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Harville
 LAW OFFICES, PLLC

The Louisville Accident Lawyer Journal

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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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In Search of Self-Improvement

Years ago, I was at a cocktail party with a bunch of insurance adjusters - back when insurance companies did such things (they don't anymore) - when one of the adjusters asked me, "How come they call it *practicing* law?" Then he added, jokingly: "When are you going to get *good* at it?"

Well, apart from the fact that he was being a wise guy, in a good natured sort of way, I thought he made a pretty good point.

The truth is that there has never been a lawyer who has gotten so good at what they do that they no longer have to work at it. It just doesn't work that way. I think that's true for just about any job, such as, for example, medicine, teaching, or sports. You need to constantly work at what you do for a living if you want to stay on top of your game. If you don't, then you might as well quit.



In fact, every year that I've practiced law - I'm in my 33rd year now - I go into each new year trying to think of ways I can improve on how I can serve my clients and run my practice. I am always wondering how I can be a better lawyer. That's one of the things I like about being a lawyer, and I think most lawyers would tell you the same thing. It is a daily challenge to keep up with the law, figuring out how you can improve your relationships with your clients, how you can improve your professional skills, and - don't forget this last part - practice your cases more effectively to provide your

clients with the best representation possible.

I don't expect 2018 to be any different. I'm reading (and rereading) 3 different books on how to be a better trial lawyer. I'm tinkering with new systems in my practice to serve our clients better and improve our efficiency. I am fine-tuning my practice philosophy to achieve greater focus and insight on how we can serve our clients to the best of our ability.

In short, my New Year's resolution for this year, like any other year, is to just keep trying to become a better version of myself, whether as a lawyer, a husband, a father, a friend, or a member of the community. For our clients, I want to be a better lawyer this year than I was last year, because that's what the meaning of practicing law is really all about. • 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

Nearly 2 years ago, in my February 2016 issue, I reported on the case of *Carter v. Bullitt Host, LLC*. This case said that although a condition which causes someone to slip and fall may be “open and obvious,” that no longer means that a landlord or business owner is free from any liability.

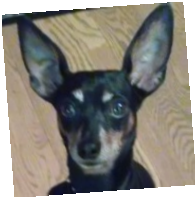
Following that decision, the Ky. Supreme Court rendered another decision, *Goodwin v. Al J. Schneider Company*. This case pretty much did away with the “open and obvious” analysis altogether, stating that courts

should no longer “look to whether the conditions were open and obvious but to whether the landowner took reasonable steps to eliminate the risks created by the conditions.” In that case, the claimant slipped in a bathtub at the Galt House and injured his knee.

More recently, the Ky. Court of Appeals rendered an unpublished decision in the case of *Rodgers v. Grant County Football Boosters*, in which the claimant tripped over a large concrete flower pot by the door to a bingo hall and

shattered her elbow. The Court of Appeals held that the defendant was not entitled to have the case dismissed, even though there was no dispute that the presence of the 18 inch flower pot was “obvious.”

The upshot of these cases is that under Kentucky law, summary judgment dismissing slip-and-fall cases is virtually impossible to get anymore. That means that just about any slip-and-fall case should have some settlement value, depending on the nature and severity of the injury.



Duncan Hines, of cake mix fame, was from what Kentucky city?

- A. Louisville
- B. Lexington
- C. Ashland
- D. Bowling Green

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!



Advice Column - Staying Fit

From moneycrashers.com, here are some indoor exercises to stay fit this January:

1. Jump Rope. Think this is easy? See how long you can last!
2. Stair Stepping. I don't know about you, but I seem to be going up and down stairs all day anyway.
3. The Plank. Hey, you can do this one and watch TV at the same time!
4. Dancing. Get your groove on!
5. Lunges. Try these walking down the hallway. You can hold weights in your hands, too.
6. Cleaning. (Guys, this will also make your wife very happy!)
7. Water Bottle Weights. Want to lift weights on the cheap? Just fill up some water bottles or milk jugs to lift and curl!
8. High Knees. Try marching in place or down a hall, and bring

your knees up as high as they can go.

9. Jumping Jacks. Close your eyes and pretend you're back in second grade!
10. YouTube Workouts. There are tons of workout routines on YouTube. Just search “workout,” or look for the specific type of workout you would like. Don't waste your \$\$ on DVDs!

Favorite Pet of the Month

New year, new pet?? Meet Eve - one of six 9-week-old puppies available in what Barktown Rescue is referring to as its New Year's litter. Eve is going to be a big girl - she is a Labrador/Great Pyrenees mix. The puppies in this litter are already 11-15 pounds! Please take size into consideration as Eve and her litter mates will need lots of

room to grow.

If you would like to make Eve a part of your family, please fill out an application at: www.barktownrescue.org.

Dana serves on the Board of Directors at [Barktown Rescue](http://BarktownRescue.org).

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!

Insuring Your Teenage Driver

It is a rite of passage for everyone growing up. You turn 16 and get your learner's permit. Then, you get your driver's license. And then, your parents get to start paying for your insurance!

It isn't cheap. But here's what you need to know about drivers who are minors (i.e. under the age of 18):

First of all, Kentucky has a statute, [KRS 186.590](#), which says that the person who signs a minor's driver's license application, or allows him or her to drive, is liable for the minor's negligence. So, parents, if your under-18 driver goes out and hits your neighbor's mailbox, or worse, rear-ends someone and injures them, you are liable.

For this reason, do not skimp on your insurance. As I've said in

this newsletter many times before, most of what you pay for is just the basic coverage. Higher limits do not cost much more. And they are worth it if, God forbid, there is a serious accident.

Another problem I have with parents who skimp on insurance is that they usually think only in terms of protecting them-



Dana's son, Scott

selves from liability. But you want plenty of coverage for your dearest loved ones, too. Ask about additional medical pay and no-fault coverage to protect them if they are seriously injured.

Also think in terms of having a good, reliable, older model car for your teenager to drive. I've seen parents who buy their teens a new car, and I think to myself: Are you crazy?! The insurance costs are bad enough without buying a new car that will eat you alive.

Take care of those precious children and make sure they have just as much coverage on the road as you do!

Stupid-Easy Recipe of the Month

Lemon Garlic Chicken

Here is a great one dish meal to help get you through the winter:

Ingredients:

- 1-1.5 pounds of chicken breast tenderloins
- 1 box of angel hair pasta
- 1/2 - 3/4 cup of soy sauce
- Juice from 2 lemons
- 1 tablespoon of minced garlic
- Fresh veggies of your choice (e.g., sliced mushrooms, broccoli, snow

pea pods, water chestnuts)

- 2 tablespoons of olive or canola oil
- Instructions:

Boil water in large pan for pasta. While you wait for boil, heat oil in a large skillet on medium. Add chicken tenderloins, turning when they are opaque/white (2-3 minutes each side). Add garlic. Stir. After about 2 minutes, add your fresh veggies. In a bowl, mix soy sauce and lemon juice and pour mixture over chicken and veggies,

cover and simmer while you boil and drain your pasta. Serve chicken over angel hair pasta, or add angel hair pasta to the skillet. Enjoy!



A great cold weather, one dish meal!

Mammoth Cave National Park

Starting to get cabin fever? Wanting to get outdoors but just can't quite handle those single-digit temperatures.

Well, there is one "outdoor" attraction where the temperature hovers at around 54 degrees all year round.

I'm speaking, of course, of Kentucky's only national park, Mammoth Cave, the longest known cave system in the world.



Less than a 2 hour drive from Louisville, it will take you to another world and help beat those winter blahs.

Park hours at the visitor's center during the winter are from 8:30 am to 4:30 pm (Central time).

For more information about cave tours, check out the park's website at:

www.nps.gov/macai/index.htm



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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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Be Careful Before You Fly That New Drone

Love that new drone you got for Christmas? Can't wait to try it out?

Careful, there. One thing they didn't include with that cool new toy were any instructions about drone law.

Drone law? You mean there is such a thing?

You bet. And if you don't know about it, it can cost you some serious \$\$\$.

You see, all air space in the United States is governed by the FAA. That includes drones.

In an article written in the [January/February 2017 Bench and Bar magazine](#), Louisville attorney Alan Cobb, a friend of mine, covered in detail the information any would-be drone pilot needs to know. Another excellent source is a Florida drone attorney and pilot, Jonathan Rupprecht, whose website is jrupprechtlaw.com.

Basically, as Alan states in his article, you



have two options when it comes to flying your new drone: i) either obtain a commercially certified pilot certificate (which requires a study course and taking a \$150 test), or, at a minimum:

- (1) limit drone flying to hobby or recreational purposes only;
- (2) comply with a community-based set of safety guidelines;
- (3) fly the UAV (unmanned aerial vehicle) within visual line-of-sight;
- (4) fly during daylight hours;

- (5) stay under 40 miles per hour and 400 feet;
- (6) fly for no longer than 30 minutes, uninterrupted;
- (7) give way to manned aircraft;
- (8) do not fly within 5 miles of an airport without prior written notice and approval;
- (9) limit the UAV's weight to 55 pounds; *and*
- (10) register the UAV with the FAA.

Furthermore, the FAA takes a very liberal view of whether flying a drone might be considered "commercial use" - even if you post a drone photo on a Facebook page with ads. The fines for flying a drone for "commercial use" without the required certification currently *start* at \$1,414!

So, before you take that drone out of the box and start flying it around, you had better know what you are about to get into.