

## Client's Bill of Rights

Lawyers will tell you that it is impossible to offer a guarantee in the legal business, but we disagree. We say that law firm clients should settle for nothing less than a guarantee.

Remember, your attorney works for you not the other way around.

At Sherrod & Bernard we believe we can guarantee our clients quality service with personal attention. We believe that, as our client, you are entitled to have the:

- 1) Right to loyalty to you and your cause.
- 2) Right to be updated regularly and in a timely manner as to the progress of your case.
- 3) Right to our respect.
- 4) Right to expect competence from our firm and all who work here.
- 5) Right to know the truth about your case.
- 6) Right to prompt attention from our staff.
- 7) Right to have your legal rights and options explained in simple terms without a lot of legal mumbo jumbo.
- 8) Right to a fair written fee agreement with our firm.
- 9) Right to a fair fee for the services we provide.
- 10) Right to make the final decisions in your case.

## REFERRALS

We want you to think of us as your law firm. If you have a legal matter that needs attention, please let us know. If we cannot handle the matter, we will refer you to a firm that can.



**Then & Now: 1992 - 2012  
Celebrating 20 Successful Years**



**Sherrod+Bernard**  
Attorneys at Law  
P.O. Box 1154 | 8470 Price Avenue  
Douglasville, GA 30133

Stay tuned for our exciting upcoming anniversary edition newsletter in October where we will reflect on all the S&B highlights of the past 20 years.

## RECENT NEWS & ACTIVITIES

- ❖ Ken Bernard was the commencement speaker at the Georgia Highlands College graduation.
- ❖ John Sherrod became engaged to Patty Munn during their June trip to Paris for the 2012 French Open.
- ❖ Ken Bernard was appointed to the Douglas County Judicial Circuit of the Board of Governors of the State bar of Georgia. This 160-member board is responsible for policy making for the Georgia State bar Association.
- ❖ Ken Bernard was recently elected to a third term as Chairman of the University System of Georgia Foundation, Inc.



## AVOID COMMON MISTAKES AFTER A CAR WRECK August 2012 • Volume III • Issue 10

By: John Sherrod

Distracted drivers are a major problem on our roadways. With the increased use of handheld devices by motorists, the chances of being involved in car collision have never been greater. Daily, our firm sees victims injured due to the carelessness of another driver. The notion that the careless driver's insurance company will take care of you is absurd. Insurance companies are in business to make profits by paying out less on claims than they take in on premiums. If you are involved in a serious car collision, here are some tips to avoid common pitfalls as you navigate through the claim process in the insurance world:



### Document, Document, Document

Do not rely on the investigating police officer to properly document the incident scene. Most officers are over-worked and sometimes in a hurry to clear traffic. Be certain that you tell the officer exactly what happened and what specifically the other driver did wrong. A police report that places any blame on you can make an insurance recovery nearly impossible. If possible, make your own photographs and diagrams of the scene and cars, keep a detailed journal throughout your recovery, and take numerous pictures of any visible injuries.

### Seek Immediate Medical Attention

The biggest mistake that we see clients make is taking the attitude that you will get better and that there is no need to see a doctor. As days pass, the pain gets more intense. We see clients continuing to be stubborn and trying to self-medicate with hot baths and over-the-counter pain relievers. After weeks pass, you can no longer handle the pain and you finally see a physician. The first question from the insurance adjuster will be, "If your client was hurt so bad, why did he wait ten days to go to the doctor? We just don't see this case having much value since your client waited so long to go to the doctor."

If injured, it is imperative that you seek medical care immediately. You should follow your doctor's instructions regarding follow-up care, including getting any diagnostic tests that are recommended. Do not give the insurance company a reason to deny your claim; avoid lapses in treatment.

### Speak with a Lawyer

If you find yourself in a wreck involving injuries, you should consult with an experienced injury attorney before you ever talk to the insurance company. An attorney will advise you on the do's and don'ts of providing a recorded statement, on issues involving property damage, and assist you in gathering all the information needed to present your claim for the best possible resolution. If the insurance company refuses to be fair, a good attorney will help determine the best options for you as your case proceeds through the legal system.

Dealing with insurance companies can be extremely stressful, and to make matters worse, you may have to go through the process while trying to recover from major injuries. These tips will help you maximize your recovery for the harms caused by the at-fault driver.

## Thank you for the referrals...

A referral from a former client or friend is the greatest compliment our firm can receive. We are grateful for every referral – below is a list of the people who recently referred a friend or family member to our firm. We would like to publicly thank each and every one of them by listing them in our newsletter. Again, we say, "Thank You!" We at Sherrod & Bernard appreciate all our referring friends, even those inadvertently omitted. This list was generated solely from clients reporting how they found our firm. Thank you for your confidence in our legal team.

Bill Bailey	Sharon Campbell	Andrea Glaze	Scott Kimbrough	Chastney Motley	Janice Thompson
Jim Benedict	Chuck Conerly	Paige Goodson	Marti Kitchens	Ronnie & Charlene Popham	Matteo Valles
Jim Borders	Kaci Blair	John Jewell	Nancy Lambert	Pam Rutland	Elyse Vaughn
Sarah Bryant	Rodney Davis	Andy Johnson	Barbara Lee	Camille Sheppard	Tracy Whitehead
Norman Bryson	Joey Dixon	Bob Kaufmann	Brian Leggett	Michael Tackett	Martha Whitlock
Dr. Jorge Bueno	Jimmy Elder	Dr. Barry Keaton	Brad Loudermilk	Becky Taylor	Frank C. Winn
Dr. Kelvin Burton	Dr. Richard Fiore	Farrah Kidd	Gary & Bonnie Miller	Larry Taylor	Adam Yeager
Scott Camp	Wayne Garner	Mary Ellen Kimbrough	Randy Morris	Donita Townsel	Dr. Eric Zeigler

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[www.sherrodandbernard.com](http://www.sherrodandbernard.com)  
and enter your questions.  
You will get confidential  
answers from an attorney  
with no obligation.

## COMMON SPORTS INJURIES & HOW TO AVOID THEM

If your child plays any type of youth sport, they always run the risk of injury. Help reduce their chances by getting familiar with common injuries and essential equipment for each sport.

**Football** - Common injuries and locations: Bruises, sprains, strains, pulled muscles, soft tissue tears such as ligaments, broken bones, internal bruising or damage to the organs, back injuries, sunburn. Knees and ankles are the most common injury sites.

- Safest playing with: Helmet; mouth guard; shoulder pads; athletic supporters for males; chest/rib pads; forearm, elbow, and thigh pads; shin guards; proper shoes; sunscreen; water.

- Prevention: Proper use of safety equipment, warm-up exercises, proper coaching and conditioning.

**Basketball** - Common injuries and locations: Sprains, strains, bruises, fractures, scrapes, dislocations, cuts, dental injuries. Ankles, knees (more common for girls), shoulders.

- Safest playing with: Eye protection, elbow and knee pads, mouth guard, athletic supporters for males, proper shoes, water. If playing outdoors, add a hat and sunscreen.

- Prevention: Strength training, aerobics, warm-up exercises, proper coaching, and use of safety equipment.

**Soccer** - Common injuries: Bruises, cuts and scrapes, headaches, sunburn.

- Safest playing with: Shin guards, athletic supporters for males, cleats, sunscreen, water.

- Prevention: Aerobic conditioning and warm-ups, and proper training in using the head to strike the ball.

**Baseball and Softball** - Common injuries: Soft tissue strains, impact injuries that include fractures due to sliding and being hit by a ball, sunburn.

- Safest playing with: Batting helmet, shin guards, elbow guards, athletic supporters for males, mouth guard, sunscreen, cleats, hat, breakaway bases.

- Prevention: Proper conditioning and warm-ups.

*\*Information in this article was derived from the web sites of the National Institute of Arthritis and Musculoskeletal and Skin Diseases at <http://www.niams.nih.gov> and Reader's Digest at [www.readersdigest.com](http://www.readersdigest.com).*

## RECIPE OF THE MONTH

### Lemon Icebox Pie

By: Katie Alford



#### Ingredients:

- 1 (15 oz.) can of sweetened, condensed milk
- 1 (9 oz.) container of whipped topping
- 1 (6 oz.) can of frozen lemonade, thawed
- 1 (9 in.) graham cracker pie crust

#### Directions:

Mix whipped topping and condensed milk thoroughly. Add thawed lemonade and mix until mixture is very smooth. Pour into the graham cracker pie crust. Chill for at least 30 minutes, slice, and enjoy this very refreshing summertime treat!

## LIGHTNING STRIKES:

### A costly occurrence for home and business owners

By: Katie Alford

According to Insurance Information Institute, more than 185,000 insurance claims were filed by homeowners in 2009 due to lightning strikes, totaling almost \$800 million dollars in damages. The reason these type claims are so costly is not necessarily related to the frequency of lightning occurrences but rather because we, as consumers, have become extremely technologically dependant. We purchase large amounts of high-dollar electronic equipment, such as computers, sound systems, high-definition televisions, gaming systems, and various other high tech devices for our homes and businesses. These items provide us with great convenience and pleasure, but they can be very expensive to replace if damaged by lightning.

At S&B, we recently learned how costly and crippling a lightning strike can be. During one of the many nights in July that West Georgia experienced strong thunderstorms, lightning came in on our electrical lines which ultimately resulted in having our entire phone and computer network systems replaced. Although our loss totaled over \$16,000.00, due to our use of surge protectors, we were still very lucky. We easily could have also lost our copy/fax machines, security system, irrigation system, individual staff computers and printers, etc. which would have greatly increased our claim.

Essentially, any device that is plugged into an electrical outlet is at risk for lightning damage. The most effective option to prevent damage is to unplug all devices prior to a storm. However, this not possible if you are away from your home or office when a storm hits. Therefore, the best overall option is to invest in strong surge protectors. It is a good idea to put surge protection on all appliances and devices in your home or office, but if that is not feasible, be sure to at least protect the items that would be the most difficult and expensive to replace.

None of us has the ability to control the weather, but we can take steps to protect our homes and businesses from extreme damages and costly insurance claims caused by lightning strikes.

*\*Information in this article was derived from the web site of InsureMe.com at <http://www.insureme.com/insurance-news>.*

2012-2013 ATLANTA FALCONS SCHEDULE			
Sep 9	@Kansas City	FOX 1:00 PM	Nov 11 @New Orleans FOX 1:00 PM
Sep 17	DENVER	ESPN 8:30 PM	Nov 18 ARIZONA FOX 1:00 PM
Sep 23	@San Diego	FOX 4:05 PM	Nov 25 @Tampa Bay FOX 1:00 PM
Sep 30	CAROLINA	FOX 1:00 PM	Nov 29 NEW ORLEANS NFL 8:20 PM
Oct 7	@Washington	FOX 1:00 PM	Dec 9 @Carolina FOX 1:00 PM
Oct 14	OAKLAND	CBS 1:00 PM	Dec 16 NY GIANTS FOX 1:00 PM
Oct 21	BYE		Dec 22 @Detroit ESPN 8:30 PM
Oct 28	@Philadelphia	FOX 1:00 PM	Dec 30 TAMPA BAY FOX 1:00 PM
Nov 4	DALLAS	NBC 8:20 PM	

  

GEORGIA		GEORGIA TECH	
Sep 1	BUFFALO	Sep 3	@Virginia Tech
Sep 8	@Missouri	Sep 8	PRESBYTERIAN
Sep 15	FLORIDA ATLANTIC	Sep 15	VIRGINIA
Sep 22	VANDERBILT	Sep 22	MIAMI (FL)
Sep 29	TENNESSEE	Sep 29	MIDDLE TENNESSEE STATE
Oct 6	@South Carolina	Oct 6	@Clemson
Oct 20	@Kentucky	Oct 20	BOSTON COLLEGE
Oct 27	@Florida	Oct 27	BYU
Nov 3	OLE MISS	Nov 3	@Maryland
Nov 10	@Auburn	Nov 10	@North Carolina
Nov 17	GEORGIA SOUTHERN	Nov 17	DUKE
Nov 24	GEORGIA TECH	Nov 24	@Georgia

## ELDER CARE: Know the Differences

By: Ken Bernard

As our population ages, many become concerned with the care of elderly family members. Frequently, family members are forced to make decisions without advanced preparation. As a result, they face significant financial exposure, are not well informed to make reasonable judgments, and rely on brochures, salespeople, and misguided perceptions to make decisions.

This article only focuses on the difference between Personal Care Homes (PCHs) and Assisted Living Facilities (ALFs) or Assisted Living Communities (ALCs). Family members should discuss the desires of their aging mothers, fathers, and family before being forced to make decisions. Not only should the family take into account the desires of their family members, they should also seek qualified medical and/or other professional advice concerning the needs of the family member. In addition, careful research online can give a wealth of information about care and about specific facilities.

In 2011, the Georgia legislature created minimum standards for facilities with 25 beds or more that are licensed as ALFs or ALCs. These minimum requirements were made in response to the growing number of ALFs in Georgia, in addition to the existing requirements for PCHs.

By definition, PCHs provide housing, food services, and one or more personal services, including supervision of self-administered medication; assistance with ambulation and transfers; and assistance with essential activities of daily living (ADLs), such as eating, bathing, grooming, dressing, and toileting. An ALF or ALC provides specialized care and services including personal services, the administration of medications by a certified medication aide, and the provision of assisted self-preservation. Both types of facilities that advertise specialized care, such as serving people with Alzheimer's disease or Alzheimer's-related dementia, must disclose the form of care, treatment, or therapeutic activities provided beyond minimum care. The disclosure must be in writing on standard disclosure forms.

Both PCHs and ALCs must provide personal services, including 24-hour responsibility for the well-being of the residents and protective care and watchful oversight. An ALC must provide assisted living care, including protective care and watchful oversight, which meets the standards of the residents it admits and retains. Aside from certain age requirements and other restrictions, PCH residents must be ambulatory and may not require the use of physical or chemical restraints, isolation, or confinement for behavioral control. Residents must not be bedridden or require continuous medical or nursing care and treatment.

ALC residents' physical condition must be such that the resident is capable of actively participating in transferring from place to place and must be able to participate in the social and leisure activities provided in the community. An ALC must complete an assessment addressing the resident's care needs, while PCHs are not required to do specific resident assessment forms. Notwithstanding, there are additional requirements for certain specialized care and reporting in addition to those required by medical staff and other licensed practitioners.

In PCHs, all medications are self-administered by the resident, except when the resident requires administration of oral or topical medications by or under the supervision of a functionally literate staff person. There are some exceptions, such as administration of certain medications under medical protocols. ALCs can allow the self-administration of medications, provide assistance with self-administration using unlicensed staff, or use certain medication aides to administer medications.

Aside from educating oneself about the various forms of care available, including those not mentioned in this article, the family should also consider available insurance, savings, and Medicare/Medicaid options. Typically, hospice care does not cover room and board, but rather, medical care and medicine. While this article is not exhaustive, there are numerous challenges for families with relatives that need personal care. Before you sign on the dotted line, Sherrod & Bernard strongly urges you to research thoroughly the type of facility you need, the regulations governing same, and seek references from folks that have used the facility in the past. Your due diligence will aid the quality of care received by a loved one. Our firm suggests that you check out the informative reference materials available through the Georgia Department of Community Health, Healthcare Facility Regulation Division website at [www.dch.ga.gov](http://www.dch.ga.gov).

*\*Information in this article was derived from the website of the Georgia Department of Community Health at [www.dch.ga.gov](http://www.dch.ga.gov).*

## S&B GIVES BACK

Sherrod & Bernard proudly contributed to the following causes:

- Douglas County Boys & Girls Club
- West Side Elite Basketball Organization
- Kennesaw State University John W. Edwards, Jr. Scholarship Fund
- Bill Arp Recreational Department
- Alexander High School Cheerleading Booster Club
- Leukemia and Lymphoma Society
- Ephesus Baptist Church
- Heard County Touchdown Club
- St. Jude's Children's Research Hospital

## EMPLOYEE SPOTLIGHT

### Avery Head

S&B was very honored to have Avery Head serve as our office intern this summer. Avery is a Douglasville native who graduated in 2011 from Alexander High School. This August, Avery will be a sophomore at Georgia College & State University. She is majoring in Business, and Avery hopes to pursue a career in the legal field one day. She is a smart, friendly young lady who enjoys reading, playing volleyball and tennis, going to the beach, and spending time with family. S&B would like to say thanks to Avery for all her hard work this summer. Her smiling face and helpful attitude will be missed, but we wish Avery all the best as she continues her college career.

