

Consumer Law Section

SPEAKER BIOGRAPHIES

Andrew R. Hart

Andrew R. Hart graduated from Clemson University with a B.A. in Political Science with a minor in Journalism in 2005, and earned his law degree from the Charleston School of Law in 2008. He is a member of the South Carolina Bar Association, with a license to practice in the State of South Carolina and in the Federal District of South Carolina.

As a partner in the firm of Alford & Hart, P.C. in Spartanburg, South Carolina and as a member of the National Association of Consumer Advocates, Andrew represents only the interests of consumers in civil and bankruptcy court.

Andrew is also an active member of the South Carolina Young Lawyers Division, having served on the Publications, Wills Clinic, Special Olympics, Voices Against Violence and Families Forever Committees. Andrew also co-authored *An Overview of Watson v. Ford: The South Carolina Supreme Court Applies Rule 702, SCRE and Addresses the Rule Regarding Evidence of Similar Incidents*, published in *The South Carolina Young Lawyer* February 2011 with fellow attorney Katie McElveen.

Joan C. Grafstein

Joan C. Grafstein Esq., has served as sole arbitrator, panel chair, and panel member in many significant arbitrations of business, employment, healthcare system, real property, securities, and software development disputes. She actively manages the arbitration process from commencement and initial pre-hearing conference through final award to optimize efficiency while ensuring fairness. Ms. Grafstein is a Fellow of the Chartered Institute of Arbitrators, Secretary of the Atlanta International Arbitration Society, Secretary/Treasurer of the Dispute Resolution Section of the State Bar of Georgia, and has served as the program co-chair for the American Bar Association Section of Dispute Resolution's last three annual meetings. She speaks and writes frequently on arbitration topics including e-discovery in arbitration, cost effective commercial arbitration, arbitration ethics, party appointed arbitrators, arbitration in China, and arbitration practice pointers for Georgia litigators.

Representative Arbitrations

Business/Commercial

- Numerous breach of contract claims and counterclaims by one business against another, including claims that threaten the existence of one party
- Claims by and against banks over credit, debt collection, and consumer protection statutes

Employment and ERISA

- Claims by over 2,000 firefighters seeking class action status and pay for alleged breach of contract and for quantum meruit
- ERISA claim against employer for denial of medical benefits on grounds of pre-existing condition
- ERISA claim for denial of medical benefits on grounds of unlawful act exclusion

- Numerous employment claims alleging breach of contract and discrimination (race, gender, disability, age) brought by terminated employees

Healthcare

- Financial dispute between physician provider network (IPA) and health plan (HMO) including claims and counterclaims of breach of contract
- Breach of contract claim over severance benefits by terminated CEO in healthcare field
- Fraud and breach of contract claims and counterclaims between California investors in Florida nursing home and the fired manager of the nursing home
- Claim against nursing home for death of patient

Real Estate Development

- Breach of contract claim by land auction company against developer in North Carolina

Securities

• Numerous arbitrations in FINRA (Financial Industry Regulatory Authority) and its predecessor NASD (National Association of Securities Dealers) Dispute Resolution of a wide variety of customer claims, including fraud claims over mortgage-backed securities, and claims by brokers and dealers against their brokerage companies and counterclaims against brokers and dealers

Software

- Breach of fiduciary duty and theft of trade secrets claims against former officer and software developer
- Dispute between software developer and national food company over custom software
- Breach of contract claim by marketing firm against custom software development company over appointment system

Honors, Memberships, and Professional Activities

- Fellow, Chartered Institute of Arbitrators

John J. “Jack” Pringle

Jack Pringle joined Adams and Reese in 2013 as a Partner following the firm's expansion into Columbia.

Practicing law since 1996, Jack focuses on administrative and regulatory law, information technology, securities, public utilities, environmental law and land use litigation, and class action litigation. He is recognized by the South Carolina Supreme Court as a Certified Circuit Court Mediator.

Jack has experience in modern matters of privacy and security compliance for financial institutions, telecommunications providers and other businesses. A certified information privacy professional, he advises clients on the retention, collection, management, and production of electronically stored information. He assists clients with information security breach response and provides advice on how to implement processes that prevent and detect breaches.

He has litigated matters related to tax cases, securities investigations, certificate of need applications, procurement matters, environmental permitting cases, disadvantaged business enterprise applications and alcohol licensing applications. Jack has represented public utilities and transportation companies before the South Carolina Public Service Commission, and in other litigation and regulatory matters.

Jack's representative experience includes:

Regulatory and Tax Disputes

- Litigate a variety of matters before the S.C. Administrative Law Court and state and local government entities; including local and state tax cases, certificate of need (CON)

applications, procurement matters, environmental permitting cases, disadvantaged business enterprise (DBE) applications, and alcohol licensing applications.

- Represent individuals and entities in connection with securities investigations conducted by the Securities Division of the South Carolina Attorney General.
- Represent broker dealers and registered representatives in FINRA arbitrations.
- Advise clients on exempt offerings and private placements.

Privacy and Information Security

- Address privacy and security compliance and strategy for financial institutions, telecommunications providers, and other businesses. Jack has been designated as a Certified Information Privacy Professional (C1PP-US) by the International Association of Privacy Professionals (IAPP).
- Assist clients in responding to information security breaches, and implementing processes to prevent and detect same.
- Advise clients on the retention, collection, management, and production of electronically stored information (ESI).

Energy and Utilities

- Represent public utilities and transportation companies before the South Carolina Public Service Commission, and in other litigation and regulatory matters.

Appellate Advocacy

- Argue before the South Carolina Court of Appeals and the South Carolina Supreme Court.

Business Litigation

- Representation in state, federal, and multi-district class action litigation, state and federal court commercial litigation, and commercial arbitration matters,

Zoning and Land Use

- Assist developers, telecommunications companies and property owners in obtaining zoning and land use approvals, and addressing environmental permitting, compliance, remediation, and enforcement matters.

Jack earned Iris J.D. from the University of South Carolina School of Law in 1996, and earned his B.A., *cum laude*, from Washington and Lee University in 1990.

Kirby R. Mitchell

Kirby Mitchell is senior litigation attorney at South Carolina Legal Services, the state-wide “legal aid” office. He received a B.A. in economics in 1990 from Furman University in Greenville, SC, and a J.D. in 1996 from the School of Law at the University of Georgia in Athens, GA. He is a member of the South Carolina Bar and the State Bar of Georgia, and is admitted to practice in the U.S. District Court and U.S. Tax Court. In May 2012, Kirby was elected to a two-year term in the South Carolina Bar’s House of Delegates.

Kirby represents low-income clients in civil cases in South Carolina’s state and federal courts, including the family, probate, circuit, appellate, and magistrate courts, as well as in administrative proceedings and in the U.S. Tax Court. He teaches a popular “Poverty and The Law” class at Furman (2011-2013),

and received Furman's Richard Furman Heritage Alumni Award in 2009. Kirby co-presented "Representing Individuals and Families Struggling With Autism Spectral Disorders (ASDs)," at the National Legal Aid and Defender Association (NLADA)'s annual national Litigation Directors and Substantive Law Conference in Chicago, IL, in June 2010. He is a volunteer and board member of the Upstate Mediation Center (UMC). The SC Bar Foundation and South Carolina Access to Justice Commission honored Kirby as the Ellen Hines Smith Legal Services Lawyer of the Year Award at the SC Bar Foundation's 2013 Gala.

Kirby is married to Danielle Metoyer Mitchell, an attorney practicing at Mitchell Ramseur, LLC. They live in Greenville and have two kiddos: Wesley (6) and Maris (4).

Marilyn E. Gartley

Marilyn Elaine Gartley practices in the area of bankruptcy. Prior to joining Anderson & Associates, P.A., Ms. Gartley served as a law clerk to the Honorable John E. Waites, Chief Judge of the United States Bankruptcy Court for the District of South Carolina. Robert F. Anderson, head of the firm, is also a member of the standing panel of Chapter 7 trustees for the State of South Carolina, and Ms. Gartley serves as his staff attorney.

Ms. Gartley earned her Juris Doctor, *cum laude*, from the University of South Carolina School of Law where she was a member of the student editorial staff of the ABA Real Property, Probate & Trust Journal. She also served as secretary for the American Constitution Society. In addition, Ms. Gartley was a research assistant for Professor Nathan M. Crystal and Professor David G. Owen. She received the CALI Excellence for the Future Award in both Products Liability Research Seminar and Law and Literature.

She earned a Bachelor of Arts in Political Science and Philosophy in 2004 from the University of South Carolina. In recognition of her achievements in the pursuit of her undergraduate degree, Ms. Gartley was awarded a scholarship to law school for her academic performance and service to the University. In 2004, Ms. Gartley also received the Environmental Stewardship Award.

Robert W. Hassold, Jr.

PERSONAL: Born in Philadelphia, Pennsylvania, December 16, 1953. Married, 1978, to Kimbrough Harper Hassold. Four children, Anne (33), son-in-law Parke and granddaughter Gracie, Will (29), Tee (25) and Kit (20).

EDUCATION AND BAR MEMBERSHIP: University of North Carolina at Chapel Hill, B.A., 1976; University of South Carolina, J.D., 1979 (Chair, Honor Council); Member, South Carolina Bar, 1979.

EMPLOYMENT: Has mediated over 2000 disputes in statewide mediation practice focusing on the mediation of State Court, Federal Court, pre-lawsuit and multi-party disputes involving a wide variety of issues. Prior legal practice focused on contracts and litigation, arbitration and mediation of civil disputes in all forums. Extensive prior experience as an arbitrator, American Arbitration Association (Blue Ribbon Panel), in commercial and construction disputes, including large, complex and international disputes. Mediation of contract negotiation disputes, arbitration and other neutral services also offered.

PROFESSIONAL ORGANIZATIONS, ACTIVITIES AND HONORS: Fellow, American College of Civil Trial Mediators, 2004 - ; Member, The National Academy of Distinguished Neutrals, 2010 - ; Peace Advocate, Peace Point, 2012 - ; Chair, 1996 to 2002, South Carolina Supreme Court Board of Arbitrator

and Mediator Certification; Member, 1994-2002, South Carolina Supreme Court Joint Commission on ADR (Chair, Rules Committee); Member, South Carolina Bar Association (Chair, 1994-1995, 2009-2010, Dispute Resolution Section); (Chair 1992-1994, Construction Law Section); Member, Greenville County Bar Association, (Chair, 1993, Settlement Week); Dean's Award, 1995, Clemson University, College of Architecture, Arts and Humanities; listed in Woodward/White's *The Best Lawyers in America* and in Law & Politics' *South Carolina Super Lawyers* for Alternative Dispute Resolution; Martindale Hubbell (AV Rating).

LECTURES AND PUBLICATIONS: Lecturer, Clemson University, 1994 to 2004: "Team Approach: Reducing Adversarial Relationships in Construction"; South Carolina Bar CLE Programs, Co-Author, *Partnering for Peace, Principle and Profitability*, ASA-FASA.; "Establishing a Mediation Practice", *AAA Dispute Resolution Journal* (Aug-Oct 2007); "A Mediator's Viewpoint", *South Carolina Lawyer* (Nov 2007). Has written articles and lectured on numerous occasions on dispute resolution topics.

COURSES AND TRAINING IN DISPUTE RESOLUTION: American Arbitration Association: Construction/Commercial Arbitrator Training Program, 1987; Advanced Arbitrator Training, 1988; Mediator Training, 1990; 40 Hour Civil Court Mediator Training, 1993; S.C. Bar Civil Mediation Training, 1993; Negotiation Workshop, Harvard Law School, 1995; 40 Hour Family Court Mediator Training, 1999; Peace Point Crossover Training, 2012.