



The Road to Justice Starts Here

Little Sleep and Big Trucks— *A Dangerous Combo*



Over 30,000 Americans lose their lives on our roadways each year, including nearly 4,000 who are involved in collisions with large commercial trucks. Many factors play roles in triggering accidents, but one that's become more prominent in recent years is fatigued driving.

Studies have shown that fatigue is a critical factor in up to 30 percent of fatal truck crashes and 15 percent of crashes involving serious injury. Fatigue is dangerous no matter what size vehicle is being driven, but the sheer size and weight of a large commercial truck—which, including cargo, may weigh up to 80,000 pounds—magnifies the destructive force of a crash.

When drivers are fatigued, reaction time suffers, judgment is impaired, and drivers are often unaware of their diminished performance. A truck driver not sleeping for 24 hours is equivalent to having a blood-alcohol concentration of .10, which is over twice the legal limit for truck drivers in most states.

Driver fatigue has many sources. Lack of sleep, long hours, stressful work with tight schedules, nighttime driving (when the body wants to be sleeping), monotony, physical labor in addition to driving, poor health and fitness, medication, and sleep disorders (e.g., sleep apnea), among other circumstances, all contribute to fatigued driving.

There are federal laws to regulate hours on the road, required break times, and so forth, but that doesn't mean drivers will automatically get quality sleep, or that some companies or drivers won't push the legal limits on work regulations.

If you have been the victim of an accident involving a commercial truck, contact our office for a free consultation. •



January 2016 News



A Case of Stolen Identity

Identity theft is a personal violation with potentially severe consequences for the victim. Immediate action can make a difficult situation more bearable:

Contact the “big 3” credit bureaus: Equifax, Experian, and TransUnion. Get a copy of your credit report from each agency; review them thoroughly for accuracy and suspicious activity. Ask the agencies to issue a fraud alert and to attach it to your report.

Call the police. Fill out a crime report at your local police department. Document who you talk to, phone numbers, dates, and times. Obtain copies of the police report; creditors will likely want to review it.

Close out accounts that have been fraudulently accessed...or might soon be. Contact all creditors, banks, credit card companies, and other service providers with whom there has been fraudulent activity. Request that creditors report closed accounts as “closed at consumer’s request.”

Stop payment on checks. If you’ve had checks stolen, contact one of the major check-verification companies (e.g., TeleCheck, ChexSystems, or EWS—the lesser-known siblings of the big 3) to report fraudulent activity and to stop payment on stolen checks.

Change PINs and passwords on reissued cards, such as ATM or debit cards.

Dealing with debt collectors. If debt collectors come knocking, inform them that you are a victim of identity theft and aren’t responsible for unpaid bills related to it. Be prepared to send them pertinent documents, such as the police report, to demonstrate your situation. Normally, this will put a halt to collection efforts. If not, consult a consumer law attorney...immediately if you receive notice of legal action.

Also notify the Social Security Administration, U.S. State Department (passports), Department of Motor Vehicles (driver’s license), and U.S. Postal Service.

A consumer law attorney can help you with the potential legal/financial issues caused by identity theft. ●



Not All Powers of Attorney Are the Same

In basic terms, a power of attorney (POA) is a legal document granting authority to another person to act on your (the “principal’s”) behalf. The person you appoint is called the “agent” or “attorney-in-fact.” The following POAs are the most common:

Nondurable power of attorney. A nondurable POA is generally effective for a limited period of time and frequently for a specific transaction when the principal is unable to be present (e.g., the principal is traveling outside the country or is ill). Once the transaction has been completed or the principal becomes incapacitated, a nondurable POA ceases to be in force.

Durable power of attorney. The authority granted with a durable POA can be as wide-ranging or narrow as the principal chooses. A durable POA takes effect the moment the POA is signed and notarized. It stays in effect even if the principal becomes incapacitated and ceases upon their death.

Springing power of attorney. This POA becomes effective at a future date when a specific event, condition, or date triggers it—such as the incapacitation of the principal. Sometimes a formal determination of incapacity may be challenged, delaying the agent’s ability to carry out actions on the principal’s behalf and piling up extra court expenses.

Healthcare power of attorney. This POA enables the agent to make healthcare decisions on behalf of the principal if he/she is mentally incompetent, unconscious, or otherwise unable to make their own decisions. Mental incompetence is generally determined by the presiding physician or a consensus of physicians.

If you are contemplating utilizing a power of attorney, our attorneys can help. We can also assist with preparing a simple will. ●

New Blood Test Can Detect Children's Concussions

Any child involved in athletics runs the risk of eventually sustaining a concussion. Concussions are brain injuries caused by a high-force bump, blow, or jolt to the head that sends the brain crashing into the interior surface of the skull.

Concussions in children are often diagnosed based on symptoms alone, such as headaches, blurred vision, sensitivity to light, vomiting, grogginess, and balance issues. However, in a significant percentage of incidents, neurologists order computerized tomography (CT) scans to diagnose concussions—which is becoming somewhat controversial.

Many neurology-related organizations have declared CT scans minimally effective in evaluating and managing concussions. In addition, they are expensive, and kids undergoing multiple CT scans have been found to be at elevated risk of developing certain cancers later in life due to radiation emission.

But researchers from Orlando Health, a nonprofit healthcare company, have developed a blood test that can detect concussions with 94-percent accuracy. When the brain sustains injury, glial fibrillary acidic protein (GFAP), which is found in cells that surround neurons in the brain, is released into the bloodstream and is easily detectable. The amount of GFAP detected can also determine the severity of the injury.

Besides vastly reducing the use of CT scans, the blood test may soon be able to be employed immediately within the course of a sporting event to determine a player's concussion status.

Researchers hope to have the blood test available for general use within five years. In the meantime, if your child has sustained a blow to the head, have him/her examined by a doctor. If a CT scan is recommended, make sure it's actually necessary. •

January 2016 Important Dates

January 1
New Year's Day

January 19
Popcorn Day

January 26
Australia Day



Congratulations!

Our firm's very own Attorney James R. Snell, Jr. has been recognized by the Lexington Board of Building Code Appeals (BBCA) for his 10 years of dedicated service to the community. The BBCA hears and decides disputes between those involved in building projects and Town permitting officials. When hearings are requested, the board meets, considers testimony and evidence, and then issues a final decision. Usually, these issues revolve around the interpretation and applicability of building codes to proposed projects.





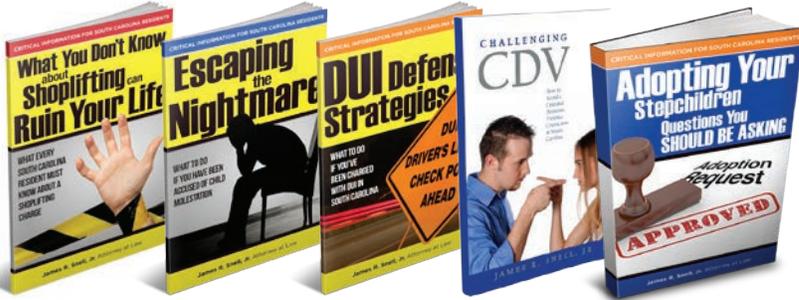
LAW OFFICE OF
JAMES R. SNELL, JR.
 LLC

316 South Lake Drive, Lexington, South Carolina 29072
 (803) 753-1476 • SnellLaw.com • SnellInjuryLaw.com



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Legal Question of the Month



James Snell, Esq.

I dropped off a few pictures from my daughter's wedding at a local frame shop. I was verbally quoted \$150 to mat and professionally frame them. When I went to pick them up the bill was for \$275. I didn't agree to pay that much, and then asked to have my photographs returned. The manager wouldn't give them back and said I owe all of the money. What should I do?

You have a couple of options here. If you can easily replace the photographs you could choose to leave them all at the frame shop. If you cannot easily replace the photographs then you will need to either try to negotiate something with the frame shop (you could ask if they would accept \$200 or some other lesser amount), or go to court.

Disputes of this sort can be heard by a local Magistrate's court. Because the dispute is for such a small amount I don't recommend that you hire a lawyer. You could ask the Court to order that they return the photographs to you, either at no cost, or provide them to you matted and framed as you ordered for the agreed upon \$150 price. If the judge finds though that you did not have a final agreement at \$150, the judge could then instead decide that you must pay the full \$275 (or some other amount in-between).

Do you have a legal question that you'd like to see answered here? E-mail it to jamesnell@snell-law.com. If your question is used you will receive a \$25 Starbucks gift certificate. This month's question comes from Ross in West Columbia. •



As the holiday season is upon us, we find ourselves reflecting on the past year and those who have entrusted us with your business. It's been our privilege to serve you.

May the coming year hold an abundance of health, wealth, and joy for you and yours.

**Seasons Greetings and
 Happy New Year!**