

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



Harville
LAW OFFICES, PLLC

The Louisville Accident Lawyer Journal

JUNE 2018 • VOLUME 6

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

INSIDE THIS ISSUE:

Current Trends 2

Casey's Ky.
Trivia Question 2

Advice Column - 2
Avoiding
Mosquito Bites

Favorite 2
Pet

Workers Comp 3
and PIP

Stupid-Easy 3
Recipe

The Beaumont 3
Inn

The Mother 4
of Father's Day

The #1 Case Killer

If you are in a car crash due to someone else's fault, and you're feeling a little stiff and sore but you're not sure you're really hurt, here is the one thing you must NOT do: Tell yourself, "Oh, I think I will be OK. I'll just give it a few days and see if I get over it."

Wrong answer! If you think you will self-heal from your injuries, you are making a big mistake! It just doesn't work that way. By the time you figure out that you really are hurt, and weeks later you decide you should go see a doctor, you will be punished for trying to tough it out. No one, especially an insurance company, will believe you if you make a personal injury claim but did not see a doctor right after the wreck or within the next day or two.

This is the #1 case killer: Not seeking medical attention right away after an accident. It will get thrown up in your face every time.



"No problem, I'll be OK"

There are very good reasons why you should get checked out as soon as possible if you have been hit in a crash. First of all, a crash triggers "fight or flight" syndrome, which means your body releases adrenalin and endorphins that can mask any immediate symptoms. Neck and back soreness may also take a day or two to really set in, sort of like working out and feeling sore the next day, only worse. There may also be the possibility of a concussion, if you are feeling foggy after the crash, even if you did not lose consciousness.

There is also no excuse for not seeking treatment right away if you live in the Louisville area. There are hospital emergency rooms, immediate care clinics, accident clinics and doctors everywhere. All they need is your car insurance information.

Also, seeking medical treatment sooner rather than later will give you a head start on managing and recovering from your symptoms. I recently asked a specialist in physical medicine why physical therapy was helpful, and he said that targeted physical therapy brings about faster and more lasting relief than an untrained person trying to go it alone.

The reason we have no-fault insurance in Kentucky in the first place is to encourage victims of car crashes to seek medical treatment right away before worrying about hiring a lawyer. If you don't seek treatment promptly, it will absolutely kill any personal injury claim you wish to make after weeks go by and you realize you are hurt a lot worse than you thought. • 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 - Jury Bias

Overcoming jury bias in a trial is a next-to-impossible task. And the main culprit is lawyer advertising. I'm talking about the TV ads from the Hammer, the Tiger, For the People, you know the ones.

Evidently this is going on everywhere. I even read an [article](#) by an attorney in Canada, lamenting the fact that juries used to award damages for pain and suffering to injured victims with far more frequency than they do today.

This is seldom discussed in reported cases from the Kentucky Court of Appeals and the Kentucky Supreme Court. However,

a recent decision highlighted the fact that lawyer advertising has infected jury pools here in Kentucky like everywhere else.

The case is [Neal v. Floyd](#), a medical malpractice case in Lexington that was tried by Keith Mitnik. Mitnik, who is based in Orlando, happens to be the lead trial counsel for Morgan & Morgan. He has a reputation as an outstanding trial attorney. However, even his skills could not overcome the damage done to the civil jury system by all of the lawyer advertising, much of it by his firm, which advertises more than any other firm in the nation. When

he asked a potential juror whether lawyer advertising could have an unintentional impact on her, she replied "It's possible it could." The woman ended up on the jury, which at the end of the trial rendered a defense verdict in favor of the doctor and the physician.

The Court of Appeals ruled that the juror should have been excused, and granted a new trial. But the other jurors probably felt the same way and just didn't say anything. These days, lawyer advertising has made it nearly impossible to seat a fair jury in personal injury cases. I don't see it turning around anytime soon.

Advice Column - Avoiding Mosquito Bites

I love summer, but the mosquitoes are already chewing on me. Here's some tips for avoiding mosquito bites from [rentokil.com](#):

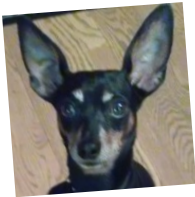
1. Avoid mosquito hotspots. Check the internet to see if your vacation destination is a hotspot for mosquitoes and mosquito-borne diseases.
2. Wear light colors. Mosquitoes are attracted to dark colors. Some believe this is because darker clothes retain more heat.
3. Use insect repellent. Of course.

It's a good idea to apply insect repellent before going outside, especially later in the day.

4. Avoid certain times of day. Generally, mosquitoes are more active at dusk and dawn, when it is cooler and less windy.
5. Wear appropriate clothing. I know, it's summer, but long-sleeved clothing will protect against mosquito bites.
6. Remove standing water. Standing water provides mosquitoes with the perfect breeding

environment!

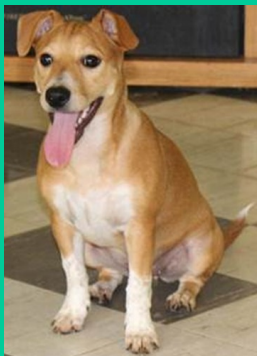
7. Use an insect net. I checked, you can buy these online so you don't get chewed up at night while you're camping.
8. Keep air circulated. Mosquitoes aren't strong fliers, which is why they are more active during dusk and dawn when there is little wind. Keeping air circulated with fans is a good way to avoid getting bitten by mosquitoes, as it makes it difficult for them to fly near you. Enjoy your summer!



Casey's Kentucky Trivia Question:
Which county is the "newest" county in Kentucky that was created in 1912?

- A. McCreary
- B. Union
- C. Elliott
- D. Calloway

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!



Zarina

Favorite Pet of the Month

Zarina is a 1-year old Jack Russell terrier mix. She does well with other dogs and would love to find her forever family, especially one with a fenced yard where she could run and play.

If you are interested in meeting or adopting Zarina,

please go to www.barktownrescue.org and complete an application. Barktown Rescue has other dogs and cats up for adoption.

Are you a pet lover? We are!

Dana Skaggs serves on the Board of Directors of [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!

Workers' Comp and PIP Benefits

If someone is injured when they are on the job, they are covered by workers' compensation. By statute, workers' comp becomes



the primary insurance to pay for the injured employee's medical treatment for the work injury. Workers' comp will also pay lost wages benefits, called "Temporary Total Disability" benefits or "TTD," if the injury causes the employee to be unable to return to his normal job for a week or more.

Of course, a workers' comp injury can be

caused by a car wreck, if the wreck occurs while on the job. We have handled dozens of these cases. Normally, in car wreck cases, PIP coverage is primary for medical bills and lost wages, but not so if the crash is work-related. KRS 304.39-120 specifically states that PIP does not apply to the extent that medical expenses and lost wages are covered under workers' compensation.

However, it is important to note that TTD only covers two-thirds of an employee's average weekly wage. What about that remaining third that isn't covered by workers' comp? That's where you may still be able to recover PIP benefits, to make up for that one-third of your lost wages that aren't covered by workers' comp.

By itself, the \$200/week maximum that basic PIP will pay for lost wages may not seem like a whole lot of money. However, if the injured worker is out for weeks or months due to surgery, physical therapy, etc., that \$200/week can add up to the maximum coverage of \$10,000. And it's pretty easy to get the PIP carrier to pay. The workers' comp adjusters keep records of everything, so we get copies of their lost wages payments and doctors' notes and send them to the PIP carrier. We have recovered \$10,000 PIP payments to a number of our workers' comp/car wreck clients as an added bonus to their workers' comp and personal injury recoveries.

Stupid-Easy Recipe of the Month

Here is a great, light and healthy summer side dish:

Cucumber Salad

Ingredients:

- 1/4 cup olive oil
- 2 tbsp. red wine vinegar
- 1 tbsp. lemon juice
- 1 tsp dried oregano
- 1/2 tsp salt
- Cracked black pepper
- 2 diced cucumbers
- 4 diced Roma tomatoes
- 1/2 small red onion, thinly sliced

- 1 diced green, red, orange or yellow bell pepper (or in combination for more color, your favorite)
- 1/4 cup fresh parsley
- 2 oz. feta cheese

Directions:

- Whisk together olive oil, red wine vinegar, lemon juice, oregano, salt and pepper to create vinaigrette, set aside
- Place diced cucumbers, tomatoes, bell pepper, onion, parsley and feta in a large bowl, pour dressing over top and toss to combine

- Serve immediately or until ready to eat, salad will keep for a few days. Enjoy!



*Tasty, cool,
and delicious
summer
vegetables!*

The Beaumont Inn in Harrodsburg, Ky

For years my wife and I have been saying we need to go spend the night at the Beaumont Inn in Harrodsburg. Well, this past month we finally did it! It's just about an hour and 15 minute drive from Middletown, but you will feel like you have really gotten away from it all.

If I had to pick one restaurant in the entire state of Kentucky where you can eat a true Kentucky-style meal, it would be the Beaumont Inn, hands down. The main dining room is a throwback in time.



Do not miss the yellow-legged fried chicken and Kentucky country ham! There is also a tavern with outdoor dining available.

For overnight stays, you can stay in the Main Inn, the Greystone House (where the owners live on the first floor), or Goddard Hall. The grounds are beautiful and you will have an extremely pleasant and relaxing time. We are already talking about going back!

Check out their website at:

beaumontinn.com.



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

The Mother of Father's Day

Last month I reprinted a story about the founder of Mother's Day, Anna Jarvis, who turned bitter over the commercialization of the holiday.



Sonora Smart Dodd

Well, this month, it's the guys' turn. Again, from abcnews.com, here is a shortened version about the founder of Father's Day:

The woman credited for Father's Day is Sonora Smart Dodd. Her father, William Smart, raised her and five brothers after their mother died during childbirth.

"While listening to a Mother's Day sermon with her father at the Central Methodist Church in 1909, Dodd was bothered that there wasn't a day to honor her civil war veteran father who raised her and five younger brothers alone.

The YMCA of Spokane, Washington, and the Ministerial Alliance endorsed Dodd's idea of Father's Day and held a celebration in 1910. Dodd wanted the celebration to be held on June 5, her father's birthday, but planning difficulties pushed the first Father's Day celebration to Sunday, June 19, 1910.

President Woodrow Wilson sanctioned the idea of celebrating Father's Day in 1913 and visited Spokane to join the celebration in 1916. President Calvin Coolidge supported the idea in 1924, as well. In 1957, U.S. Senator Margaret Chase Smith from Maine introduced a bill to create a federally proclaimed day, writing:

'Either we honor both our parents, mother and father, or let us desist from honoring either one. But to single out just one of our two parents and omit the other is the most grievous insult imaginable.'

President Lyndon Johnson signed a presidential proclamation declaring the third Sunday of June as Father's Day in 1966. Presi-

dent Richard Nixon established a permanent national observance of the day in 1972."

Dodd herself "was a well-known poet, scribe and sculptor. Dodd wrote and illustrated a series of children's books about the Native Americans of Spokane called "Children of the Sun," which is a rough translation of "Spokane." She studied sculpture and ceramics at the Chicago Art Institute and later taught at the school. She also became a well-known regional poet and her poem for peace was read at the United Nations.

She married Spokane businessman John Bruce Dodd and had one son, John "Jack" Bruce Dodd, Jr. In 1937, she became a part owner of the Ball & Dodd Funeral Home in Spokane where she worked as the vice president for 30 years.

Dodd's grave in Spokane reads:
Sonora Smart Dodd
Founder of Father's Day"