



The Lyles Law Firm, LLC

Newsletter

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The Lyles Law Firm, LLC
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The Business of Business

By: Joseph Lyles

We go into business to make money, not lose it. And while we are often aware of the need to have a lawyer set up the legal framework of our business or corporation, after that first meeting we often avoid lawyers like they are computer viruses.

But experienced and successful business people know that a good lawyer is an invaluable partner in their business ventures.

In fact, many CEOs of large, successful companies began working as in-house counsel for their companies.

It is wise to assume that your business partners, clients, customers and competitors know more about the law than you do. In all likelihood, they are either being advised by lawyers or have

been in the past, and you should be just as prepared.

Without an understanding of the legal ramifications of every business contract or deal you enter into, you are walking blindfolded through a minefield.

Avoid becoming a casualty by staying informed and obtaining legal representation whenever necessary.

All too often, with new businesses there is one partner who contributes the money and one who contributes experience. Then, at the demise of the business, the partner with the experience walks away with money, and the one who had the money ends up with a painful experience.

Legal representation can help you avoid being the one who receives the painful experience.

A good written contract is just one of the many legal documents that can help you in business. Just as good fences make good neighbors, good contracts make good business deals.

While a written contract cannot prevent a business from falling apart, it can prevent the failure from harming you more than your partners. Cover as many potential issues as you can in your contracts. To write a good contract, mean what you say and say what you mean in writing.



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A Legal Myth: Court on Television

On any given day on T.V. you can find at least two 'court' shows to watch. From the classic, Judge Judy, to the newer, Divorce Court, there are cases for everyone to watch.

The reality of these television courts, is that the viewer is seeing arbitration, where the clients have signed consent to follow the judge and their rulings. These courts are nothing like the real claims courts we believe they are.

There is also a difference in the way the verdict is made on television and in real court, as well as the way it is enforced. On television, the judge is responsible for making the judgment and the two parties have to follow that

judgment under their contracts.

However, the decision doesn't end with the drop of the gavel, instead the contract determines the actual gains and losses of the parties.

Usually, if the plaintiff is successful in her claim, then she is paid the amount of the claim or judgment that she was awarded. If the defendant wins, however, then both parties are paid only an appearance fee.

Furthermore, the television judges are not bound by the same rules of evidence and procedure as official courts have to follow. For example, television judges can decide to accept evi-

dence and testimony that would normally be kept out in federal court.

As these shows have become more popular, lawyers and judges have noticed a change in not only their clients, but potential jurors. Some jurors expect the judges to lash out at the witnesses, though this does not happen in claims court.

The fad of fifteen minute arbitration appeals to a lot of people who want to avoid long trials, but as it becomes more popular, more people are being misled about the true nature of the court system.





The Business of Life



“The law seems like a sort of maze through which a client must be led to safety, a collection of reefs, rocks, and underwater hazards through which he or she must be piloted.”

~ John Mortimer

By: Joseph Lyles

The old saying that “trouble comes in threes” is often proven true. In fact, in the field of law, trouble seems to come by the dozen.

Over the years I have been alarmed by how often someone who has one legal problem also has several other major problems in life, such as poor health, financial challenges, bad relationships or difficulties at work.

These troubles can be the result of many different issues, but together they create one big minefield.

Most people are not defeated by one problem, but by a gaggle of festering troubles that can't be subdued. When a person is fighting many battles on many fronts, it is important for him or her to avoid legal problems. Unfortunately, however, just about every problem in a person's life has a legal component to it.

For example, if you are having a fight with your significant other, under the law, who gets what assets and liabilities if you split up? If your boss is extremely angry with you, what rights do you have to keep your job?

If you have a disagreement with a dealer who sold you a car, what are your rights as a consumer? Or if someone runs a stop sign and totals your car, what damages can you claim and what about your medical bills?

I've had more than one client involved in two separate accidents in the same day, neither of which was the client's fault.

I've also counseled many clients who have separated from their spouses either right before or right after they were laid off from their jobs.

And I've had plenty of clients who say significant others stole money from their bank accounts, or created credit card debt in their names, right before leaving relationships. This gives you an idea of how quickly problems can multiply.

Is it fair? No, but these disasters do happen. So be careful in your personal life just like you are in your business life. And always be sure to contact me if you are unsure about your legal rights in a problematic situation.



Get your free copy today, by simply coming in!

How You Can Avoid Legal Land Mines Legal Lessons for the Practical World

From the book by Mr. Lyles.

Lesson 15 is about remembering that laws change with location. Jeff, who lived in South Carolina, was licensed to practice law in New York. That was impressive because the New York bar exam has the reputation of being the most difficult one in the country.

Jeff, however, was not licensed to practice in South Carolina, which meant he might not be aware of many South Carolina laws. Jeff worked for a textile company and did not practice law,

but he prepared his own Last Will and Testament.

I'm sure he did an excellent job under the law of New York, but unfortunately, the law of South Carolina applied and was unique in that it required, at that time, that a Will be witnessed by three witnesses, not two as was required in most states, including New York.

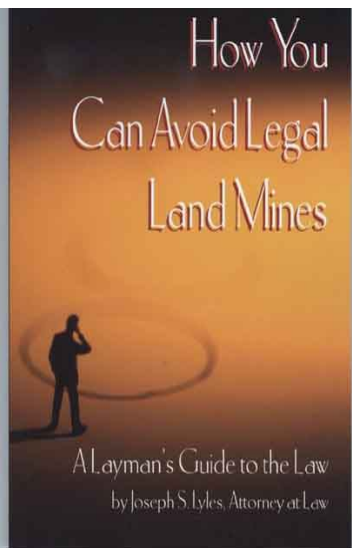
(This unusual requirement has since been abolished, and South Carolina has joined the rest of the nation in only requiring two witnesses).

The outcome was that Jeff's widow found his Will was

worthless in the South Carolina Probate Court.

Jeff's failure to look into the laws of the state in which he was living cost his wife a lot of money and led to the estate property passing to beneficiaries named in the intestacy statute, instead of those he named in his will.

The Lesson: *Be keenly aware that the law varies from state to state in many aspects. Be sure you are following the proper state's law when you are writing or interpreting any important legal document or making a contract.*





Legal Jargon

There are some words that are used in day to day conversations that people generally understand to have a certain meaning. However, there are some words that you should be careful how you use, when dealing with legal issues.

Bill:

Normal Definition: a statement of money owed for goods or services supplied.

Legal Definition: a legislative proposal that will be debated before being voted on.

Complaint:

Normal Definition: an expression

of discontent, regret, pain, resentment, or grief.

Legal Definition: a written statement filed by the plaintiff that starts a lawsuit.

Dock:

Normal Definition: a landing pier

Legal Definition: an enclosure in a court of law where the accused sits during the trial. (English System)

Boiler Room:

Normal Definition: a room in a building that houses one or more steam boilers.

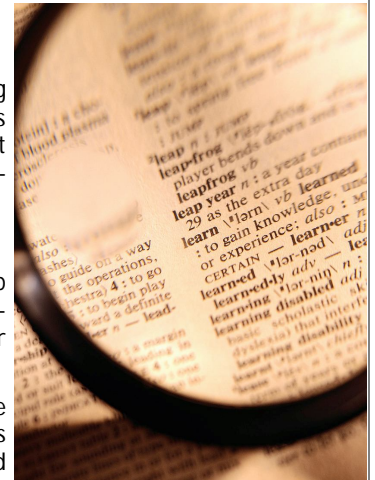
Legal Definition: a telephone bank

operation in which fast talking telemarketers or campaigners seek to sell things, as well as act like they come from an established brokerage or company.

Class:

Normal Definition: A social group sharing the same economic, political, or cultural characteristics, or same social position.

Legal Definition: all people in the same level of rights (like Heirs who are related to the deceased by the same degree), or who have suffered from the same incident.



Definitions provided by Dictionary.Com, and the Legal Jargon Dictionary.

Who Has the Upper Hand?



In a usual injury claim scenario, in which the victim has no legal representation, what advantages does the insurance adjuster have over you, the injured person? Here are a few of the many:

1. The adjuster gets the medical reports and sees what your doctors say in writing, while

you usually never see the doctor's actual written records.

2. The Adjuster has access to legal advice, medical advice, and a huge data base.
3. The Adjuster has no legally required deadline for settling your case.
4. The Adjuster has NO LEGAL Duty to you,

only to the person who is covered by the insurance policy.

5. The Adjuster has received special training on everything from negotiating to insurance law. The only way to stand on equal terms with the insurance adjuster is to retain your own lawyer.

Mr. Lyles in the Community



The mission of Heifer International is to end hunger and poverty and care for the earth. Heifer currently provides 29 different kinds of livestock, plants and trees to families in over 50 countries, including the United States. Every gift of an animal provides direct benefits such as milk, eggs, wool, fertilizer, and indirect benefits that increase family incomes for better housing, nutrition, health care and school fees for children.

Since it began in 1944, Heifer has helped more than 48 million people move toward greater self-reliance through livestock, training, and "Passing on the Gift." Recipients pass on the gift of the offspring of their cows, goats and other livestock to others in an ever-widening circle of hope.

There are many other ways to support this cause. First off is spreading information, which can be found on the organization's website <http://www.heifer.org/>. Another way to help is to volunteer at organizations like this one as well as being generous with your funds. Another thing the website suggests will end world hunger is to buy organic foods or foods which supports an agriculture alternative.

Concerned citizens can also send letters to their senators or representatives asking them to support world hunger relief efforts, explaining it is important them.. The biggest way to help world hunger, according to the site, is to use word of mouth to pass information about this cause along to friends, and family members.

There is an opportunity to help this organization during a mission fair in Greenville on October 19 2008. This event will be held

at the First Presbyterian Church in Greenville and is during their annual mission fair.

The church members have been helping Heifer International for the past year and will share their enthusiasm for the organization during this fair.

To find out more information about the charity and their pivotal work to end world hunger, you can contact the church at (864)-235-0496 or contactus@firstpresgreenville.com.

There is always something that can be done to help world hunger and this organization. If you would like to give of your time or a financial contribution, please contact Courtney Hay at 1-877-663-1685 or courtney.hay@heifer.org.



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610 Grove Road
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Directions:
Across Grove Road from the
Greenville Memorial Hospital
Campus, near the Ronald
McDonald House.

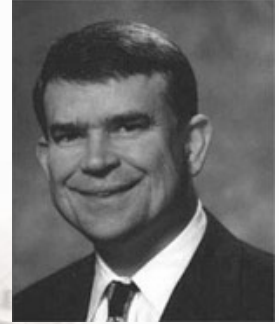


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We're on the Web!
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A Little More About Me

I grew up in Winnsboro, South Carolina. I received a BS from Western Washington University in Environmental Studies and a Juris Doctorate from the University of South Carolina School of Law. I attended Furman University for two years and then spent a year as a law clerk to the Honorable C. Victor Pyle, Jr. Judge of the thirteenth judicial court, Greenville, SC. I then spent the next three years as a Navy JAG. 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, custody disputes, DUIs, contracts, military law, insurance, disability, workers compensation, employment matters, criminal charges, real estate, probate court, wrongful deaths, wills and trusts, and have gained invaluable trial 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 many courts, city courts, magistrate's courts (small claims courts), state courts, federal courts, and appellate courts. My cases have ranged from small traffic tickets to multiple-victim wrongful deaths. Oftentimes, 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 (17), and Brennan (14). I enjoy my family, working on my "mini-farm," other outdoor activities, photography, and reading.

"The purpose of the law is not to prevent a future offense, but to punish the one actually committed"
-Ayn Rand

"Laws should be like death, which spares no one."
-Charles de Montesquieu

"Nobody has a more sacred obligation to obey the law than those who make the law."
-Sophocles

Real Estate: Put it in Writing!



By Joseph Lyles

Two men entered into a written contract for the purchase/sale of an old industrial building for \$600,000. They literally wrote the contract on a napkin. When the appraiser was performing the appraisal, which was required by the commercial lender, he found partially buried barrels of what appeared to be hazardous waste.

Needless to say, a dispute erupted over whose responsibility it was to clean up the waste and whether the purchase had to proceed by the date indicated on the napkin or whether the buyer had the right to delay while the wastes

were being evaluated.

As a result, both sides hired lawyers and filed lawsuits. They accumulated litigation bills and neither side was happy with the outcome.

This case is especially amazing because real estate purchase contracts are easily obtained and specifically cover contingencies like those encountered by these businessmen.

The lesson to learn from this is that you can avoid a costly lawsuit by completing a comprehensively written contract for the purchase or sale of real estate. Have a real estate expert or attorney review all real estate purchase contracts.

FREE durable power of attorney with a preparation of your Last Will and Testament. Offer expires September 30, 2008.