



The Road to Justice Starts Here

Don't Get Burned by the Statute of Limitations



In most states, the time you have to file a claim after you were injured—the Statute of Limitations (SOL)—is generally two years from when you were hurt in an accident (there can be exceptions, though, and your best bet is always to reach out to an experienced personal injury attorney to review the facts of your situation).

Unfortunately, some folks that we speak with are under the mistaken impression that as long as they have initiated conversations with the insurance company, exchanged paperwork, or are actively negotiating with the adjuster, they're in good shape as far as the SOL is concerned. This could not be further from the truth.

Fact is, in order to meet the requirements of the SOL, your injury claim has to be filed in court within the timeframe allowed by the SOL.

Simply getting things rolling and chatting with the insurance adjuster are not enough. Remember, the insurance adjuster is not your friend and is not your buddy. His or her job is to settle your claim for as little money as possible...or to get it thrown out entirely or just make it go away (what better way for that to happen than to have the SOL run out).

To make matters worse, if the SOL does run out, you're out of luck. You can't file to get an extension or get an exception—your opportunity to collect compensation for your injuries is gone.

So, do yourself a favor: if you get injured in an accident and feel you may have a legitimate claim, give our office a call. •



May 2016 News



Legal Question of the Month

I'm interested in building a large outbuilding behind my house. My neighbor has offered to sell me a fifteen foot strip of land so that I will have enough room for my plan. Can you tell me a good website to download a real estate form to do this?



I normally don't recommend that people try to do real estate transactions by themselves. Instead, I'd recommend that you hire a local real estate attorney to help you with the transaction. For starters before you pay your neighbor for the land, and build your building, you'll need to make sure that your neighbor actually owns the property and that it is not covered by a mortgage. Your lawyer does this by conducting a title search that will not only check the documents related to your neighbor's ownership, but will also go back 40 years to make sure that any recorded deeds, mortgages, utility right of ways, or easements aren't going to interfere with your plans. They can also check for restrictive covenants and local zoning rules. Assuming that everything goes well with the title search you can also buy title insurance to protect you just in case there is a hidden problem (for example a forged document from 25 years ago). I always recommend title insurance.

A real estate lawyer will also know how to draft a proper legal description for the strip of land to ensure that you are buying what you think you are buying. You don't want to spend tens of thousands of dollars on a building only to find out later you bought the fifteen feet on the other side of the lot for example. Legal descriptions are something that is very easy to make a mistake on unless you know what you are doing.

A lot of people think that they should try to save money on these sorts of transactions by not hiring a lawyer, but I can tell if something goes wrong you will end up being out a lot more. I am originally from Spartanburg and know a lot of the real estate attorneys there. Please let me know if you'd like me to make you a specific referral.

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 Shelly in Central Pacolet. •



Background on the Heroin Epidemic

Heroin use in the United States has risen dramatically over the past decade—more so in small cities and rural towns than in large metropolitan areas. The “typical” heroin user is an unmarried 18–25-year-old white male without extensive education who earns less than \$20,000 per year. However, heroin's reach stretches across all demographic lines. Since 2010, heroin-overdose deaths have tripled and are double the rate of deaths attributed to cocaine usage.

Heroin is an opiate drug that creates up to 100 times more endorphins—“feel good” hormones—than the body naturally produces. In addition to being potent, heroin is highly addictive, forming a deadly one-two punch.

Several factors converged over the last 20 years to contribute to the current heroin epidemic. Painkiller prescriptions were limited in scope prior to the mid-1990s. However, OxyContin emerged and was heavily marketed to combat a growing “pain epidemic” in the United States. A relatively small group of rogue doctors seized upon the economic opportunity and established “pill mills” throughout the country, which led to a sharp rise in painkiller abuse. A pill mill is an operation in which doctors, clinics, or pharmacies dispense narcotics without a valid medical reason.

Over the past decade, healthcare and government officials have cracked down on pill mills. However, those who were addicted to prescription painkillers soon found heroin to be more accessible and far cheaper—a lethal trend was born.

Our office is available to assist those charged with crimes related to heroin in either Federal or State Court, including possession, distribution, conspiracy, or trafficking. Contact us for a free consultation regarding any criminal drug case. •

Memorial Day Recipe – U.S. Flag No-Bake Cheesecake

INGREDIENTS

Crust

- 1¼ cup graham cracker crumbs
- 1/3 cup melted butter
- 3 tablespoons sugar

Filling

- 1 package cream cheese softened
- 1 can sweet and condensed milk
- ¼ cup lemon juice
- 1-2 teaspoons vanilla
- ½ tub whipped cream – Cool Whip (optional)



INSTRUCTIONS

Crust

1. Combine crust ingredients with fork.
2. Pack gently into pan/dish.
3. Cool in fridge until filling is ready.

Filling

4. Combine all filling ingredients and beat until smooth.
5. Pour into crust and make smooth.
6. Refrigerate for 2 hours to set up.
7. Top with sliced strawberries and blueberries in American flag design.

Author: Amber of Busy Creating Memories. ●

May 2016 Important Dates

May 3
National
Teacher Day

May 5
Cinco de Mayo

May 8
Mother's Day

May 10
Confederate
Memorial Day

May 21
Armed Forces Day

May 30
Memorial Day

Promising Results for Blood Cancer Patients

A new experimental treatment has achieved early, notable success in the fight against blood-borne cancers after chemotherapy and bone marrow transplants have failed. It involves T cells, which are cells that go on seek-and-destroy missions against foreign invaders such as bacteria and viruses. Cancer cells, however, often multiply too quickly and overwhelm T cells. They can also trick T cells into thinking they're a natural part of the body, freeing them to do their damage.

The Fred Hutchinson Cancer Research Center in Seattle has zeroed in on T-cell therapy. T-cell therapy involves withdrawing blood from the patient (the amount of a blood donation), priming the T cells in that blood with synthetic receptors called chimeric antigen receptors, and re-infusing the blood back into the patient. The new T cells are better able to identify blood cancer cells and destroy them more quickly, sparing healthy cells and tissue in the process.

Although the sample size has been small thus far, the results have been stunning. Of 29 participants in a clinical trial who had incurable or constantly relapsing lymphoblastic leukemia, 27 went into complete remission with the new therapy. Results have been extremely promising for those afflicted with non-Hodgkin's lymphoma and chronic lymphocytic leukemia as well.

The development of T-cell therapy is still in the early stages, and the research has yet to be published in a peer-reviewed journal. But the hope is that the therapy will be widely available in 2–3 years. It might also eventually play a role in the fight against solid tumors, such as colon or breast cancer. ●





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Anesthesia Errors

If you or a loved one is planning on having a major surgery, you'll likely research the hospital, the doctors and surgeons who will be involved in your care, and possibly even the surgery itself (if you aren't doing this type of research, you really should, since not all hospitals and surgeons are created equal!).

One critical medical provider you may overlook or forget about is the anesthesiologist. Anesthesiologists are highly trained medical professionals who sedate patients during surgical procedures, ensuring that the patient doesn't feel pain during the procedure or even remember the procedure itself.

But, as with any part of a medical procedure, mistakes can and do happen when anesthesia is administered.

Some of the most common anesthesiologist mistakes include, but are not limited to:

- Failure to monitor the patient
- Administering too much or too little anesthesia
- Leaving a patient unattended
- Not assessing a patient properly before surgery (this can include not asking about a patient's prior medical history, not checking on any allergies a patient may have to medications or other items, or not asking if a patient has had anesthesia before and whether the he or she experienced any problems if they did)
- Not controlling the sedation gas flow properly
- Improperly administering oxygen

If you or a loved one suffered serious injuries as a result of a medical procedure or surgery, it can be difficult to determine exactly what went wrong and who was responsible, and medical malpractice cases can be incredibly complex. If you have questions about problems or injuries that arose from a surgery, please call us to make sure your rights are protected. ●

