

the jlf report

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Life's Unexpected Curves

JLF Obtains \$2 Million for Client Hurt In Motorcycle Wreck

Life can throw us curves when we least expect them. Unfortunately, Joye Law Firm client Robert Williams had his world turned upside down in one split second. (The client's name has been changed for confidentiality reasons.) On July 13, 2003, Mr. Williams was driving his motorcycle on Folly Road in Charleston. Suddenly, the fear that every motorcycle driver has become reality. Another driver made an illegal turn in front of Mr. Williams causing him to lose control of his motorcycle. A crash occurred, and Mr. Williams was terribly injured.

Mr. Williams was examined at the scene by Charleston County EMS. They found that he had open fracture wounds in his leg. His femur was protruding three to four inches from his skin, and his ankle was near amputation. He was then fully immobilized and taken to the MUSC Trauma Center.

Mr. Williams was hospitalized for nearly two weeks due to his injuries. During this time, he underwent three surgeries. The first procedure involved irrigation or cleaning of the wounds, and debridement of his open fractures. The second operation involved internal fixation of his fractures with metal plates and screws. Unfortunately, during this proce-

cedure, the doctors decided that the safest course remaining for Mr. Williams was amputation of his leg below the knee. The amputation procedure took place nearly a week after the accident.

Immediately after the accident, Mr. Williams' wife hired the Joye Law Firm. Mrs. Williams was very concerned about her husband's medical condition, and she wanted to make sure that her family was protected.

After meeting with Mr. and Mrs. Williams, attorney Angus Lawton had an investigator determine exactly what happened in the accident. Contact was made with the investigating officer, and statements were obtained to lock down the facts.

Several weeks after the accident, Mr. Lawton also attended a traffic court hearing regarding the ticket issued to the offending driver. This was an important event, as the driver plead guilty to a violation of the traffic laws, thus conceding that he was responsible for causing the accident.

During this process, Mr. Lawton had several communications with the other driver's insurance company.

(Continued on next page)

JLF ATTORNEYS & STAFF AT THE 2005 BLACK BUSINESS EXPO



Tina Drummond and Matt Jackson (pictured at left) 'man' the JLF booth at the 2005 Black Business Exposition recently held in Charleston. They get plenty of help from several of the JLF attorneys and staff (pictured on the right) (Left to Right, Tina Drummond, Tina Walker, Myra Byrd and Chris McCool).



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Staff Profile: Charlene Blume



Charlene Blume can be forgiven if she feels as if she grew up in the Joye Law Firm. Charlene has been associated with the law firm for as long as she can remember. Her mother, Lily, worked as the legal assistant for the firm's founding partner, Reese Joye, for several decades. For years, Charlene did free-lance word processing work for the firm's lawyers. However, as the firm grew, it became apparent that the law firm needed an on-staff word processor and Charlene joined the firm as a full-time employee in March of 1999.

"Since I was a kid, I have known Mr. Joye and the people who have worked at the firm," said Charlene. "They have always seemed like a second family to me."

As the firm has continued to grow, the technology used to handle its word processing needs has also changed. Recently, the firm began using a "speech recognition" program which allows attorneys to record dictation to a digital recorder, which is then directly transferred to the computer. The recorded voice file is then recognized and actually typed in automatically by the computer. The typist only has to make corrections instead of having to type every word. Although the computer is a good typist, it will be many years before it can replace an experienced legal transcriptionist. Charlene's willingness to master this system has been crucial to making it work.

"Charlene always says that if you are not part of the solution, you are part of the problem," said attorney Ken Harrell. "There is no doubt that she has always been part of the solution and we are fortunate to have her as part of our team."

When not working, Charlene enjoys spending time with her three children, Jimmy, Sarah and Hannah, and caring for her pets. She enjoys horseback riding and fishing for recreation.

JLF ATTORNEY HONORED FOR SERVICE TO THE POOR

JLF attorney Ken Harrell was honored by the South Carolina Bar as the recipient of a "Pro Bono Publico Attorney Volunteer" award based on services he provided free of charge to low income Charleston county residents in 2004. In honoring Mr. Harrell, the Bar noted, "With sincere thanks from the South Carolina Bar's Public Service Division on behalf of your profession and the persons you have unselfishly served and benefitted this past year. You have demonstrated your commitment to the low income community above and beyond the call of duty!" The South Carolina

Bar's Pro Bono program allows low income South Carolinians to apply for free legal representation if they meet certain income criteria and the nature of their legal problem is one which falls within the services provided by program's member attorneys.

"We have been very blessed with our law practice," Harrell said. "I am very proud of what many South Carolina lawyers do to donate free legal representation to the poor and look forward to participating in this program for years to come."



The Attorneys At Joye Law Firm
WE FIGHT TO WIN!

(Life's Curves, Continued from P.1)

Mr. Lawton also hired a rehabilitation nurse to oversee the treatment that Mr. Williams received. A life care plan was prepared, and numerous detailed meetings took place with Mr. Williams and his treating physicians to make sure that all of his medical conditions were known. In serious injury cases, having a qualified rehabilitation nurse assist in preparing a life care plan covering all of the future medical needs our client will have is crucial to obtaining a full recovery.

After making sure that the medical treatment was complete, Mr. Lawton and his assistant, Laurie Wohlscheid, prepared a detailed demand package for the insurance company. This package included numerous photographs, all of the pertinent medical bills and records, and the life care plan prepared by the nurse. After negotiating the case for several months, the claim was resolved for \$2,000,000.00. The terms of the settlement also provided a structured pay-out,

which means that Mr. and Mrs. Williams will have guaranteed monthly payments for 20 years.

According to Angus Lawton, this was a very successful result for Mr. and Mrs. Williams. "I was happy to assist Mr. and Mrs. Williams and make sure that they received appropriate guidance throughout this process. I wanted to make sure that his family was well taken care of, and that his future needs were addressed. While no amount of money could fully compensate Mr. Williams for his injuries, he was fortunate that the other driver had far more coverage than most drivers. In South Carolina, many drivers carry only the minimum amount of coverage required, which is \$15,000.00. This would have been a travesty in this situation."

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Workers' Comp Rules Already Stacked Against The Injured

The State Newspaper - Columbia, SC - March 1, 2005
(Reprinted by permission.)

By **ILENE STACEY KING**
Guest columnist

I was amazed to read that one reason offered for changing workers' compensation law in South Carolina is to level the playing field, so businesses feel like they are getting a fair shake. The playing field is not level - but it is injured workers, not employers and insurance carriers, who are at a disadvantage.

Injured workers lost their right to sue for full damages in civil court in exchange for the limited compensation of a no-fault workers' compensation system, which is intended to provide expedited relief. The reality often falls short of the mark, and the employer and its insurance carrier hold almost all the cards.

An injured worker might find that the employer has failed to report the injury to the carrier, or the carrier may deny the claim, causing months of delay in medical treatment and extreme financial hardship for the worker and his family. In these circumstances, there is no expedited relief.

While waiting for the insurance carrier to accept the claim or for a hearing to be set, an injured worker might suffer in pain without necessary therapies, surgery or prescription drugs. Unable to work, he may lose his home or car. Telephone service and utilities might get cut off. Child support may go unpaid. Credit ratings suffer. Many marriages suffer, and some cannot survive, in this ordeal.

The injured worker must go to the doctors chosen by the employer and the employer's insurance carrier. All treatment must be approved by the carrier; unauthorized treatment is not covered. Sometimes, this means injured workers are subjected to treatment by doctors who believe injured workers are malingerers and who treat them like liars.

If they're unable to work, injured workers may receive only two-thirds of their average weekly earnings. Within the first 150 days after an injury is reported, the insurance carrier may terminate benefits unilaterally without a hearing. In that case, a hearing must be held within 60 days, but that is a long time for injured workers and their families, often living from paycheck to paycheck, to have to try to make ends meet. One

missed paycheck may set off a chain reaction of disaster.

Injured workers are entitled to a hearing within 60 days only when benefits have been terminated. Otherwise, hearings requested by injured workers may take five to seven months, or sometimes more, to be set. Not long ago, the wait was close to a year in some parts of the state. When the Workers' Compensation Commission was fully funded, the wait was about three months.

Employers and carriers, on the other hand, are always entitled to a hearing within 60 days.

Awards are limited by law and based on the body part injured. A worker with an injury to only one body part is limited, generally, to compensation for only that body part, even if unable to ever work again. Permanent and total disability is capped at 500 weeks of compensation, regardless of the lifetime consequences. Only brain injuries, paraplegia and quadriplegia qualify for lifetime benefits.

There is no compensation for pain and suffering, loss of enjoyment or quality of life. Workers' compensation is primarily concerned with wage loss. There is no additional payment if you will never again play golf, bowl, play ball with your children, mow your lawn, make love, garden, dance, hunt, fish, play the piano or walk on the beach.

This is the system some want to change so employers will feel like they are getting a fair shake!

The proposed changes, supposedly to level the playing field, in reality will further disadvantage injured workers, who have already given up so much. For example, imposing a fault system on workers to deny benefits, without increasing benefits when the employer is at fault, simply is not fair. It is counter to the original intention of the act: Workers gave up the right to civil fault-based suits with greater damage recoveries in exchange for no-fault, limited, expedited compensation.

South Carolina has one of the nation's least expensive workers' compensation systems. Fully funding the Workers' Compensation Commission, as opposed to doing away with it, would go a long way toward improving the functioning of the entire system.

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Bextra Withdrawn From Market JLF Seeks Stevens-Johnson Syndrome Cases

On April 7, 2005, the Food and Drug Administration asked Pfizer, Inc. to voluntarily withdraw Bextra from the marketplace. Bextra is a recent addition to the COX-2 class of drugs and was usually prescribed as a pain reliever for joint pain sufferers. Studies have now linked Bextra to the risk of heart attacks and strokes, as well as a life-threatening skin reaction called Stevens-Johnson Syndrome.

If you or someone you know has experienced a heart attack or stroke shortly after the use of Bextra, please call the Joye Law Firm at [746-2383](tel:746-2383) for a free screening of your case.

The law firm is especially interested in looking at cases involving persons who have developed a serious, and sometimes fatal, skin reaction call Stevens-Johnson Syndrome (SJS). The symptoms of SJS often progress in severity as follows, especially if left untreated:

- Flu-like symptoms, including fever, fatigue, headache, sore throat, cough, nausea, etc.
- Blisters or rash of the skin
- Blisters or lesions on the mucous membranes of the mouth, nose, eyes, genitals, urinary tract, GI tract, and respiratory tract
- Ulceration of blisters leading to shredding of the skin

If you or someone you know has been diagnosed with Stevens-Johnson Syndrome after the use of Bextra, it is crucial that legal assistance be sought to protect legal rights related to these injuries. Again, for a free screening of a potential Bextra claim, please call the Joye Law Firm at [746-2383](tel:746-2383).

JLF Attorneys Offer Advice On Live 5 News "Your Lawyers" Series



JLF Criminal attorney Brian Burke is pictured here in a recent appearance on the "Your Lawyers" series on Live 5 News.

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