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Harville
LAW OFFICES, PLLC



The Louisville Accident Lawyer Journal

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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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Memorial Day Musings

My wife and I are both children of what Tom Brokaw called "The Greatest Generation," the generations of Americans that went through the Great Depression and World War II.

Both of our fathers are long gone. My father was born and raised in northern Louisiana. He was the 9th of 11 children and was raised in poverty on a farm. After he was drafted into the Army he was stationed at Fort Knox in 1943. He then shipped overseas to England at the end of that year. In July 1944 he was transported to France as part of the rear echelon of the Normandy invasion. He was discharged in November 1945 and returned to Kentucky where he went to UK undergraduate and law school on the GI bill, graduating second in his law school class. He passed away when I was 18, and not knowing what else to do I followed in his footsteps and went to law school myself.



My father-in-law was born and raised in Garrard County, Ky, which sent many servicemen into WWII. Unlike my father, he went into the Navy and served in the Pacific Theater on the USS Sarpedon, a battle damage repair ship. After the war, he was stationed in China for about a year as part of the occupying forces. He loved to talk about his time in China and kept many mementos of his time there.

When I was growing up in the 1960s and 70s, we took it for granted that we would be drafted when we turned 18. But that ended on January 27, 1973, when President Nixon ended the draft. There was great antiwar sentiment after the Vietnam

War, and I never considered enlisting in the military. The world seemed much quieter in the late 1970s and 1980s.

That has changed, too. Now we have a volunteer army of young men and women who put their lives on the line every day against an unconventional enemy. Most of the time we go about our comfortable lives here at home and do not appreciate what our military is doing for us and for those people in other countries whose lives are in daily danger.

We at Harville Law Offices feel an immense gratitude toward the men and women of our armed forces. The laws that we practice every day that protect the rights and dignity of our clients and Americans everywhere would not exist if not for them. They and their families are the legacy of our fathers and mothers and represent the finest of our citizenry as the protectors of our way of life. God bless our veterans and the United States of America!
- 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

Current Trends - The New Felony Expungement Law

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.

Kentucky's 2016 legislative session was mostly about the state budget. However, HB 40, signed into law on April 13 by Gov. Bevin, is interesting. This is the new "felony expungement" law. It says that after 5 years, most one-time convicted felons of Class D felonies - including reckless homicide, arson, criminal abuse of animals, domestic violence, burglary, theft, disarming a police officer, fleeing police, and assault on a police officer or school teacher - can petition the court to have their conviction vacated and all records of their

conviction expunged. Exceptions are sex offenses, crimes against children or the elderly, human trafficking and public corruption.

This has been hailed as a victory by civil rights leaders and is part of a nationwide trend. A disproportionate percentage of felony convictions affects the African-American population. The hope is that this bill will give people with these convictions another chance at jobs, housing and other opportunities.

However, a companion bill, HB 70, a proposal to amend the Ken-

tucky Constitution to restore voting rights to convicted felons, did not make it out of the Judiciary Committee. HB 40 does not mention the right to possess firearms, either, although federal law recognizes state expungements and permits people who receive them to possess firearms.

Also, this new law is unlikely to affect the Kentucky Supreme Court rule of evidence that a felony conviction within the past 10 years can still be brought to the attention of a jury to impeach a witness's credibility.



Casey's Kentucky Trivia Question:
Which of these counties is NOT one of Kentucky's 3 original counties?

- A. Jefferson
- B. Nelson
- C. Fayette
- D. Lincoln

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!



Headlock Rich

Advice Column - Aging Parents

As we get older our parents get older. This may mean having to take care of an aging parent. About 5 years after my mother became a widow, she began to develop dementia. She lived in 3 different facilities, each with higher levels of care, until she passed away in early 2015. If you are facing a similar experience, here are some things you need to be thinking about:

1. Does your parent have a will? Is it up to date? Does he/she

have the mental capacity to update his/her will?

2. Does your parent have a living will directive designating a health care surrogate to make life support decisions?
3. Have your parent execute a power of attorney.
4. Does your parent have assets, such as a home or a bank account? If so, will your parent agree to deed or transfer these into your name (or to you and your siblings)? This is

important. If your parent qualifies for Medicaid for long-term care, there is a 5-year lookback period.

5. Consider long term care insurance if your parent is still eligible. The general advice is to try to care for your parent as long as possible before dipping into his or her assets to pay for long-term care, which is extremely expensive. If you need to consult with an elder law attorney, please contact our office for a referral.

Favorite Pet of the Month

(We decided to give a little equal time to cats this month:)

Name: Headlock; so named because when he was a kitten, he got his head stuck between 2 bars in a wrought iron fence that had to be pulled apart in order to free him.

Age: 1-2 years old

Owners: Rich family

Breed: Farm cat

Favorite activity: Laying around, fighting other tomcats

Personality: Friendly, laid-back kitty

Are you a pet lover? We are!

Dana Skaggs serves on the Board of Directors of [Barktown Rescue](http://BarktownRescue.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!

Umbrella Insurance

In past columns I have advocated buying as much insurance as you can reasonably afford. That brings me to the topic of “umbrella insurance.”



An “umbrella” policy serves as “excess” insurance over your “primary” insurance. Typically it provides for additional coverage over and above your coverages in your car and home insurance policies. The catch is that you have to maintain pretty high limits in your car and home insurance policies before you can purchase umbrella insurance, due to underlying insurance requirements.

For example, I have an \$2 million umbrella policy

that requires me to carry underlying limits in my auto policy of \$250,000 per person/\$500,000 per accident for liability, uninsured motorist (UM) and underinsured motorists (UIM) coverage; and underlying liability limits of \$300,000 in my homeowners’ policy. I pay an annual premium of \$963.65 for this coverage (that’s \$2.64/day). That’s pretty reasonable for an extra \$2 million in liability coverage under my auto and homeowners’ policies, UM and UIM coverages.

Remember, you buy insurance to protect you from the serious accidents, not the minor ones. If (God forbid) I or a member of my family

cause a serious accident, that’s another \$2 million to protect our assets, or if the situation is reversed, that’s another \$2 million available to compensate me or my loved ones for their injuries.

Like I’ve preached before, a disproportionate amount of your premium dollars goes toward the minimum coverage. If you’ve got a good driving record, you can purchase higher limits at much more reasonable cost, and the same holds true for an umbrella policy. If you don’t already have an umbrella policy, I would encourage you to discuss this with your agent.

Stupid-Easy Recipe of the Month

Deviled Eggs

Mother’s Day is May 8! Surprise your Mom with Deviled Eggs! Who doesn’t like Deviled Eggs?

Ingredients:

- 6-8 eggs
- Dill pickle juice
- Miracle Whip
- Paprika

Directions:

- Hard boil eggs for 12 minutes, chill with ice (keeps yolks from turning green)
- Peel eggs from shell, cut in half and scoop yolks out from egg whites
- Mash yolks in mixing bowl
- Add about 2 tablespoons of dill pickle juice and about 3 table spoons of Miracle Whip, to taste, mix until smooth

- Scoop mixture back into egg white halves
- Sprinkle with Paprika
- (For some added zip, top with Frank’s hot sauce and blue cheese crumbles. Delicious!)



*Deviled Eggs -
Perfect
appetizer for
your Mother’s
Day meal!*

Kentucky Derby Factoids

The 142nd Kentucky Derby is Saturday, May 7. 56 years ago, on May 7, 1960, Venetian Way, at 7-1 odds, won the 86th Kentucky Derby by 3 1/2 lengths. Why that obscure reference? Well, the day of Venetian Way’s Derby win was the day I first came into this world! My mother always said that the obstetrician hurriedly delivered me by C-section that morning so he could make it to Churchill Downs that afternoon.

Perhaps more interesting is the fact that the founder of the Derby and Churchill Downs, Meriwether Lewis Clark, Jr., was the great nephew of Louisville’s founder, George Rogers Clark, and the grandson of his brother, William Clark, famous for his role in the 1803 Lewis & Clark Expedition. In 1874, to fund construction of the track, M. L. Clark, Jr. raised

\$32,000 by selling 320 membership subscriptions to the track at \$100 each. 80 acres of land were leased from Clark’s uncles, John and Henry Churchill. A clubhouse, grandstand, porter’s lodge and six stables were all eventually constructed on the site for the opening of the track. The Derby began in 1875. (Source: <http://www.kentuckyderby.ag/kentuckyderby-history1874.php>)



*1960 Derby winner
Venetian Way*



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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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Avoiding Road Rage

Last month I talked about Distracted Driving. Road Rage is another serious problem that seems to be on the rise.

Just this past month there were several disturbing road rage stories in the news, one of them involving the death of an NFL player, Will Smith.

One Powerpoint I came across on Linked In (<http://www.slideshare.net/pccoachepps/module-07-2004>) contained some interesting statistics. In the past 30 years, the US population has increased by 30%, the number of licensed vehicles has increased by 87%, and the number of vehicle miles has increased by 130% - yet highway capacity has only increased by 5%. That means our highways are way more crowded than 30 years ago. More cars per highway mile=more agitated drivers.



GEICO's website has some good tips on preventing road rage (<https://www.geico.com/more/driving/auto/car-safety-insurance/7-ways-to-avoid-road-rage/>). Here they are:

7 ways to avoid road rage:

- Move over if someone is tailgating you
- Use an "I'm sorry" gesture (e.g. wave) to attempt to defuse the situation
- Plan ahead; allow time for delays during your journey
- Consider whether you've done something to annoy the other driver and adjust your driving accordingly
- Listen to music you enjoy
- Use your horn sparingly
- Avoid eye contact with angry drivers and give them plenty of room

Common reasons drivers experience road rage:

- Fighting over a parking space
- Cut off
- Not allowed to pass

- Giving the finger
- Annoyed at someone honking too much
- Stuck behind a slow driver
- Tailgate

Reasons to avoid aggressive driving:

- Aggressive driving plays a role in 66% of traffic fatalities.
- 50% of people who encounter aggressive driving behavior respond in kind.
- A firearm is involved in 37% of aggressive driving incidents.
- Out of 10,000 road-rage incidents committed over a seven-year span, there were 218 deaths and 12,610 injuries recorded.

If you have been the victim of a road rage accident, you should call our offices at once. We have handled these cases. Do not engage in Road Rage! There are too many crazies out there with guns! Move away, it's just not worth it!