

# Communication Policy

Our promise to you is that while your attorneys are working on your case, we will not check or answer emails, take phone calls, read faxes, or surf social media (unless we are surfing for your case). When we are working on your case we will be completely focused on the task in front of us. Because of this promise, our attorneys do not take unscheduled inbound phone calls. It makes us much more productive and helps get your case resolved faster.

You can always call the office at 434-515-2807, and schedule and in-person or phone appointment. That is a lot better than playing “phone tag.” The same goes for email or MyCase messages. An email or message is “quick,” but is checked no more than twice a day and replies are then scheduled into the calendar.



# Tell us what you want to know!

Our goal is to be well known to our clients, referral partners, local attorneys, and healthcare providers. So with that in mind, tell us what you want to know! Send us an email at [inquiry@osterbindlaw.com](mailto:inquiry@osterbindlaw.com).



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## Service to our community, it's in our DNA

The mission is simple — “Seeking to put God’s love into action, Habitat for Humanity brings people together to build homes, communities, and hope.” In January, our associate attorney, Hannah Bowie, and client relations manager, Cindy Morris, had the opportunity to serve alongside our local chapter by taking part in building a home for a soon-to-be homeowner.

On a Saturday morning, where the temperature had yet to reach the freezing threshold, Cindy and Hannah, along with approximately thirty other individuals from the legal community, gathered in front of a home under construction in Downtown Lynchburg, ready to be put to work. Within twenty minutes, armed with hammers, nails, and various materials, everyone found their place and rhythm. Thirty individuals joined together and quickly formed a cohesive unit to “put God’s love into action.”



That day, we did more than assist in building a home; we helped build a future. We had the privilege of playing a small part in moving one woman’s dream and hope of homeownership closer to reality. It was quite a humbling experience that I am sure will stay with us for some time.

Serving with Habitat for Humanity is more than helping with the construction of a home. It’s loving your neighbor, who’s name you do not know and will probably never meet, by giving up comfort and routine to show them you care, you see them, and you want to see them succeed.



## Welcome to our Newsletter!

I am not in the habit of making bold predictions or promises. But I went a little off script this year when I posted our first blog post of the year. I promised to do something I’ve never done before.

- Something that requires more work.
- Something that requires consistent effort.
- Something that requires diligence.
- And something that requires a lot of thought.

*I promised to create a monthly print newsletter. So here you go. Promise fulfilled.*

This is our very first monthly newsletter! Our goal in this newsletter is not to throw around a bunch of smart sounding legal terms just to make you think “oh they’re smart.”

No. Our goal in this newsletter is to help our clients and community get to know us more. I have found in the last 10 years that

I learn a lot about my clients, but they don’t necessarily learn a lot about us. Some do, if we are in a position where we can talk about things other than their case.

But for the most part, I feel like we are relatively unknown to our clients. When I think about the trust our clients have placed in us to handle probably the most significant legal situation in a lifetime, I think it is a shame for us to be unknown. So I’ve decided: that should change.

I want our clients, referral partners, local attorneys, and healthcare providers to know who we are. What is Osterbind Law, PLLC other than the sum of the people who make things happen? Who are these people? What do they do in the community? Why should I trust them with my case? Why should I send my friends, family, patients, clients, and co-workers there?

These are all questions I’m sure you have. It is normal to think this way. And I want to cure what I see as a missing link in our system. That is what this newsletter is all about. Getting you information about us, who we are, what we do, and why we do it.

So welcome to our newsletter! We hope you enjoy!

**Brandon Osterbind**

# SCOTUS on the Horizon?

In December, Kelly and I had the awesome opportunity to be sworn in to practice law in the Supreme Court of the United States, otherwise known as SCOTUS. We spent the weekend in Washington, D.C., doing the typical touristy sightseeing things with my law school buddy/ best man and his wife and, then, on Monday December 10, 2018, we stood in front of 8 justices (Justice Alito was not present) to be sworn in.

After being sworn in, Chief Justice John Roberts came into our staging room and gave an impromptu speech on the history of the Court. Listening to him speak so intelligently about the Court made clear to us that he cared deeply

for the institution he serves. The history in that building was humbling, but encouraging at the same time.

Many people have asked us what that means and the answer is simple: unless you are admitted to practice in the highest court in the land, you cannot argue a case there. But now, both Kelly and I could, in theory, take a case up to SCOTUS and argue before a panel of the sharpest legal minds in the country. For most lawyers, that trip never happens. They may be admitted to practice but that one case never comes around that makes its way to the very top.



And while we don't have any cases on the way there now, we will be prepared if that opportunity ever presents itself. So, with SCOTUS on the horizon, we will continue to work our cases, but we will also keep an eye toward that elusive case that may make its way to the very top.

# Preparing for Emergencies and Building A Future.

The Joneses are broke. But they have the newest car, the newest flat screen tv, the newest phone, the newest clothes, etc. The list can go on for miles!

Everyone in our culture is trying to keep up with them. Why? Why do we insist on having everything that our neighbor has? Do we really think that the Joneses have everything all together? Do they have a quality marriage where they talk about money? Do they have any savings for a rainy day? Do they have any investments for retirement?

We don't know.

We do know that the average household income in the U.S. is \$59,039 and the average consumer debt is:

Mortgages:	\$180,018
Student Loans:	\$50,868
Auto Loans:	\$29,058
Credit Cards:	\$16,425

If this is what the Joneses look like, I think it might be time to run in the other direction! To be quite honest, this is what we looked like about 5 years ago, except the student loan number was much higher. Today, we are only working on the mortgage.

The difference in our financial lives was a guy named Dave Ramsey. We started following his baby steps and it really changed our financial trajectory. It was hard work, but we got out from under the weight of all of that debt in just under 3 years and then we started coordinating Financial Peace University (FPU). FPU is a 9 week course taught by Dave Ramsey and his team by video and coordinated by local volunteers. Now, we lead a team of coordinators at Thomas Road Baptist Church who are also passionate about helping people escape the limiting belief that what I have is not enough, I will never get out from under this mountain of debt, I'll never be able to retire with dignity, I'll never be able to buy a house, etc.

*These self-imposed beliefs are holding some people back from accomplishing what God has called them to in life. Our goal is to help people find a way out.*

FPU lays out a plan that is simple to follow, but it is not easy. It is hard. Because the person who is holding you back is the same person who looks back at you every morning as you're brushing your teeth. Dave Ramsey says that "personal finance is 80 percent behavior and only 20 percent head knowledge." The average person pays off \$5,300 in debt in 90 days and saves \$2,700 in that same time period. That is an \$8,000 swing in 90 days.

There are two FPU classes started at Thomas Road on February 10. You do not need to be a member to sign up and attend. Go to [www.trbc.org/fpu](http://www.trbc.org/fpu) for more information.

We can help give you the head knowledge, but the rest is up to you.

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# Drunk Driving and Punitive Damages in Virginia

Many people don't know this about me, but in 1987, when I was a child, I lost my grandfather to a drunk driver. I barely knew him and I barely remember him because I was so young. As you can imagine, I have a soft spot for those affected by this heinous crime and the terrible effects that it brings. And I have a hard spot for those who choose to drink and drive.

Alcohol is a depressant. "It reduces the function of the brain, impairs thinking, reasoning, and muscle coordination."

*In other words, it slows you down. It affects your vision and your ability to see things. Then, it affects your ability to respond to those things.*

Without these bodily functions working together, driving is difficult. That is why it is illegal to drive with a blood alcohol content of .08 or more in Virginia.

Drunk driving is a national problem. According the National Highway Traffic Safety Administration, "[e]very day, almost 30 people in the United States die in a drunk driving crashes—that's one person every 48 minutes in 2017." That is over 10,000 people a year who lose their lives to drunk driving. These deaths resulted in costs of \$44 billion in 2017.

In Virginia, during the same year, there were 7,285 alcohol related crashes, 248 alcohol related deaths, and 4,430 alcohol related injuries. There were 18,701 DUI convictions that year, 76.1% of those were males. The average blood alcohol content for tested drinking drivers was .145. The legal limit is .08.

This national problem, is also a local problem. Just in our cozy area including Lynchburg, Bedford, Campbell, Amherst, Nelson, and Appomattox, there were 272 alcohol related crashes, 14 fatalities, and 182 injuries.

Seeing the average BAC of .145 is startling because that means there are many well below that and that are just as many well above. Or, if there aren't just as many above, the BAC of several were off the charts.

Driving with a .145 is like playing Russian Roulette. What is most surprising, is that the average drunk driver almost meets the threshold for punitive damages after a DUI car wreck. In Virginia, if you drive with a .15 BAC or more and you cause a car wreck, then you are on the hook for punitive damages up to \$350,000.00.

These punitive damages are not designed to compensate the victim of the DUI car wreck. Instead, they are intended to punish the drunk driver. They are also intended to send a message to that drunk driver—and to all drunk drivers—that driving under the influence is not acceptable on the highways of our Commonwealth.

That is a message that should be sent loud and clear. Any doubts should be erased from our minds. Here are a few key thoughts about alcohol and driving:

- ◆ If you plan to drink, plan on not driving. Plan your safe ride home before you start drinking. Designate a sober driver ahead of time. Or, plan to use Uber or a taxi service.
- ◆ If you know someone who has been drinking, do not let them drive. Take their keys and arrange for them to get home.
- ◆ If you see someone on the road who looks impaired, call 911 and report it. Your report may save someone's life. Keep a safe distance from the impaired driver so you can avoid becoming a victim.

We are dedicated to the elimination of drunk driving. Kelly worked as a prosecutor for numerous years in Bedford and Lynchburg putting drunk drivers behind bars. Don't get me wrong, that is where they belong. But now it is our mission to send a message that drunk driving will not be tolerated on our highways.



<sup>1</sup> <https://www.nhtsa.gov/risky-driving/drunk-driving>

<sup>2</sup> [https://www.dmv.virginia.gov/safety/crash\\_data/crash\\_facts/crash\\_facts\\_17.pdf](https://www.dmv.virginia.gov/safety/crash_data/crash_facts/crash_facts_17.pdf)