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THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

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JUN 07 2019
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Brooks P. Goldsmith, Circuit Court Judge

Case No. 2015-CP-40-01449

Joe Henry and Joe Henry Law Firm....., Appellants.

V.

Thomas Jackson and Christopher Mitchell,. Respondents.

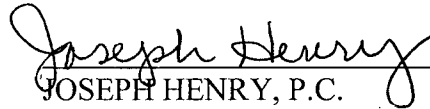
NOTICE OF APPEAL

Joe Henry and Joe Henry Law Firm., Appellants, by and through their undersigned attorney, appeals the jury verdict entered in their case in a trial before the Honorable Brooks P. Goldsmith on May 14, 2019 (received on May 16, 2019) awarding a verdict of \$2,500.00 to Plaintiff/Respondent Thomas Jackson and a verdict \$13,000.00 to Plaintiffs/Respondents Christopher Mitchell on their legal malpractice claims. The malpractice claims were premised upon the assertion that Defendants/Appellants failed to reinstate Plaintiffs/Respondents' suit against their then employer after Plaintiff/Respondents agreed to place the case on Rule 40(j) status, rejected the only settlement offer made in their underlying law suit, and ceased advancing costs in accordance with their employment contract with Defendants/Appellants. During the trial of this case, the Court erred in the following respect: (1) allowing counsel for Plaintiff/Respondents over Defendants/Appellants' objection to empanel a jury in the absence of Plaintiff Respondent Mitchell; (2) proceeding with an entire day of trial without requiring the presence of Plaintiff/Respondent Mitchell; (3) failing to conduct or allowing Defendants/Appellants to conduct inquiry into the relationship between Plaintiff/Respondent Mitchell and one of the empanelled jurors when it was discovered that he (Plaintiff/Respondent) knew the juror; (3) allowing Plaintiffs/Respondents' counsel to introduce and argue as proof of liability and damages, settlement negotiations from Plaintiffs/Respondents' underlying employment case; (4) ordering Defendants/Appellants to divulge confidential mediation conference negotiations; (5) refusing to address the issue of Plaintiffs/Respondents' perjured testimony revealed by Defendants/Appellants during trial; (6) failing to grant Defendants/Appellants' motion for a mistrial for prejudicial jury irregularities and improper

introduction of mediation conference negotiations. The cumulative effect of these many errors was most likely outcome determinative and deprived Defendants/Respondents of a fair and impartial trial by a fair and impartial jury.

Appellants received written notice of the entry of this Order on May 16, 2019.

June 7, 2019



JOSEPH HENRY, P.C.

Joseph Henry

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Irmo, South Carolina 29063

(803) 407-7347

Attorney for Appellant

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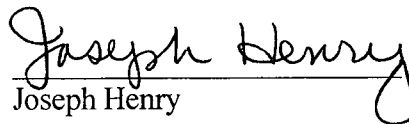
Thomas Jackson and Christopher Mitchell,. Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that he is the attorney for the Defendants/Appellants and that a copy of the **DEFENDANT'S NOTICE OF INTENT TO APPEAL** was served in the foregoing action by depositing a copy in the U.S. Mail on June 4, 2019 proper postage attached addressed as follows:

J. Charles Ormond
301 Stoneridge Drive
Columbia S.C. 29210

The Honorable Brooks P. Goldsmith
Circuit Court Judge
P.O. Box 895
7231 Chaplin Garden Lane
Edisto Island, SC 29438


Joseph Henry

Columbia, South Carolina
June 7, 2019