



# The Road to Justice Starts Here

**\$100  
Christmas  
Gift Card  
Offer**  
See Page 4.



## Documenting Your Injuries after an Accident

If you've been involved in a car accident, your immediate focus should be on your physical health. Right away, you should begin the process of documenting your injury if you are considering filing a personal injury claim. Here are some tips:

**First, visit a doctor as soon as you can.** Delaying a doctor visit after you've been in an accident can give the insurance company all of the ammunition it needs to deny or minimize your claim (the assumption is that you must not be that hurt if you could put off seeing a doctor).

You will want to communicate with your doctor openly and inform them of any pains, bruises, or bumps that have occurred as a result of your accident.

**Discuss your daily activities with your doctor.** If you experience pain and discomfort while completing your normal daily activities, let your doctor know and get documentation.

**It is critically important to keep all follow-up appointments after your initial visit.** If your doctor recommends physical therapy to recover from your injuries, then attend every appointment and complete the treatment.

Throughout your treatment, be sure to save copies of all records and keep them in a safe place. You can present these records to your attorney, or you can use them if you are settling your own case. If your claim goes to trial, having good documentation will really help your case. Test results, X-rays, and MRIs are very powerful pieces of evidence for juries. If you present these types of medical evidence at trial, it will be very helpful for your case. ●



November 2015 News





# Lawyers Attended National Criminal Defense Training

Two of our attorneys recently completed training sponsored by the National Association of Criminal Defense Lawyers and the National College for DUI Defense held this October at the Bellagio Resort in Las Vegas, Nevada. The coursework included presentations on alcohol breath testing, field sobriety testing, jury selection, and 4th amendment search issues. We took some pictures of the Bellagio's fall decorations for you here. ●



## Legal Terms of the Month... Deposition and Pro Se

A **deposition** is the oral testimony of a party or witness in a civil proceeding that is taken before trial and it takes place most often at an attorney's office. An attorney asks the questions and the deponent, the person being asked questions, responds to those questions. These questions and answers are recorded by a court reporter/and or videographer and become testimony.

Deposition testimony is generally taken under oath so the court reporter and deponent sign affidavits that state the testimony is accurate. The testimony is then transcribed into a written transcript and used as a discovery tool by attorneys to prepare for trial.

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To act "**pro se**" in a legal claim means that you are representing yourself without the help of an attorney. For those people who do file cases on their own behalf, it is important to understand that the Court still expects the **pro se** filer to follow all the rules and procedures that an attorney would follow.

If you or someone you know is thinking of acting **pro se** in a legal issue, it is worthwhile to talk with an attorney at our firm. You may be able to get some guidance or discover that you really do need the help of an attorney. One thing you certainly don't want to have happen is getting in over your head with a legal situation without an attorney being able to help you. ●



# Legal Question of the Month



I hired the high school boy who lived down the street to do some yard work for me. While he was on my property he fell off my steps and hurt his ankle. My steps weren't broken, I think he just wasn't paying attention and tripped on his own feet. His mother e-mailed me and is asking me to pay \$3,000 for his medical bills. What should I do?

As a homeowner you are not automatically responsible just because someone was injured on your property. You would only be responsible for the medical bills in the event that your steps were in an unreasonably unsafe condition. If your steps are fine, and you didn't do anything else to cause the fall, then you would not be legally responsible.

Some people believe that if you hire someone to perform an odd job then you are liable for any injury, just like a regular employee could be under the Workers' Compensation system. But since you aren't a regular employer, and don't keep multiple employees on regular duty, then you aren't required to provide Workers' Compensation type benefits.

I wouldn't get too stressed about this. You should turn this over to your homeowner's insurance company. Although no one wants to see a claim made, your insurance company will provide you with a professional adjuster who will handle the claim going forward. Your insurance company is only responsible in the event that you are. Under the facts presented it doesn't sound like it to me.

*Do you have a legal question that you would like to see featured here? If so, e-mail it to [jamesnell@snelllaw.com](mailto:jamesnell@snelllaw.com). If your question is used you will receive a \$25 Starbucks gift card. This month's question was submitted by a reader from Lexington. •*

November 2015 - Events and Observations

**November 1**  
All Saints Day

**November 1**  
Daylight Savings  
Time Ends

**November 3**  
Election Day

**November 11**  
Veterans' Day

**November 26**  
Thanksgiving  
Day

## Workers' Compensation Update

There have been a few recent updates to Workers' Compensation cases. Probably the most significant is that mediation is now being required in most serious claims. Mediation is a settlement conference, and can be a very good opportunity to resolve cases outside of a full hearing before a Commissioner.

The other update has to do with a recent opinion from the South Carolina Supreme Court. Previously the Workers' Compensation Commission was rejecting many claims due to certain types of slip and fall injuries. The Supreme Court clarified prior court rulings to hold that Workers' Compensation benefits should still be provided in these types of claims.

Our office regularly represents clients with Workers' Compensation cases. In the past year we have assisted clients with injuries including broken arms, scalp lacerations, and damaged backs. If you have filed or are planning on filing a claim, we would be happy to meet with you to let you know what you can expect and what we can do to help. •





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## \$100 Christmas Gift Card Offer

In just a few weeks the Black Friday and Cyber Monday kickoff to Christmas shopping will be upon us. The Law Office of James R. Snell, Jr., LLC, would like to help two lucky newsletter subscribers out by providing a free \$100 Wal-Mart gift card that can be used to purchase gifts, groceries, decorations, or whatever else needed to make it through the season.

If you'd like your chance at winning e-mail [jamesnell@snelllaw.com](mailto:jamesnell@snelllaw.com) with the subject Christmas Gift Certificate in the subject line. Your e-mail must be sent by November 19, 2015. On November 20th we'll randomly select our three winners. **All you have to do to enter is just send me an e-mail!**

**Legal Fine Print:** Winners to be notified by e-mail and must pick up the card in person during our normal business hours no later than November 30, 2015, or card is forfeited. Winners must agree to allow us to announce their winning and take and use their picture in our upcoming newsletter and online. ●

