



Harville
LAW OFFICES, PLLC

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OVER 30 YEARS EXPERIENCE

Harville Law Offices, PLLC
2527 Nelson Miller Pkwy, Suite 102
Louisville, KY 40223
(502) 245-2333
harvillelaw.com

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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The Purpose of Tort Law

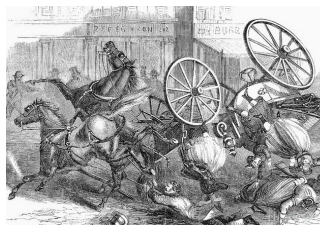
I have tried a lot of cases. Sometimes in jury selection I have asked jurors how long they think negligence cases have been around.

The answer is that negligence cases have been around since before the USA became a country. I've come across a really old negligence case from over a hundred years ago in which someone got ran over by a stage coach.

In simplest terms, a negligence case is when someone is injured due to someone else's negligence. The negligent party then becomes legally obligated to the injured party for all damages caused by his negligence, such as medical bills, lost wages and pain and suffering.

But negligence cases also serve a broader purpose than just providing for legal compensation in each individual case. This is the point I think most people miss.

I found an [Ohio State Law Journal article](#) that states this very well:



Stagecoach liability - 1800s style

The tort system exists "to make people behave in morally appropriate ways by holding them to community standards of reasonable behavior in the circumstances in order to minimize injuries and losses, and to promote honesty and fairness in economic relationships."

Did you catch that? Negligence cases do not exist just to compensate an injured person. They exist to make society safer.

I'll give you an example from one of my cases going on right now. My client was rear-ended at a red light by a distracted driver who didn't even apply her brakes before she crashed into him. My client suffered some painful neck and back injuries

but nothing serious enough to require pain management or surgery.

So, the defense lawyer wants to portray this case as "just an accident" and my client "wasn't hurt very bad"; and therefore, a jury should not award any substantial damages against his client. That argument is designed to completely divert a jury's attention away from the fact that a strong verdict in my client's favor is a strong verdict against distracted driving.

Every verdict which lets a negligent driver off the hook is a sign that dangerous driving which injures people is something our society is willing to tolerate. Such a verdict does nothing to improve safety on our roadways.

On the other hand, every verdict that awards substantial damages to someone injured by a negligent driver means that roadway safety is something we all care about, and the only way we can encourage safe driving is by awarding damages to injured persons through our civil justice system.

- 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 - Workers' Compensation (part 2)

Last month I reported on a Ky. Supreme Court case that allowed an employee to be paid lost wages benefits in addition to wages paid for makeshift light duty work.

Another Ky. Supreme Court case decided last year, [Livingood vs. Transfreight](#), has a significant effect on settlements in which an injured worker returns to the same job but doesn't earn as much, for whatever reason.

Under Ky. comp law, an injured worker is entitled to a settlement if he/she has a permanent

partial impairment ("PPI") rating as a result of an injury. That settlement gets tripled if the injured worker can't return to the same job at the same pay.

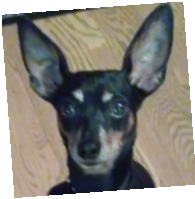
The statute also says that if the injured worker returns to work but ceases to earn the same or greater wage, the benefit is doubled for the period of time that the injured worker earns less. However, a previous case said the 2 multiplier only applied if the injured worker didn't earn as much *because of his injury*.

Livingood overruled that previ-

ous case. Now, even if an injured worker returns to work doing the same job, but doesn't earn the same pay for any reason, the injured worker is entitled to double benefits for as long as he or she continues to earn less money.

Practically speaking, this means that in every comp case, post-injury wages may be as important as pre-injury wages. Even if an injured worker is not entitled to the 3 multiplier, he may be entitled to the 2 multiplier if he is making less pay in the same job for however long that lasts.

Advice Column - Keep Your Dog Calm on July 4th



Casey's Kentucky Trivia Question:
In what year did Kentucky officially become part of the USA?

- A. 1776
- B. 1784
- C. 1792
- D. 1802

Be the first person to answer correctly by sending an e-mail to bdh@harvillelaw.com and we'll mail you a \$5 Starbucks gift card!

More pets run away on the 4th of July than any other day of the year! If you live in a neighborhood like mine, you can count on neighbors shooting fireworks. Here are some things you can do to help your dog cope:

1. Take your dog for a long walk during the day so he will be tired and have reduced anxiety when the fireworks start.
2. Keep your dog indoors.
3. Provide a safe and quiet place for your dog to retreat in-

doors. Small enclosed areas are often preferred. Casey likes the basement.

4. If your dog is comfortable in his crate, that is a good option. Move this to a quiet place in the house.
5. Run a fan or sound machine to try to help cover up the noise.
6. Make sure your dog has an ID tag if he gets away.
7. If available, take your dog to an out-of-the way place away from fireworks displays, such as a

friend or relative's house. Or consider boarding your dog at a local kennel.

8. If your dog is really anxious, consider sedation medication from your vet.
9. There are even garments you can purchase for your dog to help him calm down, such as a thundershirt.

July 4th is tough on doggies! Show them some love and understanding to help them get through the holiday!

Favorite Pets of the Month

This month's Favorite Pets come from David Ross! David writes:

Buddy the larger dog is about 8 years old and a rescue from the pound. He is very loving and gentle with Cinnamon the 2 year old and Misty the cat that photo-bombed this picture (behind the door). They love to run and cuddle with each other and with peo-

ple. Buddy and Misty sleep together when it storms. Cinnamon is turning 2 next month and is super fast and jumps like a deer. She is a very picky eater while Buddy will eat anything. I have rescued 4 boxers over the past 20 years. They are great dogs. Both dogs are protective until I tell them it is ok to play.

Are you a pet lover? We are!

Dana Skaggs serves on the Board of Directors of [Barktown 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!



Buddy, Misty and Cinnamon Ross

Motorcycle Insurance and No-Fault Coverage

“Motor vehicle” is generally defined in the Kentucky statutes as “any vehicle which transports persons or property upon the public highways of the Commonwealth.” This means that motorcycles fall within the definition of “motor vehicles” under Kentucky law. As such, an owner of a motorcycle must register his motorcycle, the same as an automobile owner must register his automobile. Likewise, a motorcycle owner is required to purchase at least minimum liability coverage on his motorcycle, the same as an automobile owner. However, “no-fault coverage” is not required to be included in motorcycle insurance, as it is with automobile insurance. It is optional.



This is a trap for the unwary. This means that if a motorcyclist is involved in an accident in Kentucky, and he did not purchase the optional “no-fault” coverage on his motorcycle, he does not have the benefit of “no-fault” coverage to help pay for his medical expenses and lost wages.

If even the minimum “no-fault” coverage had been purchased, that would have provided him with \$10,000 toward his medical expenses and lost wages.

Worse yet, Kentucky law says that if motorcyclists do not purchase the optional “no-fault” coverage, they cannot recover for their first \$10,000 in medical expenses and lost wages if another driver is at fault. That is because there is “no fault” for the first \$10,000 of these damages and the other side is not responsible.

Ride smart! If you operate a motorcycle, make sure you purchase plenty of insurance, including no-fault coverage!

Stupid-Easy Recipe of the Month

(This one came out of the archives of my wife’s recipe box:)

Lady Bird Johnson’s Pecan Pie (yes, I’m old enough to remember who she is):

Ingredients:

- 1/2 cup butter
- 1 cup sugar
- 1 cup dark syrup
- 1/2 tsp. Salt
- 1.5 tsp. Vanilla Extract

- 3 eggs
- 1 cup chopped pecans
- Unbaked pastry shell



Directions:

Preheat oven to 375°. Allow butter to stand at room temperature until soft. Add sugar, salt & Vanilla, beat thoroughly. Add eggs and beat gently until just blended. Fold in pecans and pour in shell. Bake in preheated oven on center rack for about 45 minutes. Serve with whipped cream.

Enjoy!

*A delicious
Southern
summertime
treat!*

July is National Ice Cream Month

July is National Ice Cream Month! No, I’m not making that up. According to the source of all knowledge - [Wikipedia](#), that is - National Ice Cream Month went into effect in 1984. Kentucky’s own former Senator Walter “Dee” Huddleston introduced the measure in Congress, proclaiming July as “National Ice Cream Month” and the third Sunday in July as “National Ice Cream Day.”



The resolution passed and it was signed into law by President Reagan on July 9, 1984. Makes you wonder how much free ice cream they got, doesn’t it?

So, what’s your favorite ice cream? Have you been trying to cut down on desserts? Counting calories? Well, forget about that! It is your patriotic duty this month to go out and eat some ice cream!



Anchorage Office Plaza
2527 Nelson Miller Parkway
Suite 102
Louisville, KY 40223

Phone: 502-245-2333
Fax: 502-245-2399

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.



E-mail: bdh@harvillelaw.com dts@harvillelaw.com

visit us at harvillelaw.com

Boating Safety on the 4th of July



Recently I came across an excellent article by the Ky. Dept. of Fish and Wildlife on boating safety. Here is an edited version:

“As a boating holiday, July 4 is on par with Memorial Day. Everyone wants to go,” said Zac Campbell, boating education coordinator with the Ky. Dept. of Fish and Wildlife Resources. “However, the increased volume of boat traffic and differing experience levels among boaters heightens the danger. It’s definitely not a good time to be drinking and boating. Be a responsible, safe boater.”

More than 600 people died in boating-related accidents nationwide last year, and July was the leading month for boating accidents and fatalities, according to the U.S. Coast Guard’s 2015 Recreational Boating Statistics report. Operator inattention, operator inexperience, improper lookout, machinery failure and excessive speed were the top five primary contributing factors in boating-related accidents reported to the Coast Guard last year. In cases where the primary cause of a

fatal boating accident was known, alcohol use was the leading factor in 17 percent of deaths. In Kentucky, state law prohibits the consumption of alcohol on waterways. It’s also against the law to operate a boat or personal watercraft while intoxicated or under the influence of any other substance that impairs a person’s driving ability.

“The dangers of operating a car while under the influence are well known, but a car has safety features that boats do not,” said Maj. Shane Carrier, boating law administrator with Kentucky Fish and Wildlife. “There are many different types of hazards that can be encountered on the water. Operating a vessel while under the influence puts the boat operator and others at risk.”

There were more than 172,000 motorized boats registered last year in Kentucky and 41 “reportable” boating accidents, according to the Coast Guard report. A reportable boating accident is one that involves a fatality, an injury requiring medical treatment beyond

first aid, causes at least \$2,000 in property damage or involves the total loss of a vessel. In all, there were 12 fatal boating accidents and 20 boating-related deaths on Kentucky waterways in 2015. Both figures represented an increase over the previous year.

Campbell advises boat operators to follow navigational rules and drive cautiously in crowded areas during the holiday weekend. Scan the surrounding water, looking for swimmers, tubers, skiers, personal watercraft operators and floating debris. The Fourth of July holiday weekend is one of the most anticipated of the summer. Make it a memorable one by boating safely. You can read the entire article by clicking on the following link:

<http://kentucky.gov/Pages/Activity-stream.aspx?n=FishandWildlife&prId=73>

Enjoy your time on the water and protect your fun by boating safely!