

- Medical Malpractice
- Car Accidents
- Personal Injury
- Truck Accidents
- Wrongful Death



- Worker's Comp.
- Dram Shop Liability
- Nursing Home Abuse
- Hospital Negligence
- Jail Misconduct

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Another Chance to Get It Right WITH FOCUS AND SUPPORT!

New Year's resolutions and goals seem to be on everyone's radar, but they cannot be achieved without action! Resolutions tend to get a bad rap because of how many people fail to get past January before they give up altogether. So, it may be time to take a new approach!

Start with a specific goal.

Millions of people resolve to lose weight, be more productive, or give up bad habits for the new year. But instead of choosing a general, ambiguous goal, focus on something more concrete you can realistically measure and achieve!

What about that new promotion, career opportunity, or even an advanced degree? Getting specific on how the goal is essential to your career will get you past the inevitable obstacles and failures. It will be worth the time, energy, and heart you invest in a career enhancement.

Commit to developing your networks.

Your professional network influences your career potential. You don't have to attend every event and mixer, but choosing a few opportunities to connect with others or meet new people can be a building block of your resolution. Get those events on your calendar for a greater chance of sticking with the plan!

Create an accountability system.

Consider choosing a trusted person — personally or professionally — to check in periodically to see how you are progressing on your goals. This way, they can offer encouragement, brainstorm ideas, and hold you accountable for sticking with it.

Putting thoughts on paper is also a great way to hold yourself accountable! In a journal, you can write down everything you want to accomplish within a set time frame and continuously check off the things you finish!



Strive for progress, not perfection.

Striving for perfection can derail your progress in the long run, so it's important to frame your goals in terms of knowledge, networks, and experiences you collect along the path to success. No one is perfect, and everyone has setbacks along their road to success. Still, if you set your sights on the goals and take it one step at a time, you are that much closer to achievement.

With the right tools, focus, and support, you can stick with your New Year's resolutions and make this year the best!

A Breach of Trust *Standing Up for Victims of HCPD*

"No right is held more sacred, or is more carefully guarded by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law." Union Pac. Ry. Co. v. Botsford, 141 U.S. 250, 251 (1891).

Law enforcement agencies are placed in the highest position of trust and power. They can literally take our most fundamental right as citizens: our freedom. When that power — the gun and the badge — is used to exploit the most vulnerable members of our society, in the most despicable of ways, someone must step up and hold them accountable. That is what our clients did this past May during two back-to-back federal jury trials.

The federal lawsuits involved allegations that Senior Detective Allen Large of the Horry County Police Department sexually assaulted two citizens while performing his duties as a sworn law enforcement officer of the Horry County Police Department. The evidence presented to the jury at trial showed that Detective Large selected his victims

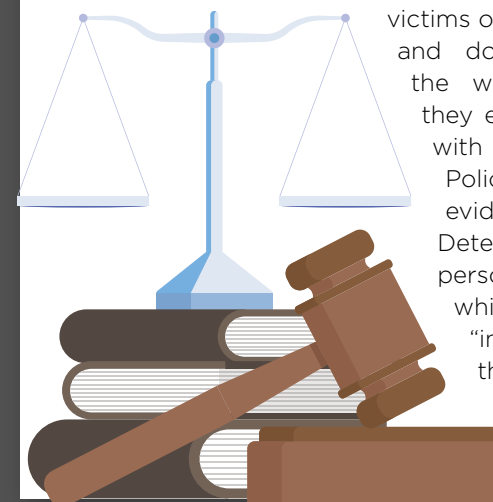
carefully. Sadly, our clients were victims of rape, sexual assault, and domestic violence of the worst degree before they ever came in contact with the Horry County Police Department. The evidence illustrated that Detective Large would personally select the cases which he was assigned to "investigate" and would then do everything but investigate.

Shortly after being retained on these cases, the attorneys of Evans Moore provided evidence and witness statements to the SC Attorney General's office. Ultimately, Detective Large was criminally indicted on 11 counts of misconduct in office and criminal sexual conduct.

Unfortunately, Detective Large died while on house arrest and never stood trial for his criminal offenses. The defendants at trial were the Horry County Police Department, the former Chief of Police, and the former Deputy Chief of Police, who had received multiple complaints of inappropriate conduct by Detective Large with crime victims over a period of at least 13 years.

Incredibly, at trial, the defendants denied the incidents had taken place while simultaneously insisting that they were consensual *if* they did take place. Fortunately, the jury saw through this flimsy defense and the many excuses for not taking action against Detective Large sooner. They awarded over \$2 million in damages to Jane Doe 3 and over \$500,000 in damages to Jane Doe 4 for their injuries, more than 20 times what the Defendants' insurance company offered each victim to settle before the trial.

While we were proud to help these clients obtain justice and closure for what they endured, the fight is sadly not over. We hope that the Horry County government and other law enforcement agencies will soon take action to address these problems. In the meantime, we'll keep holding them accountable.






Impress the Guests

With These Holiday Hosting Tips

guests' favorite foods and drinks. If you don't know what they are, ask ahead of their visit! Your guests will appreciate your conscientious gesture and have a much more enjoyable time if they can eat their favorites while visiting.

Prepare a guest room.

If your guests are staying with you, you need to prepare somewhere for them to sleep. Make sure you make up the bed, have plenty of pillows and blankets on hand, and provide adequate closet space for their clothes. Even if they aren't staying in a traditional bedroom, their sleeping area should still be ready when they arrive. Clear off a table for them to use as a nightstand and put sheets on the couch or mattress where they'll sleep.

Use real dishes.

When we have company over for a meal, especially a large gathering, it's usually easier to use plastic or paper options — saves on cleanup, too! The holidays are not necessarily the time for this shortcut. Break out the fine china if you have it, or use regular dishes for your guests. It's okay for the kids to have paper plates, but if you want to make a good impression on visiting adults, nicer dishes will dress up the table setting and meal.

The holidays are rapidly approaching, and soon, we'll share laughs while enjoying the festivities with our loved ones. Before the celebrations begin, you must prepare your home for visitors, especially if they stay overnight. It can be stressful whether it's your in-laws, best friends, or distant cousins coming to stay with you. You want to leave a good impression, but how do you ensure everyone's needs are met, including yours? Here are three tips for setting yourself up for a successful holiday, regardless of who stays with you.

Stock up on your guests' favorites.

Have you ever stayed with someone who didn't have extra food for their guests? Don't put your guests in this situation. Load up your pantry, refrigerator, and cupboards with your



How We Waive Our 7th Amendment Rights

We know some Constitutional rights by heart. Almost every citizen can recite exactly what right is protected by the Second Amendment. Beyond that, it becomes a little murkier. Most Americans also understand that they have a right to a trial by jury when charged in a criminal matter, but fewer people realize that the United States Constitution also grants citizens a right to a jury trial in a civil case — a case in which one party alleges that they have been wronged in some non-criminal way by another citizen or by a company. However, we increasingly sign away this Constitutional right multiple times every year — oftentimes without even realizing we've done so.

The right to a jury trial in civil cases was brought up twice during the Constitutional Convention but ultimately left out of the original text. Civil juries played an essential role in colonial societies, and the missing provision gave some states pause when deciding to ratify the Constitution. Fortunately, the Bill of Rights' Seventh Amendment later established this freedom.

But the right has been jeopardized in modern times. Arbitration was introduced to federal courts in 1925 to resolve business disputes more efficiently. By the 1980s, however, many companies began forcing consumers into arbitration agreements, a practice condoned by the Supreme Court in 2011. The approach places businesses and citizens on unequal footing.

Arbitration is a process in which both the judge and the jury in a civil proceeding are replaced by a single or a small panel of private lawyers. Arbitration can be effective in certain situations, but it comes with many downfalls for the individual or small-business owner. Unlike a trial which is open to the public and captured permanently by a stenographer, arbitration is private and happens behind closed doors. This can result in some truly reprehensible conduct being shielded from public view. Arbitrators who regularly work for the same business are not always objective and aren't required to follow legal precedent.



Attorneys James Moore, Scott Evans, Amy Lawrence, and Sarah Austin shortly after receiving the second Jane Doe verdict at the Matthew J. Perry Courthouse.

In addition, most arbitration agreements severely restrict the ability of the party who is forced into arbitration to have meaningful choice in choosing the arbitrator who will serve as both the judge and the jury.

Whether or not you know it, you're probably subject to many arbitration agreements. You don't necessarily need to sign something to give up your right to a jury trial. Forced arbitration is buried in countless websites' terms and conditions and many product manuals. According to ConsumerRights.org, they're found on common brands of refrigerators, TVs, laptops, washing machines, mattresses, and other everyday household products. In our practice, we often encounter arbitration agreements in nursing home and assisted living facilities' admission paperwork.

While you'll likely never escape all arbitration agreements, you can take action to avoid them as much as possible. Do your research about which companies have hidden arbitration clauses and check for such language in website terms and conditions. Remember that while you won't always be successful, you still have the right to negotiate any "boilerplate" contracts handed to you by car rental, telecom, or credit card companies. Most important of all, never sign a document without reading it thoroughly. It's one thing to give up the right to demand a jury trial if you have a dispute about your cellphone contract, but it's entirely another thing to voluntarily waive your Seventh Amendment right to a jury trial if your loved one is killed due to the gross negligence of a nursing home.

EQUAL PROTECTION

Understanding Our Civil Rights and Liberties

As in the cases of the two Jane Does discussed in the cover article, part of our work at Evans Moore involves fighting back against civil rights violations. Our civil rights are the fundamental personal rights guaranteed to us by the United States Constitution and federal laws enacted by Congress (including the Civil Rights Act of 1964), but many people don't understand exactly what they are. Let's break it down.

Civil rights represent our right to equal opportunity and equal protection under the law regardless of gender, race, age, or disability status. Examples include the right to vote, the right to a fair trial, the right to public education, and the right to use governmental/public facilities.

One very important civil right is the Fourteenth Amendment right to bodily integrity. This right guarantees our citizens the right to be free from physical or sexual assault by governmental actors. A violation of this right can occur if a camp counselor at a state-run camp sexually assaults a minor camper; if a school employee forms an inappropriate romantic or physical relationship with a minor student; or when a law enforcement officer knowingly exposes a detainee to a known risk of physical

harm (such as the alleged practice of subjecting detainees to "rough rides" as asserted in connection with the death of Freddie Grey in Baltimore). While these examples may sound extreme, the Fourteenth Amendment right to bodily integrity is violated all too often within the borders of our state. This Fourteenth Amendment right to bodily integrity is the very right that the jury found to have been violated in the two Jane Doe trials discussed earlier.

All Americans should strive to be aware of their civil rights because we are our own best protection. No one should ever violate these freedoms, but if they do, we must be prepared to demand justice.

