET

CHARLESTON

704-643-6303  
CHARLOTTE, NC 28230  
PO Box 30307  
SUITE 700  
6302 FAIRVIEW ROAD

CHARLOTTE

803-779-2300  
COLUMBIA, SC 29211  
PO Box 12519  
SUITE 300  
700 GERVAIS STREET

COLUMBIA

# MG&C Profile



## Andy Bernardini

Andy joined the firm's Charlotte office in April. He graduated from the State University of New York at Plattsburgh with a Bachelor of Arts degree. Andy earned his Juris Doctorate from Albany Law School, where he was Editor for the Albany Law Journal of Science and Technology. He is a member of the North Carolina Bar Association and the North Carolina Association of Defense Attorneys. Andy's practice concentrates on workers' compensation matters.



## John M. "Mac" Tolar

Mac joined the firm's Columbia office in April. He graduated from the University of South Carolina where he received his Bachelor of Science degree. Mac later received his Juris Doctorate from the University of South Carolina School of Law. He was formerly the Georgetown County Attorney and served as an Assistant Solicitor for the Fifteenth Judicial Circuit. Currently, Mac is a Lieutenant Colonel in the United States Marine Corps Reserve where he serves as an infantry officer. He is a member of the Richland County Bar, the Georgetown County Bar, and the South Carolina Bar. Mac's area of practice is workers' compensation.

## Summer Law Clerks

Our Columbia office welcomes back Geoff Gibbon. We have several new law clerks we would like to welcome in our Columbia office: Hugh Dubose, Edward Rawl, Benjamin Davis, Joey Bowers, and Henry Gallivan. In our Charlotte office, we would like to welcome Malia Lawson, George Rouco, and Alexander Chu. We also welcome Paul Conway in Charleston and Michelle O'Leary in Raleigh.

## Mock Mediation at Hilton Head Beach Resort

On May 4th, MG&C attorneys held a mock mediation for the South Carolina Chamber of Commerce's 16th Annual Human Resources & Employment Law Conference at the Crowne Plaza Hilton Head Island Beach Resort. Hugh McAngus played the mediator, Tom Bacon portrayed the adjuster, Erroll Anne Hodges was the defense attorney, Chad Abramson played the claimant's attorney, and Mark Allison acted as Chad's client. The presentation provided a realistic, practical look at mediation and how it works to human resource managers, senior level human resource professionals, and employment law attorneys. Many attendees commented in their program evaluations that the presentation was excellent, very enlightening, and informative.

# News

## Births

**Bill** and **Kim Schneider** (Firm Event Manager, Columbia) welcomed **Zachary Ian Schneider** into their family on April 11th.

**Jimmy** and **Anne Marie Hagood** (Member, Charleston) welcomed **Catherine Morrow Hagood** into their family on May 9th.

**Christopher** and **Christine Gaston** (Paralegal, Columbia) welcomed **Brandon Christopher Gaston** into their family on May 11th.

## Engagements/Weddings

**Beth Moss** (Legal Assistant, Charlotte) engaged to **Kerry Lanham**. Wedding TBD

**Albert Ard** (Paralegal, Columbia) engaged to **Shelley Fox**. Wedding June 3, 2006

**Lisa Kuszczak** (Receptionist, Charlotte) engaged to **Thomas Henshaw**. Wedding Sept. 15, 2006

**Natasha** (Receptionist, Raleigh) and **Robert Rawls** celebrate their 5th Wedding Anniversary on July 3rd.

## Professional Appointments/Awards/Recognitions

**Steve Bates** (Member, Columbia) was elected to the SC Bar House of Delegates, representing the 5th Judicial Circuit. Also, Steve will be teaching South Carolina Administrative Law during the fall 2006 term as an adjunct professor at the University of South Carolina School of Law.

**Mark Davis** (Member, Charleston) will be speaking at the Georgia State Board of Workers' Compensation's Educational Conference on August 28th at 9 a.m. He will address the differences between the workers' compensation laws in different states throughout the Southeast.

**Andrew Ussery** (Member, Charlotte) participated in a panel discussion on workers' compensation issues at the Charlotte Regional Safety School on April 6th.

**Carolyn Marcus**, a workers' compensation associate in MG&C's Charlotte office, has moved to the Raleigh office.

**Darlene Patz** (Paralegal, Charlotte) attended the North Carolina Paralegal Association (NCPA) Annual Meeting on March 31st, where she was re-elected for a second term as NCPA's National Association of Legal Assistants (NALA) Liaison. In July 2006, she will be representing the NCPA at the NALA Annual Meeting in Tampa, FL.

**Peggy Bennett** (Legal Assistant, Charlotte) and her son, Josh, are the speakers for an educational program called "Arrive Alive" that teaches teenagers about the detrimental effects of underage drinking and driving. They have spoken to fifteen local Charlotte high schools typically around prom season, graduation, and spring break.