

the j l f report

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“GETTING MY LIFE BACK”

In March of 2002, John Morgan* and his wife Wendy went out to dinner. John had been working all day and despite a cold, he was looking forward to a quiet dinner with Wendy. Before their table was ready, John ordered a vodka and tonic. He took his drink and went to the table, ordered and ate appetizers and then a full meal. During dinner, John drank a second vodka and tonic. After finishing dinner, they left to drive home. After driving approximately 20 minutes, John noticed blue lights flashing in his rearview mirror. He quickly turned into a parking lot. Officer Jones* approached the car and asked John to produce his license, registration and proof of insurance, which John promptly produced. He then advised John that he smelled alcohol coming from inside the car. John told the officer that he had drunk two vodka drinks with dinner. Officer Jones then asked John to step outside the car. Once he was outside the car, Officer Jones held up a pen and asked John to follow the pen with his eyes without moving his head. John did so with no comment from officer Jones. Officer Jones then explained and briefly demonstrated an exercise which required John to walk along an imaginary line while making heel to toe contact on each of nine steps and then turning around and walking nine steps back to the starting position. John walked nine steps taking care to make heel to toe contact on each step, but as John turned around, using a series of short steps, as the officer had instructed him, he

stumbled but maintained his balance, and continued the exercise until he reached the starting point. Officer Jones then instructed John to raise the leg of his choice and hold it six inches above the surface and maintain his balance while counting by 1000's until officer Jones told him to put it down. John raised his right leg and held it up as he counted out loud, but he started coughing after 15 seconds and dropped his foot to the ground. Officer Jones then told him to turn around and place his hands behind his back. He then placed handcuffs on John's wrists and advised John that he was under arrest for driving under the influence.

John said "everything that happened after that was a blur. I could not believe that I was being arrested." When John arrived at the police station, he was taken into a room with "a somewhat anti-quoted looking machine" on the table and was told that he would be offered a breath test. The officer told John that he did not have to take the breath test if he chose not to do so, but that his driver's license would be suspended. He was also told that if he took the test and the machine reported a result of .15 % or higher, his license would also be suspended. John said, "I wanted to be fully cooperative with the officer, and knew that I had only consumed two mini bottles of vodka, so I decided to take the breath test." That was a decision that John regretted once the machine reported a result of .18%.
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VICE PRESIDENTIAL CANDIDATE JOHN EDWARDS VISITS JOYE LAW FIRM



Recently announced Democratic Vice Presidential Candidate, John Edwards of North Carolina, is shown here at the home of Joye Law Firm attorney, Ken Harrell. Senator Edwards was visiting Mt. Pleasant during a book signing tour promoting his book, "Four Trials". Pictured left to right from Joye Law Firm are Tina Walker, Tina Drummond, Ken Harrell, Drew Carroll and Reese Joye. We are thrilled to have a friend of our firm involved in this important race.

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WorldCom Investors ~ HELP AVAILABLE

The WorldCom case involves the largest corporate fraud and accounting scandal in United States history, a fraud that inflicted billions of dollars in damage to the investing public and triggered the largest bankruptcy in United States history.

A class action has been filed alleging that senior officers at WorldCom and World Com's accounting firms willingly and knowingly committed accounting fraud that adversely affected its investors. When these actions were discovered, it eventually led to the bankruptcy of WorldCom and the complete devaluation of the stocks, bonds, and notes issued in its name.

If you or someone you know purchased or acquired publicly-traded shares, bonds, or notes of WorldCom, Inc., between April of 1999 and June of 2002 and you subse-

quently suffered losses of \$2,000 or more, you may have made those investments based upon fraudulent and misleading information, which would possibly entitle you to compensation for your monetary loss.

Some of the defendants in the WorldCom class action lawsuit have recently settled the class action for 2.65 billion dollars. Persons covered by the class action have the right to "opt out" of the class action and pursue a separate lawsuit and the possibility of a better compensation package suited to balance your loss.

To find out if you are entitled to compensation, please contact our law firm by calling 746-2360. We look forward to helping investors who have experienced significant losses due to fraudulent practices related to this corporation.

UNUM PROVIDENT DISABILITY CLAIMS ~ WRONGFUL DENIALS

Unum Provident Corporation is the largest disability insurance underwriter in the United States. This company has been accused of implementing a nationwide scheme to deny or under-pay legitimate disability claims when adjusting policyholders for other insurance companies. These allegations are based upon a seven-year investigation and testimony from former Unum Provident employees and in-house physicians. Based in Chattanooga, Tennessee, Unum Provident is responsible for adjusting disability claims for several insurance companies, including: Metropolitan Life

Insurance, Paul Revere Life Insurance, Unum Life Insurance, New England Insurance, John Hancock Insurance, Equitable Life Insurance, Colonial Life Insurance, Provident Life and Accident Insurance, and Provident Life and Casualty Insurance.

If you have been denied disability insurance benefits from any of these insurance companies or you feel you were paid far less than what you should be compensated, we will evaluate your case.

Please call us at 554-3100 for additional information.



The Attorneys At Joye Law Firm
WE FIGHT TO WIN!

Staff Profile: Louis Ramon, Information Technology

Perhaps one of the best decisions the Joye Law Firm ever made was its decision to hire an in-house technology specialist. For seven years before Louis Ramon became a full-time employee of the firm, he handled any computer or other technical difficulties the firm's attorneys and staff members experienced working after hours or over the weekend. However, due to the firm's growth and our increasing dependency on technology, in the office and in the court room, a decision was made to make Louis a full-time firm employee in July of 2001.

Joining the firm on a full-time basis was something of a relief for Louis. "I have always enjoyed working with all of the people at the firm, but it was getting to the point where trying to hold down another full-time job and still keep the firm operating smoothly was taking up all of my time," he said. "The law has always fascinated me, and I greatly enjoy working in a situation that allows me to use my technical expertise to help our firm's clients."

While many people would think that Louis's work would be limited to keeping the firm's computer software operating, his job duties are much more expansive. "It really amazes me the number of things that we have Louis doing to help us," said attorney Mark Joye. "I meet with Louis each week because it would be easy for him to get over-whelmed by all of his jobs. His trial prep work in preparing power point presentations and other exhibits is probably just as crucial as what he does to keep all of our equipment operating smoothly."

Among Louis's other jobs include his work in keeping the law firm's website fresh and updated, and his stellar efforts in producing our quarterly newsletter.

Louis obtained his undergraduate degree in Music from The University of Southern Mississippi in 1971. Since then, he attended graduate school at the Citadel and has obtained technology certifications from Novell, Microsoft, Artisoft and Dell, among others.

When he is not tackling the technological challenges at the firm, Louis and his wife, Toni, enjoy spending their free time at the beach surfing, singing together in their home recording studio, 'shagging', and fishing. Louis and Toni have one daughter, Elizabeth. Louis is also an accomplished horn player and guitarist and he greatly enjoys performing when the opportunity arises.



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Malpractice Myths

Powerful lobbying groups continue to spend millions of dollars to spread their propaganda about doctors being under siege due to increasing medical malpractice premiums and patients being unable to receive medical care because of a "shortage of doctors." Locally, Charleston surgeon Chris Hawk proposed a resolution stating that it was ethical for doctors to deny treatment to plaintiffs' attorneys and their families as a "hardball tactic" in the debate over capping damages in medical malpractice cases. Fortunately, the American Medical Association rejected this outrageous proposal and several doctors angrily denounced the proposal as being contrary to the Hippocratic oath.

However, the efforts to distort the facts surrounding this debate continue. Recently, a group labeling itself the Doctors for Medical Liability Reform began a multi-million dollar campaign, airing numerous 30-minute "info-mercials" and running full page ads in newspapers across South Carolina denouncing the Democratic candidate for the U.S. Senate, Inez Tenenbaum, because of Ms. Tenenbaum's refusal to pledge that she supports arbitrary caps on damages in medical malpractice cases. Ms. Tenenbaum should be applauded for her courageous stand, as it places the rights of individual South Carolinians above the rights of special interest groups seeking protection from being held fully accountable for damages caused by their negligent acts.

In considering whether there is a medical malpractice crisis in South Carolina, ask yourself the following questions. First, unless you are one of the 40 million Americans who does not have health insurance coverage, have you ever had a problem receiving treatment for a medical problem you have had? In the Charleston area,

we are blessed to have some of the best doctors in the world. The market for patients is very competitive, as evidenced by the numerous billboards and television ads touting the benefits of using a specific medical practice or hospital. Second, have you ever heard an insurance company representative state that placing an arbitrary cap on damages will lower the doctors' premiums? We are certain you have not as there has been no evidence showing that these arbitrary caps will lower the doctors' premiums. Recognizing that rising medical malpractice premiums are a legitimate problem, the American Trial Lawyers Association has proposed allowing doctors to use a certain percentage of their medical malpractice premiums as a tax credit. This would lessen any financial pinch rising premiums have placed on the doctors, while also protecting the rights of injured patients. Third, if doctors are suffering financially (as has been claimed), where is the money coming from for the multi-million dollar propaganda campaigns which have been run across the country? No one questions that doctors remain the most highly paid professionals in our country. Recently, MSNBC noted a study finding that the top 10 paying professional jobs consists of CEO's and nine sub-specialities of medical doctors. When doctors are interviewed about their rising malpractice premiums, no one in the media seems astute enough to ask the doctors how much money they earned during the previous year and how these increases in premiums have affected their net incomes.

The following op-ed column was prepared by Bob Herbert, a columnist with the New York Times. Mr. Herbert's analysis is dead-on.

By Bob Herbert, OP-ED Columnist for the New York Times

The power brokers obsessed with tort reform really have the jargon down. They travel the country with over-heated stories about run-away juries and jackpot justice. The way they tell it, sinister lawyers and opportunistic plaintiffs are on the hunt, preying on virtuous corporations, hospitals and doctors in search of that big payout from the lawsuit lottery.

President Bush has been complaining about "junk and frivolous" lawsuits for years. So it's interesting to hear the following from the Center for Justice and Democracy, a consumer advocacy group:

"It may be hard to understand why 'tort reform' is even on the national agenda at a time when insurance industry profits are booming, tort filings are declining, only 2 percent of injured people sue for compensation, punitive damages are rarely awarded, liability insurance costs for businesses are miniscule, medical malpractice insurance and claims are both less than 1 percent of all health care costs in America, and premium-gouging underwriting practices of the insurance industry have been widely exposed."

In looking at medical malpractice cases, I've been amazed by the cold-blooded attitude so many people have taken toward patients who have been seriously, and sometimes grotesquely, harmed. Referring to a Wisconsin woman who had both of her breasts removed after a laboratory mix-up mistakenly indicated she had cancer, a doctor from South Carolina told a Congressional subcommittee: "She did not lose her life, and with the plastic surgery she'll have breast reconstruction better than she had before."

Last week I interviewed a woman in Minerva, Ohio, whose abdominal aorta was somehow ruptured while a doctor was performing a tubal ligation. In a discussion of her malpractice suit, the woman, Deborah Rayburn, said the foul-up was not immediately detected. When it became clear that she was in serious trouble, another doctor was called in. "He ended up cutting me open," she said, "and he clamped the aorta."

Ms. Rayburn, who has two children, was unable to work for 18 months. The surgery left her with a scar from chest to groin, and

she said she still experiences frequent abdominal pain.

When Ms. Rayburn filed suit, she said, she was made to feel as though she had done something wrong, as if seeking compensation was in some sense an affront to the system.

As a trial date approached, she said, she felt pressured by all the parties involved to agree to a settlement, which she did. She would have preferred to go to trial, she said, not because she was looking for a big payday, but because all the details of her case would then have come out publicly.

And that is one of the essential points that is overlooked by the tort reform zealots: the problem when it comes to malpractice is not the amount of money the insurance companies are making (they're doing fine) or the rates the doctors have to pay, but rather the terrible physical and emotional damage that is done to so many unsuspecting patients who fall into the hands of careless or incompetent medical personnel.

What is needed is a nationwide crackdown on malpractice, not a campaign to roll back the rights of patients who are injured. This is another utterly typical example of the Bush administration going to bat for those who are economically and politically powerful against those who are economically and politically weak. Despite claims by the insurance industry, there is no evidence that soaring malpractice premiums are the result of sharp increases in the amounts of money paid out for malpractice claims. And, tellingly, industry executives are generally careful not to say that the tort reforms sought by the Bush administration will result in premium reductions.

This is all about greed. What tort reform will lead to, not surprisingly, is an unwarranted burst of additional profits for the insurance industry, which is why the industry is sinking so much money into its unrelenting campaign for "reform."

It would be helpful if the nation's many good doctors would blow the whistle on the insurance industry and its exploitive practices, and on the members of their own august profession who violate that essential maxim, "First, do no harm." **8** New York Times

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(Getting My Life Back, continued from page 1)

Upon being released from jail the next morning, John and Wendy sat down and discussed his situation. John provided the majority of the financial support for the family. He feared that a DUI conviction would likely cause him to lose his job, and cost his family everything they had. He decided that he had too much to lose and decided that he had no choice but to fight the DUI charge.

John called the Joye Law Firm. "I was very impressed by the prompt attention I received. From the very first phone conversation, I got the impression that these people understood my situation and were concerned with helping me solve this problem," John said.

John was then interviewed by attorney Reese Joye. After the interview, attorneys Reese Joye and Drew Carroll began to work on defending John at trial. All attempts at negotiating the charge to a lesser offense failed due to the high breath test result. In preparation for trial, attorney Drew Carroll drove the route that John traveled the night of his arrest several times. He made a videotape of the route and the area where Officer Jones alleged a traffic violation in his incident report. The videotape offered compelling evidence that the violation could not have happened the way it was described in the report. Attorneys Carroll and Joye and investigator A.A. Williams each reviewed the breath test videotape several times and concluded that the test result was inaccurate. Attorney Drew Carroll said, "Based on the factual information that we had about John's alcohol consumption, we knew that there was a disconnect between his actual blood alcohol level and the level reported by the machine. A review of the videotape from the breath test room revealed several fundamental problems with the way that the test was administered, which significantly affected the reported result. In addition to the problems with the test itself, Reese and I have both undergone extensive training on this machine, which enabled us to raise relevant issues related to the

machine at trial. I would say that Reese is probably one of the foremost defense experts on breath-testing in the country, and that made a big difference in John's case"

The case was called to trial and after over eight hours of testimony, the jury returned a verdict of not guilty. John said, "I felt like I was walking on air as I walked out of that courtroom. Those guys were able to prove, what I already knew, - that the [breath test] result was flat-out wrong. I felt like they gave me my life back."

* Not actual names of parties involved in this case.



JLF Attorney, Reese Joye, is shown here shaking hands with Vice Presidential candidate John Edwards at a recent fundraiser.

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