

## *Bruce G. Dew becomes of Counsel with Turnipseed & Associates*



*I very pleased that Bruce G. Dew has become of counsel with our Law Firm of Turnipseed & Associates.*

*Our experienced staff and attorneys at Turnipseed & Associates and our*

*clients will benefit greatly from the participation and consultation of Bruce Dew.*

*Bruce and I were law partners at the former firm of Turnipseed & Dew for twenty years, as well as good friends. We believe that together, our arrangement will provide you with a dynamic team of professionals who understand your needs and the best legal procedures to help you achieve your goals if you, your family, or friends are ever injured on the job, or in an accident due to negligence or wrongdoing of others.*

## Transportation Terror in Our Own Backyard *Halliburton Come Home — We Need to Rebuild & Repair Here*

BY TOM TURNIPSEED

As I watched the extensive TV coverage of the disastrous crash of an interstate highway bridge over the Mississippi River in Minneapolis/St. Paul while recuperating from a total hip joint replacement, I was reminded of the car crash that first injured my hip as a teenager. My father's '53



Chevy flipped over because of an unrepaired 6-inch drop-off from the paved road surface to the shoulder, a narrow bridge ahead and my own driving inexperience. While adjusting the car radio I had allowed the right front wheel to slip off the sharply elevated road and with a narrow bridge approaching I pulled the steering wheel quickly back to the left, causing the Chevy to flip over. Unsafe highways,

bridges and driving are a genuine terror threat to us all.

About 30 yards through the woods from the backyard deck of my home of 35 years is Piney Grove Road and about 300 yards down Piney Grove is a bridge over Kinley Creek. My wife and I

travel over the bridge daily to get to our pharmacy, bank and the grocery store. At night, we hear giant tractor-trailer trucks rumble down Piney Grove and across the bridge. As the catastrophic Minnesota bridge collapse captured national headlines, a picture of our small bridge and a front-page story in *The State* newspaper — "Safer S. C. bridges? \$3 billion, 20 years" —

***continued on page 4***

## Will Changes in SC Workers' Compensation Law Affect You?

BY ILENE KING

On July 1, 2007 changes in the South Carolina Workers' Compensation Law went into effect. How will these changes affect you if you have a case now or get hurt in the future?

First, the changes in the law apply to injuries which occur on or after July 1, 2007. If you were injured before that date, most of the changes in the law will not affect you. But, if you have an injury after July 1, 2007, there are some changes in the law that may impact the outcome of your case. Unfortunately, some of the changes seem to have been intended to make it a little more difficult for injured workers to get benefits. The unintended consequence of this is that more cases will require the expertise of a lawyer

to get the best outcome.

One big change in the new law is that Appeals from the Workers' Compensation Commission will be directly to the Court of Appeals, instead of first to the Circuit Court. On the positive side, this could speed up the appeal process. But, on the negative side, direct appeal to the Court of Appeals could make appeals more costly and discourage appeals by the Claimant. One thing to keep in mind, however, is that appeals to the Court of Appeals are technically complex and should be handled by a lawyer.

Another change in the law is the type of evidence and level  
***continued on page 3***



## Why Should You Have Underinsured Motorist Coverage?

BY WILLIAM J. JONES



Underinsured Motorist Coverage is an optional coverage that your insurance company must offer you as an insured driver in South Carolina when you buy your automobile insurance policy. Underinsured Motorist Coverage is made to protect you if you are in an accident with an at fault driver whose liability coverage is not enough to properly compensate you for your injuries. This additional coverage

generally only costs you an additional \$2-\$3 a month.

Minimum limits for liability coverage for policies written after January 1, 2007 has been raised \$25,000 per person/\$50,000 per accident. This means that if you are in an accident with an at fault driver having the new minimum liability limits there will only be \$25,000 available towards compensating you for your injuries. The problem is that many of our clients have damages and injuries that easily exceed \$25,000 and are without additional insurance coverage available to meet their needs. People often believe that they can get all their compensation from the at fault driver but this is hardly the case. Most at fault drivers we encounter do not have the income or assets to fully compensate an injured victim and pursuing such individuals personally will hold up recovery of much needed liability coverage funds and will waste money on needless litigation. By purchasing Underinsured Motorist Coverage you can guarantee that you are better protected against suffering for something that is not your fault.

If you would like more information about Underinsured Motorist Coverage please do not hesitate to contact our office as we will be happy to answer any questions you may have.

And now for our Spanish speaking clients, *hablamos Español tambien!*

## We serve our clients by handling their Auto Property Damage Issues

BY JIM GILCHRIST



Turnipseed & Associates assists our clients in resolving their property damage issues. In many cases, insurance companies don't pay individuals a fair amount for the damage to their automobiles that have been involved in accidents. Under South Carolina law, the at-fault party and their insurance company are responsible for paying repairs to your vehicle, a fair amount for loss of use or for an auto rental,

depreciation or a loss in value of your vehicle after repairs are completed, and/or the fair market value of your vehicle if it is totaled in the accident.

We have a great deal of experience in handling cases through the formal arbitration system at the county clerk of court's office. This process is a good, practical approach that assists clients to obtain fair compensation for their property damage and ultimately in getting this part of their case resolved fairly and effectively.

At Turnipseed & Associates, we understand that our clients are very dependant on their automobiles for transportation in their daily lives. When their vehicles are damaged in accidents, their lives are disrupted. We work very hard to assist people in getting things back to normal.



*From our family to yours...*



# Social Security Disability

BY JEFF TURNIPSEED



The Social Security disability program is one of the largest of several Federal programs that provide assistance to people with disabilities. Individuals who have a disability and meet medical criteria may qualify for benefits under The Social Security disability program.

Disability is something most people do not like to think about. But the chances that you will become disabled probably are greater than you realize. Studies show that a 20-year-old worker has a 3 in 10 chance of becoming disabled before reaching retirement age.

Social Security pays benefits to people who cannot work because they have a medical condition that is expected to last at least one year or result in death.

You should apply for disability benefits as soon as you become disabled. It can take a long time to process an application for disability benefits (three to five months). To apply for disability benefits, you will need to complete an application for Social Security Benefits and the Disability Report.

If you meet some basic requirements for disability benefits, such as having worked enough years to qualify, your application will be sent to the Disability Determination Services office in your state.

Doctors and disability specialists in the state agency ask your doctors for information about your condition. They will consider all the facts in your case. They will use the medical evidence from your doctors and hospitals, clinics or institutions where you have been treated.

Your Doctors will be asked about your medical condition and how it limits your activities and affects your ability to do work-related activities, such as walking, sitting, lifting, carrying and remembering instructions.

If your application is not approved by Disability Determination Services, you have the right to appeal.

The first step in the appeals process is called a [reconsideration](#) determination. You will receive a new decision by someone who had no part in the first decision. If you disagree with this decision, you have the right to a [hearing before an Administrative Law Judge \(ALJ\)](#). The ALJ will make an independent decision based on the evidence we have, including your testimony at the hearing.

At the hearing:

- The Administrative Law Judge explains the issues in your case and may question you and any witnesses you bring to the hearing.
- The Administrative Law Judge may ask other witnesses, such as a doctor or vocational expert, to come to the hearing.
- You and the witnesses answer questions under oath. The hearing is informal but is recorded.
- You and your representative, if you have one, may question any witnesses and submit evidence.

As your representative, the Turnipseed & Associates team can help you through the SS Disability hearing process by:

- Getting information from your Social Security file;
- Helping you get medical records or information to support your claim;
- Requesting a reconsideration or hearing;
- Helping you and your witnesses prepare for the hearing; and
- Coming with you to your hearing, presenting your claim, and questioning any witnesses.

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### ***SC Worker's Compensation... continued from page 1***

of proof necessary to establish the cause of an injury and other facts of the case. Almost all cases will now require expert medical and scientific evidence. Obtaining the necessary proof will generally require a lawyer's skill and expertise, except in the simplest cases.

One very good change for injured workers should make it easier to enforce orders of the Commission. Under the new law, if the insurance company fails to do what they have been ordered to do and the Claimant brings an action to enforce the order, the Commission may order the insurance company to pay the Claimant's attorneys fees and costs. This will make it easier for injured workers to retain a lawyer to enforce orders. The insurance company may also have to pay fines and penalties. If it can be shown that the insurance company has a pattern of intentionally failing to pay benefits, the insurance company can lose their licence to do business in South Carolina.

There are several other technical changes that are too complicated to explain in this short article. For example, the shoulder and the hip are now what are known as "scheduled member" injuries and the rule that 50% loss of use of the back constitutes total and permanent disability is now a "rebuttable presumption" rather than automatic. Again, this level of proof will almost always require the Claimant to seek the expertise of a lawyer.

It remains to be seen whether the changes in the law will overall be good or bad for injured workers. But, one thing is clear. The changes make it more likely than ever before that you will need a knowledgeable lawyer to get the best outcome on your case. Give me a call. I'm here to help.

**Transportation Terror... continued from page 1**

focused our attention on the transportation terror in our own backyard. According to the S.C. Department of Transportation, the Kinley Creek Bridge is rated third among 105 bridges most in need of replacement in South Carolina.

For 35 years, my law firm has represented people who suffer severe injuries in transportation accidents. It has become increasingly obvious that we are being terrorized daily by a very real threat of severe injury and death from such accidents. Beyond the need for a much greater emphasis on driver safety and training, we must adequately fund the maintenance, repairs and rebuilding of our transportation infrastructure to develop safer, eco-friendly transportation for our highly mobile citizenry. Statistically there are many more human casualties in transportation accidents each year than in war. President Dwight Eisenhower, who built the now aging interstate highway system, warned us about the military industrial complex. Ike believed in peace and prosperity.

With today's ideology of unquestioned and unlimited spending for national defense and "tax-cuts-are-the-will-of-God," there is very limited political momentum for our very real transportation needs. As Jim Klobuchar, an award-winning columnist for the Minneapolis Star Tribune put it, the prevailing thinking is, "Don't raise the gasoline tax. Don't raise any tax. And for God's sake don't raise the income tax on people who, after a six year feast of tax cuts, can afford to pay more."

Ike would applaud Klobuchar's criticism that "the federal government needs the money to run the world and start wars and build bases on every continent, meaning it doesn't have enough to keep things like old bridges healthy."

A 2005 report card on America's infrastructure by the American Society of Civil Engineers gave the country a D and warned of dire consequences unless a crash program is undertaken to fix it.

There has been a sharp reduction in the federal government's role in maintaining the nation's infrastructure. "In the 1960s, the federal government and the states paid roughly equal amounts to fund infrastructure projects, but state and local governments bear most of the costs these days," according to the Center for Strategic and International Studies. With no national plan for maintenance of the system, decisions on repair and construction are left to the states and localities, and oversight is divided among all three levels of government.

Since the 1970s, deregulation has dismantled social reform and previously enacted restrictions on corporate activities. The result has been a concentration of wealth in the hands of a few akin to the days of the robber barons. President Bush is the personification of a political system determined to destroy all barriers to the accumulation of the personal wealth by the very rich. Taxes are virtually nonexistent on the principle sources of income of the super-rich, like capital gains and other tax dodges.

The money needed to upgrade our transportation infrastructure could be available. Last year's Christmas bonuses to corporate executives exceeded \$100 billion. That is more than twice the annual federal allocation of \$40 billion for the country's roads and bridges. And, what about the \$450 billion already spent on the unnecessary war in Iraq and its ongoing weekly outlay of \$1.8 billion, not to mention the \$533 billion Pentagon budget or the \$555 billion in tax cuts for the rich.

Why can't the Halliburtons come home and repair our bridges, roads, and physical infrastructure and win the war against the transportation terror in our own backyard?

*We protect your rights if you have been injured on the job, in an auto collision or by a defective product. We can also assist you with uncontested divorces, simple wills, living wills, social security issues as well as nursing home neglect cases. Please call if we can help. 803.252.9000 1.800.833.4878*



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