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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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Better Late than Never!

This issue of my newsletter marks the end of three full years since I began publishing it. That makes this the 36th issue, and it is the first one in three years that I have not mailed during the first week of the month. Sometimes stuff happens!

This is such a busy season, isn't it? Things just seem more hectic this time of year. Your normal routine can get thrown completely out of whack.

If you can relate, then the message I have for you is this: Try not to worry about it. Try to live each day as best you can. Don't stumble over what's behind you.

I'm in a business where I am paid to worry, so I'm something of an expert on that topic. You can't let it eat you up. The holidays and Christmas should be all about peace. It's not the end of the world if you can't seem to get it all done. I doubt the world will stop spinning on its axis just because I didn't get my newsletter out in time.

In the greatest sermon ever preached - the Sermon on the Mount - Jesus told the crowds "do not worry about your life, what you will eat or drink; or about your body, what you will wear. Is not life more than food, and the body more



than clothes? Look at the birds of the air; they do not sow or reap or store away in barns, and yet your heavenly Father feeds them. Are you not much more valuable than they? Can any one of you by worrying add a single hour to your life?" (Matthew 6:25-27.)

That's the foundational text for just about every modern self-help book on the topic of worrying. In the landmark bestseller *Psycho-Cybernetics* by Dr. Matthew Maltz, first published in 1960, Dr. Maltz wrote these words about a Dr. James Gordon Gilkey: "He had found, through many years

of counseling, that one of the main causes of breakdown, worry, and all sorts of personal problems was the bad mental habit of feeling you should be doing many things now. Looking at the hourglass on his desk, he had an inspiration. Just as only one grain of sand could pass through the hourglass at a time, so could we only do one thing at a time. It is not the job, but the way we insist on thinking of the job that causes the trouble."

That's very true for what we do. All of you whom we have represented or advised over the years are important to us. If we are not working on your case, we are working on someone else's. Like the sands in the hourglass, we can only work on one case at a time. But when we work on your case, we give it our full attention and do the best job we can.

May all of you have a joyous and blessed holiday season, and thank you for the opportunity and privilege of being your lawyers! • 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

Buh-Bye, MRP Act! On November 15, our ever slow-moving Ky. Supreme Court finally tossed out the wretched Medical Review Panel ("MRP") Act. By a unanimous vote of 7-0, the Court found that the MRP Act violated Section 14 of the Ky. Constitution, which states: "All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay." Because the Court found that the Act violated

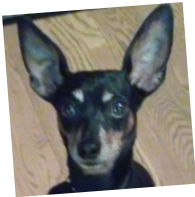
this particular section of the Ky. Constitution, there was no need for it to address all of the other ways in which the Act violated the Constitution.

The governor's comment was that the Ky. Supreme Court assumed for themselves "the authority granted by our constitution to the state legislature," but that is simply not true. The Ky. Supreme Court's opinion points out that Section 14 has appeared in all four of Kentucky's constitutions since it became a state back in 1792, and traces its roots back to the Magna Carta in 1215. You simply

can't say that certain people with a certain type of claim have to go through a review process before they can file a lawsuit, unlike everybody else.

At least state Sen. Alvarado, the Winchester physician who sponsored the bill, finally seems to understand that Ky law won't allow this sort of tomfoolery unless you amend its constitution. Good luck with that.

Meanwhile, our trial courts are now dealing with the fallout from the ill-advised Act. Medical cases are now backlogged at least 2-3 years.



Casey's Kentucky Trivia Question:
The world's largest known sassafras tree is located in what Kentucky city?

- A. Louisville
- B. Lexington
- C. Owensboro
- D. Paducah

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 - Holiday Safety Tips

From thebalance.com, here are some Christmas gift-giving tips:

1. Stick to a Budget

To save money on Christmas gifts, you have to stick to a gift budget. You can incorporate this into your monthly budget and put money away for Christmas in the months leading up to Christmas.

2. Plan your Gift List in Advance

Plan ahead when shopping for Christmas gifts. You can begin looking for Christmas gifts at any time during the year, but big holiday sales weekends like Labor Day, Black Friday, and Cyber

Monday are great places to start.

3. Buy One or Two Extra Christmas Gifts

Purchase one or two generic gifts that you can give in return when you receive an unexpected gift or have an unexpected party to attend. Gift cards are a great solution, but you could also consider having a nice bottle of wine, scented candle, or another type of gift on hand.

4. Encourage Christmas Gift Exchanges.

Another easy way to save on Christmas gifts is to do a Secret Santa gift or to draw names. That

way, you will only have to shop for one person. This really can help save money on gifts, plus it allows people to purchase a nicer gift for one person, rather than several less meaningful gifts.

5. Give a Christmas Gift to Someone in Need

Take time this holiday season to give to someone who truly needs it. This gift may be the one that makes the biggest difference in your shopping experience. Taking time to help someone else can make a big difference and help get you into the holiday spirit.

Favorite Pet of the Month

This is Sally Ann, a 3 year old domestic short-hair. Rescue volunteers love this kitty!

She is a little shy at first but loves attention once she warms up to you. She is good with other cats, dogs, and kiddos! If you would like to make Sally Ann a part of your family, fill out an application at www.barktownrescue.org.

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!



Sally Ann

What To Do About Your Property Damage

We get a lot of calls from folks who have been in car wrecks who aren't injured but they want to know what their



options are about their property damage.

Well, it's pretty simple actually. The first and most important question is, was the accident your fault or the other driver's fault? If it was clearly the other driver's fault - e.g., someone rear-ended you while you were stopped at a stop light - then there's a good chance that the other driver's liability insurance will pay for the damage. Get a copy of the police report to get the name of the

other driver's insurance company and call them to make a claim.

What do you do if the other driver's insurance company isn't willing to accept 100% fault, or if the other driver didn't have insurance? In that case, your only recourse is if you have collision insurance on your car. With collision coverage, your own insurance company pays for the damage to your car, less your deductible. If your own insurance company agrees that it was the other driver's fault, it will try to recover what it pays to you, and your deductible, from the other driver's insurance company (if he was insured), or the other driver if he

was uninsured (although they are usually judgment-proof).

What if you don't have collision insurance? Unfortunately, you are probably going to have to absorb the cost of the damage yourself. If there is insurance on the other side, but they won't accept liability, you can try to find a lawyer. But if you were not injured, then you probably won't be able to find a lawyer to take your case because lawyers won't usually take such cases on a contingency fee basis. That's why you buy collision insurance, to protect yourself from this situation.

Stupid-Easy Recipe of the Month

Holiday Microwave Fudge

Ingredients:

- 3 cups sugar
- ¾ cup butter
- 1 5 oz. can of evaporated milk
- 1 package of chips – chocolate, butterscotch, or peanut butter
- 7.5-8 oz. jar of marshmallow cream
- 1 cup chopped nuts (optional)
- 1 tsp. vanilla

Directions:

In a large microwavable bowl, melt butter. Add sugar and evaporated milk. Stir well to dissolve sugar. Cook on High for 9-10 minutes. During cooking time, stir 3 times. Add other ingredients and stir well. Pour onto buttered cooking sheet. Cool and cut into squares.



*Fun to
make with
your kids!*

Southern Lights Holiday Festival - Ky. Horse Park

The 23rd annual Southern Lights holiday festival is under way at the Kentucky Horse Park off Iron Works Pike north of Lexington. A holiday tradition for many families, the driving tour is open from 5:30 pm to 10:00 pm nightly from November 16 through December 31. More than 125,000 people in more than 30,000 vehicles are expected to attend. The festival features a variety of holiday, horse-themed and pop culture displays.



Following the driving tour, visitors may also visit the horse park's holiday festival attractions, including holiday crafts, a petting zoo and pony and camel rides. Tickets to the festival are \$17 per passenger vehicle from Monday through Thursday, and \$27 per passenger vehicle on Friday, Saturday and Sunday. For more information, check out the Southern Lights website at kyhorsepark.com. It's just a short drive from Louisville!



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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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December is National Safe Toys and Gifts Month

From nationaldaycalendar.com, did you know that December is National Safe Toys and Gifts Month? Here is what the online article says:

"Since December is the biggest gift-giving month in the world, it's important to keep safety in mind as you're shopping for the little ones in your life.

According to the U.S. Consumer Product Safety Commission, 251,700 toy-related injuries were treated by hospital emergency rooms around the U.S. in 2010. Of those, 72% of them were people younger than 15 years old. A few years earlier, toy makers recalled over 19 million toys across the globe due to safety concerns like lead paint and small magnets. Since then, toy safety has improved, but shoppers can take precautions to keep children in their lives safe.

Buying toys and other gifts are one of the most exciting parts about the holiday season. I mean, who doesn't love watching a



friend or family member open a gift and seeing their eyes light up with excitement!! In all the eagerness, it's easy to forget about simple safety. So before making any purchases this year, keep safety in mind, so the holidays don't turn from the happiest time of the year to the scariest!

HOW TO OBSERVE

Post on social media using #SafeToysAndGiftsMonth to spread the word and raise awareness this December. Here are some ways to be sure you're shopping safely this year.

Make sure to inspect the toys before you buy them. Try to avoid toys with sharp edges, lots of little parts, or parts that can be easily pulled off. (Especially if it's for a baby or toddler)

Make sure the age and skill level marked on the toy matches the age and skill level of the child you're buying for.

Label check! Toys should have a label for ATSM (American Society for Testing and Materials) that proves it's up to standard. ATSM testing is more important than many people realize.

Do not give toys with ropes, cords, or that can heat up, and avoid crayons and markers unless they are labeled nontoxic.

Follow this advice, and your whole family is sure to have a very merry (and injury-free) holiday season!"