

The JLF Report

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Seeking Justice For a Terrible Event

Recently, the Joye Law Firm settled a lawsuit for a confidential sum against the corporate owner of a convenience store which sold alcohol to a minor who became intoxicated and violently crashed into a car in which Shelly Fowler was a passenger (for confidentiality purposes, the client's real name has been changed). In an instant, Shelly's young life was forever changed by crash. She fractured numerous bones that required a lengthy hospital stay and months of rehabilitation. She also sustained a traumatic brain injury that affected her memory, speech, and motor skills.

"The case was one of the more challenging cases I've handled," said Joye Law Firm attorney Chris McCool. "An obvious wrongdoer was the underage drinker, but the bigger question was, 'Where did that driver get the alcohol?'" Initial inspections of the scene of the wreck and the at-fault driver's truck by various authorities did not yield any evidence regarding where the driver obtained the alcohol. "Fortunately, Shelly's family came to me in the days immediately after the wreck and we were able to get an injunction preventing the automobile insurance company from destroying the truck and its contents. The injunction also allowed us to hire an investigator to inventory the entire contents of the truck," said McCool.

Two hours into the inventory, after painstakingly reviewing every item in the mangled truck, a sales receipt for the purchase of alcohol was found. Because the receipt was evidence in the criminal actions pending against the at-fault driver and potential actions against the clerk who made the

sale and the corporation that owned the store, the local authorities were contacted. "I knew it was necessary for the authorities to be notified that the receipt was found because it was evidence. I also wanted the authorities involved so that they could immediately go to the store and preserve

other evidence, such as a surveillance tape of the purchase, if a tape existed," explained McCool.

The persistence in inventorying the truck paid off when the authorities went to the store and recovered a surveillance tape of the transaction. The next day, the tape was to have been put back into use by the store and taped over. "Having the tape was a critical piece of evidence and

fortunately we were hired soon after the wreck. The quality was terrible but we retained various forensic specialists who were able to enhance the quality of the tape. The enhanced tape showed the sale and a failure by the clerks to check for an ID," said McCool.

Armed with the sales receipt and the videotape, a lawsuit was filed against the corporation that owned and operated the store and the driver of the at-fault vehicle. The lawyers representing the corporation fought every step of the way and procedural and evidentiary disputes were common. "The store wanted the civil suit to come to a stop until after the completion of all criminal proceedings against the driver, clerks, and corporation. Knowing that witness memories fade and important corporate documents may be discarded, this was unacceptable," noted McCool. After much courtroom wrangling, the judge ordered the civil case to proceed.

(continued on p.2)



Accident scene photo.



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Fentanyl Pain Patch Overdose Cases

The Joye Law Firm is currently accepting cases for persons who have had loved ones die due to overdoses related to the use of Fentanyl pain patches. Patches containing the highly potent drug Fentanyl have been recalled because of a manufacturing defect that could result in fatal overdoses in some users. Fentanyl, the active ingredient in the recalled pain killer patches, is roughly 80 times stronger than Morphine. Cancer patients are often prescribed the pain patch because of the extreme pain often associated with the disease. The Food and Drug Administration (FDA) has warned: "Fentanyl is a very potent narcotic pain medicine. For patients who are not opioid tolerant, the amount of Fentanyl in one Fentanyl patch of the lowest strength is large enough to cause dangerous effects such as severe trouble breathing or very slow or shallow breathing. Use of Fentanyl pain patches in such cases can even result in death."

If someone you care about died after using a pain patch because of over-exposure to the drug Fentanyl, our attor-

neys would like to speak with you. Please call us at (843)554-3100 or at (888)324-3100, or fill out a confidential case evaluation form by visiting our website at www.joyelawfirm.com to find out how we may be able to help you.



Seeking Justice... (continued from page 1)

"Once the court ruled that we could proceed with the civil case, we went into an even higher gear of production," said McCool. "We deposed the clerks and various upper level corporate executives associated with hiring, training, and human resources. Our aim was to establish that the subject sale should not have been made and was preventable and that the company had a history of making illegal sales of alcohol to minors," explained McCool. The Joye Law Firm obtained thousands of pages of corporate documents and Alcohol and Beverage Control Board documents from eleven different states in an effort to further prove the negligent deficiencies associated with the corporation's hiring and training program. When asked who reviews such a large array of documents, McCool replied, "I do. Line by line. Page by page. I enjoy doing it and a lot of times, it is where you find the good stuff." The documents supported the information gathered by McCool during his pre-suit investigative work that the corporation had a long history of selling alcohol to

Photo showing empty beer cans inside the defendant's vehicle.



minors and abysmal hiring and training practices.

After 16 months of depositions, hearings, and investigative work, a mediation was held with the corporation. The mediation did not result in a settlement of the case but further confirmed to McCool that the corporation was liable for Shelly's injuries and damages. "After the mediation, I kept an open line of communication with opposing counsel. The strength of our case created by our hard work became more and more evident to them," said McCool. A few weeks after the mediation, a settlement was reached with the corporation.

While not able to comment on the amount of the settlement, McCool stated he was "most definitely" satisfied with the result. "Through hard work and many tears, Shelly has managed to overcome or minimize many of her injuries. Knowing what she was going through, we thought about her every day. We were not going to be out-worked and the dedication we showed to Shelly, like the dedication we show to all of our clients, makes me proud and brings a high level of justice to a terrible event," said McCool.

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JLF Attorneys Lead Legal Organizations

The Joye Law Firm has received a distinct honor by having three of the firm's lawyers elected to serve (or eventually serve) as the president of the three leading organizations for lawyers in South Carolina who represent individuals.

Drew Carroll, who heads the law firm's criminal defense department, has been elected and is currently serving as president of the South Carolina Association of Criminal Defense Lawyers. Mr. Carroll also currently serves as the



Drew Carroll



**South Carolina Association
of Criminal Defense Lawyers**

president of the Charleston County Association of Criminal Defense Lawyers. Mr. Carroll has practiced with the Joye Law Firm since 1999, during which time he has defended criminal cases of every nature, ranging from the defense of DUI cases to death penalty murder cases.

Mark Joye, who heads the law firm's personal injury practice, has been elected as the vice-president of the South



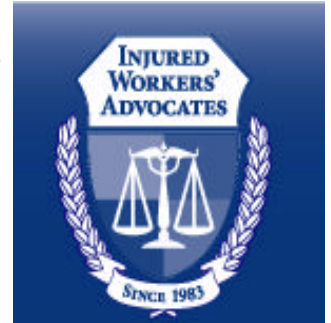
Mark Joye



Carolina Association For Justice. Mr. Joye has previously served as the president of the Charleston Chapter of the American Board of

Trial Advocates, and he is a board-certified civil trial advocate. Mr. Joye has been the lead attorney on several cases which resulted in landmark settlements and verdicts on behalf of Joye Law Firm clients who were killed or who sustained catastrophic injuries due to defective products or due to motor vehicle accidents.

Ken Harrell, the law firm's managing partner, is currently serving as the vice-president of Injured Workers' Advocates, the state's leading organization related to the representation of injured workers. Harrell also serves as the legislative chairman for this organization. In addition to managing the law firm's business affairs, Mr. Harrell continues to handle workers' compensation cases for clients who have disability issues as the result of their work injuries.



To have three lawyers from the same law firm serve in leadership roles for these three distinct organizations is unprecedented, and it speaks to the quality of the services provided by the firm's attorneys and the law firm's commitment to protecting the rights of all South Carolinians, whether or not these persons are directly represented by the law firm.



Ken Harrell





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JLF At The Flowertown Festival 2009

*JLF staffers 'man'
the booth at the
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Summerville.*



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