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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

INSIDE THIS ISSUE:

Current Trends	2
Casey's Ky. Trivia Question	2
Advice Column	2
Favorite Pets	2
Rising Medical Care Costs	3
Stupid-Easy Recipe	3
Louisville Dragon Boat Festival	3
James Garfield Assassination	4

“Connectors” and the Practice of Law

I am a big fan of Malcolm Gladwell and have read most of his books, including *Blink*, *Outliers*, *David and Goliath*, and his first book, *The Tipping Point*, which is a cult classic in marketing circles. On page 33 of *The Tipping Point*, Gladwell discusses “The Law of the Few,” which he postulates to mean that “the success of any kind of social epidemic is heavily dependent on the involvement of people with a particular and rare set of social gifts.”

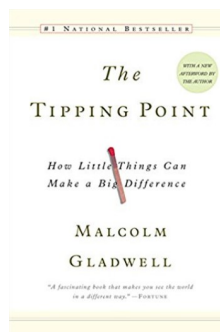
What does that mean? Well, as Gladwell explains it, the power of an idea depends largely upon the people who hear it. Among the most important people for spreading an idea are “Connectors,” people who seem to know everybody from all walks of life.

We all know Connectors, don't we? They know people from their work, business, community, school, church, civic organizations, fitness clubs, you name it. They are the types that show up for their high school reunions (I just attended my

40th - yikes!).

“Connectors” are basically the reason behind the “small world” or “six degrees of separation” theory, the idea that you can connect

any two people in the world in a maximum of six steps. Gladwell traces the origin of this theory to a late 1960s experiment by the psychologist Stanley Milgram. Milgram mailed a packet to 160 people in Omaha, Nebraska. The packet contained the name of a stockbroker in Boston, and Milgram asked each recipient to forward the packet to someone who might know someone who knew the stockbroker. Most of the packets reached the stockbroker in five or six steps. Upon further analysis, Milgram found that most of those packets ended up being routed to the stockbroker through one of three people. These three people were the



“Connectors, people with a special gift for bringing the world together.”

Are you a Connector? Gladwell's book has a test to find out. He provides a long list of last names and asks you to identify how many people you know with each last name.

Of what importance is this to practicing law? Well, there are a couple of reasons. It is important for me to be a Connector, because knowing clients, judges, adjusters, other lawyers, people in the community, and human nature is a vital part of advising my clients and providing them with the best representation possible. We also depend on Connectors we have represented to recommend us to their friends, family, colleagues, etc. for their legal needs, particularly if someone they know has been seriously injured in an auto accident or at work. We are extremely grateful to all of you who have provided Testimonials for our website and have referred people to our practice. Being a Connector for our practice is the greatest compliment we could ever ask for. **•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!

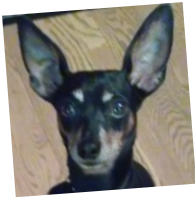
Our best to all of you!

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.



Casey's Kentucky Trivia Question:
What Ky. city is the only city in the US known to be built in a meteor crater?

- A. Sturgis
- B. Mayfield
- C. Columbia
- D. Middlesboro

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!



Nacho

Margarita

Current Trends - Workers' Comp Settlements

It seems like workers' comp judges (i.e., "Administrative Law Judges," or "ALJs") are more reluctant than ever to decide cases anymore. And they have good reasons for feeling that way.

First of all, workers' comp claims don't get decided by a jury. If a claim doesn't settle, it must be decided by the ALJ at a final hearing. The ALJ will consider testimony from the injured worker and any other important witnesses, either live or by deposition. The ALJ then has 60 days after the final hearing to render a decision in a written opinion.

Thus, unlike a civil case, an ALJ does not have a jury to decide who wins and who loses. The ALJ has to do that. And, understandably, they don't like to do that. They enjoy a cordial relationship with most lawyers, and lawyers have long memories when it comes to judges who decide against them. Plus, being an ALJ is a politically-sensitive job. They are appointed by the governor to serve a term of 3 years. That's not a very long term to have to shut down your practice to become a judge. And, in the current political climate, there is more pressure on them to

be conservative, even though workers' comp is supposed to be remedial.

So, what we're seeing nearly all the time when the workers' comp carrier is disputing liability is to let health insurance (if available) pay for all of the bills. The ALJs then encourage the parties to settle apart from the bills, with the winking arrangement that they will find the bills unrelated so the health insurance can't try to recoup their payments. We don't like it, but given the risks, that's how a lot of business gets done these days.

Advice Column - Daily Planner Tips

From treehugger.com, here are some tips for keeping a daily planner to stay organized:

1. Have a regular daily planning session. Take 5-10 minutes every evening to go over your tasks for the next day. That refreshes in your mind what needs to be done.
2. Have a regular weekly planning session. At the start of the week, take a few minutes to go over plans for the week ahead.
3. Use the monthly section. This
- is where you should jot down things that won't change – birthdays, anniversaries, holidays, due dates for bills, etc.
4. Use a single planner for everything. It's easiest to keep it all in one place. Try color-coding business and personal tasks for better separation.
5. Make your steps concrete. Write in short sentences to clarify what you need to do, e.g. "Call Maria about recipe."
6. Check your planner a lot.

Check it frequently and leave it somewhere obvious when you're at home ready for use.

7. Choose a planner that is portable. The smaller and more compact your planner is, the more inclined you will be to carry it around and use it. Pick something that can fit in a handbag or backpack. Also, choose a planner that draws your eye – something colorful, decorative, or interesting – because that will help you to remember it and make you want to use it.

Favorite Pets of the Month

This sweet pair of kittens came to Barktown Rescue together and are bonded. Nacho (orange male) and Margarita (tortoise female) are approx. 5 months old. They are litter box trained, neutered/spayed, and love human contact! Don't you want to take them home?

If you want to add a pet to your family, may we suggest [Barktown Rescue](http://BarktownRescue.org)?

Dana Skaggs serves on the Board of Directors.

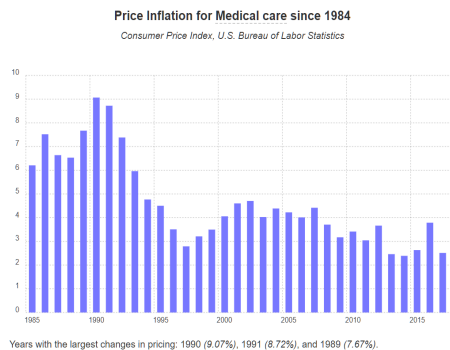
Brad and his family love pets, too!

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!

Rising Medical Care Costs

In my book, 20 Questions about Kentucky No-Fault, I begin by pointing out that the No-Fault Act was originally enacted into law in 1975. One of the primary goals of the Act was to promote a system “where motor vehicle accident victims will seek payment for their losses before and, where possible, instead of filing tort actions” (KRS 304.39-010). In other words, you must first seek compensation for your medical bills and lost wages through your own insurance for at least the basic PIP limit of \$10,000. The Act also restricts anyone from filing a lawsuit unless they have at least \$1,000 in medical expenses or meets one of the other statutory thresholds.

Those are the numbers that have been on the books for over 40 years. What did these num-



bers mean in 1975 in terms of today's dollars?

Well, the website in2013dollars.com says that the U.S. Bureau of Labor Statistics did not begin tracking the Consumer Price Index for

medical costs until 1984. So we can't get a true comparison to today's dollars, but we can come close. The website says that since 1984, medical care has experienced an inflation rate of 4.54% per year, much higher than the overall inflation rate of 2.62% per year. That means that the minimum PIP limit in 1984 would amount to \$45,272.10 in today's dollars. And the \$1,000 medical expense threshold in 1984 would amount to \$4,527.21 before an injured person could file a lawsuit, adjusting for inflation.

Clearly, in 1975, the \$10,000 basic PIP limit and the \$1,000 medical expense threshold meant a lot more back then than they do today.

Stupid-Easy Recipe of the Month

Dana's Pork Loin recipe

September means school is back in session. It is the perfect time to pull out your slow cooker for busy schedules. Here's one of my family's favorites.

Ingredients:

- 1 3 lb. boneless pork loin
- Pinch of dried thyme
- ¼ cup Dijon mustard
- Salt and pepper to taste
- 1 red pepper – cut into large pieces

- 1 pound small red potatoes, rinsed
- 1-2 sweet potatoes peeled and cut into chunks
- 1 ½ cups of beef broth

Directions:

Mix mustard, thyme and salt and pepper (to taste) in a small bowl. Spread evenly over your pork loin. Place potatoes and peppers in the bottom of slow cooker then pork loin. Pour beef broth over all, cover and cook on low for about 8 hours. Remove pork loin and let it “rest”

for 5-10 minutes. I serve with green veggie or salad. Leftover pork is great on bun or in lunch-box



A great back-to-school one dish meal!

Louisville Dragon Boat Festival Sat. September 8

This time of year, it seems like the number of upcoming fall festivals in Ky. are endless. Well, here's one of the more unusual ones. A few years ago while driving along I-65, I passed some vehicles pulling some unusual-looking boats. I was curious as to what they were, and in Googling around on the internet I discovered they were dragon boats. Dragon boats? Yes, they are a thing. From what little I know, they are an ancient Chinese watercraft that look like very long canoes.

They are very colorful, and hold 20 people who sit in rows of two and power the boat by paddling. The sport of dragon boat



racing dates back over 2000 years.

Well, guess what? Louisville's 4th annual “Louisville Dragon Boat Festival” is coming up this month at Waterfront Park. Dragon boats will be practicing from September 4-7 until Race Day September 8. The website claims that dragon boat racing is the second fastest-growing team sport in the USA (behind soccer).

Interested? Check out their website at: www.louisvilledragonboat.com.



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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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The Assassination of James Garfield

The second US president ever assassinated, James A. Garfield, died on September 19, 1881. He was actually shot on July 2, 1881, just four months after taking office, as he was entering the old Baltimore and Potomac Railroad Station in Washington, DC. His wounds were not mortal, but due to the lack of proper medical treatment, they became infected to the point where he died some 11 weeks later.

Garfield's assassination is the subject of *[Destiny of the Republic](#)*, a brilliant book by historian Candice Millard. The event had a profound impact upon American history that is largely forgotten today.

For starters, Garfield was accompanied by only his friend, Secretary of State James G. Blaine, when he was shot by Charles Guiteau. Guiteau was a 40-year old malcontent who had unsuccessfully applied for several jobs in Garfield's administration. Back in those days, there was no Secret Service protection for presidents. Americans did not regard assassination as a threat warranting presidential protection, de-



spite Lincoln's assassination just 16 years earlier, which was regarded as a casualty of the Civil War.

Moreover, if Garfield had received no medical treatment, he likely would have survived. Many Civil War veterans were walking around in those days with bullets lodged in their bodies. But because Garfield was president, he received the attention of several prominent physicians who aspired to be the physician who restored the president back to health. Unfortunately, these physicians rejected the notion of antiseptic medicine, even

though the importance of sterilization had been discovered by Joseph Lister and was widely practiced in Europe with dramatic results. Many American doctors still did not believe in germs because germs were something they could not see, and therefore they did not believe in them. Consequently, Garfield clung to life while unifying a torn nation in prayerful vigil for him, until he finally succumbed to massive infection throughout his body - the result of his doctors having probed his wound for the bullet with unsterilized fingers.

Garfield was regarded as a president of great promise. A lifelong abolitionist, he became a captain in the Union Army and participated in the Civil War battles of Shiloh and Chickamauga. He was elected to Congress in 1863, and helped win passage of the 14th and 15th Amendments to the Constitution to guarantee equal rights for freed slaves. His term was filled by Chester Arthur, who failed to win his party's nomination in the next election.