



The Road to Justice Starts Here

Truck Rollover Accidents



Dangerous tractor-trailer rollover accidents—which occur when a truck flips over while moving—are frighteningly common on our nation’s roadways. Because the wheels have left the ground, the vehicle is totally out of control. Other motorists on the roadway are in jeopardy, as well as objects that happen to be in the runaway truck’s path. In addition, cargo may go flying, possibly striking other vehicles or posing obstacles on the road that may prompt evasive maneuvers...and more accidents. Not to mention, hazardous/toxic payloads can trigger widespread injury and property damage miles from the original accident site, and perhaps long after the incident has occurred.

The most common causes of tractor-trailer rollover accidents include:

Improperly loaded trailer. If a load’s weight is not evenly distributed or properly secured, it may shift while traveling and result in a rollover.

Speeding. The higher the speed, the more potential for rollovers. Rounding a curve or turn too quickly, a shifting load, or hitting an object on the road is all it takes.

Wind. Tractor-trailers are long and broad, making them more susceptible to the effects of wind gusts. High-wind warnings should be heeded.

Careless and reckless driving. This includes a driver’s lack of understanding how to drive his/her rig, impatience, or driving under the influence or while sleep-deprived.

Improper maintenance. Underinflated tires or a damaged suspension can cause a truck to tip over on sharp curves, steep downhill grades, or uneven road surfaces.

Sleep deprived drivers. Federal safety regulations limit the number of hours a truck driver can be on the road. Drivers can still be fatigued, especially if they fail to follow these rules or try to burn the candle at both ends.

Many times trucking companies have professional accident investigators that immediately report to the scene to identify evidence that they can use to block legal claims for personal injury or deaths sustained in these incidents. For this reason it is important for to consult with an attorney as soon as possible if you or a loved one has been seriously injured due to any type of trucking incident. Contact us if you have any questions regarding this type of case. •



August 2016 News



Legal Question of the Month



Last year I began dating a boy in our class who was dating a girl in the eleventh grade. He broke up with her to be with me. His ex won't get over it, and is telling everyone stories about me that are not true. She has told people that I have am bi-polar, have a disease, got arrested for shoplifting, and a bunch of other things that are just crazy. I want to sue her for these lies – how do I go about doing it?

The legal term for making false statements about someone is called defamation. Written defamation (such as something posted online), is called libel. Spoken defamation is called slander. South Carolina recognizes either as the grounds for a lawsuit. In your situation, because the statements involve disease and theft, it actually rises to the level considered defamation *per se*. This does not mean that the judge is going to be happy to hear a case about high school drama, or that you are assured that if you win the case you would receive a judgment for any meaningful amount.

Filing a lawsuit can be as easy as visiting the Magistrate office in the area where the other girl lives and filing out some forms. There will also be an \$80 fee to file the case. But I have to warn you, in South Carolina the Court will never actually order the other girl to pay, even if you win your case. This is because a lawsuit only awards a judgment, which is a right to collect and not a guarantee of payment. Since the other girl is in high school is it likely that she is judgment proof, meaning that no matter what you sue her for and what judgment you might receive, it would be impossible to actually collect.

Based on all of this I'd recommend you think long and hard before you try to file any lawsuit. Keep in mind there is a two years statute of limitations on these sorts of cases. Hopefully this is enough time that everyone involved can move on.

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 Brittany in Columbia. •

Thank you for your referrals!

Every month many of our past clients refer their friends and family to use for their legal needs. We consider this to be one of the biggest compliments that you could pay to us. Thank you again – so much of our success depends on your support.

Just so you know, we accept cases in many types of law including personal injury, workers' compensation, wrongful death, criminal defense, DUI, litigation, and appeals. If we aren't the best place to assist your friend or family member we are happy to refer them to the best attorney we know for their type of matter.

Do You Know Why Marathons are 26.2 Miles Long?

In 490 B.C. the Greeks defeated the invading Persians on the plain of Marathon. Legend has it that a Greek messenger, Pheidippides, ran from the battlefield to Athens to announce Greece's victory, after which he collapsed and died. The distance he covered was...a shade under 25 miles.

The first modern Olympics, held in 1896 in Greece, honored Pheidippides with the inaugural marathon, using the roughly 25-mile distance. However, in the 1908 London Olympics, Queen Alexandra allegedly wanted prime vantage points for the start and finish of the marathon. To accommodate the queen, roughly 1.2 miles were added to the race. The new distance stuck, as the British Empire imposed its will over Ancient Greece . •



The True Meaning of Isthmus



August 15, 2016, marks the 102nd anniversary of the opening of the Panama Canal. The construction of the canal provided a new link between the Atlantic Ocean and the Pacific Ocean—a major boon to world trade. Costs, time, miles, and lives have been saved by not having to sail around Cape Horn, Chile.

A land link between Central and South America did not always exist. The Pacific and Atlantic merged freely until tectonic-plate shifts over millions of years drove a wedge between them, so to speak, forming a land bridge at least 3.5 million years ago: the Isthmus of Panama. A lot of things changed from that point on.

On the Atlantic side, the Gulf Stream current was strengthened. Warmer waters were carried to more northern latitudes. This provided additional moisture to the atmosphere that influenced glacier formation during the Ice Age. It also likely has kept many European ports from freezing during today's winters. On the Pacific side, changes in ocean circulation helped set the stage for El Niño every few years.

The Isthmus profoundly influenced biodiversity. Many of South America's mammals today (50 - 60 percent) came from North America. South American creatures migrating north met with far less success for some reason, but the most handsome ones made it: opossums, armadillos, and porcupines. On the Atlantic side of the Isthmus, there are abundant coral reefs but not a large supply of commercial fish. On the Pacific end, it's the opposite.

And without the Isthmus, Ferdinand Magellan might be a historical unknown. A western route to the Spice Islands might have been old news by his day. ●

August 2016 Important Dates

August 7
National Sister Day

August 13
International Left-Handers Day

August 19
National Aviation Day

August 31
National Dog Day

Jim and Lee Snell Attend the National Trial Lawyers 2016 Summit

Jim and Lee Snell recently attended the National Trial Lawyers' Trial Lawyers 2016 Summit held in Miami Beach, Florida. This is a national-caliber event, bringing together some of the best personal injury and criminal defense lawyers in the country. During the event Jim and Lee participated in the continuing legal education programs on topics that included trucking accidents, defective airbags, criminal trial advocacy, whistleblower claims, and even an inside look into the Bill Cosby litigation. In addition to the legal programs, there was also a keynote address by Terry Bradshaw.

Here are some pictures from the event:



Jim & Lee with Mark O'mara



Lee with Gloria Allred



Lee with Howard Nations



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Road Construction Zone Danger Cuts Both Ways



Each year, hundreds of road construction workers across the country are killed in work zones due to traffic incidents. One of the top causes is drivers who pass on the outside of the construction zone and collide with workers, equipment, or other vehicles. Drivers passing through work zones need to pay attention, follow instructions, and observe the speed limits.

However, construction zones can be dangerous for passersby as well. According to a study conducted by the Federal Highway Administration in 2010, construction zones were the sites of roughly 87,000 vehicular accidents per year, nationally, leading to over 37,000 injuries, not to mention damage to property.

Work zones containing incorrect, improper, or confusing signage; insufficient warnings on lane closures, merges, or shifts; sudden speed changes; missing cones or barrels at key points; dangerously uneven pavement or unblocked, unmarked holes in the road; poor lighting; and construction vehicles entering and exiting the roadway in a reckless manner are a few of the hazards that may lead to accidents.

Road repair/construction is an inevitability. Roadways in a state of disrepair will be a source of danger to motorists and need to be fixed. But it needs to be done with the highest standards of safety and care in mind. All of the situations mentioned previously are completely avoidable.

If you are the victim of negligence at a road construction zone, you may file a claim against a worker, the construction company, the city, or other entity involved in the situation. Contact us if you have any questions regarding this type of case. •