



1216 Greenview Drive, Suite A
Lynchburg, Virginia 24502

(434) 515-2807

inquiry@osterbindlaw.com

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 an 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.



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.

Tell us what you want to know!

THE INSIDE LOOK

Osterbind Law PLLC

March 2019

Newsletter #2

What's on my mind?

By Brandon S. Osterbind, Esq.

Last month we launched our monthly newsletter. Wow, what a response! Your reactions have been amazing. We are humbled to hear so many people say such nice things.

It is amazing how quickly a month goes by. And what a busy month February was. Between Valentine's Day, birthdays, trials, depositions, speaking events and new clients, we've had our hands full. If idle hands are the devil's workshop, (Prov. 16:27) busy hands must be the hands and feet of Christ (1 Cor. 12:27).

Some people see work as a necessary evil—it is something to get through. To these folks work is neither good nor bad, it just is something that has to be done. Then, some see work as the end in itself. To them, work is their life, their identity, their entire existence. Without work, there is nothing.

As with all things there are two very distinct extremes. In the middle lies the truth. Work should never become an idol where our entire self-worth is dependent upon our production. Instead, we work with all of our heart as if working for the Lord (Colossians 3:23). This orientation of the heart puts work into the proper perspective. Keeping this perspective helps us from making work an idol, but it also pushes us toward excellence. Make no mistake, excellence is what is required of us.

There has to be some greater calling or mission to stay focused and driven to accomplish the tasks at hand with excellence. Otherwise, burnout, failure, division, controversy, criticism, and a whole litany of other things will keep you from succeeding. All of these things are real and we all struggle with them daily. They are not unique to the law but they are true for construction workers, retail clerks, engineers, doctors, etc. They are tools that the devil uses to tell you that you are not good enough, you will fail, you cannot make a difference, or the difference is so small that it is not worth the effort.

Important, essential, necessary, sufficient, rewarding, fulfilling, and transcendent; these words describe what work should be for us. By working, we provide value to others in our community and create an atmosphere where the two greatest commandments can flourish: love God; love people.

Work has to be more than the mundane. For me, that means it has to be more than another pleading, motion, discovery request, medical record, or doctor deposition. I view what we do here as playing a role in the overall narrative of creation, fall, redemption. Some would call this my worldview. I believe that every person is created in the image of God (Genesis 1:26-27). At minimum, injuries—particularly those caused by the hands of others—are a result of the fall, because when humankind was created, we were created good.

J. Budziszewski said man is "neither simply good, nor simply bad, but created good and broken. We are not sheer ugliness, nothing so plain, but a beauty ruined." While the law cannot force one to love God or love his neighbor, the law can create an atmosphere in which that love can flourish. In other words, one driver may not literally love the other because he doesn't know him. However, he will stop at that stop sign and wait for the driver with the right of way to pass safely before crossing two lanes of travel.

If he doesn't stop at the stop sign, the law provides penalties. First, you may get a traffic ticket and a fine. Second, if you injure another person who was created in the image of God, you have to pay for any damages that you've caused. This is where Osterbind Law, PLLC comes in. We work to make those broken relationships right again. We won't make you sit around a campfire holding hands and singing songs with the defendant in your accident case. That would be ridiculous. But we work hard to make sure that our clients receive full and fair reimbursement for what they have lost. While in many cases reimbursement could never be an exact substitute, it can help make a person whole.

This transcendence, or the idea that we are working for something bigger than ourselves, is what keeps us going every day. What keeps you going every day? How does your position in life help others? Do you pour footers for new homes so that people can have a home in which to live? Do you heal diseases so we can live longer? Do you sell groceries so we can eat? All of these have significant value and, while they have their share of drudgery, they are not so mundane.

Mosaic

By Hannah Bowie, Esq.

A few times a year, Mosaic, a foster and adopt initiative, hosts a Date Night where a number of people from the community come together to serve foster and adoptive children and families. While the parents are served dinner and enjoy an opportunity to relax, their children are being taken care of by a great team of volunteers. I have been volunteering with Mosaic for the last few years taking care of children on Date Nights.



I have experienced adoption and foster care firsthand in my family and I see the need for organizations like Mosaic. There are so many children in our community who desperately desire for a family that loves them. In helping

to support its mission "to raise awareness and provide support for foster and adoptive children and their families," I have made it a priority to make time for these events. As a result, I have watched kids go from being part of the foster care system to being a part of a family.

There are a number of ways to get involved. You can help with events like Date Nights, or provide meals to families. The opportunities do not stop there, though. You can jump in with both feet and become a foster or adoptive family. I promise whatever you do, you will never be the same.

osterbindlaw.com



Thomas Road Baptist Church - Mom Life

By Brandon S. Osterbind, Esq.

On Valentine's Day, Kelly and I had a chance to speak to the Mom Life group at Thomas Road Baptist Church. In this particular forum, we spoke on a panel of 3 couples. Two other couples were there to speak on marriage and how to ensure longevity. Their words of wisdom were inspiring and their 30 plus year marriages were a testament to that wisdom.

We were on the panel to discuss finances and stewardship. We are always willing to invest in the lives of others by sharing our financial journey and discussing how we are managers of God's resources. We share often that finances touch every aspect of our lives, especially our marriages. Strong marriages have committed partners willing to plan, dream and execute a financial plan. Working together toward a mutually agreeable goal strengthens your bond



with your spouse. Then, achieving the goal together allows you to celebrate as the victors, together, succeeding against great odds.

We also discussed the importance of wills and estate planning. While our focus is on injury

cases, if you reach out to us about a will or an estate plan, we have several trusted attorneys who we regularly send our clients to. If you don't have an estate plan, you need one. Contact us and we will put you in contact with the right person to help you.

Sweat the Small Stuff To Succeed Financially

By Kelly A. Osterbind, Esq.

As you might know from our past newsletter, Brandon and I are coordinators of Financial Peace University (FPU). This is a course that helps people create a plan for handling money and planning for the future.

Recently, Ramsey Solutions, the company that produces the materials for FPU, reached out to me about some of my thoughts regarding the course. I was also chosen—much to my surprise—to be the FPU coordinator featured in the March Coordinator Newsletter that goes out to FPU coordinators throughout the country.

I was honored to share some of my ideas about keeping energy and focus high while learning how to budget and how to set goals. One of my suggestions was to keep being faithful in the little things and eventually bigger goals will happen. This is also one of the core tenets of Osterbind Law, PLLC. We focus on excellence in the small things because we know that excellence in the small things will lead to excellence and positive outcomes in the big things.

When it comes to our personal finances, it is indeed the small things that make the largest difference over the course of our lifetimes. For example, if you buy a fancy cup of coffee every day for \$5.00, then you are spending \$1,825 on fancy coffee each year. That is \$152.08 per month. If instead, you invested that money and earned 10% return over the course of 35 years, you would retire with \$544,069 just out of your fancy coffee fund. Maybe coffee isn't your thing. Maybe eating out lunch every day is. If you spend \$10 eating lunch out every day over 35 years at 10% rate of return, those lunches are costing you \$1,088,174. Maybe a 10% return is optimistic so assume I'm half wrong. It is still unbelievable how the little things add up to be big things in the long run.

The same is true in every aspect of our lives whether it be physical, spiritual, intellectual, vocational, etc. If you want to be smarter, read and study a little bit every day. If you want to lose weight or be more physically fit, exercise a little bit every day. A little bit every day will make all the difference in the world. And when you achieve your goals or hit milestones along your habit goals, celebrate a little to commemorate the occasion. Ultimately, it is sweating the small stuff that will lead you to success.

LOCAL BUSINESS
★ SPOTLIGHT ★

We love local businesses. We shop local when we can help it and we do that so we can support our friends and family.

About a year ago, Garrett and Galen Nason found themselves in a position where their employer was being bought out by a much larger company and their jobs were being eliminated. Facing the unemployment line, these guys could have looked at this as a life disaster. Instead, they found an opportunity to serve our community by performing service better than anyone else. They took their skills, work ethic, and positive attitudes and started a new shredding company called 1st Choice Shredding. Hitting the streets with the expertise, their winning personalities, and their relentless desire to be the best at what they do, they have created a business that serves so many other local businesses (including ours). Now, they are growing like crazy and they are doing what they love: helping people.

We're proud customers of 1st Choice Shredding. You should be too! Call them at 434-616-2401 or visit their website at 1stchoiceshredding.com.

The information in this newsletter is for general informational or educational purposes only and should not be relied up on as legal advice for any individual case or situation. This information you find on these pages is not intended to create, and viewing does not constitute, an attorney-client relationship.



Night to Shine

By Cindy Morris

Every person has value. Every person is worthy of love. The Tim Tebow Foundation's Night to Shine is an unforgettable prom night experience, centered on God's love, for people with special needs ages 14 and older. This year, the Night to Shine event was hosted by 655 churches across all 50 states and in 24 countries. What an incredible celebration it was! To learn more visit: timtebowfoundation.org/ministries/night-to-shine.

My King for the prom night was a young man named Devon. The night started with us pairing up from the red carpet, to a prom photo shoot, limo ride, karaoke, food and dancing. Devon loves singing and dancing and let me just tell you his dance moves were on fire!

As we danced the night away my heart smiled and overflowed with joy. I was proud to be his buddy. What a fun night! Night to Shine was by far one of the best experiences of my life! I am so blessed to have met Devon and honored to be a part of his special night. The Tim Tebow Foundation really goes all out to make these individuals feel loved and special. The love of Jesus definitely shines bright in this event and I look forward to participating every year! Every human being is created by God, made special and unique in their own way. No matter what someone's disability is they are a human being with value and beauty and should be treated with love and respect!"

For you created my inmost being; you knit me together in my mother's womb. I praise you because I am fearfully and wonderfully made."
- Psalms 139:14

What makes us different is what makes us beautiful. Love is about serving, selflessness and caring. You are loved.

Distracted Driving Legislation Fails

By Brandon S. Osterbind, Esq.

Every January our senators and delegates gather in the Virginia General Assembly to make new laws, amend old laws, and, rarely, do away with old laws. This year there were several bills up for review that directly affected driving safety and personal injury/ wrongful death cases in Virginia.

One of those bills in each the House and the Senate was the handheld device law. Currently, it is illegal to "manually enter multiple letters or text into" your phone "as a means of communicating with another person" or "read any email or text message transmitted to" your phone. If you are reading carefully, however, it is technically legal to scroll Facebook, Twitter or Instagram while you are driving as long as you are not manually entering multiple letters or text into your phone.

This proposed law in the Senate (S.B. No. 1341) proposed to changed the law from these two circumstances to make it unlawful for "any person to operate a motor vehicle on the highways of the Commonwealth while using any handheld personal communications device unless the device is specifically designed and configured to allow hands-free and voice operation and is being used in that manner." Operating a motor vehicle has been interpreted as extremely broad and includes everything putting the key in the ignition to activate the electronics, or cruising at 60 mph down the highway.

The House bill (H.B. No. 1811) was a little different in that it changed the law to make it unlawful for "any person while driving a motor vehicle on the highways in the Commonwealth to hold, in his hand, a handheld personal communications device while physically manipulating the device to view, read, or enter data." In my opinion, the House bill hits the nail right on the head. This is the problem that we see with people driving 60 mph on the Lynchburg Expressway.

Numerous substitutes and amendments were offered and went back and forth between the House and the Senate. At the end of the day, the two chambers could not reach an agreement on the proper language of the new proposed law.

At least 16 other states and the District of Columbia have banned the use of a handheld device by all drivers. Virginia has not yet done so. Historically, Virginia is what you would call a late adopter. It usually takes much longer for Virginia to change things like this than many other states. For controversial bills, it usually takes a couple years for the bill to "grow" on our legislators and for some compromise to be reached. The old joke is how many lawyers does it take to change a light bulb in Virginia? Five. One to change the light bulb and four to talk about how great the old light bulb was.

The problem in this case is that the relatively new light bulb wasn't that great to begin with, but somehow it passed the General Assembly a couple of years ago. Law enforcement officials are saying that the current law is difficult to enforce because it narrowly applies to certain tasks on a cell phone but not to others. However, if the law banned any physical manipulation of a cell phone, enforcement would go up. And presumably, injuries and deaths from distracted driving would go down.

The National Highway Transportation Safety Administration has said that "[d]uring daylight hours, approximately 481,000 drivers are using cell phones while driving ...Texting is the most alarming distraction. Sending or reading a text takes your eyes off the road for 5 seconds. At 55 mph, that's like driving the length of an entire football field with your eyes closed...Distracted driving killed 3,477 people on America's roads in 2015." It is estimated an additional 391,000 people have been injured in motor vehicle crashes involving distracted driving in 2015.

I think it is high time that Virginia join the ranks of states that prohibit the use of a cell phone while driving. I'm sure we've all seen too many drivers traveling at 65 plus miles per hour on route 460 with his eyes on a cell phone. This distraction is too dangerous for our citizens and ought to be illegal.

Even though the legislation failed, we can all do our own part voluntarily. We can put the phone down while we are driving and we can tell others to do the same. What are your thoughts on this issue? I'd love to hear from you!

2. nhtsa.gov/risky-driving/distracted-driving
3. nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812_381_distracteddriving2015.pdf