

SB @ ISSUE

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

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SHERROD + BERNARD

REPUTATION. RESPECT. RESULTS.™

Susan Joyce, Editor
P.O. Box 1154
8470 Price Avenue
Douglasville, GA 30133

Satellite Office:
P.O. Box 109
515 Tanner Street
Carrollton, GA 30112

FREE CONSULTATION

TOLL FREE: 877-798-8979

LOCAL: 770-920-8350

Call or visit
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answers from an attorney
with no obligation.

A Letter To The Class Of 2011

Graduates of the Class of 2011, this is your special moment in time. The doors are opening for each of you, and your life is about to take-off.

In life everything matters: ethics, relationships, people, perceptions, and effort. Hemingway claimed every person's life "...ends the same way...it is only the details how one lived... that distinguishes one...from the other..." Life is the search for definition, certainty, security, and calm.

Truett Cathy wrote a book entitled: *It's Easier to Succeed Than to Fail*. His ingredient: "...save 10 percent, give 10 percent, work 10 percent harder..." Truett is quoted as saying: "...we at Chick-Fil-A feel that being in the food business gives us the opportunity to provide a necessity of life-food. We want to play an important part in the emotional and physical needs of the people we serve, and often in their spiritual needs as well..." Your success is totally and absolutely determined by your perspective.

Nancy Brinker had a younger sister Suzy that she adored. One day Suzy confided that she had been diagnosed with cancer. Nancy stayed by her sister's side through numerous operations and medical procedures over three years. Eventually, Suzy died. Nancy was devastated. Nancy could have stayed

depressed. Nancy could have lost faith. Nancy was in one of those tunnels of life. Rather than standstill, Nancy pulled through the tunnel and became determined that her sister's fight would not go unnoticed. Nancy Brinkman started the Susan G. Komen Foundation out of her grief, which today has raised over a billion dollars for cancer research. Joel Osteen refers to the bitter waters of life as possibly "a blessing in disguise." Your opportunities will be defined by the people you know. People you serve, or people that serve you. Know that the value of true happiness is not measurable solely in dollars and cents.

Congratulations!

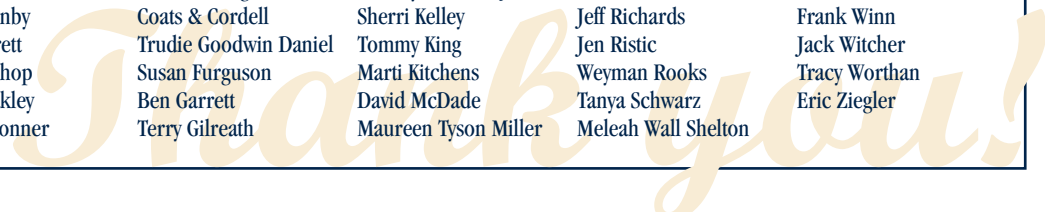
Taken from Ken Bernard's summer commencement address at The University of West Georgia, July, 2010



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!"

Jacqueline Allsop	Angie Brock	Jack Hancock	Phil Miller	Jonl Steinke
Dana Atwood	Heather Camp	Kevin Head	John Millsaps	MeLeah Shelton
Chris Baggett	Scott Camp	Connie Highnote	Becky Perry	Cade Parian
Justin Barker	Rhonda Cangemi	Tommy and Lori Jones	Kim Pinkert	Brain Ware
Britta Barnby	Coats & Cordell	Sherri Kelley	Jeff Richards	Frank Winn
John Barrett	Trudie Goodwin Daniel	Tommy King	Jen Ristic	Jack Witcher
Hilary Bishop	Susan Furguson	Marti Kitchens	Weyman Rooks	Tracy Worthan
John Bleakley	Ben Garrett	David McDade	Tanya Schwarz	Eric Ziegler
Charles Bonner	Terry Gilreath	Maureen Tyson Miller	Meleah Wall Shelton	



Maximizing Cash Settlements: Keeping The Health Insurer Out Of Your Pockets *By John W. Sherrod*

Imagine this scenario: You are injured in a horrific car crash. You sustain broken bones, lacerations, and other permanent injuries. The other driver's car insurance fights you every step of the way. You hire an attorney, and receive a settlement to compensate you for your physical injuries. You think the case is over when your group health insurance plan at work tells you that it wants your settlement as payback for the medical bills it paid. Can your health insurance plan put its greedy hands in your pockets and take from you a hard fought settlement? Unfortunately, the answer to that question could be yes, depending on the type of health insurance plan that you have.

There are many different types of health insurance plans, all regulated by different laws. This issue also occurs when the government (Medicare/Medicaid) pays for treatment. The government actually becomes a lien-holder in your car wreck case. The law, known as subrogation, is complicated, and many times a health insurance plan will be regulated by both state and federal laws.

In some instances, however, some health insurance plans are regulated solely by state law. Under this type of plan, a health insurance company issues a policy, which covers an individual for a wide range of health issues, including injuries. If you receive a personal injury settlement, and you have this type of plan in Georgia, the insurance company has to show, by virtue of Georgia statute, that the money you received from a personal injury settlement compensated you for all of your injuries, including pain and suffering. If they can't, and it isn't easy to do, then recovering benefits is made difficult for the plan.

Other types of plans are regulated by a federal law known as ERISA. Under ERISA, if the employer completely self funds medical benefits through the health insurance plan, they may be entitled to certain benefits under federal law, and can avoid having to show that you were fully compensated for your injuries. In such a scenario, the health insurance plan may claim the vast majority of the settlement proceeds. Whether they can do this depends on a wide variety of factors, however, including how the plan is funded to the actual wording of the plan itself.

These two different types of plans offer clear examples of when state or federal laws apply. There are many situations, however, when both apply. As you can imagine, what law applies, and how, can become very complicated. Due to the complicated nature of these provisions, an attorney with knowledge of this area of the law can assist you in retaining greater amounts of your settlement proceeds than you would otherwise be able.

At Sherrod and Bernard, our job is not over when your case settles. We work to maximize our clients' recovery by fighting health insurers and Uncle Sam. We only agree to pay back when the law clearly requires it. And then, we try to pay only pennies on the dollar.

Regents' Award for Excellence in Education Raises \$1M



(Left to right) USG Foundation and Gala Chairman Ken Bernard, Senator Johnny Isakson, Carolyne Bernard and Governor Nathan Deal

Regent and University System of Georgia Foundation Chairman Ken Bernard recently announced that the Foundation's annual fundraiser, the Regents' Awards for Excellence in Education, raised more than \$1 million dollars to provide scholarships and awards to students and faculty representing the 35 University System colleges and universities. More than 900 guests, including national and state dignitaries, attended the gala event to support higher education in Georgia. Mr. Bernard is completing his first term as chairman of the USG Foundation.

RECIPE OF THE MONTH

Homemade Crunchy Pecan Nut and Maple Syrup Ice Cream Recipe

Shared by Susan Joyce

INGREDIENTS:

- 4 oz. pecan nuts chopped
- 2 oz. butter
- 2 tablespoons brown sugar
- 2 tablespoons maple syrup
- ¾ pint milk
- ¾ pint double/heavy cream

DIRECTIONS:

Using a frying pan, slowly melt the butter then add the chopped pecan nuts. Sprinkle on the sugar, stir and cook on a medium heat for approx. 3-4 minutes until the nuts are crisp. Cooking on too high a heat will burn the pecan nuts and render a bitter taste.

Remove from the pan and place to one side to cool. In a separate mixing bowl, pour in the milk, stir in the cream and then add the fried, chopped pecan nuts. Still stirring add the maple syrup until blended. Transfer the complete mixture into an ice cream maker and follow the manufacturer's instructions.



Sherrod & Bernard Gives Back

As many of you all already know, the attorneys and staff at Sherrod & Bernard greatly value and appreciate the many opportunities that we have been given throughout our lives and careers. As a way of showing our gratitude, we feel that it is important to GIVE BACK through our time, talents and gifts to various charities. Below are a list of a few of the opportunities that we have taken in the past several months to make such a contribution. We at Sherrod & Bernard hope that this might encourage you to take this time to make a contribution to either a local or national charity of your choosing and make a difference in the lives of those around you!

Atlanta Tour deCure

Brighten Academy

CSRA Wounded Warriors Care Project
www.projectaugusta.org

Douglas County Boys & Girls Club
www.bgcma.org

Douglas County Chamber of Commerce

First United Methodist Church of Douglasville's Run
For a Child 5K

Run/Walk, www.a-gift-of-love.org

Friendship Baptist Church, Winston, GA

Madison-Morgan Conservancy
www.mmcgeorgia.org

SCORE International Missions
www.scoreinternational.org

Susan G. Komen 3 Day for the Cure
www.The3Day.org

Sweetwater Shrine Club
www.sweetwatershrineclub.org

Team Jesus, Winston GA

When A Loved One Has Alzheimer's, Care For Both Of You

Caring for a parent or loved one with Alzheimer's disease can be one of the most challenging tasks you'll ever undertake. As the disease progresses, patients slip deeper and deeper into a mental fog, but they can continue living at home for a long time as long as they have someone to manage things for them.

Here's some advice for maintaining your loved one's comfort—and your own sanity—for as long as possible:

- **Structure your days.** A reliable routine is comforting to someone with Alzheimer's and helps you keep life organized. Do the same activities at the same time—getting up, eating meals, etc.—to keep the day moving along.
- **Keep activities simple.** Limit the patient's choices—give a man two neckties to choose from instead of standing him in front of a closet filled with dozens. Give instructions one step at a time so the person doesn't become confused or forget part of the task.
- **Involve the person.** Let your loved one help in setting the table for meals, folding a few pieces of laundry, cleaning a corner of the kitchen, and so forth. Patients who see activity but aren't allowed to join in can grow depressed and lethargic.
- **Minimize distractions.** Keeping the TV on while you're talking can overload an Alzheimer's patient with more stimulation than he or she can handle. Try to keep the environment quiet and calm so focusing is easier.
- **Use simple language.** Don't treat the person like a child when talking, but use short words and sentences that are easy to understand and follow. A long, complicated request can be difficult for someone with an impaired memory to fully grasp.
- **Be patient and flexible.** Taking care of someone with Alzheimer's can be frustrating. Concentrate on staying calm and changing plans when necessary. If a task is beyond the person, give him or her something else to do instead of insisting that it be done "right." Both of you need to adapt to changing circumstances.



http://twitter.com/#!/Sherrod_Bernard

New Law Will Prevent Bicycle Injuries

By John W. Sherrod

With warm weather here, more cyclists are getting their bikes out of storage and taking to the public roads. More than ever, motorists have to be on the lookout and be willing to share the road. It is also now the law.



House Bill 180 requires motorists to pass at a safe distance from a bicycle. The term "safe distance" is defined as three (3) feet. Motorists zooming close-by to bicyclists are responsible for approximately 1.2% of all bicycle accidents every year, but about 22% of those accidents result in catastrophic injuries or death.

This new law will prevent a large number of these accidents throughout Georgia. It also shows that Georgia is becoming one of the few states that prioritizes bicyclist's safety. Motorists and cyclists must exercise extreme caution so no one gets hurt.

(John Sherrod in our firm is an avid cyclist and has handled many cases on behalf of injured fellow cyclists against at fault motorists.)

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.

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Attorneys at Law

P.O. Box 1154 | 8470 Price Avenue
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What Your Father Told You Is Still True

On Father's Day, we remember those words of wisdom that Dad passed down to us—whether we listened to him or not. Here's a collection of some fatherly advice from a variety of sources:

On money: "The people that make a lot of money are the ones that don't spend their time stressing about money."

On marriage: "Create a marriage that lasts because it is a happy one."

On intelligence: "Use that thing on your shoulders for something other than a hat rack!"

On pouting: "If you stick that lip out any further, a bird will come along and poop on it!"

On problems: "If you don't want the hole to get any deeper, stop digging!"

On success: "I learned a lot from my father, especially about business. Probably the best advice I ever had came from him. He had a four-step formula for getting things done: Get in. Get it done. Get it done right. And get out." (Donald Trump)

On life: "Appreciate scenery, art work, and a rainy Sunday. And always keep your gas tank full."

National Fishing and Boating Week, June 4-12.

Head out to the water for this national celebration of fishing and boating coordinated by the Recreational Boating and Fishing Foundation (scheduled for most states' free fishing days, which allow the public to fish without a license)

Beautification Award



Sherrod & Bernard is recognized by the local Douglasville Chamber for enhancing their office's appearance.