



The Road to Justice Starts Here



Straight Scoop on Recorded Statements

If you've been involved in an auto accident in which the other driver was at fault, count on getting a call from his/her insurance company at some point. They'll likely be requesting a recorded statement. No matter what they try to tell you, **you are not required to give them one.** They may even claim that you can't get paid without it, which is a blatant falsehood.

The at-fault driver's insurance adjuster may be pleasant and charming, but their only goal is to reduce the amount of money their employer pays out. That means claim denials...including yours. A recorded statement gives them ammo to twist or stretch your words. An adjuster may phrase their questions in ways that deceive you into giving responses that hurt your case—without your ever realizing it. They will claim you're lying if your statement isn't a carbon copy of statements you've given to others (e.g., to a police officer or at a deposition hearing), even though that's natural when multiple statements are given weeks, sometimes months, apart.

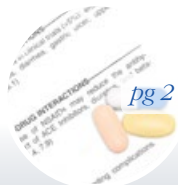
You are, however, obligated to cooperate with your own insurance company, which might include giving a recorded statement to enable your insurance company to make a recovery for your claim. You could request that your insurance company agree in writing that they will not share your statement with the other side.

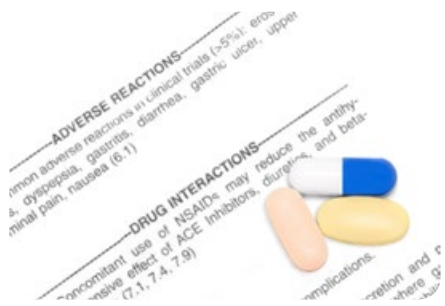
Bottom line: Never give a recorded statement to the at-fault driver's insurance company; it will only hurt your case. You *must* cooperate with your own insurance company.

If you've been injured in an auto accident as the result of another's negligence, contact us for a free consultation on how we can help you protect your rights. ●



July 2016 News





Common Causes of Wrongful Death

Wrongful deaths—those that are caused by the negligence or misconduct of another party—are more common than a lot of people think. For instance, it's estimated that medical malpractice alone may be responsible for nearly 100,000 deaths annually.

While some wrongful deaths occur instantaneously as a result of a fatal injury, other deaths can take a long time to happen—sometimes many months or even years—from serious injuries such as traumatic brain injuries, internal bleeding or spinal injuries.

Some of the most common causes of wrongful death include:

- Car accidents
- Medical malpractice, such as serious surgical errors or medication errors. Other examples of medical malpractice can include misdiagnosis, failure to diagnose or a delayed diagnosis.
- Defective products, especially in cases in which medical products are involved.
- Dangerous drugs or drug interactions.
- Workplace injuries, especially at construction or manufacturing sites.
- Slip and fall premises liability injuries.

No matter what the cause or how long the wrongful death took to occur, surviving family members (such as a spouse or children – including adopted children) or, in some states, life partners or even distant family members, have the right to sue for wrongful death and recover compensation for damages they have suffered.

We have experience in representing surviving family members in many types of wrongful death cases. Please contact us if you believe that you might have a case. ●

Did You Know?

According to the Consumer Product Safety Commission (CPSC), there were an estimated 10,500 fireworks-related injuries and five deaths resulting from everyday people using fireworks during the most recent year for statistics.

In addition, the CPSC indicated that:

- Children younger than 15 years of age accounted for 35 percent of the estimated injuries. Nearly half of the estimated emergency department-treated, fireworks-related injuries were to individuals younger than 20 years of age.
- Children 5 to 9 years of age had the highest estimated rate of emergency department-treated fireworks-related injuries (5.2 injuries per 100,000 people).

Our firm wants every family in our area (and everywhere else for that matter!) to safely enjoy the sights and sounds of fireworks this summer season. For that reason, we urge you to please always keep a close watch on your children around fireworks. ●



July 2016 Important Dates

July 4
Independence Day

July 17
National Ice Cream Day

July 19
JRS's Birthday

July 23
National Hot Dog Day

July 24
Parents' Day

July 30
National Cheesecake Day

Challenging CDV 2nd Edition Published



Attorney James Snell has recently published an updated version of his book Challenging CDV. The 2nd edition, currently for sale on Amazon.com, is updated to include changes in South Carolina law due to the 2015 Domestic Violence Reform Act. The book also includes new chapters discussing counseling programs, factual defenses and trial procedures.

This book answers questions such as is domestic violence a misdemeanor or felony, how should you plead in court, and how seriously should you take a no-contact bond order. It was written to be a “must-read” for anyone facing a domestic violence criminal charge.

If you would like to receive a printed copy of the book please let us know. A copy will be mailed to you free of charge.

Announcing Lisa Comer as the new Lexington County Clerk of Court!

This past June Lexington County voters decided the race for the Lexington County Clerk of Court. We are pleased to announce that the winner was Lisa Comer. Mrs. Comer has several years of experience working in the Clerk’s office in both Lexington and Aiken Counties. Although the June election was the Republican primarily, since our local candidates will not face opposition in the general election, the race is considered decided.



The Clerk of Court’s responsibilities include management of the lawsuits pending in Common Pleas (civil court) and Family Court, filing records in General Sessions (criminal court), summoning jurors, and supervising the collection of court ordered child support. It is a big job, and since the county has gotten so populous, also involves hiring and supervising a good number of employees.

Mrs. Comer came by our office to introduce herself to our staff after her big win. We are all looking forward to working with her and are sure she will do a great job for the citizens of Lexington County.

Rick Hubbard Elected Eleventh Circuit Solicitor

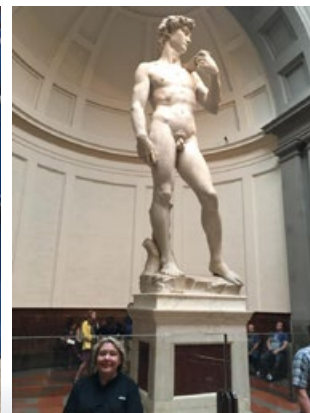
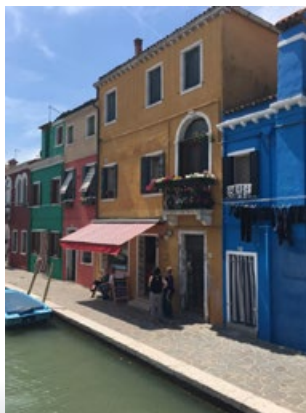
The other big race decided upon this June was for the new Solicitor for the Eleventh Judicial Circuit. This circuit is comprised of Lexington, Edgefield, Saluda, and McCormick counties. This race decided the successor for Donnie Myers who has held the post since 1976. After a close initial election, Rick Hubbard easily won the June 28th run-off. For those new to South Carolina, Solicitor is our term for District Attorney.

Mr. Hubbard has over twenty years of experience working in the Solicitor’s office. He was promoted through the ranks to the position of Deputy Solicitor, taking a lead role in training new prosecutors and working on many of the more serious cases. We were very pleased to support his candidacy.

Although we have no doubt that Mr. Hubbard will insist on vigorous prosecution and substantial sentences in many cases, we know that this will also be tempered with good judgment and a willingness to offer a second chance when merited. This will include continuing the juvenile arbitration program, pre-trial intervention program, and drug court.

Jim and Lee Trip to Italy

This past May Jim and Lee went on a trip to Italy, traveling to Venice, Florence and Rome. Highlights of the trip included a gondola ride, Michelangelo’s David, and joining the crowd in St. Peter’s Square in the Vatican to see the Pope. Italy is a country full of history, and it seemed like everywhere you looked there was significant art, architecture or at least a great restaurant. Here is a picture of the island of Burano in Venice, Lee with David, and Jim with the Pope (he is way in the background). ●





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Legal Question of the Month

I received a notification in the mail for a class-action lawsuit regarding a refrigerator I bought a few years ago. It is from a law firm I've never heard of and based out of California. I would rather hire you to handle my case. Will you help me?

A class-action lawsuit is one where multiple people who have all suffered the same type of loss participate in a single case. The advantage for the participants is that they can divide up the legal fees and expenses among many other people. For example, this may allow for a lawsuit against a company even in cases where the individual loss may only be a few dollars, but when combined with everyone else the damages are in the millions.

In these cases the legal fees are paid either by the company as part of the settlement, or out of the total amount collected among all of the participants. Although anyone eligible to participate as a member of the class legally can hire their own lawyer to represent them, they would then be responsible for 100% of their own legal fees. To hire a lawyer in South Carolina to travel to California and represent you in a lawsuit might cost tens of thousands of dollars – not worthwhile if your settlement is going to be just a few dollars or a coupon.

If the refrigerator had a design or manufacturing defect that lead to a significant loss to you or your family (house-fire, causing someone to get seriously hurt, etc.), then you will want to consult with your own attorney rather than just simply participating in the class. This is because your damages are specific to you, and are not going to be the same as the other hundreds or thousands of people involved in the case.

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

