



ALCOHOL LIABILITY ACCIDENT INJURIES (WHAT TO DO?)

By David E. High, Attorney-At-Law

There are many serious injuries every year in our community caused by intoxicated or drunk drivers. These are often irresponsible people who have either no insurance or very limited insurance. Under Tennessee law, the minimum limits for liability insurance for personal injury is only \$50,000 per accident, for a maximum of \$25,000 per person injured. Lots of emergency treatment bills exceed this amount.

Dram Shop Cases

If the person has been over-served or if they are under 21, there is potential liability on the person who served them or sold the alcohol. These are often called "Dram Shop" cases. Traditionally, the term "Dram Shop" referred to a shop where spirits were sold in small quantities. Dram Shop cases generally involve civil liability of an establishment arising out of the sale of alcohol to a visibly intoxicated person or knowingly serving a minor, who subsequently caused the injury or death to third parties.

Tennessee underwent drastic tort reform regarding this issue in 1986. This act generally gives the serving establishment immunity unless the injured party proves beyond a reasonable doubt that the proximate cause of the injury or death was the selling of the alcoholic beverage to a person known to be under 21, or if alcoholic beverages were sold to a visibly intoxicated person. The criminal law standard of beyond a reasonable doubt is written into the statute. The plaintiff also has to show that the selling to the underage person or the visibly intoxicated person was a substantial factor in bringing about the injuries. This statute applies to liquor stores, retail sellers, bars and restaurants, but generally does not apply to a social host who provides free alcohol.

Investigate and Evaluate

Although the statute sets a high bar for these types of cases, if you or a family member has suffered a serious injury or death due to a drunk



driving accident, you need to promptly hire an experienced personal injury attorney to investigate and evaluate the matter and to see if there is a potential Dram Shop liability claim against the bar, restaurant, retailer or liquor store. When serious injuries and deaths occur, the liability insurance and underinsured motorist coverage is often very inadequate to make the plaintiff whole, so other potential defendants need to be investigated, including Dram Shop liability.

No Recovery, No Fee!

If you or a loved one has been injured by a drunk driver, High Law Office, PLLC will be glad to review your potential case and represent you on a contingent, "No Recovery, No Fee" basis. Schedule a free consultation with High Law Office, PLLC, at 615-256-1000, or visit us online at www.HighLawOffice.com.

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David E. High graduated at the top of his class at Nashville School of Law in 1980, graduated with High Honors from the University of Tennessee, Knoxville, and has over 34 years of trial experience. He is a member of the Multi-million Dollar Advocates Forum and has been included in The Best Lawyers in America for over 20 years, Mid-South Super Lawyers, and the Bar Register of Preeminent Lawyers. Mr. High will review your personal injury case without charge and handle your case on a "No Recovery, No Fee" basis.



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