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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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Finding the Right Expert

One thing that people may not fully realize about the law is how much it is driven by experts. We rely upon experts in just about everything we do. In a personal injury case, we rely on medical records and doctors' reports to determine the seriousness of our clients' injuries. We may also need to hire a doctor who can provide opinions regarding prognosis and future medical expenses. Workers' comp cases are also dependent upon medical records and reports, but in those cases we also need doctors to provide us with an "impairment rating."

In trucking cases, and some auto accident cases, we may need "accident reconstruction" experts to provide more detailed information about how a crash occurred. In nursing home negligence cases, you need a nursing expert to break down the specifics of how the nursing home violated the standards of care. In medical malpractice cases, you are required by

law to have a qualified medical expert who will

testify that the accused physician breached the standard of care.

Property damage cases and estate valuation cases are always decided based upon appraisals. Insurance "bad faith" cases always require a former claims adjuster to provide expert testimony about how a case was mishandled in order to try to get the case to a jury.

Are you getting the picture? In so many cases, the outcome depends upon what the experts have to say. But the point here, not to be missed, is how important it is to hire a lawyer who knows how to find the right expert for your case.

So, how is this done? First of all, this is an area where experience really pays off. Having been at this for 33 years, I can rattle off the names of



the top experts in several different fields that we regularly hire or encounter in our cases. You don't need to hire an expert in every case, but when you do, finding the right one has become second nature to me.

The important thing is to find the right fit. For example, if I need an accident reconstruction expert to investigate a crash that occurred in the Louisville area, I will probably hire a retired LMPD police officer. If I need one for a crash that occurred out in the state, I will probably hire a retired state trooper.

Sometimes, though, I am faced with a situation where I have to go find an expert. Here, too, experience pays. Google is a great resource, but it's just a start. I also have a book that reports Ky. jury verdicts over the past 19 years, and there is a website that reports workers' comp cases. But the best resource is knowing other lawyers and word of mouth. My friendships with other lawyers cannot be undervalued for those times when we need to help each other out.

• 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

November is that time of year when folks all over the state hop onto their ATVs to go hunting, including our young folks.

Those who do should be mindful about changes to Kentucky law that went into effect in July.

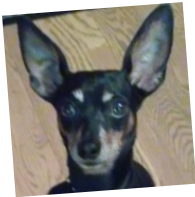
The statute, 189.515, modifies the age restrictions for operators of ATVs. The old version said that a person under the age of sixteen (16) years shall not operate an ATV vehicle with an engine size exceeding ninety (90) cubic centimeters, and shall not operate an ATV except under direct parental

supervision. It also said that a person under the age of twelve (12) years shall not operate an all-terrain vehicle with an engine size exceeding seventy (70) cubic centimeters. The old version said nothing about headgear.

The new version, however, deletes all references to engine size, and removes the section applying to persons under age twelve (12). It now says that a parent or guardian shall not knowingly allow a minor under the age of 6 to operate an ATV. (Seriously? It's OK for 6-year-olds to drive

ATVs!!!) It also says that all persons under age 16 must wear protective headgear, and that the parent or guardian cannot knowingly allow that person to carry a passenger.

What difference does this statute make? Well, if a person under age 16 is injured in an ATV accident, the statute may affect liability issues if the operator is not wearing protective headgear, or if a passenger is injured and the parent or guardian knowingly allowed that to happen.



Casey's Kentucky Trivia Question:
In 1775, what denomination founded the first Christian church in Ky.?

- A. Methodist
- B. Episcopal
- C. Baptist
- D. Presbyterian

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 - Feeling More Thankful

Not feeling it this Thanksgiving? From tinybuddha.com, here are a few tips for feeling more grateful and blissful:

1. Keep a gratitude journal.

Make gratitude a daily habit. Every day, jot down 10 great things that happened to you or that you are grateful for. Keeping your focus on the positive will really make a difference.

2. Practice present moment awareness.

The habit of being fully present and not wishing for something in the future or the past—but just

being grateful for what is—can really shift your perspective.

Catch yourself when that moment escapes you, and gently remind yourself to come back.

3. Think bigger than yourself.

Become involved in a cause that is important to you. As you become aware of other people who are less fortunate than you, you will start to feel a deeper appreciation for what you do have.

4. Share the love with your family and friends.

Cultivate appreciation for others and let them know regularly that

you are grateful for them and for what they do for you—whether it be helping around the house or always inviting you out for a fun dinner date. Focusing on the positive will make people want to keep doing it!

5. Replace complaints with gratitude.

When you find yourself focusing on what you believe you're lacking - I wish my car were nicer, my house were bigger, I had more money - replace it with thoughts of what you are thankful for. What are you grateful for today?

Favorite Pet of the Month



Patty

Meet Patty! Patty is a 3-year-old Boxer/Mastiff mix so she's a big girl! As sweet as she can be, Patty enjoys being loved on and taking long walks. She is housebroken and would love the chance to be part of your family.

For more information, check out www.barktownrescue.org.

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

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!

Who is the Named Insured?

A recent case from the Ky. Court of Appeals highlights the fact that it's important to know who is covered under your auto insurance. You might call it the case where "The Hammer got hammered."



The case is *Isaacs v. Sentinel Insurance Company*. Attorney Darryl Isaacs - yes, the "Hammer" - was in a bicycle accident on River Road a few years ago. At the time he had a commercial auto policy issued by Sentinel Insurance Company to his law firm, "Isaacs & Isaacs, P.S.C." Darryl made a claim under this policy for underinsured motorist (UIM) benefits as a result of his accident. In other words, he was claiming that his damages exceeded the amount of the at-fault driver's liability insurance, so his UIM coverage owed him for those excess damages.

However, the trial court dismissed the claim, and the Court of Appeals affirmed. Because the named insured on the policy was "Isaacs & Isaacs, P.S.C.," the policy only provided coverage for any employee of the law firm while using an automobile owned by the firm that was listed on the policy. Therefore, the policy did not provide UIM coverage for Darryl when he was injured, because he was not using one of the covered automobiles listed on the policy.

Darryl's lawyer tried to argue that Darryl's law firm and Darryl himself were one and the same. But the Court of Appeals rejected that argument, pointing out that a professional service corporation is a separate legal entity under Kentucky law.

The moral of the story is, if you do business as a PSC, LLC, or PLLC, your business is a separate legal entity from yourself. If your business owns automobiles, do not make the mistaken assumption that the insurance you purchase on those automobiles in the name of your business will provide you with the same coverage as the insurance you purchase on your personal automobiles. Policy coverage is always controlled by the legal entity listed as the "Named Insured."

Stupid-Easy Recipe of the Month

Saucy Roast Beef

This is a classic cold-weather recipe from my wife, Mary, handed down to her by her mother:

Ingredients:

- 1/4 c chopped onion
- 2 tbsp. butter
- 1 16 oz. can tomatoes
- 1 10 3/4 oz. can tomato soup
- 1 4 oz. canned mushrooms
- 2 cups cooked roast beef

- Egg noodles
- Blue cheese dressing (optional)

Directions:

Saute onion in butter, add remaining ingredients except roast and simmer 20 minutes uncovered; add roast beef and simmer until sauce thickens.

Meanwhile, cook egg noodles separately; serve saucy roast beef mixture over noodles. Add blue cheese dressing according to taste.

This recipe is yummy. Enjoy!



A great
cold
weather
dish!

The Kentucky Artisan Center

The holidays are coming and there are going to be lots of cars on the road. Need a place to make a pit stop? It may seem unlikely that there is a rest area that is also a destination worth stopping for, but that's what the Kentucky Artisan Center is! Located off Exit 77 on I-75 as you are passing by Berea, it not only has clean restrooms decorated with flowers, it also has a café and gift shop featuring all kinds of Kentucky crafts, artworks, and other products.



The Center has gotten a lot of national attention. In 2007, National Public Radio aired a story about the fresh cut flowers in the restrooms that are gathered and arranged by maintenance staff. It has also been designated as having the "cleanest and best designed restrooms" by the *Along Interstate-75* travel guide. It even has an outdoor dining area where you can enjoy some fresh air on a nice day. Warning: stopping there will delay your trip. But it's worth it!



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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

November is Child Protection and Safety Month

November is Child Protection and Safety Month! It is especially important during the holidays, when there are lots of stuff, people and distractions around, to keep those kiddos safe!

Parentguidenews.com offers these safety guidelines:

- 1. Use safety gates.** Even before your baby crawls, install safety gates to match your home and protect curious children from harm. Hardware mounted gates should be installed at the top and bottom of the stairs.
- 2. Prepare for bedtime:** Remove all soft, fluffy and loose bedding from the baby's sleep area. This includes pillows, blankets, quilts, bumper pads, sleep positioners, sheepskins, stuffed toys and other soft products.
- 3. Be mindful of plants.** Choose decorative plants that are nontoxic. Common household plants can often cause serious sickness.



- 4. Update your exterior.** Place a welcome mat outside your home or apartment. Pesticides and other toxins may be carried inside on the soles of people's shoes.
- 5. Keep things tidy.** Storage bins offer a great way to store toys and baby supplies, preventing anyone from tripping.

6. Get creative. Hand paint electrical outlet covers to blend into walls. Install door knob covers as a means to keep little hands from opening doors.

7. Lock it up. Put locks on anything and everything that can open.

8. Be cautious of choking hazards. Be vigilant about coins, marbles, keys, jewelry, paper clips, water bottle tops, safety pins, removable rubber tips on doorstops, jeweled decorations on children's clothing, crayons, and hard and round foods.

9. Check out your furniture. Use angle braces or anchors to secure large furniture to the wall. Place TVs, VCRs and stereo systems on lower furniture, as far back as possible.

10. Hot water: Set hot water heaters no higher than 120 degrees F. A lower water temperature reduces the chance of scald burns. Munchkin's White Hot Super Safety Bath Ducky can help you manage the temperature of water in your children's baths.