

‘Justice prevails,’ says attorney who argued Charleston massacre victims had right to sue

Related Professionals

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Media Mention

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Nexsen Pruet attorney William W. "Billy" Wilkins recently authored a piece for *The South Carolina State* regarding the settlement for the victims' families and survivors of the Mother Emanuel AME Church shooting.

Article

More than six years ago, a horrific massacre at Charleston's Emanuel AME Church took the lives of nine parishioners and left other worshippers severely injured.

The shooter was able to unlawfully purchase his murder weapon because of the failure of the federal government to conduct a proper background check. This week, the federal government, acting through the U.S. Department of Justice, agreed to approve a substantial \$88 million settlement for the murdered victims' families and survivors.

The federal government should be applauded for stepping up and taking this action to correct its mistakes and bring some measure of closure to these families after years of legal battles, frustrations and heartache.

But, getting to this momentous day was no easy feat.

When the families and survivors first brought their sixteen lawsuits, a federal judge dismissed them, ruling that federal law granted immunity to the government despite the errors that allowed the shooter to buy the weapon.

The families and their attorneys asked me to assist them to take their case to the Fourth Circuit Court of Appeals, a challenge my law firm and I felt important to accept.

I argued that the government could not claim immunity when the background check examiner failed to follow direct requirements to obtain an incident report from the Columbia Police Department.

That incident report would have revealed the shooter's arrest six weeks earlier on a drug charge that would have disqualified him from purchasing the weapon.

The appeals court agreed and reversed the lower court's dismissal and reinstated these lawsuits. Today's settlement would not have happened if not for that pivotal decision by the federal appellate court.

In addition to the significance of the appellate court's ruling for this specific case, it also carried broader implications for future illegal gun cases across the country.

Regardless of your political stance, we can all agree that federal agencies charged with the serious responsibility of conducting thorough background checks should not be immune from the consequences of negligent inaction.

That standard should be recognized nationwide moving forward.

The shooter was found guilty of committing these heinous, racist crimes. Tragically, when it mattered most, the proper procedures that could have prevented them were not followed.

These families and survivors have demonstrated profound strength and patience in the pursuit of justice after this devastating tragedy.

While their loved ones can never be replaced, they deserve this settlement for their relentless determination to hold the government accountable for its negligence. Their example represents the very best of South Carolina and America.

Years ago, the federal government failed to live up to its responsibility, with fatal results. This settlement shows it is now ready to right that wrong.

Justice prevails.

To read the article on The South Carolina State, [click here](#).