

Harville Law Offices, PLLC  
2527 Nelson Miller Pkwy, Suite 102  
Louisville, KY 40223  
**(502) 245-2333**  
[harvillelaw.com](http://harvillelaw.com)



Harville  
LAW OFFICES, PLLC

## The Louisville Accident Lawyer Journal

FEBRUARY 2020 • VOLUME 2 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**

### Why a Newsletter?

You are receiving this newsletter because you are an existing or past client of our firm, or have contacted us about representation. For this reason, this newsletter is not an "advertisement" under Ky. Supreme Court Rule 3.130-7.02(1)(h). It is our way of staying in touch with people who have had a relationship with our firm. We care about the people we have helped and want you to know your relationship is valuable to us, even after your case is over. We hope you find it entertaining and informative, and would love to hear from you if you enjoy it! Our best,  
Brad Harville  
Dana Skaggs

## "He Who Represents Himself..."

The internet age and HGTV have made Do-It-Yourselfers (DIYs) out of all of us, right? I am a very "un-handly" man, but even I have managed to replace a broken spring in my oven door, a parking light bulb on my car, and a new hinge on the rear windshield of my son's Jeep, all with the aid of YouTube videos.

But there's definitely one area where I don't fool around. If I need to hire a lawyer, I'm not going to try to do it myself. Wait, what?

That's right. If I am ever seriously injured in a car wreck, God forbid, I'm not going to represent myself. I'm going to want another lawyer to go to bat for me. (And no, it's not going to be The Hammer, or The Tiger, or the For The People. If they were the only ones around, then I would represent myself.)

I think a lot of people think that just because you're a lawyer then you never have a need to hire another lawyer for legal services. That's simply not true. When my mother was in a nursing home, I hired an elder law attorney to set up a trust to make her Medicaid-eligible. If I buy or sell some real estate, I want a lawyer to do the closing. If I ever wanted to set up a trust fund, I would go to an estate planning lawyer. I don't do my own taxes or payroll, either. I'm not competent to do that stuff, and I don't want to try to be. I want professionals who know

what they are doing.

So WHY do people - who aren't even lawyers - think they are competent to handle their own personal injury cases? It drives me nuts!

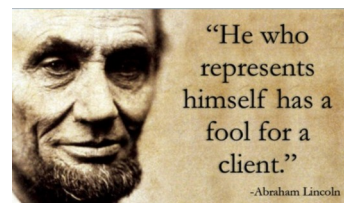
I can't tell you how many calls I have gotten from people who think they are smart enough to handle their own personal injury case without the help of a lawyer.

Dozens. Hear me now: I've never talked to a single one of them who had a clue about what they were doing. But you can't tell them any different. I've tried to explain over and over again that there are any number of ways they can screw it up, but these legal DIYs always think they know better.

And that's too bad. Because many of them have good cases and they are going to screw it up for themselves. Not to mention the anxiety they put themselves through instead of letting a professional handle it.

So now, can you fill in the rest of the sentence in the title of this article? "He who represents himself **has a fool for a client.**" And the man most often credited with this quote is none other than Abraham Lincoln, although Honest Abe was probably repeating this phrase because it dates back to well before his time.

You might as well say, gee, I need surgery to repair my knee, wonder if I can do it myself? I need a root canal, wonder if I can do it myself? Hey, I've watched a few YouTube



videos, I wonder if the people on my next flight would mind if I flew the plane?

Here's a prime example. A few months ago I met with a gentleman who called me 3 or 4 times before he finally decided to schedule a consultation. I drove to a nearby county and met with him at a McDonalds. I told him to bring a copy of his auto policy, and he couldn't even get that right, he just had some random pages and his file was a mess. We talked about a half hour until he asked me what his case was worth. I told him I couldn't say until I got a medical opinion. At that point he stood up and walked out on me, saying he had told me he was going to ask that question (which he hadn't, and if he had I would have given him the same answer).

So who does this man have for a client? A fool.

Let me just put it this way: The next legal DIY person I meet who actually has a clue about what he/she is doing will be the first one. Sorry, but there's no substitute for a law school degree and 34 years of experience in handling personal injury and workers' comp cases.

## BARKTOWN RESCUE COMPETES IN THE PUPPY BOWL FOR THE SIXTH STRAIGHT YEAR

Yes, I know the newsletter is a little late this month and the Super Bowl is over, but where else besides the Louisville Accident Injury Journal can you get the real backstory on Barktown Rescue's own member of the 2020 Puppy Bowl on Animal Planet?



Summer's story began on July 1, 2019, when she and two other puppies were found abandoned in the woods near Nelson County. When someone heard them crying, a Barktown volunteer, Sonia Beard, was notified. Sonia scooped them up and rushed them to the vet. Just three weeks old, they were dehydrated and covered in fleas and other insects. After treatment and TLC, all three were adopted, and Summer was chosen to

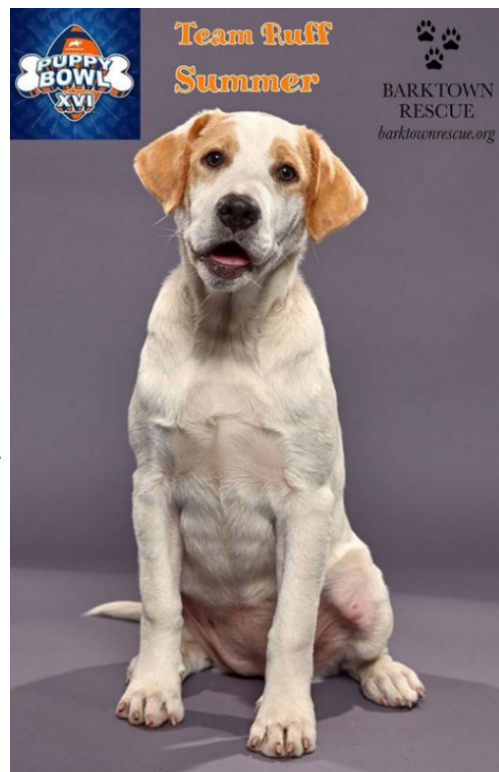
represent Barktown Rescue on Animal Planet's Puppy Bowl!

You can still watch the Puppy Bowl on Animal Planet's website at:

<https://www.animalplanet.com/tv-shows/puppy-bowl/full-episodes/puppy-bowl-xvi>

Please consider adopting a rescue! They have so much love to give.

If you want to add a pet to your family, may we suggest [Barktown Rescue](https://www.barktownrescue.org)? Dana Skaggs serves on the Board of Directors. Brad and his family love pets, too!



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

The Ky. Supreme Court has to hear a lot of Workers' Comp cases because of a procedural quirk. The rule in Kentucky is that a litigant has one appeal as a matter of right in the court system. However, because a workers' comp case is an administrative proceeding, it doesn't wind up in the court system unless a decision is appealed to the Ky. Court of Appeals, and since that is the first time the case lands in the court system, a litigant can appeal as a matter of right to the Ky. Supreme Court. Make sense? I didn't think so. For this reason, the Ky. Supreme Court has to write a lot of opinions in Workers Comp cases, but they

don't usually publish them, meaning they aren't supposed to be cited as binding precedent. That doesn't make a lot of sense, either.

Anyway, in December, the Ky. Supreme Court decided the case of *Judy Construction v. Smith*. At issue was whether a construction worker's disability award could be reduced by 15% under KRS 342.165 for knowingly committing a safety violation. The construction worker was on a bridge some 40 to 50 feet high, and he was required to wear a safety harness. Toward the end of the day, he removed his harness to go use the restroom, but on the way his supervisor told the crew

that once they completed the last form they could go home. He went back up the bridge, forgetting to put his safety harness back on, and sure enough, got knocked off and fell some 50 feet, suffering very serious injuries.

The Ky. Supreme Court agreed that this evidence was sufficient to support the Administrative Law Judge's finding that the injured worker did not intentionally fail to use his safety harness, since he had always worn it and just forgot on this one occasion because he was in a hurry. The employer's appeal was therefore denied.

## Stupid-Easy Recipe of the Month

A delicious  
and easy  
cold weather  
meal!

### Easy Baked Pasta

You can't beat pasta in the wintertime. This dish is delicious and super easy!

Ingredients:

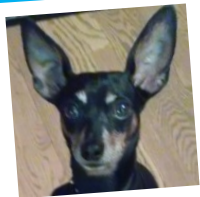
- 1 lb. of lean ground beef
- 3 cups of whole grain penne pasta (cooked but al dente)
- 1/3 cup of grated parmesan
- 1/2 Tablespoon of Italian seasoning
- 24 oz jar of your favorite red pasta sauce

- 1 cup of mozzarella cheese

Directions:

Preheat oven to 350 and spray a 13 x 9 pan.

Brown beef in large skillet. Drain. Add cooked pasta, sauce, seasoning and 1/2 of the parmesan cheese. Mix well. Spoon into pan. Top with mozzarella and remaining parmesan. Bake for 20 minutes or until heated through. Enjoy!



Casey's Ky. Trivia Question:  
Who scored the most points ever (114) in a Kentucky boys high school basketball game?

- A. Jack Givens
- B. Richie Farmer
- C. Kelly "King" Coleman
- D. Wayne Oakley

Be the first person to answer correctly by sending an e-mail to [bdh@harvillelaw.com](mailto:bdh@harvillelaw.com) and we'll mail you a \$5 Starbucks gift card!

## Henry Clay's Tragedy

Mary and I love The Golden Lamb restaurant in Lebanon, Ohio, not far from King's Island. It opened in 1803 and is the oldest inn in Ohio. It has had many famous visitors in its history, Charles Dickens, Mark Twain and several presidents to name a few. It is a wonderful place to dine and spend the night.

Among the luminaries is Kentucky's own Henry Clay, arguably the most famous US politician during the first half of the 19th century. Unfortunately, in August, 1825, the Clay family was traveling to

Washington, D.C. when Clay's daughter, 12-year-old Eliza, fell ill with typhoid fever, forcing the family to stop at the Golden Lamb. There, poor Eliza succumbed to her illness, and was buried in a nearby Baptist cemetery. Her remains were brought back home to the Lexington Cemetery some 70 years ago.

Visitors and staff at the Golden Lamb have reported ghostly encounters with a little girl. Some believe it is the spirit of Sarah Stubbs, who grew up at the inn, but others say it is little Eliza.



The Golden Lamb





Anchorage Office Plaza  
2527 Nelson Miller Parkway  
Suite 102  
Louisville, KY 40223

Phone: 502-245-2333  
Fax: 502-245-2399

To be removed from our mailing list,  
please call (502) 245-2333

**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](mailto:bdh@harvillelaw.com) [dts@harvillelaw.com](mailto:dts@harvillelaw.com)

visit us at [harvillelaw.com](http://harvillelaw.com)

## ***INSIDE THIS ISSUE:***

<b>"He Who Represents Himself . . ."</b>	<b>1</b>
<b>Barktown Rescue Competes in Puppy Bowl XVI</b>	<b>2</b>
<b>Current Trends</b>	<b>3</b>
<b>Casey's Ky. Trivia Question</b>	<b>3</b>
<b>Stupid Easy Recipe</b>	<b>3</b>
<b>Henry Clay's Tragedy</b>	<b>3</b>