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Lionel Lofton mixes it up in the courtroom

By Tom Ratzloff

Oct 3, 2007, 14:18

After he graduated from high school, Lionel Lofton seemed destined for a life in the swamps, surrounded by the cypress and sweetgum trees of his native Palmetto State. In fact, his guidance-counselor mother encouraged her outdoorsy son to get a forestry degree.

"I went to the University of Georgia for my first year of college and they asked me not to come back," Lofton laughed. "I was just a little country boy who went from McClellanville to Athens and there was a whole bunch of stuff going on."

That's why Lofton ended up in a different kind of thicket – the legal profession. He completed his undergraduate studies at Campbell University in Buies Creek, N.C. in 1967 and graduated from law school at the University of South Carolina in Columbia in 1971. He has since enjoyed a distinguished career as an aggressive federal prosecutor and as a nationally renowned Charleston defense attorney.

Lofton, 62, and his wife and law partner, Frances Cain-Lofton, live on Beresford Creek Street with their sons, Christian, 15, and Will, 14, who both attend Palmetto Christian Academy. They also have a home in McClellanville. Lionel and Frances, along with his attorney daughter, Lynn, 31, relocated their downtown Charleston law practice to new headquarters in the Ryland Square Building on Seven Farms Drive last December.

"I grew up in the country and I was determined not to live in a subdivision," said Lofton. "We fell in love with Daniel Island the first time we saw it. The developers have done such a great job with the concept and its design...I wish we'd moved our office out here five years ago."

Lofton is no stranger to high-profile cases. He recently represented Ahmed Mohamed, a Florida college student and Egyptian national who faces federal charges for transporting explosive materials across state lines and suspicion of making a video about how to use the explosives. Mohamed, 26, and Youssef Megahed, 21, were arrested after an Aug. 4 traffic stop near the naval weapons station in Goose Creek.

After Lofton initially represented Mohamed after his Berkeley County arrest, the Egyptian government asked him to continue defending Mohamed after the suspects were transferred to a federal detention center near Tampa. However, he learned last Thursday that the Egyptian embassy decided not to hire him full-time for the case. Lofton said he was not given specific details, but suspects that the Egyptian government did not want to pay his proposed budget.

"I actually never envisioned they would consider asking me to represent Mr. Mohamed in Florida," Lofton said. "But I'd developed a pretty good relationship with Ahmed and the people in the embassy. I had real mixed feelings about it. It is an interesting case with legal issues that impact the Patriot Act with Fourth Amendment and international implications. From a lawyer's standpoint, it would have been interesting. But, on the other side of the coin, I would have been out of the office a substantial time and would have had to decline some important work here."

That important work – helping people – is what fuels Lofton's continued passion for his profession.

"I have friends who ask me when I'm going to quit. They say, 'Don't you get tired of the daily grind?'" he said. "I tell them no, not as long as my mind is good and my body is good, I enjoy working, getting up every morning and coming in to the office. I enjoy the variety and the challenge. My daughter's working here now and she's got a bright young mind. Boy, it's wonderful. I tell her, 'Look, darling, the No. 1 thing you've got to do is make daddy look good.' Now I don't have to spend hours doing the tedious stuff because she loves the nuts-and-bolts research. Then we review the material and we're ready to go to court."

His love for thrust-and-parry courtroom action between opposing attorneys figured into Lofton's decision to turn down an appointment to the federal bench years ago.

"[Former U.S. Sen.] Fritz Hollings offered me a federal judgeship but the timing wasn't right," Lofton said. "My wife and my senior paralegal are always telling me, 'If you'd taken that judgeship, we wouldn't have to worry about making payroll and paying for this office.' But, even today, I don't think I'd take one. I tell people the reason is that I don't think I could sit up there and watch two



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Attorney Lionel Lofton practices law with his wife, Frances Cain-Lofton, who is also a magistrate in McClellanville, and his daughter, Lynn.

lawyers arguing. I'd want to get in the middle of it."

Lofton has been at the center of a host of important court cases since beginning as a federal prosecutor in 1971.

"No one else in South Carolina to my knowledge has been hired right of law school to become a federal prosecutor," he said. "I wouldn't trade that experience for all the tea in China. It was a wonderful 12 years."

It was an exciting time to be a prosecutor, he said, because the federal government was uncovering fairly widespread corruption in South Carolina government.

"Every time we turned around it seemed someone was doing something they shouldn't have been doing," Lofton said.

For example, between 1971 and 1983, Lofton prosecuted the Charleston and North Charleston police chiefs, the chairman and vice-chair of the Charleston County Council, a former Berkeley County sheriff as well as state government officials. He also had occasional brushes with celebrities.

"I regret that I didn't keep a diary over the years," Lofton said. "I just can't remember everything that I did. Here's an example: one time we had a guy who was charged in a federal drug conspiracy. He had been involved in fight promotions and had a bond hearing coming up. We got word that Muhammad Ali was coming to testify and to put up his bond but I didn't believe it. On the day of the bond hearing ... I was walking down the hall and we had an old church bench in front of my office. And there sleeping on the bench was Muhammad Ali."

Although Lofton was known as an aggressive prosecutor, he never received threats from defendants or their associates.

"If you ask anybody I ever prosecuted, I never took any of the cases personally," said Lofton, who credits former prosecutor Tommy Simpson as being an invaluable mentor. "That's my big complaint with young prosecutors today. They get personally involved to enhance their careers and to try to score political points. I tell them, 'You're going to kill yourself if you make it personal; it's going to eat you up... Too many of these young lawyers are afraid that you're going to take advantage of them. I always say, give me the best lawyer you've got on the other side because that person is going to play fair and be willing to negotiate. I think a big part of the problem is that these young lawyers don't have mentors anymore."

Lofton's federal prosecutorial experience could have been a natural springboard into politics. He once served on the McClellanville City Council and also worked briefly for Gov. James Edwards in 1975. But holding higher political office has never been a goal.

"I resigned as a U.S. attorney and served as Jim Edwards' legal advisor," said Lofton, who received a Palmetto Award in recognition of his state service. "I love Jim Edwards to death but I didn't like the political part of it. I couldn't just be a lawyer; there were always political pressures. My forte was courtroom litigation, so I went back to the prosecutor's office."

This distaste for things political prompted his abrupt resignation as U.S. attorney in 1983, according to Lofton. It involved a disagreement with Henry McMaster, who is now state attorney general.

"Henry McMaster is the reason I left the prosecutor's office," Lofton said. "We didn't see eye to eye on some things and I finally told him as of Friday I quit. He was the chief federal prosecutor and I left in the middle of February. I didn't know what I was going to do but, that weekend, the phone rang and it was a lawyer who told me that that U.S. Customs had made a big drug bust – a shrimp boat full of marijuana. He asked me if I'd had any knowledge that this bust was going to happen and I said no. So he asked me if I wanted to represent one of the defendants. I left on a Friday as a prosecutor and showed up on Monday on the other side of the courtroom."

As a defense attorney, Lofton said he has no qualms about representing a defendant who might be guilty.

"I have a job to do and that is to help him get the best trial he can get," Lofton said. "I go to the mat for him but I play by the rules. It's no different in my mind than if the police bring a guy with a serious gunshot wound to the E.R. after a shootout where he killed a police officer. Is the doctor going to say, 'I can't treat this man?' No. My job is no different than that. I took an oath to do the best job I can do."

Since commencing his career as a defense attorney, Lofton has been involved in dozens of well-known criminal and civil trials all over the U.S. Last year he helped secure the release of former death-row inmate Sterling Spann, whose 20-year ordeal was profiled on NBC's "Dateline." In 2001, he successfully defended dockworkers that had been charged with inciting a 1999 riot during a labor dispute in Charleston. The longshoremen's case became an international cause célèbre in labor circles. He also won a \$1.7 million settlement from the Henderson County School Board in North Carolina on behalf of the families of 17 black students that had been molested by a white teaching assistant.

Lofton often donates his legal services if clients are unable to pay and said he's a bit like an old-fashioned country doctor – he still makes house calls. He also pinch-hits for federal attorneys if they have a conflict.

"I do a fair number of pro bono cases," Lofton said. "The legal system has been very good to me and I've been very successful. The way I see it, you've got to give something back."

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