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Harville
LAW OFFICES, PLLC

The Louisville Accident Lawyer Journal

FEBRUARY 2016 • VOLUME 2 OVER 30 YEARS EXPERIENCE

We gladly accept
and appreciate
your referrals

- We are counselors,
not just attorneys
- We meet with our
clients personally -
not caseworkers
- We want you to
understand how the
legal system works as
it applies to your case
- We will keep you
informed and guide
you every step of the
way

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Finding a Lawyer You Can Trust

The legal profession is a regular punching bag in the public eye, and not without any number of reasons.

It's been going on for a long time. In [Luke 11:46](#) (KJV), Jesus said: "Woe unto you also, ye lawyers! for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers." Shakespeare followed that up with his even more famous line from [Henry IV](#), "First thing we do, let's kill all the lawyers."

Ouch! Some people enjoy quoting these lines without any regard for context. Jesus was attacking the highly legalistic society imposed by the Pharisees of his day, while the Shakespeare line was referring to lawyers as the one profession that stood in the way of anarchy.

One [scientific study](#) I read on the internet said that lawyers were

highly respected for competence, but ranked alongside prostitutes in terms of "warmth."

About the worst example I ever saw was after the local paper ran an article about the high rate of lawyer suicides in Kentucky. There were online comments to the effect that this was a welcome trend.

I do find it occasionally troublesome that I am part of a profession that can be the object of such public animosity. However, I have also found that when people find themselves in need of a lawyer, who proves to be helpful to them, that their attitude quickly changes.

The public perception of lawyers causes me to reflect on how we advise and counsel our own clients. When I meet with clients, my natural inclination is to share everything I know or believe from our years of experi-

ence that may be important to their case. This probably comes from my insurance background, because insurance companies want to know about everything that might affect any given case.

But sometimes, to my surprise, I have found that this is not what everyone wants to hear. I have had prospective clients who seemed uninterested in what I had to say and only wanted to hear about "big bucks." There are lawyers who will talk about such things to persuade someone to hire them, but that's not me. Talk is cheap. Our foundation of trust we build with our clients is to provide the best legal services we can for them and let the results speak for themselves. • BDH

Why a Newsletter?

We hope you will find this newsletter to be entertaining and informative. We thought it would be a great way to stay in touch with people who have had a relationship with our firm. We care about the people we have helped and we want you to know that our relationship with you is very valuable to us, even if your case is over.

The reason you are receiving this newsletter is because you are an existing or past client of our firm, or you have contacted us about prospective representation. For this reason, this newsletter is not considered to be an "advertisement" under Kentucky Supreme Court Rule 3.130-7.02 (1)(h). (But this doesn't mean you can't give it to someone you

know!)

We hope to share a little more about who we are and what we do, and not just in our law practice. We would love to hear from you if you like our newsletter!

Our best to all of you!

Brad Harville Dana Skaggs

BRADLEY D. HARVILLE LAW OFFICES PLLC

20 Questions about Kentucky No-Fault

The key to understanding how the legal and medical system works in personal injury cases resulting from motor vehicle accidents in Kentucky.

Dana's Safe Driving Habits Checklist:

- ✓ Stay off your phone
- ✓ Slow down
- ✓ Wear your Seatbelt
- ✓ Practice Defensive Driving
- ✓ Know your Comfort Zone
- ✓ Don't Drink and Drive

Tulo Skaggs



Current Trends in Personal Injury Law

Now that we've finally experienced some winter weather, it seems appropriate to talk about a case that was recently decided by the Kentucky Supreme Court in September, 2015, *Carter v. Bullitt Host, LLC*. This case marks a significant change in the law as far as liability for slip-and-fall injuries due to snow and ice on a landlord's or business owner's property.

Before the *Carter* case was decided, the rule of law, generally speaking, was that a landlord or business owner did not have any

duty or liability with regard to natural outdoor hazards such as snow and ice that were open and obvious. Such cases often resulted in a motion for summary judgment and dismissal.

Carter, on the other hand, now says that a landlord or business owner may still have a duty of care to remove or eliminate the dangers presented by open and obvious, naturally occurring accumulations of snow and ice, depending on the circumstances of the case.

The upshot of the *Carter* deci-

sion is that trial courts are going to be less likely to dismiss such cases, which means that a jury will ultimately get to decide the question of liability unless the case is settled.

Practically speaking, this means that slip-and-fall cases due to snow and ice should have stronger settlement value than they did pre-*Carter*, since liability insurers must either settle the case or face the expense and potential risk of defending the case at trial which they typically prefer to avoid.

Advice Column - Your Driving Habits

Dana Skaggs, our resident Bardstown commuter and "road warrior," has these tips for safe driving in 2016:

- (1) STAY OFF YOUR PHONE. In 2015, in Jefferson County alone, there were 250 known collisions as a direct result of cell phone use - 67 of those resulting in reported injuries.
- (2) SLOW DOWN. It's better to arrive there safely even if you are a few minutes late.
- (3) WEAR YOUR SEATBELT.

(Of course.)

- (4) PRACTICE DEFENSIVE DRIVING. Oh, if I had a dollar for every time my dear Dad preached this one, I'd be a rich woman. Be aware of others around you and what they are doing (braking, easing out of a side street, trying to pass). Even if someone does something really stupid you still may be able to avoid an accident.
- (5) KNOW YOUR COMFORT ZONE. If you can't see

well in the rain, catch a ride and/or pull over to a safe place (an emergency lane is NOT a safe place) until your visibility is better. Do you panic when you are driving in major metro areas? Leave early so you can take your time and can afford to stop and ask a local for directions.

(7) DO NOT DRINK AND DRIVE. You know this already. Ride with a designated driver or call a cab or Uber. Don't put yourself and others at risk.

Favorite Pet of the Month

Name: Tulo

Owners: Skaggs family

Age: Around 4 (a rescue dog, he was about 1 when we got him)

Breed: Airdale Terrier (a.k.a. "King of Terriers"); weighs in at a whopping 50 lbs!

Favorite food: Cheese - any kind!

Favorite treat: Chicken jerky

Favorite activity: Fetch with any ball or stuffed duck that quacks

Personality: Smart, curious, watchful, loves people but sometimes forgets he's not a lap dog!

Are you a pet lover? We are! Dana Skaggs serves on the Board of Directors of [Barkstown Rescue](http://BarkstownRescue.com). Brad and his family love pets, too!

If you want to tell us about your pet(s), send an e-mail to bdh@harvillelaw.com with a photo and we'll try to put this in a future issue!

Collision and Comprehensive Coverage



Last newsletter I discussed purchasing as much auto insurance you can reasonably afford to protect you and your family in the event of a serious injury.

That message doesn't necessarily apply to collision and comprehensive coverage under your auto policy.

These two coverages, which are optional, go hand-in-hand to protect your vehicle against damage, regardless of fault. Collision coverage protects your vehicle against the risk of collision with another vehicle or

object. Comprehensive coverage protects your vehicle from other types of damage, such as flood damage, hail damage, glass damage, hitting a deer, theft, vandalism, and so on.

Such coverages are typically offered with deductibles ranging from \$250, \$500 to \$1,000. The higher the deductible, the lower the premium.

If there is financing involved, lenders will normally require both of these coverages for the life of the loan.

When do you drop these coverages with an older vehicle that you own free and clear? There is no set rule.

However, the most important factors are the book value of the car, which you can check on many websites, and comparing that value with how much you are paying for these coverages on that car each year. Keep in mind your insurance company may not value your car as high as you do.

For example, if you're paying \$500 per year to insure a car that may be worth no more than \$2,500, then you're paying 20% of the value of the car each year to insure it. At that point, it may be time to consider dropping these coverages.

Stupid-Easy Recipe of the Month

Buffalo Chicken Chili

Just in time for the Super Bowl! Lots of ingredients but all you do is throw them in a big pot. Stupid easy!

Ingredients:

- 2 to 2.5 lbs. chicken breast cut into small strips (you can cut them up yourself and brown them or use pre-cut grilled or Southwest strips already cooked)
- Taco or fajita seasoning, to taste

(Zatarains blackened seasoning and/or Cayenne Pepper optional)

- 1 cup Texas Pete wing sauce
- 1 can (15.5 oz.) Brooks chili hot beans
- 1 can (15 oz.) black beans
- 1 med. sweet onion, chopped
- 1 cup of celery, chopped
- 1 can (14.5 oz.) Hunt's Fire Roasted Diced Tomatoes w/ Garlic
- 1 can (10 oz) Ro-Tel diced tomatoes

& green chilies (Mild)

- 1 can (14.5 oz.) cream of tomato soup or bisque (any brand)
- Blue cheese crumbles

Directions:

- Dump all ingredients into large pot with lid, simmer over low heat for 2-3 hours, covered, stir occasionally
 - Serve topped with blue cheese crumbles
- Serves 10-12 people. Enjoy!

Great for the Super Bowl or any cold winter night!

Getting Your Car through the Winter

From ConsumerReports.org, here are 5 tips to keep your car in peak condition during frigid winter weather:

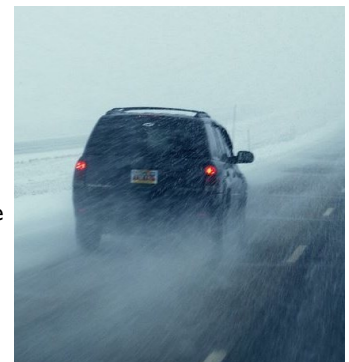
- **Keep your battery in good shape.** Cold temperatures reduce your battery's cranking power. Have it tested at a service station, auto parts store or repair shop.
- **Replace wiper blades.** Wiper blades can lose effectiveness in as little as 6 months. You can buy and

install most replacement blades yourself to save money.

- **Clear your windows.** If you park outside, raise your wiper blades to keep them from freezing against the windshield. Use a good ice scraper and run your defroster with the A/C on to dehumidify the air.
- **Check your oil.** Make sure you don't run low on oil and it

is formulated for winter use.

- **Check your tires.** Make sure your tires have adequate tread depth for dependable traction. Remember that it's safest to replace all 4 tires at once. Make sure your tires stay inflated at recommended levels.
- Drive safe! We care about you!





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We want to help you secure the best possible outcome out of a difficult situation that you wish had never happened. If you have been injured, our goal is to obtain maximum recovery in the shortest amount of time it takes to get your case resolved.



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The Civil Rights Act of 1964

February is [Black History Month](#). I was a child in the 1960s, and in reflecting on the events of that decade I came across some excellent articles about the Civil Rights Act of 1964. Some highlights about the history behind that Act:

- In June, 1963, on national television, President Kennedy first proposed legislation to outlaw segregation amid increased violence and demonstrations growing out of the civil rights movement. Kennedy feared losing the support of white Southern Democrats in his bid for reelection in 1964, but felt that the street protests forced his hand.
- Kennedy's tragic assassination in November, 1963, followed by President Johnson's succession to the presidency, actually gave the civil rights legislation added momentum. Johnson, a former Senate majority leader and congressional veteran, was in a better position than Kennedy to strong-arm the members of Congress in order to get the legislation passed. He also took advantage of the national mourning over Kennedy's death to portray the legislation as a lasting legacy to the martyred president.
- The debate in Congress centered on whether it had the constitutional authority to ban racial

discrimination in places of public accommodation, such as hotels and restaurants, as this involved private action, not state action. Supporters felt that the Commerce Clause in the Constitution gave Congress that right because racial discrimination had a negative effect upon interstate commerce; which was later upheld in the U.S.



President Johnson signs the Civil Rights Act of 1964. Behind him stands the Rev. Martin Luther King Jr. (Wikimedia Commons)

Supreme Court's decisions that found the law to be constitutional.

- In March, 1964, Malcolm X and Martin Luther King Jr. met for the first and only time during Senate debate over the bill.
- Although key Democrats were the impetus behind the bill, a higher percentage of Republicans (80%) than Democrats (64%) voted it into law.
- The law became the model for later anti-discrimination measures passed by Congress, including the Americans with Disabilities Act and the Pregnancy Discrimination Act.

The full articles can be found at:

- 1) crf-usa.org/black-history-month/the-civil-rights-act-of-1964/;
- 2) americanbar.org/publications/insights_on_law_and_society/14/winter-2014/civil-rights-act-of-1964--enduring-and-revolutionary.html; and
- 3) cnn.com/2014/04/10/politics/civil-rights-act-interesting-facts/

The USA isn't perfect but it is the greatest nation in the world! Know your history!