

CURRICULUM VITAE

GERALD M. FINKEL

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EDUCATION

New York University College of Arts and Science, New York, New York, **Bachelor of Arts**, 1962.
University of South Carolina School of Law, Columbia, South Carolina, **Juris Doctor**, 1970.

ACADEMIC HONORS

Editorial Board, *South Carolina Law Review* (Business Manager, 1968-1969); Chairman, Scholarship Committee, Student Bar Association; Vice-Justice, Pinckney Chapter, Phi-Alpha Delta Law Fraternity International, Awarded Outstanding Senior Service Certificate (1970); American Jurisprudence Awards in Regulated Industries and Evidence; Honorable Mention, *Criminal Law Bulletin Essay Competition* (1968).

PROFESSIONAL EMPLOYMENT

Professor of Law, **Charleston School of Law**; Of Counsel, **Finkel Law Firm, L.L.C.** 2007-present; Founder and Managing Member 1970-2006. Firm is engaged in a general practice with primary emphasis in the areas of business law, commercial litigation, unfair trade practices, general litigation in State and Federal Courts, corporate matters, bankruptcy and insolvency proceedings, business planning, insurance law, finance, real estate and development, and estate planning.

BAR ASSOCIATIONS AND PROFESSIONAL ORGANIZATIONS

South Carolina Bar, United States District Court for the District of South Carolina, Fourth Circuit Court of Appeals, United States Supreme Court, D.C. Court of Appeals, Trial Lawyers' Association of America, South Carolina Trial Lawyers Association, D.C. Bar Association, American Judicature Society.

OFFICES AND DISTINCTIONS

Life Member, **American Law Institute**, 1982-present; Lecturer, **ALI-ABA**, 1980-present; Member, Consultative Group, Restatement of the Law of Unfair Competition; Member, Consultative Group, Restatement of Torts III; **South Carolina Bar**: Board of Governors, 1985-88; Professional Responsibility Committee and Ethics Advisory Committee, 1995 - 1999; Chairman, Lawyer Referral Board, 1989-1994; Chairman Finance Committee, C.L.E. Division 1984-85; House of Delegates, 1980-84; Chairman, Insurance Negligence and Workers Compensation Section 1979-80; Lecturer for Continuing Legal Education Programs, 1973-present; Chairman, Medical-Legal Committee, 1975-76; **South Carolina Trial Lawyers Association**: President, 1982-83; President-Elect, 1981-82; Vice-President, 1980-81; Treasurer, 1978-80; Convention Chairman, 1978; Member Executive Board, 1978-84; Lecturer for Continuing Legal Education Programs; **South Carolina State Constable's Association**: President, 1990-1996; Legal Affairs Officer 1996 - present.

OFFICES AND DISTINCTIONS (Continued)

Recognized in all published editions of S. Naifeh and G.S. Smith *The Best Lawyers in America*. Biography in Marquis *Who's Who in American Law; Who's Who in America; Who's Who in the South and South Southwest*.

Phi Alpha Delta Law Fraternity, International; **Justice**, Palmetto Alumni Chapter, 1972-1976; **Justice**, District XIX, 1976-1978; Awarded Outstanding Alumni Service Certificate, 1972.

PUBLIC SERVICE AND BOARDS OF DIRECTORS

Hearing Officer, South Carolina Department of Health and Environmental Control, 1978-1983; **Commissioner** for Governor's Sentencing Guidelines Commission, 1982-1983; **Commissioner** for the South Carolina Appellate Defense Commission, 1982-1983; **Special Judge**, Richland County Family Court, 1974-1978; **Special Judge**, Court of General Sessions for the Fifth Judicial Circuit, 1976; **Board of Directors**, Community National Bancorporation, 1989-1992; **Board of Directors and General Counsel**, Kores Nordic (USA) Corp, 1985-1993. **Certified Circuit Court Arbitrator**, 1996 - Present. **Legal Affairs Officer**, S.C. State Constables Association, 1994-Present; **Police Legal Advisor**, Dorchester County Sheriff's Office, 2001 - Present; **Lecturer** on Corporate and Business Law, South Carolina Bar Bridge the Gap Program; **Member**, South Carolina Legislature's Real Property Rights Task Force Drafting Committee, 2002.

ACADEMIC INTERESTS

Professor of Law, Charleston School of Law, 2007-present. **Distinguished Visiting Professor of Law**, Charleston School of Law for 2005-2006. **Adjunct Professor** in Trial Advocacy and Insurance Law for the University of South Carolina of Law, 1981-2006; **Board of Visitors**, Charleston Southern University, 2001 to present; **Lecturer** on Medical-Legal Problems and Medical Malpractice for Richland Memorial Hospital Continuing Medical Education Program, 1976-1977; **Capstone Lecturer on Law and Medicine**, U.S.C. School of Medicine, 1997 - present; **Lecturer in Law and Management**, Columbia Junior College of Business, 1970-1982; **Board of Advisors** and General Counsel to Columbia Junior College of Business, 1973-1982; **Lecturer** on Medical-Legal Problems for Department of Surgery, University of South Carolina School of Medicine, 1981-present; **Board of Advisors** to Professional Center for Paralegal Studies, 1989-1998; **Board of Trustees**, South College, 1998-2000. **Lecturer** on Insurance Law, South Carolina Bar Review, 1990-Present. **Lecturer** on Crime to Court Series, S.C. State Constables Association, Inc., 1994-2000; **Instructor**, S.C. Department of Public Safety (Criminal Justice Academy); **Instructor** South Carolina Police Corps, The Citadel 2001-2005.

MILITARY SERVICE

June 1962 - March 1967 -- Captain, United States Army.

PUBLICATIONS

Co-Author, *CGL Coverage and the Myth of L-J v. Bituminous Fire & Marine Ins. Company*, South Carolina Trial Lawyer Bulletin, Fall 2004.

Co-Author, *South Carolina Legal and Business Forms*, Vols. 1 and 3 (Lawyers Co-op 1998).

Co-Author, *A Guide to South Carolina Torts*, Palmetto Law Publishers (1st ed. 1981).

Co-Author, *A Guide to South Carolina Torts II*, S.C.T.L.A. (2nd ed. 1986).

Co-Author, *A Guide to South Carolina Torts III*, S.C.T.L.A. (3rd ed. 1990).

Co-Author, *A Guide to South Carolina Torts IV*, S.C.T.L.A. (4th ed. 1995).

Co-Author, ch. 29 *Medical Depositions and Court Appearances, Claimant's Counsel Perspective Painful Cervical Trauma* (Williams & Wilkins 1990).

PUBLICATIONS (Continued)

Survey of Damages, 21 S.C.L. Rev. 552 (1968).

Effective Deposition Techniques, ALI-ABA Study Materials *Federal Discovery Practice No. 3537*, May 24, 1980, at page 223.

Trends in Liability - Negligent Infliction of Emotional Distress, 4 S.C.T.L.A. Bulletin, July/August, 1980.

Videotape Depositions, ALI-ABA Study Materials, *Federal Discovery Practice No. C686*, November 19, 1982 at page 227.

Educating Laymen on Legal Fictions, Intangibles, and Other Ethereal Concepts, 28 S.C.T.L.A. Convention Program 350 (1985).

Author, *Cases and Materials on South Carolina Insurance Law*, U.S.C. Press (1988) (Supplemented annually)

Author, *Insurance Law*, S.C. Bar Review (Revised Annually).

Co-Author, *Property Insurance Issues in the Aftermath of Hurricane Hugo*, South Carolina Lawyer (S.C. Bar Sept/Oct 1990).

Co-Author, *The Coast is Clear; Lucas Court Sheds Light on Regulatory Takings*, 2 S.C. Env. L. J. 28, U.S.C. Press (1992).

Author, *Stacking of Liability Coverage: Unstacked*, South Carolina Lawyer (S.C. Bar May/June 1998).

SEMINARS

Recent Developments Under 42 U.S.C. § 1983, South Carolina Sheriff's Association Conference, Myrtle Beach, South Carolina, July 30, 2007.

Settling Uninsured and Underinsured Motorist's Claims, National Business Institute, Charleston, South Carolina, December 13, 2006.

Insuring Catastrophic Losses, Disaster Response CLE, Charleston School of Law, October 6, 2006

Keep Off My Property! Federal and State Legislatures' Attempt to Behead the Kelo Hydra, Eminent Domain Seminar CLE International, September 18-19, 2006.

Regulatory Takings Development Since Lucas, Eminent Domain Seminar CLE International, February 28 - March 1, 2005.

Insurer's Duty to Defend, South Carolina Bar Convention, January 22, 2005.

Trial Strategy-The Beginning Of The End, "Bad Faith Litigation in South Carolina", National Business Institute, Columbia, South Carolina, December 16, 2004.

"I Did It - Pay Me Anyway!" - Special Problems in Automobile Insurance, S.C. Bar Convention, January 24, 2004.

Regulatory Takings Since Lucas, Takings Conference, Albany Law School, April 4 and 5, 2003.

What Is An Occurrence?, Charleston County Bar Association, October 18, 2001.

How to Successfully Make and Manage Objections at Trial in South Carolina, National Business Institute, March 23, 2001.

Second Annual Governor's Summit on Growth, Property Rights Speech, March 12, 2001.

Gerald M. Finkel

SEMINARS (Continued)

Insuring Mother Nature, Disaster Relief: Advising Victims after the Dust Settles, S.C. Bar C.L.E., September 4, 1998.

Earthquake Insurance: Disaster Legal Assistance, ABA/FEMA, December 13-14, 1991.

The Law of Seat Belt Defense, S.C.T.L.A. Criminal Law and Automobile Torts Seminar, October 14, 1977.

The Damages Settlement Package, S.C. Bar Damages Seminar, March 25, 1977.

Federal Discovery Techniques, S.C.T.L.A. Convention Program, August, 1978.

Federal Civil Procedure, S.C. Bar, Basic Skills Course, November 2, 1979.

Juvenile Defense, S.C. Bar Judicial C.L.E. Seminar, November 16, 1979.

Federal Discovery, ALI-ABA Seminar, May 23, 1980.

Sources and Preparation of Expert Witnesses, S.C. Bar Trial Advocacy Series, August 29, 1980.

Exceptions to the Hearsay Rule, S.C. Bar Judicial C.L.E. Seminar, August 8, 1980.

Trustee Litigation: Jurisdiction, Removal Venue and Jury Trials in Bankruptcy Proceedings, U.S.C. Law School and Seminar Series-Bankruptcy Clinic, Fall, 1981.

Mechanics Liens under the Bankruptcy Code, S.C. Bar C.L.E. Program, "Construction Law/Mechanics Lien Seminar," June 18, 1982.

Preference Litigation, Richland County Bar, January 5, 1983.

Negotiation and Counseling Skills for Lawyers, Professional Institute's Second Annual Law and Psychology Seminar, Montego Bay, Jamaica, January 26-30, 1983.

Attorneys' Fees as Damages, S.C. Bar C.L.E. Program "Damages and Remedies", February 7, 1986.

Attorneys' Fees, University of South Carolina School of Law, C.L.E., November 1, 1986.

Advocacy in Civil and Criminal Trials, Speaker, Young Lawyers Program, S.C. Bar Midyear Convention, December 1986.

Banking Law Seminar, Southern National Bank (June 18, 1987).

Lender Liability Seminar, The Bank Administration Institute - S.C. Chapter (November 12, 1987).

From the Medical Record to the Deposition, Richland Memorial Hospital Surgical Grand Rounds, March 5, 1988.

Depositions in Civil Litigation, William S. Hall, Psychiatric Institute, South Carolina Department of Mental Health, May 28, 1988.

Utilization of Computers by the Trial Lawyer, The John Belton O'Neill Inns of Court Program, October 20, 1988.

Charts, Drawings and Blackboards, Practical Evidence for Trial Attorneys, S.C. Bar, June 9, 1989.

SEMINARS (Continued)

The Lawyers Perspective: Insurance Law; Agent Responsibility; Flood, Wind, Rain and Hail, Hugo Related Hurricane issues, S.C. Bar, December 8, 1989; Charleston County Bar, October 27, 1989; South Carolina Legal Services Association, December 4, 11, 12, 1989.

The Physician as a Witness, Richland Memorial Hospital Department of Surgery, September, 1990.

Lender Liability Commercial Law Seminar, First Union National Bank of South Carolina, September 11, 1990 Columbia, South Carolina; September 25, 1990, Greenville, South Carolina.

Lucas v. South Carolina Coastal Council, ABA National Appellate Advocacy Competition Banquet, Columbia, South Carolina, March 21, 1993.

Lucas v. South Carolina Coastal Council, 3rd Annual Maine Conservation Rights Congress, Bangor, Maine, April 24, 1993.

Property Rights and the Courts, Clemson University's College of Forest & Recreation Resources Teleconference, Sponsored by: Forest Farmers Association, South Carolina Farm Bureau Federation, South Carolina Forestry Association in Cooperation with Society of American Foresters, S.C. Department of Agriculture, S.C. Forestry Commission, S.C. Sportsmen's Coalition, September 21, 1993.

Contradictory Relationships Between Government Laws and Property Rights, "A Day of Environmental Education" Natural Resources Foundation of Texas, Fort Worth, Texas, January 14, 1994.

Lucas v. South Carolina Coastal Council, Texas and Southwestern Cattle Raisers Association's 117th Annual Convention, Fort Worth, Texas, March 29, 1994.

REPORTED CASES

Lucas v. The South Carolina Coastal Council, 112 S.Ct. 2886, 120 L.E. 2d 798.

City of Folly Beach v. Atlantic House Properties, 458 S.E.2d 426.

Kores Nordic (USA) Corp. v. Sinkler, Gibbs & Simons, 327 S.E.2d 365.

Interstate Securities Corp. v. Costantino, 72 B.R. 189.

Chester County Hospital & Nursing Center v. Martin, 314 S.E.2d 308.

In re: Allen University, 497 F.2d 346.

Mims v. Kemp, 516 F.2d 21.

Mims v. Yarborough, 343 F.Supp. 1146, 461 F.2d 1266, *cert. den.* 409 U.S. 1041, 17 ALR Fed. 549.

Walpole v. Great Am. Ins. Cos., 914 F.Supp 1283.

Fop v. S.C. Dep't of Revenue, 574 S.E.2d 717.

McClanahan v. Richland County Council, 567 S.E.2d 240.

FOP v. South Carolina Dep't of Revenue, 506 S.E.2d 495.

Lawson v. Rogers, 435 S.E.2d 853.

In re Galloway, 300 S.E.2d 479.

Roof v. Swanson, 543 S.E.2d 278.

Town of Sullivan's Island v. Felger, 457 S.E.2d 626.

Minter v. GOCT, Inc., 473 S.E.2d 67.

Red Cardinal Fifteen, Inc. v. Chang, 954 F.Supp. 1111.

Sonoco Products Co. v. Intoplast corp., 867 F.Supp. 352.

Myrtle Beach Pipeline Corp. v. Emerson Elec. Co., 843 F.Supp. 1027.

In re Seabrook Island Ocean Club, Inc., 118 B.R. 410.

TRANSACTIONS

Debtor's Counsel *In Re: Sam Solomon Co.*

Creditor's Committee Counsel *In Re: Macalloy Corporation.*

Attorney for Marathon Oil Company *In Re: Hilton Head Company, Inc.*

Creditor's Committee Counsel *In Re: Braswell Shipyards.*

Creditor's Committee Counsel *In Re: Phoenix Medical Technology, Inc.*