

# SB @ ISSUE

SHERROD + BERNARD A NEWSLETTER FROM THE LAW OFFICE OF SHERROD + BERNARD

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SHERROD + BERNARD

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and enter your questions.  
You will get confidential  
answers from an attorney  
with no obligation.

## Your Worst Nightmare: A Vacation Wreck

By: *Kenneth R. Bernard, Jr.*

Your car is packed and you are headed to the beach for a week of summer fun with the family. A few miles from your destination, a young driver pulls from a side street. With no time to react, you are in a serious t-bone collision far from home and in another state. This was not part of the plan for your vacation, but you do have remedies to recover your losses from any injury and other damages.

When you travel you not only are not visiting another state, you are also living by the laws of that state in most cases. So in the t-bone collision, your case against the negligent driver typically follows the law of the state where the crash occurred.

In this same scenario, you may have a separate claim against your own insurance company. These type claims, like uninsured motorist and medical pay claims, are governed by the state where the policy of insurance is delivered. For a Georgia resident, the policy is assumed to be delivered in Georgia. Georgia law, therefore, would apply even if the wreck occurred elsewhere on claims involving your own insurance policy coverage.

To complicate things more, the Georgia courts will apply their own laws on procedural issues regardless of where a car crash occurs. For example, a Georgia resident injured by an out-of-state at-fault driver can still bring a suit in Georgia if the wreck occurs in

Georgia. The Georgia courts will follow Georgia's laws in this area of personal injury, regardless of where the negligent driver hails from.

This part of our personal injury practice, known as choice of laws, is often confusing. Sherrod & Bernard has been involved in a number of cases involving both Georgia residents injured in and outside the State of Georgia, as well as non-residents who have been injured inside the State of Georgia during their travels. Injury law is complex. Understanding the details of the policy and how the law applies to your claim requires the assistance of a qualified personal injury attorney. We are here to help you understand your rights, please contact us for a free consultation if you would like to ask any questions about this or any other injury matter.

**For more information regarding this article, please contact**

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*This article is not intended to give specific legal advice. Please consult with a licensed attorney today to learn about your rights.*

## 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. And again, we say, “Thank You!”

Chris Baggett	Robert & Anita Day	Jackie Johnson	Holly Reece	Steve Turner
Bill Bailey	Randy Daniel	Jenna Lybrand	Bill Shelton	Jerry Valdarò
Tara Baker	Kevin Drummond	Leeanne McGee	Camille Sheppard	Ginger Walker
Paul Barnett	Randy Ebersbach	Debbie Mayfield	Connie Smith	Donna Watters
Danny Blanks	Tracy Gibson	David Moore	Richard Smith	Martha Whitlock
Samantha Blaze	Michael Godwin	Mike Nixon	Charles Stephens	Frank Winn
Rob Coats	Eric Gronberg	Gerald Pilgrim	Mike Tackett	James Wren
T. Dennis Connolly	Julie Hudson	Rick Prince	Kris Thomas	Eric Ziegler

## DOG-GONE IT!

### Dog Attacks and Owner Liability in GA

By Benjamin V. Copeland

There have been a number of high profile dog attacks featured in the media in the past few years. Many times, the stories that make the news are the incidents that are especially shocking. There are, however, thousands of dog attacks that occur every year that do not get national attention. Some are especially vicious, and some, fortunately, involved only minor injuries. The common thread across the vast majority of these dog attacks is an owner that is completely unaware that a pet would act in an aggressive manner towards an innocent individual. With that in mind, it is important to know what liability Georgia law imposes upon dog owners in regards to these attacks.

Georgia Code Section 51-2-7 states that an owner who keeps a “vicious or dangerous animal of any kind and who, by careless management or by allowing the animal to go at liberty, causes injury to another person... may be liable in damages” to the injured person. Interestingly, to prove a “vicious or dangerous” propensity it is only necessary to show that the animal was required to be on a leash by a city or county ordinance, but is instead, allowed to roam free.

As a general rule, every municipality or county government has some type of law requiring the leashing or restraint of domesticated animals. For example, Douglas County Code of Ordinances Section 5-42 requires animals to be leashed, and not allowed to run at large in the county. The failure to leash your dog imposes not only possible criminal punishment. If your dog causes injury to another person, through a bite or otherwise, you may also be personally liable for civil damages to the injured party.

Our firm has represented numerous individuals over the years, including children, who have been injured by dogs who simply have not been restrained properly by their owners. Settlements and judgments in these matters have run in the thousands of dollars and up. Fortunately, for many of these dog owners, the civil liability imposed upon them has been covered by a policy of homeowners insurance. Other times, however, insurance companies have excluded certain popular breeds of dogs (such as Pit Bulls, Doberman Pinschers, Rottweilers, and German Shepherds) based solely on their perceived dangerous propensities. In these cases and others, these dog owners would personally bear responsibility for damages their dogs cause.

Keep in mind that this is but a small part of law related to ownership liability for animal attacks in Georgia. Nonetheless, Sherrod & Bernard wants you to be aware that, as pet owners, you are required by law to leash or restrain your animal. First, in most instances this step will protect you from possible civil liability because your pet will not cause injury to another person. Secondly, and most importantly (for many people reading this), this step will also serve to protect your pet from injury.

## STRAWBERRY CRUMB CAKE

### STRAWBERRY CRUMB CAKE

Shared by Brandy Hughes

#### INGREDIENTS:

- 1 box of strawberry cake mix
- 2 pkg. of frozen strawberries (thawed)
- 1 lg. box of vanilla pudding
- 1 lg. container of cool whip

#### DIRECTIONS:

- 1. Cook strawberry cake as directed on box and allow to cool completely.
- 2. Crumble strawberry cake into small pieces and place in a large bowl.
- 3. Make vanilla pudding as directed on box.
- 4. Pour thawed packages of strawberries onto crumbled cake.
- 5. Spread vanilla pudding on top of strawberries.
- 6. Spread cool whip on top of vanilla pudding.
- 7. Cover and refrigerate for 1 to 2 hours.



## “Our” Little Girl Grows Up!

### Sydney Sherrod is heading off to college!

As some of you may already know, Sydney Sherrod (oldest daughter of John Sherrod) has graduated from high school and is heading off to college! Sydney has been a familiar face as well as an active member of the Sherrod & Bernard team over the past several years.

Sydney has played a vital part in the creation and development of many of the marketing and advertising pieces for the firm. Now, she is going to take her incredible creativity and talent and apply it to achieving a higher education.

After being extremely active in many various high school activities, sports, community services, as well as maintaining an outstanding 3.84 GPA, Sydney was accepted to follow in her father’s footsteps by attending the University of Georgia (Go Dawgs!). She plans to pursue a degree in marketing with interest in fashion.

We are all very proud of Sydney. We will miss having her smile and enthusiasm here, but we wish her all the luck in the world as she pursues her dreams! Congratulations Sydney!!!!



## Rental Car Insurance: To Buy or Not?

By John W. Sherrod

After a long flight, tired and hungry, I recently found myself in a crowded line at some strange airport. No not security but the dreaded car rental line. Once again I am at the counter being asked, "do you want our optional insurance?" To answer this question correctly, we should look at what car rental insurance is all about as the summer holidays approach.

When you decline coverage from a rental agency, you are generally saying that I will rely on my personal car insurance to be involved if a wreck occurs. If you have collision coverage on your personal vehicle, it will cover damages that you cause to any vehicle that you are driving including a rental. You, however, should keep in mind that your personal collision coverage will have a deductible that you will be required to satisfy.

Similarly, your personal vehicle's comprehensive coverage, if you have it, will likely apply to a rental car in the event of fire, theft, vandalism, or animal collision. Again, there will be a deductible that you will be responsible for meeting. Like collision coverage, your personal comprehensive is excess coverage to any coverage you elect to buy from the rental agency.

What happens if you cause a wreck while driving a rental car that results in property damage and/or injury to another? Your personal vehicle's liability insurance will pay for property and personal injury damages (medical, lost wages and pain and suffering) up to the amount of limits of your policy. Your personal liability insurance will again act as excess coverage to the amount of liability coverage that the rental company is required to have by state law.

What happens if you don't have a personal vehicle? You should strongly consider the rental car's offer of loss damage waiver or collision damage waiver. This will let you off the hook if the rental is stolen, vandalized or if you wreck it. Rental car companies will offer various levels of coverage with varying deductibles which will affect the cost. Most states will require a rental car to provide minimum liability coverage that will cover personal injury and property damage to another that you cause in a wreck. You, however, will be responsible for any damages that exceed the liability coverage provided by the rental car company.

The credit card that you use to rent a car may very well provide insurance protection. You should review your credit card agreement to see what insurance is provided. I recently took advantage of this feature with American Express to satisfy my deductible on a property damage claim involving a well hidden brick wall in a tight parking area in Spain.

Before renting a car, it is wise to check to see what insurance you already have in place. I recommend a call to your insurance agent to determine that you are sufficiently insured under your existing policies. You should also call your credit card company to see the coverage offered when charging the rental. Rather than paying for unneeded insurance to the rental agency, these two options may provide for savings that you can use once you get to your destination. Safe travels!

**For addition information concerning this article please contact John Sherrod at 770-920-8350 or [jsherrod@sherrodandbernard.com](mailto:jsherrod@sherrodandbernard.com)**

*This article is not intended to give specific legal advice. Please consult with a licensed attorney today to learn about your rights.*



## Employee Spotlight

### Susan Joyce

Susan, a Georgia native, moved to the Douglasville area from the carpet capitol, Dalton, Georgia, in 1999.

Prior to their moving, Susan was employed with Shaw Industries in the Human Resource Department for ten years. Susan stands out at our firm as someone that has worked at every support position from receptionist to office manager. Aside from keeping things smooth at Sherrod & Bernard, she also is a legal assistant in the personal injury section where she takes an exceptional interest in her clients and their recovery.

Susan is married to Kelly Joyce, manager of the K-Mart in Carrollton, Georgia. They have two sons, Trey Greeson and Kelly Joyce, Jr., and two grandchildren, Rylee and Branson. In her free time, Susan enjoys reading, church activities, and spending time with her family.



## Check it out...

We have launched our new website, [www.sherrodandbernard.com](http://www.sherrodandbernard.com). We hope our new user-friendly format allows you to access information easily. You will find facts about our attorneys, photos of our team, results from recent cases and information about the types of cases we handle. If you or a close relative has a new case, make sure you take a look at our Frequently Asked Questions found on the website.

## Referrals

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



Find us on:  
**facebook**

### Search for Sherrod & Bernard

or go to <http://www.facebook.com/pages/Douglasville-GA/Sherrod-and-Bernard/141192559420>

## Client's Bill of Rights

Lawyers will tell you that it is impossible to offer a guarantee in the legal business. WRONG! We say that law firm clients should settle for nothing less! Remember, your attorney works for you – not the other way around.

At Sherrod & Bernard we believe we can promise 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 us.
7. Right to have your legal rights and options explained in plain English without legal mumbo jumbo.
8. Right to a fair written fee agreement with our firm.
9. Right to a fair fee for the work we do.
10. Right to make the ultimate decision on your case.

**SB**

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## Sherrod & Bernard on Facebook

*by John W. Sherrod*

I recently attended a legal seminar in San Antonio. As usual, the event was packed with a variety of speakers on topics that affect clients of personal injury trial lawyers. One particular expert spoke on using social media to keep clients and others informed on important legal issues. Sticking out like a sore thumb, I learned that I was the only lawyer in the room not on Facebook -- the origin of social media.

Facebook started out several years ago as a place on the web for college students to socially interact. In a short time, the number of people using Facebook has grown to over four hundred million. If Facebook were a country, it would be the fourth largest just behind China, India and the United States.

Given Facebook's popularity, lawyers are using it to connect with clients. When I got back from Texas, all of us at Sherrod & Bernard thought it would be a good idea to start a firm page as a way of reaching out to our clients and friends. In just a few months, our friend list on Facebook has grown to 1,168.

We regularly posts topics that we feel will be of interest. For instance, we recently kept our friends updated by Facebook posts on the Georgia Legislature's creation and eventual passage of a bill that bans texting while driving. Facebook has also proven to be an invaluable tool in notifying our friends of product recalls, like drop side cribs, and other important consumer safety issues. Friends have told us that this information is helpful and is hard to find in mainstream media.



Is social media just a fad? Just YouTube that very question to get a resounding "no!" As Facebook founder Mark Zuckerberg, age 26, recently stated, "people want to stay connected and share with those around them". Sherrod & Bernard agrees and will continue to share information with friends and clients through posts on current legal topics having an impact on society. We also enjoy reading posts made by our friends that have evolved into some serious discussions and debate over issues like tort reform.

**Please consider adding Sherrod & Bernard as a friend on Facebook.**

You can find us at <http://www.facebook.com/pages/Carrollton-GA/Sherrod-and-Bernard/141192559420>