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Harville
LAW OFFICES, PLLC

The Louisville Accident Lawyer Journal

JANUARY 2016 • VOLUME 1 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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Lawyers, Lawyers, Everywhere

The legal profession sure has changed since I began practicing law in 1985. That's the same year that the first "Back to the Future" movie was released in movie theaters.

You probably already know that "Back to the Future Part II" was set 30 years later in 2015. It envisioned flying cars, dehydrated pizzas, hoverboards, fax machines everywhere and wide-screen TVs, but completely missed out on the smart phone!

Practicing law has changed about that much. The main reason is lawyer advertising. Did you know that the case that really "opened up the floodgates" to lawyer advertising came from right here in Louisville, Kentucky? True!

In 1988, the U.S. Supreme Court said that Louisville attorney

Richard Shapero had the right to solicit business through truthful letters to people with particular legal needs. He was sending targeted correspondence to potential clients who had foreclosure suits filed against them, and the U.S. Supreme Court said that was constitutionally protected commercial speech.

It's not hard to see where that decision has taken us. Now, lawyer advertising is everywhere. Even if you're not on TV (which I will never do out of fear that my deceased lawyer-father would haunt me), you'd better have a website and be on YouTube and Facebook and Twitter and other sites I don't know about yet just to try to stay relevant.

What I hope doesn't get lost in all of this is that the practice of law is still supposed to be a profession. Just like teaching or

medicine or accounting or engineering or any other profession you can think of.

My younger son's Intro to Education textbook (he is a sophomore at Western Ky. University) says that one of the aspects of a "profession" is a commitment to service and continual competence. That pretty much sums it up for me as far as what a lawyer should be, too. We are here to serve our clients to the best of our abilities and to help them in any way we can. That will always be our #1 priority, not our Google ranking. • 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.

Current Trends in Personal Injury Law

The case of *Chambers vs. Hughes and Coleman* is one of those cases that will never get talked about in the news media. But this case has had a major impact upon the rights of persons injured in an auto accident to recover no-fault benefits for payment of their medical expenses.

The Ky. Court of Appeals rendered an opinion in this case that says that persons injured in an auto accident are entitled to recover no-fault benefits only if they actually owe the medical expenses, in which case the no-

fault insurer would render payment directly to the provider, or for reimbursement of any health insurance lien. This is a departure from former practice, in which the injured person (or his/her attorney) would provide the no-fault insurer with copies of the hospital and/or medical bills and request direct payment to the injured person, which gave the injured person the right to administer the funds. (Some insurers may still do this regardless of *Chambers*.)

Thus, the Court of Appeals' decision in this case seems to penalize those with insurance vs. those without, although that may become a thing of the past with the advent of the Affordable Care Act.

A motion for discretionary review was filed with the Ky. Supreme Court in August, 2015. It remains to be seen whether the Ky. Supreme Court will grant this motion and determine whether it believes the Court of Appeals' decision was correct.

Auto Accident Checklist:

- ✓ Get help for anyone hurt
- ✓ Write down information about the other driver, car, passengers and witnesses
- ✓ Take photos and make notes about the accident
- ✓ Contact an attorney if you are injured

Advice Column - Auto Accidents

Here are some steps to follow if you are in a car accident. They can reduce the hassles and increase your chances of receiving fair compensation for any damages:

- Call an ambulance for anyone seriously hurt.
- Write down the name, address, phone number, and insurance company of the other driver. If the other driver does not own the car, get this

same information for the owner.

- Write down the other car's make, model, year and license number.
- Use your cell phone to take photos of the accident scene and the vehicles involved.
- Make notes on how, when and where the accident happened and road conditions.
- Do not take any blame for the accident. Things

you say can be used against you later. Do not admit fault, at least not before consulting with your lawyer.

- If you believe you were at fault, you should notify your insurance company.
- If fault is disputed, or you were not at fault, and especially if you were injured, please call our office for advice about what you should do next. Don't go it alone.

Favorite Pet of the Month

Casey Harville



Name: Casey (also answers to "Caseydog" "Buddy" "Teesh" or anything else if you've got a treat)

Owners: Harville family

Age: Around 10 (a rescue dog, he was about 2 when we got him)

Breed: Miniature Pinscher ("min pin"), weighs ~ 12 lbs.

Favorite food: Salmon (loves it)

Favorite treat: Greenies

Favorite activity: Playing "stairs"; running up and down stairs to retrieve his squeaky toy

Personality: Loves his family, but barks incessantly at guests

Are you a pet lover? We are! Dana Skaggs serves on the Board of Directors of [Barkstown Rescue](#). 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!

Do You Have Enough Auto Insurance?

COVERAGE	COVERAGES LIMIT	PREMIUM
Bodily Injury Liability	\$50,000 each person/\$100,000 each accident	\$61.80
Property Damage Liability	\$50,000 each accident	\$5.90
Medical Payments	\$1,000 each person/\$5,000 each accident	2.40
Auto Damage-Collision	\$500 deductible	45.90
Auto Damage-Other than Collision	\$250 deductible	28.70
Transportation Expenses	\$35 daily/\$1,050 total	
Uninsured Motorist	\$25,000 each person/\$50,000 each accident	8.90
Personal Injury Protection		44.20
Limit of Liability	\$10,000 aggregate/no deductible	
Work Loss, Replacement Services Loss, Survivor's Economic Loss and Survivor's Replacement Service Loss	\$200 each person, per week, subject to the limit of liability	
Funeral Expense	\$1,000 each person, subject to the limit of liability	

See Endorsement section below for Total Aggregate Limit - All Personal Injury Protection Benefits.

An excerpt from a "dec page"

They are among the most disappointing cases I have seen in over 30 years of practice. All of these were clear liability cases:

Example #1: Young man, 13 years old. Catastrophic injuries, over \$1 million in medical bills. Total amount of liability and underinsured motorist coverage available for his injuries: \$100,000.

Example #2: Young woman, 19 years old. Broken leg, internal injuries. Hospital bill alone was over \$100,000. Total amount of coverage available for her injuries: \$50,000 in liability insurance.

Example #3: 58 year old man, victim of hit-and-run, broken femur and forearm, over \$100,000 in medical expenses. Total amount of uninsured motorist coverage available for his injuries: \$25,000.

Many people think they have "full coverage." Too often this means

they only have minimum coverage.

The main reason you should buy auto insurance is to protect you and your family from serious accidents, not just the minor ones. Higher limits do not cost that much more than the minimum coverage.

Make sure you and your family are fully protected by purchasing all the auto insurance you can reasonably afford.

If you would like for us to review your auto coverage, please give us a call!

Stupid-Easy Recipe of the Month

A recipe in a lawyer newsletter? Why not? We've all got to eat, don't we?

Easy Parmesan Chicken

This may be my family's all-time favorite. I make enough for 2 servings, cook one of them one night and stick the other in the fridge to bake 2-3 nights later. Makes about 2 servings for 4 people:

Ingredients:

- 2 to 2.5 lbs. boneless chicken strips
- 1 jar favorite pasta sauce
- 1 package sliced provolone cheese
- Mozzarella and/or parmesan cheese
- Shake n' Bake original chicken coating
- 1 box penne pasta (gluten-free now available)

Directions:

1. Shake n' bake the chicken strips for 10-12 minutes

2. Pour 1/2 jar of pasta sauce apiece into 2 casserole bowls
3. Arrange baked chicken on top of sauce
4. Layer provolone cheese on top of chicken to cover (about 4-5 slices); sprinkle with mozzarella and/or parmesan cheese
5. Bake at around 350 degrees with lid off until cheese starts to brown
6. Serve over pasta

Enjoy!

A quick, easy and delicious recipe that you prepare once and eat twice!

Winter Driving Tips

The snow and ice will get here sooner or later! Here are some winter driving tips from the [AAA Exchange website](#):

- Avoid driving while you're fatigued. Getting the proper amount of rest before taking on winter weather tasks reduces driving risks.
- Never warm up a vehicle in an enclosed area, such as a garage.
- Make certain your tires are properly inflated.
- Keep your gas tank at least half full to avoid gas line freeze-up.
- If possible, avoid using your parking brake in cold, rainy and snowy weather.
- Do not use cruise control when driving on any slippery surface (wet, ice, sand).
- Always look and steer where you want to go.
- Always wear your seat belt.

Drive safe! We care about you!





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To be removed from our mailing list,
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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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Bullying Cases On The Rise?

School board officials all across the state are anxiously awaiting the Kentucky Supreme Court's decision in [Patton v. Bickford, et al.](#) This is a terribly tragic case in which a 13-year old young man committed suicide. His parents claimed he was driven to suicide because he was bullied, taunted and abused by other students at school. The young man was large for his age and had a stutter.

The trial court dismissed the case and the Court of Appeals affirmed the dismissal, saying that the act of suicide was "an intervening and superseding act that cuts off liability," and none of the legal exceptions to this rule applied.

However, the Kentucky Supreme Court agreed to review the Court of Appeals' decision and heard oral arguments in March, 2015. A decision is expected in the near future.

Few studies have been done regarding bullying and harassment of students with disabilities. Of the studies that have been done, most found that children with disabilities were 2 to 3 times more likely to be bullied than their nondisabled peers.

Even in less extreme cases, bullying based on a disability can be considered



harassment by the federal Office of Civil Rights and can form a basis for a complaint with that office. Boards and schools should have a clear procedure for reporting and dealing with suspected harassment and bullying. Disability harassment, if not stopped, can also result in a denial of Free and Appropriate Public Education (FAPE) under federal law and form the basis for a complaint with the Ky. Department of Education; or even a civil lawsuit if damages have been suffered and school officials knew about the problem but failed to take appropriate measures to address the situation.

If you notice an unusual change in your child's behavior and suspect bullying, you should take action. There are many good websites you should check out for further information, such as stopbullying.gov and stompoutbullying.org.