



# The Road to Justice Starts Here

## The Complexities of Medical Malpractice Cases



There's no use sugarcoating it: Roughly 80 percent of medical malpractice cases result in no payment to the injured party and/or their family. Prosecuting a case is expensive, time consuming, stressful, and the complexities can be daunting. All told, most attorneys will decline to pursue a case unless injuries and damages are well documented and substantial.

To be part of the 20 percent of cases that *are* successful, you must show all of the following:

**A doctor-patient relationship existed.** If you overheard a doctor giving advice at a holiday party, followed it, and were injured, that won't cut it. You must have "hired" the doctor, and he/she consented to the hiring.

**The doctor was negligent.** You must show that the doctor deviated from the normal "standard of care" in your diagnosis and/or treatment. "Standard of care" is what a reasonably prudent medical practitioner would or would not have done under the same or similar circumstances.

**The doctor's negligence was the source of the injury.** In some situations, patients may have already been sick or injured when alleged negligence occurred. This can greatly muddy the waters as to whether harm was ultimately caused by the medical provider or resulted due to the previous/current illness or injury.

**The injury led to specific damages.** If a medical provider does something wrong that "could have harmed you," but didn't, you've got no case. A person may file a claim for physical pain, mental anguish, additional medical bills, and lost work and earning capacity.

If you have questions regarding your rights contact our office for more information. ●



November 2016 News

NATIONAL  
DOMESTIC  
VIOLENCE pg 2



# James Snell appointed to the 11th Circuit Domestic Violence Fatality Review Committee



James Snell was recently appointed to the Domestic Violence Fatality Review Committee that will be serving the 11th Judicial Circuit (Lexington, Edgefield, McCormick, and Saluda counties). This is a new committee created by legislation enacted earlier this year.

As part of this appointment he participated in a two day training program held on October 17th and 18th, which included speakers and workshops on looking for ways that the law enforcement, social services, and other agencies may be able to appreciate and respond to red-flags that relationship violence may turn deadly.

Other committee members include representatives from law enforcement, the solicitor's office, domestic violence counselors, social services, and the medical community. The committee will be identifying and reviewing specific incidents where a homicide or suicide was linked to domestic violence.

The specific analysis and review of individual incidents will remain confidential. The committee will use the information gathered in the review process to make recommendations to local agencies and services providers for ways that they can improve identification and response to potentially high-risk situations.

James Snell is the author of the book, Challenging CDV. This book, now in its second edition, reviews the law and defense strategies available for anyone charged with domestic violence. It was written to be a "must-read" for anyone facing this charge. You can receive a copy for free by stopping by our office, or through our website [www.cdvlawyer.com](http://www.cdvlawyer.com). •

## Have You Heard?

The massive, iconic "basket" building in Ohio is still on the market...over 18 months after it was originally listed. Built in 1997 for around \$32 million as a corporate home for Longaberger – the famous decorative basket maker – the building has struggled to attract buyers, likely due to its unique look and challenging location. Located about 40 miles outside of Columbus, Ohio, the building recently saw its asking price reduced from \$7.5 million to \$5 million. •

*Photo by Niagara66 - Own work, CC BY-SA 4.0, commons.wikimedia.org/w/index.php?curid=51728782*



# Lithium-Ion Batteries Pose In-Air Hazards



Recently, Samsung Galaxy Note 7 smartphones brought attention to the potential hazards posed by lithium-ion batteries, which have become a standard feature of portable consumer electronics such as phones, tablets, and laptops. They are popular because they pack a lot of power in a small component. One drawback: They are highly volatile and more susceptible to catching fire. That's potentially problematic, especially at 30,000 feet.

The Federal Aviation Administration (FAA) warns that batteries in an airliner's cargo hold are a disaster waiting to happen. Congress has tied the FAA's hands with respect to placing restrictions on battery-powered devices on aircraft. Instead they have deferred to the recommendations of the International Civil Aviation Organization, a U.N. agency, which states the devices should not be transported on passenger planes as cargo or in checked baggage.

It's safe to say that major restrictions or outright bans of lithium-ion battery-powered devices on airliners would create a heavy backlash from travelers. In addition, airline security measures are often long and tedious as it is; another layer of delay would not sit well.

The FAA does have standards in place to minimize the damage of onboard fires. Seat covers, carpets, dividers, and curtains are composed of special flame-retardant materials. That doesn't help with smoke issues, however. A full-blown laptop fire can be active for 30-40 minutes. Cases to contain the fire and smoke of battery malfunctions are available for purchase, but how many people will buy them?

People need to travel by air; it's simply not practical to ban their devices. Let's hope that manufacturers can quickly develop a safer battery that allows us to continue to enjoy our portable devices while we fly the friendly skies. ●

November 2016 Important Dates

- November 1**  
All Saints' Day
- November 6**  
Daylight Saving Time Ends
- November 8**  
Election Day
- November 11**  
Veterans' Day
- November 12**  
Shannon's Birthday
- November 24**  
Thanksgiving Day

## A Thanksgiving Treat

Here's a simple and fun recipe/craft that you and your kids are sure to enjoy this Thanksgiving:

### INGREDIENTS

- 2 Oreo Double Stuf cookies
- 1 malted milk ball (like a Whopper)
- 4-6 candy corn
- Icing (optional)

### DIRECTIONS

- Take 1 Oreo apart. This will be the base.
- Place the whole Oreo on its side on the base, so that it sticks to white of
- In front of the Oreo on its side, place a malted milk ball for the turkey's head
- Place candy corn, points down, in between the Oreo cookie that is stand
- Use icing for eyes and waddle if you want.



Photo by NcMysteryShopper



Source: Food.com. ●





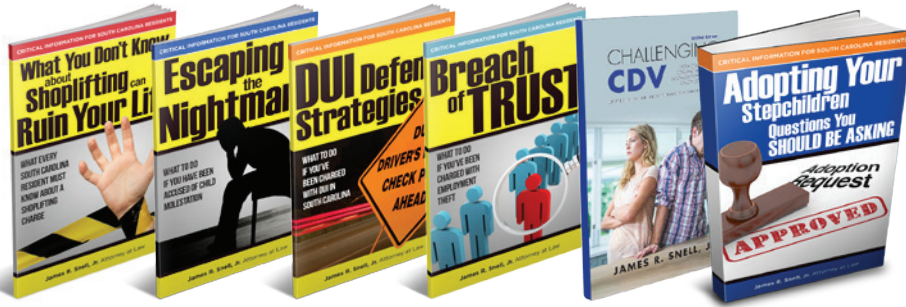
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## Lawyers and Staff Attend National College of DUI Defense Training

Recently attorneys James Snell and Vicki Koutsogiannis attended the Defending With Integrity seminar conducted by the National College of DUI Defense and National Association of Criminal Defense Lawyers held in Las Vegas, Nevada.

Program highlights included seminars on cross-examination of the arresting officer, challenging field-sobriety tests, and defending against blood-draw DUI arrests in situations where the client is unable to afford an expert.

Attendance at national training events such as this allows our attorneys to stay up to date on the latest defense techniques, and to also meet with and network with some of the best DUI defense attorneys from around the country.

All of the attorneys in our office are members of the National College for DUI Defense.



This year was the first year that a training program was also held for staff. Shannon Williamson attended. The staff portion included an emphasis on implementing the best in-office systems to help make sure that DUI cases are handled in the most effective manner possible, and to help maximize client service. Shannon was the only employee of any South Carolina law firm to participate. ●