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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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My Lawyer Marketing Story

In March I attended a seminar at Dulles Airport near Washington, D.C. The seminar was presented by "Great Legal Marketing" and the marketing apparatus assembled by its founder, attorney Ben Glass, is truly incredible.

When I started my own office in 1993, I went for nearly 20 years without making hardly any effort to market myself. I had a nice steady stream of insurance cases, as well as cases in which I represented personal injury plaintiffs that were referred to me by people I knew or other lawyers.

I had some nice settlements and won the vast majority of cases I tried in court. So I thought being a good lawyer was good enough.

Boy, was I wrong.

Insurance companies changed management. Some quit writing coverage in Kentucky. Many went to online billing and slashed attorney's fees. My long-time secretary

passed away in 2012 from cancer.



To borrow from the above title of the best selling book, someone "moved my cheese."

That's when I had to take a hard look at myself and realize I had not done anything to "put myself out there." That was my fault.

Unfortunately, my personality is such that I would much rather work on my clients' cases than spend any time marketing my practice. I have no talent for it. But I can't tell you how many times I have seen injured people represented by lawyers who did not do a good job for them. Or how many times I have talked with other defense lawyers about certain well-

known lawyers who settled cases for a lot less than they could have gotten. People deserve quality representation, and that motivates me.

I've gotten a lot of valuable information about marketing my firm. That's why I started this newsletter. In the past I have neglected clients after their cases were over. People forget their lawyers after about a year. I want each of you reading this newsletter to know I still appreciate the fact that you hired me, and I am still here to help if you, or anyone you know, need a lawyer again.

However, I don't think I will ever be a "master marketer." That's just not who I am. I can't see having a marketing staff bigger than my legal staff, or an "intake person" to screen calls before I speak with them. I enjoy the human interaction of meeting and talking with people. If that makes me a little old-fashioned, and keeps me from being as "successful" as I could be, then I suppose I'll just have to live with it. • 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 Erin Andrews Verdict

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.

Last month's newsletter talked about the Kentucky Supreme Court's decision in *Banker v. Univ. of Louisville Athletic Assoc., Inc.*, which did not require proof of emotional distress damages beyond the Plaintiff's testimony (and her mother's).

I did not think I would revisit this topic until the stunning \$55 million verdict in the Erin Andrews case in Nashville, just 3 hours south of Louisville. A stalker in an adjoining hotel room made a nude video of her through a peephole that went viral on the internet.

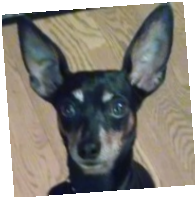
Ms. Andrews suffered no physical injury, so the entire award was based upon her claim for her emotional distress damages.

At a recent seminar, I spoke with a Nashville attorney who had watched part of the trial. He had some interesting information:

- The jury found that the perpetrator, Barrett, should pay 51% of the damages (~\$28 million) and that Marriott (the hotel) should pay 49% (~\$27 million). Barrett will never be able to pay that off, but Marriott is on the hook for it.

- The lawsuit was filed before Tennessee passed a tort reform law in 2011 that would have limited her damages to \$750,000.

- Ms. Andrews' lawyers employed the "reptile" strategy, which emphasizes safety rule violations and public endangerment. This strategy traces back to a 2009 book by an Atlanta attorney and jury consultant to maximize jury verdicts. This is a fascinating topic that has taken trial practice by storm. More on this in future issues.



Casey's Kentucky Trivia Question:
What is the oldest city in Kentucky?

- Lexington
- Bardstown
- Harrodsburg
- Danville

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!

Newsletter Updates

Casey's Kentucky Trivia:

This is the fourth issue of our newsletter that we launched in January. Many thanks to those of you who have told us how much you like the newsletter. We would like to know how many of you are enjoying the newsletter, so we thought we'd introduce a new feature, "Casey's Kentucky Trivia Question." Casey, our January Favorite Pet, has traveled around our state a lot and he always pays

attention. So if you think you know the correct answer, be the first person to send an e-mail to bdh@harvillelaw.com and we'll mail you a \$5 gift card from Starbucks!

Bullying Case Decided:

The bullying case discussed in our January issue, *Patton v. Bickford, et al.*, was decided by the Kentucky Supreme Court on March 17, 2016. The Court dismissed the bullying claim, not because the teachers and

administrators were completely immune from suit, but because there was no evidence of actual bullying in the record.

Panama City Beach Update:

Panama City Beach officials are cracking down (March, 2016). I recently spoke to a WKU senior who told me that police were dipping an alcohol testing "stick" inside the cup of everyone holding a drink on the beach, and if it tested positive they were hauled off to jail, no questions asked.

Favorite Pets of the Month



Chloe (L) and Zoe (R)
Hendrix

Names: Chloe (black) and Zoe (brown) Hendrix

Age: 2 years old, sisters.

Owners: Hendrix family

Breed: Beagle Lab mixes.

Adopted from the Humane Society.

(Chloe and Zoe were a gift to the Hendrix's daughter, Justice, on her 9th birthday!)

Favorite activity: Sleeping.

Personalities : Very loving and friendly

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!

Why Your Doctor Loves No-Fault

In Kentucky, if you've been injured in a car accident and go to a doctor's office or hospital, one of the first things you will be asked is for your car insurance information.



In fact, most providers will insist on billing your car insurance before they bill your health insurance. Your health insurance may play this game, too.

Many medical providers will refuse to treat patients injured in car accidents if they don't have car insurance, even if they have health insurance.

Why do medical providers in Kentucky loove your car insurance so much? Unlike health insurance, which negotiates contracts with medical providers to pay their bills at reduced rates, car insurers have no such contracts. For example, if a hospital sends out a bill for \$1,000, most car insurers will pay them the full \$1,000 (or close to it), whereas health insurance might pay only \$300 for the same bill and the hospital has to write off the balance. That's why these bills are often inflated, because they know health insurance won't pay them that much, but they hit the jackpot when they bill car insurance.

This also explains why Kentucky, and Louisville in particular, has so many "accident clinics." Many will only accept auto insurance, and will keep treating their patients until the \$10,000 in PIP/no-fault is gone.

In most cases, we try to preserve the no-fault money and get medical providers to bill our clients' health insurance. That way, our clients can use that money to apply to out-of-pocket and co-pay expenses.

That's because that no-fault money is eating "high on the hog" for most medical providers. They will gobble it up if you don't get to it first.

Stupid-Easy Recipe of the Month

Taste like you ordered them in your favorite restaurant!

Blackened Fish Tacos

A stupid-easy and healthy dish that's ready in minutes and tastes as good as any restaurant's. Serves 3-4.

Ingredients:

- 3-4 Tilapia filets, depending on size (available in any freezer section)
- Half bag of pre-cut cole slaw, more or less to taste.
- Cajun seasoning (I buy Zatarains from Wal-Mart)

- 2-3 tablespoons olive oil
- Your favorite tortillas or lettuce wraps
- Any and all Mexican toppings you like

Directions:

- Thaw Tilapia filets (for a quick thaw, place unopened package in warm water)
- Coat filets in Cajun seasoning, sauté in medium or large skillet at medium heat

- Cook each side of filets for 3-4 minutes, until they start to turn opaque
 - Chop up fish with spatula and add slaw
 - Mix filets thoroughly with slaw until slaw is softened
 - Serve with tortillas or lettuce wraps with toppings (chopped tomatoes, avacados, etc.)
- Sooo easy and really good. Enjoy!

Thunder Over Louisville

Thunder Over Louisville this year is on Saturday, April 23, 2016! The Harville and Skaggs families are veterans of this event. From 2001 until 2014 our offices were located on the 17th floor of the BB&T Building (One Riverfront Plaza) shown in the bottom left corner of this photo. We had a great view! Our boys (Brad's 2 and Dana's 2) insisted on going every year along with friends. Great times!

Some tips:

- **Arrive early.** Early afternoon traffic is not bad before the airshow begins.
- **The garage under the BB&T building is a great place to park** (if you can find it). Call (502) 584-2459 to see when it opens to the public.
- **Take plenty of water and sunscreen** (if it's sunny).
- **Take your time about leaving.** You're going to be stuck in traffic anyway. We always waited about an hour to let the worst of the traffic clear out. Patience is key.
- **Be careful going home.** Lots of drivers have been drinking. Be on the lookout and don't be one of them. Be safe and have a great time!





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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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visit us at harvillelaw.com

April is National Distracted Driving Awareness Month

We all know by now, don't we, that distracted driving is among the most dangerous epidemics on our roadways these days, especially when it comes to younger drivers. Do you know how dangerous? Here are some sobering research statistics from the National Safety Counsel (NSC):

- There are basically 3 kinds of distracted driving (see chart). Among the most dangerous is cell phone use.
- The National Safety Council estimates that 1 in 4 car crashes involves cell phone use.
- Visual and manual distractions are short-lived because you know you're distracted. Cognitive distractions (when your mind is really not on your driving) last much longer.
- There is no such thing as "multi-tasking." When brains are overloaded with 2 cognitive tasks, people switch attention without realizing it.
- Cognitive attention to driving becomes secondary to a phone conversation.

- When driving is a secondary task, it becomes impaired.
- Impairment takes several forms, such as inattention blindness and tunnel vision.
- Talking on a cell phone increases the risk of being in a car crash by 4 times; texting increases the risk of a crash by 8 to 23 times.

- Hands-free has no effect upon the increased risk of a car crash while talking on a cell phone.
- Cell phone distracted drivers have slower reaction times and are more likely to be involved in a crash than a driver with a .08 blood alcohol level (the minimum % to be presumed under the influence by statute).
- There are 35,000 deaths each year in the U.S. from motor vehicle crashes.
- Motor vehicle crashes are the leading cause of death for people 5 to 35 years old.
- Human error causes the vast majority of crashes.
- You need full attention for the task of driving. Cognitive distraction is real. Multi-tasking is a myth.

Please, give this article to your loved ones to remind them how dangerous it is to use their cell phones while driving. For more information, visit the NSC's website at: distracteddriving.nsc.org.

THE THREE TYPES OF DISTRACTED DRIVING AND HOW TO AVOID THEM		
 VISUAL	 MANUAL	 COGNITIVE
Keep your eyes on the road. Pull over to read directions. Put your phone in "Do Not Disturb" mode.	Keep your phone out of reach. Make all adjustments before driving. Don't reach for items while driving.	Avoid phone calls, even hands-free. Stay focused on the road. Keep your emotions in check.