



The Lyles Law Firm, LLC

Newsletter

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The Lyles Law Firm, LLC
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The Dangers of Slips and Falls

Almost every twenty seconds, a worker is injured on the job, and almost every hour, a worker dies from injuries that occurred while on-the-job. Employers are well aware of the negative impact these statistics have on the profitability and morale of their workers. High medical costs, and workers compensation benefits have made safety a priority for businesses.

The Occupational Safety and Health Administration or OSHA is responsible for the federal code of Regulations that deal with safety in the workplace.

Recent statistics estimate that thirteen percent of accidental deaths that happen at work occur due to falls. Twenty years ago, in 1988, the amount of falls which caused deaths was only beaten by the amount killed in automobile accidents.

In that same year, more than 143 billion dollars was awarded for workers' compensation cases. This does not even account for the disability cases in which funds will be paid out indefinitely.

For every fall which is followed by a claim, the usual indemnity is around five thousand dollars, with two thousand dollars being provided to cover medical costs.

The occurrence of these falls has lessened with the use of proper safety equipment which has led to a reduction in the cost to the industry. However, there will always be ways for industry to become safer.

In any case when there is a slip and fall,

it is important to seek legal advice. It can be difficult to obtain benefits from all slips and falls, because of the requirement of culpability of the company or restaurant at which the person falls. These requirements do not apply to worker's compensation cases though. One such requirement is that the store or restaurant must know that the spill was there and must neglect to put a sign up warning customers to be careful around the spill.

An attorney who has experience in cases involving falls, like Mr. Lyles, will be able to guide you through the do's and don'ts of claims and medical care in the aftermath of the fall.



Wills: Will I Be Ready?

The Death of a loved one or business partner can create legal chaos for you. The emotional toll is usually increased by the legal mess known as probate and coping with all those burdens can overwhelm even the strongest person.

Although death may be a certainty, the exact date and time are unknown. Because of this, few of us get around to preparing a last will and testament. We simply do not want to confront our own mortality.

It may be trite, but it's true, that you can't take it with you when you die. The good news is that when you depart for greener pastures your financial problems stay behind; the bad news is that your family may be stuck with those problems.

Issues that often arise

after someone dies are: who pays the debts, who gets the personal and real property, who resolves disputes among family members or other heirs, who interprets the will, what do you do with heavily mortgaged property, and who pays the funeral bill?

These are some of the issues that are resolved through a process called probate. Dealing with these matters is so unique and important that the Probate Court was created to deal with these decisions. Even though there is this specialized court, the decisions made in it can be appealed to a higher authority.

After the religious rites and family gatherings are over it is time for someone to find the deceased's last will and

testament and secure the property from theft or other adverse consequences. The will nominates someone as the Personal Representative or Executor of the will. This person takes charge of the property including any documents that may be important.

The Probate Court will require you to complete one or more forms that call for you to list all property of significant value, financial accounts, life insurance policies, and debts.

If you are unhappy or uncertain about being named as heir there are ways to modify the provisions in a will if you consult an attorney now. That makes the process easier, although certain gifts can be refused after death if there are tax or other consequences.

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Feel free to share this newsletter with friends, and contact Mr. Lyles if you know anyone that would like to be added to the mailing list.



Real Estate: What is a Closing?



“The good need fear no law; it is his safety, and the bad man’s awe.”
~Ben Jonson

A closing is simply a meeting of the buyer and seller of real estate at which the agreed-upon deal is concluded. Also present at this meeting will be one or more attorneys or paralegals. Often the real estate agents and mortgage brokers, if any, are likewise present. Some-

times bankers or other agents of the lender will make an appearance at a closing, particularly a closing of commercial property.

During this meeting the documents necessary to complete the transfer of property and money are signed. The number of documents that are necessary to close a typical residential real estate sale in which a loan is involved is staggering. However, the basic, key documents are the title (or deed); mortgage; note; HUD settlement statement; tax forms like a W-9; title insurance binder and the certified check for payment. The documents are there to protect many of the

lender’s rights, not yours. Some of them are required by consumer-protection laws and are there to show the overall cost of the loan and the interest rate being charged.

Dry closings are ones that do not involve the actual exchange of any funds. Ones that only involve refinancing are called loan closings. Closings that do not involve a lender are called cash closings. There must be written proof that the property is covered by homeowner’s insurance and has passed a termite inspection for the closing to take place.

One of the most important document at a closing is a HUD. It sets out the costs being charged to the seller (s) and buyer(s).

You should also insist on receiving a copy of the disbursement sheet which shows exactly what checks are being written to whom by the attorney or escrow agent. You will want to ensure that all existing mortgages on the property are paid off and the original mortgage is marked as paid, filed and returned to the seller. This process called satisfaction of the mortgage. It takes several weeks to take place and should take place by three months after

the closing.

You do not have to be present at the closing at the exact time the other party is there. Often you can come early and sign the documents and then obtain your copies later. However, in most cases it is best to try to attend the closing at the same time as the other party. A husband or wife can sign the documents for the other if a proper power of attorney is executed in advance.

A closing may seem complicated, but it is simply a meeting at which a real estate transaction is finalized, but you should pay close attention to the documents which you sign there to ensure that the deal closed is the deal you intended to



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How You Can Avoid Legal Land Mines

From the Book by Mr. Lyles.

Lesson 31 is about the amount of insurance you should carry on your car.

The law of most states requires that an automobile operated on the public highways have liability insurance coverage of minimum limits. For example, as of 2009, the law of South Carolina requires minimum limits of \$25,000 per person and \$50,000 per accident for damages due to personal injury arising out of a wreck involving that covered auto.

If your insurance

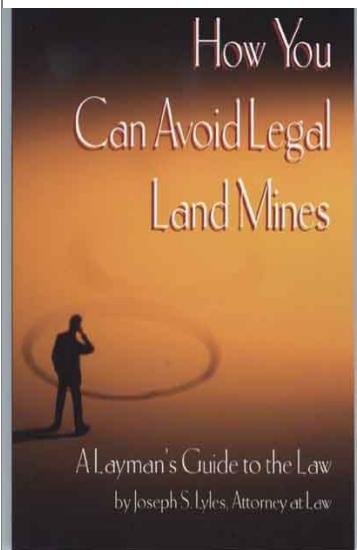
agent tells you that you are “fully covered,” you need to make sure that you know what that means. If by “fully covered” she means only minimum limits, that is not enough to protect you adequately against claims that could arise from an auto accident that you are involved in, particularly one that results in serious injuries to anyone.

Also, it is a good idea to obtain as much underinsurance coverage as you can afford. This type of coverage pays you if your personal injury damages exceed the amount of coverage available from the at-fault driver’s liability policy. Because so little coverage is required, you are very likely to

need underinsurance coverage if you get even moderately hurt in an automobile collision. This is very valuable coverage because it pays you, not some stranger.

Underinsurance is an optional coverage in many states, so you may have to request it. It will also requires the payment of an additional premium, but it is well worth it.

The Lesson: *Make sure you are adequately covered by automobile insurance and investigate what your agent means by “full coverage”. Carry as much underinsurance coverage as you can afford.*





The Facts about Accidents

By: Joseph Lyles

Accidents are usually more disastrous for the injured person/party, whether that person is the one at fault in the accident or not. If the injured person's injuries cause that person to be disabled as a result of the injures, the rest of their life can be ruined by that one accident.

If you are hurt on the job then you are often covered under workman's compensation insurance and you cannot bring a lawsuit for damages against your employer. However, in some cases of on the job injuries, you may be able to bring a lawsuit against the manufacturer of a defective product if that defective product caused your injuries. This is referred to as a products liability lawsuit.

Some accidents cause the death of the victim, and in those cases, close family members of the victim can bring a lawsuit known as a wrongful death action. If the victim survived for some time and then dies, for the patient's suffering, then the family could bring a 'survival' lawsuit.

People, corporations, other businesses, and organizations can be sued for wrongfully causing personal injury to someone for a variety of causes, such as wrecks, dangerous or defective products, toxic torts, unsafe premises, intentional torts, assaults

and/or batteries, intentional infliction of emotional distress, and other wrongs.

In these cases, the injured party would be entitled to receive compensation for his or her actual damages. Actual damages include things like medical, hospital, and chiropractic bills, permanent impairment, scars, lost wages, pharmaceutical bills, and other out-of-pocket expenses. Additionally, the victim is entitled to damages for pain and suffering, as well as future medical expenses, and emotional distress.

In serious cases when the accident is due to recklessness, the victim may be able to collect punitive damages, which are damages designed to punish the malefactor. These are "exemplary damages" because they are intended to set an example by punishing wrongful behavior and thus discouraging future such bad acts.

All these types of lawsuits arising from so-called accidents are part of the civil law system, not the criminal law system. In the civil legal system the accused wrongful actor is not arrested. And if the bad actor loses the lawsuit he or she is found "liable" not "guilty". The verdict for damages is the only remedy in the civil law. Actual damages are not intended as punishment. Only in a criminal case can the wrongdoer be required to go to jail.



The liable wrongdoer who caused the "accident" can escape paying the judgment if he or she has no assets or declares bankruptcy. Thus, in most cases the victim is only actually compensated if the wrongdoer has insurance coverage or sufficient assets.

In conclusion, be aware that every accident case is different. You would be wise to have an attorney review the specifics of your case with you so that your legal rights will be protected. If you delay you could lose the right to make the claim for your injury because of statutes of limitation. Most attorneys, like me, who represent injured people will gladly give you an initial consultation at no charge. If you have been injured, take that wise step now and contact a good lawyer.

Mr. Lyles in the Community

Modest Needs is a charity that has recently caught the interest of Mr. Lyles. It was founded in 2002, and has a self-proclaimed simple mission "working to stop the cycle of poverty before it starts for the low-income workers whom conventional philanthropy has forgotten".

The organization focuses on empowering compassionate members of the general public to safely and securely help hard working and low-income households to afford the short term emergency expenses that everyone has encountered before. These include the unexpected car repair, the unanticipated visit to the doctor, or a large heating bill.

Since 2002, this organization has kept over six thousand low-income individuals and families from entering the vicious cycle of poverty or a lifetime of dependence on public welfare system for their survival.



This organization uses modest techniques and donation collections to help these low-income families. There is also a non-profit grant program through the organization which helps donors to invest directly in small non-profit organizations that are struggling to serve their communities, which also have needs too small to be considered a priority for funding from larger, more conventional grant-makers.

It is easy to become a part of this organization, and each donor can choose where their money is used. Their donation comes with a point value, and the donors

can look at the website or brochure to decide which family to support and how much of your donation goes to them.

They focus on collecting twenty five percent more than each case requires to cover gaps shown in other situations. This makes sure that even other needs are met that are less known about. Modest Needs is around to "make sure that no hard-working person is ever forced to choose between taking a child to the doctor and putting food on the table."



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Directions:

A tan house located
across Grove Road from the
Greenville Memorial Hospital
Campus, near the Ronald
McDonald House.

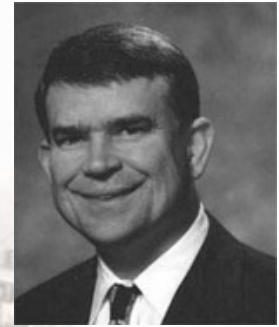


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We're on the Web!
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A Little More About Me

I grew up in Winnsboro, South Carolina. After high school I attended Furman University for 2 years and then I received a BS from Western Washington University in Environmental Studies and then I earned a Juris Doctorate Degree from the University of South Carolina School of Law. For one year I was a law clerk to the Honorable C. Victor Pyle, Jr, Judge of the Thirteenth Judicial Circuit, Greenville, SC., a job I held before I started active duty as a JAG for three years. Since then, I have worked as a member of a firm and as a sole practitioner.



I have practiced law since 1984 in a wide variety of areas including accidents, divorces, injuries, state permits, DUIs, contracts, military law, insurance, disability, employment matters, criminal charges, real estate, probate court, wrongful deaths, wills and trusts, and have gained invaluable experience in court. Over the years my focus has increased on personal injury cases, having represented injured persons in cases involving everything from bicycles to airplanes.

I have appeared in administrative courts, city courts, magistrate's courts (small claims), state courts, federal courts, and appellate courts. My cases have ranged from small traffic tickets to multiple-victim wrongful deaths. Often my practice takes me to the surrounding counties of Anderson, Spartanburg, Laurens and Pickens, where many of my clients live. I have also worked on environmental cases, representing landowners, individuals, and groups in legal contests with big corporations, government agencies, and others.

I live in Greenville County with my wife, Carole Howard Lyles. Many of you knew her father, Ernest Howard, when he was alive and practicing law. We have three children: Jenna (20), Kitt (18), and Brennan (15). I enjoy my family, working on my "mini-farm," other outdoor activities, photography, and reading.

"A Law is valuable not because it is law, but because there is right in it.

~ Henry Ward Beecher

"Law is King of all"

~ Henry Alford

"Man became free when he recognized that he was subject to law"

~ William Durant

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