



The Lyles Law Firm, LLC

Newsletter

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The Lyles Law Firm, LLC
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The Law of Flying through the Air, or Aviation Law

What is aviation law? That sounds like a simple question, but the answer is not so simple. The actual legal theory and rules that apply to a case about a contract to purchase an airplane are very different from those that apply to a case about a crash of an airplane. Also, the law that applies to a case about the government attempting to take away a pilot's license is different from the law that applies to a city trying to outlaw late-night takeoffs and landings at an urban airport.

I have been involved in several different aviation cases since I began practicing law many moons ago. My earliest case involved a service

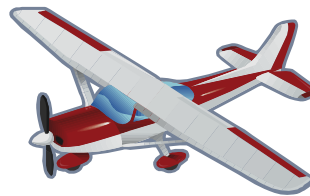
member who fell asleep in the control tower at a Naval Airbase while he was "on duty" as an air traffic controller. In my most recent case, I am defending a private pilot who is being sued by a municipal airport commission for allegedly damaging a unique arrestor bed at the end of a runway.

I have also represented victims who were personally injured in an aircraft crash that was caused by a negligent aircraft maintenance technician. In many of my aviation cases I work in association with another experienced aviation attorney who has flown as a professional airline pilot, as well as an instructor. In fact, we met and became

friends when he trained me for my private pilot's license many years ago. He is John A. Hodge and he is a member of the law firm of Haynsworth, Sinkler, and Boyd, PA.

If you have an aviation case or simply a question about an aviation related legal matter, please don't hesitate to contact me.

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Lawyers, Why Use One?

There are many reasons why lawyers, like Mr. Lyles, are so useful. The following are some examples to help you see why using a lawyer is important.

An exterminator knows how to spray strong poison without contaminating himself or you, just as a lawyer can say or write strong words against the other side without hurting you in the process.

The dentist can pull out that painful, infected tooth without causing more damage to the other teeth, just as a lawyer can solve your main legal problem without causing you additional painful problems.

The plumber can get the toilet to flush again without

your having to get your hands dirty, just as a lawyer can deal with the legal manure without your having to get your hands dirty.

The car mechanic can get your automobile running smoothly so you can get places, just as a lawyer can get your legal-life running smoothly so you can accomplish your goals.

A doctor can prescribe the proper remedy for your illness, just like a lawyer can advise the proper remedy for a legal problem.

A minister can help you deal with life's tragedies, just as a lawyer helps you deal with legal problems caused by many of the same tragedies.

Just as it is a bad idea to try to cut out your own appendix, or perform some other surgery on yourself, so it is a bad idea to try to represent yourself in court.

Just as medical science, computer science, international trade, and other fields grow more and more complex every day, so does the law.

Please call someone who is trained and experienced to lead you through the legal mine fields or you are taking grave risks. I can be your guide if you call me at **(864) 232-1676**.

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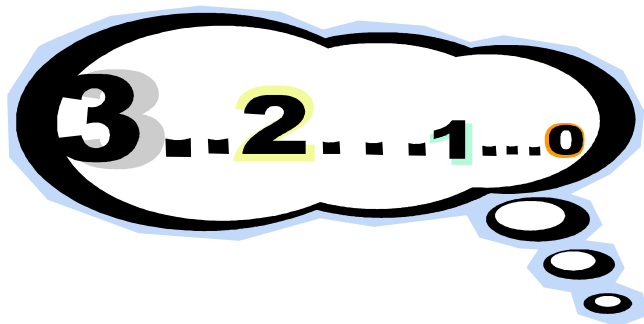
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Statutes of Limitations

What do they mean for my life?



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

~H.W. Beecher

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When deciding whether to pursue a legal case, statutes of limitations are very important. Statutes of limitations are the time limits on the life of the legal right to bring a lawsuit. They ensure that a person could not bring a lawsuit (or other claim) so long after the occurrence that it would be difficult for the participants to remember the event.

When dealing with lawsuits in South Carolina, it is best to file the lawsuit promptly to make sure that the time limitation is no longer an issue. A basic rule of thumb with statutes of limita-

tions is that the limitation period starts when the victim knew or should have known they were either wronged, or injured, which is the "discovery rule". This is important for example, because a victim of medical malpractice may not know what is wrong with their health and not realize that they have been wronged.

The Discovery rule is also difficult to work with because some homeowners discover foul play in the construction of their house long after they began living there. The best thing to do is to file papers as soon as you figure out that there was a problem in the first place with either your house, or medical care received, or other matter.

Because the discovery rule could effectively extend the statute of limits indefinitely for some cases, there are also laws called statutes of repose. They limit how long a person can sue

for a wrong regardless of when they discover it.

On one side, this is a good thing because it keeps an action you might have committed unwittingly twenty years ago from being thrown into your face just because you have made this person mad in the present time. On the other side to this issue, the victim could be upset because they have discovered this wrong too late to make any difference. When this happens, it is best to at least consult with a Lawyer, like Joseph Lyles, to see if there are any other types of options left open to the victim and their families.

These statutes are very important and the victim must be very vigilant to discover the wrongs in a timely manner and decide about the actions they would like to take. The time limits are strictly enforced and being late only a day, will cause you to lose the right to file a lawsuit.

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

From the Book by Mr. Lyles.

Lesson Number 22 Deals with myths about employment law. In a "right to work" state like South Carolina, you can be fired for any reason or no reason, as long as firing doesn't violate a constitutional or statutory right; you cannot be fired because of your race, disability, age, sex, or religion.

If you have an employment contract, handbook or policy manual, it may give you other protections from

being fired.

An employer can fire you because your tongue is pierced or you took too long on a smoke break. Your employer can fire you for being late to work, and for just about any other reason.

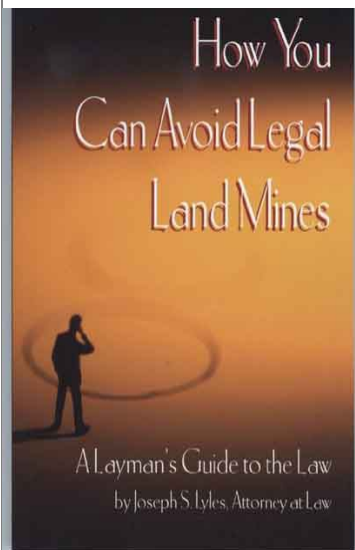
If you suspect you are going to be fired unfairly, try to legally obtain copies of your personnel file. And if you are fired, request that a written explanation for your dismissal be provided in addition to any oral explanation.

You will then have

some evidence for your attorney to review so he can advise you. Written documents are much more helpful to your attorney than reports of rumors, suspicions and innuendo.

The Lesson:

Because there are more and more laws applying to the employer-employee relationship, you should consult an attorney about any serious problem you have with your employer or employee. However, beware of legal myths, such as that an employer has to have a good reason to fire you.





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.

Assault:

Normal Definition: A violent attack, either physical or verbal.

Legal Definition: An unlawful attempt or threat to injure another physically

Binder:

Normal Definition: A notebook cover with rings or clamps for

holding sheets of paper.

Legal Definition: A payment or written agreement legally binding the parties to an agreement until the completion of a formal written contract.

Complaint:

Normal Definition: An expression of pain, dissatisfaction, or resentment

Legal Definition: The written document filed by the plaintiff in a civil action, setting forth the claim, or claims on which relief is sought.

Battery:

Normal Definition: A device for storing electric current energy

Legal Definition: The unlawful use of force to injure another person

Default:

Normal Definition: A failure to act, neglecting to act

Legal Definition: Failure to meet obligations to either a will or a contract, or a loan.

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



Mr. Lyles in the Community



Meyer Center

The Meyer Center helps many children that have special needs to still have the chance at a normal education. This center was started in 1954, by a doctor who made it his mission "to provide quality education and therapy services to preschool children with disabilities" (Mission State-

ment).

This institution is important to Mr. Lyles, as he serves on their Ambassador's Council. This school helps over 125 special children (as shown above) to reach their full potential, no matter what disability they have.

This institution also takes a firm stand on emphasizing the need for respect for these wonderful children who were just born, or act, different than other children. The 20th annual Golf Tournament will be held by the center in May of 2008, with details available from the center at (864)-250-0005.

Walk for the Homeless

Another activity close to Mr. Lyle's heart is the Walk for the Homeless. Once again, in 2007, Mr. Lyles participated in the walk annually held by United Ministries. This walk was held on October 7 of 2007, and will be held again on October 5, 2008.

The walk is set up by United Ministries and intended to help raise awareness for the homeless in the Greenville area as well as showing support for the day shelter called the Place of Hope. This shelter provides different services, from showers to laundry facilities, and phone access for the

homeless people.

Case workers assist participants in finding housing and are able to help about sixty-seven percent of participants into permanent housing. The proceeds made from the walk help take care of expenses incurred during the daily running of the center.

As mentioned above, the walk will be held on October 5, 2008 and if anyone would like more information about it you can contact Rebecca Ragland at either (864)-335-2612 or rragland@united-ministries.org.





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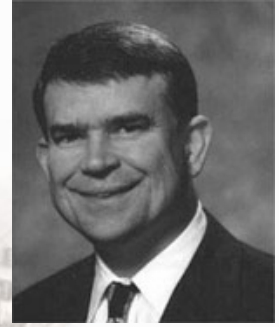
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We're on the Web!

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A Little More About Me

I received a BS from Western Washington University in Environmental Studies and a Juris Doctorate from the University of South Carolina School of Law. After spending three years as a Navy JAG, for one year I was a law clerk to the honorable C. Victor Pyle, Jr, Judge of the Thirteenth Judicial Circuit, Greenville, SC. 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 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 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 many environmental cases, representing landowners, individuals, and groups in legal contests with big corporations, government agencies, and others.

Above all, I treat my clients with respect and dignity, whether they have been injured in an accident, charged with a crime, or been challenged with a family problem.

"The Law is reason free from passion"
- Aristotle

**"The Life of Law has not been logic;
it has been experience"**
- Oliver Wendell Holmes

"Where Law ends, tyranny begins"
- William Pitt

The Reality of Real Estate

Investing in real estate, like all investments, is not guaranteed to make you money. In fact, real estate is one investment that can cost you more money than you invest in it.

It is complex investment, and you need to do your homework first. However, it can be lucrative if done right.

In addition to the economic variables like interest rates that effect real estate transactions, laws have a major impact on real estate ownership and use, particularly as an investment.

Laws at every level of government and regulation affect real es-

tate investments and can often tip the balance between profit and loss.

Laws on land use can likewise have tremendous impact on real estate development or redevelopment for a new purpose.

For many of us, home ownership, and perhaps property inherited within a family, will be the extent of our experience in real estate.

If you wish to invest or deal in the development of real estate, be attentive to certain areas like zoning, easements, environmental considerations.



Be prepared to seek out and tag many more bases in the areas of law and regulation before you score.

Bring in this newsletter for 50% off a simple will!