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Easter Sunday

Join us on April 21, 2019 for church on Easter Sunday. Here are a few options for you to attend a local Lynchburg church:

Thomas Road Baptist Church:
7:00 a.m. | 9:00 a.m. | 11:00 a.m.

Waymaker Church:
9:00 a.m. | 11:00 a.m.

Gethsemane Baptist Church:
7:30 a.m. | 10:30 a.m.

Hyland Heights Baptist Church:
9:30 a.m. | 10:55 a.m.

Rivermont Evangelical Presbyterian Church
8:30 a.m. | 11:00 a.m.

The Hope Company Church
10:30 a.m. (at The Academy of the Arts)

Blue Ridge Community Church:
8:30 a.m. | 10:30 a.m. | 12:30 p.m.

There are many great churches in the Lynchburg area. We hope you find one that preaches the gospel. Give us a call if you want to know more.

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.

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.

THE INSIDE LOOK

Osterbind Law PLLC

April 2019

Newsletter #3

What's on my mind?

By Brandon S. Osterbind, Esq.

I've spent most of March watching basketball when I can. As a Liberty University alumnus, I have been to a lot of games this year and I have followed the Flames trip to the ASUN tournament and then to the NCAA tournament with great attention and pleasure. This year has been particularly exciting because a certain 6-year-old in my house has developed an affinity for all things sports. Watching the games through his eyes has been really fun, especially when we win.

It is no secret I am a pretty tall guy—standing at 6 foot 5 inches—so a lot of people ask me if I play basketball. The literal answer is sure, I'd love to play basketball, but the real answer is, no I am not any good at it. Sometimes being tall means that you are somewhat uncoordinated and goofy looking during any seriously attempted athletic endeavor. But that does not mean that I don't enjoy it or that I can't learn something from it.

Sports are almost always a perfect metaphor for life. Indeed, the Apostle Paul was known to draw from sports for illustration. See, e.g., 1 Cor. 9:24-27. And when my 6-year-old was in tears after Liberty's loss to Virginia Tech, there was a clear opportunity for Kelly and me to speak some truth into his life that will help him deal with his own personal victories and failures in the future.

Today, I want to talk about a different metaphor from basketball. I believe one of the biggest lessons we can learn from any successful basketball campaign is that teamwork is

essential to success. Over the course of my life my definition of teamwork has evolved. I used to think that doing my own thing right next to others who are also doing their own thing was teamwork. I couldn't have been more wrong. Now, I believe teamwork means a number of people working hard to solve difficult problems together, to their mutual benefit, and to the benefit of others.

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In the context of basketball, we saw this in Liberty's most successful unit in school history. Ranking 12 on the bracket and playing a number 5 seed in the first round of the NCAA tournament, Liberty came into the tournament expecting to be led by Scottie James, the team's leading scorer. After Mississippi State virtually neutralized James in the first half, the team kept up pace nonetheless with the taller, stronger Mississippi State team until they fell behind late in the second half. Down 10 points with 8 minutes to go, the team followed the lead of Caleb Homesley who was bolstered by several clutch shots by Myo Baxter-Bell and Lovell Cabbil, Jr., ended up with a career high 30 points on the night.

During the game—even when they were behind—you can see they communicated with each other in short bursts with words and hand motions. They moved in such a way that each one always knew where the other four were located while keeping an eye on the basket and where their opponents were located. They had a difficult problem to solve, they worked hard, they worked together for their mutual benefit, and for mine (and a certain 6-year-old).

That is the picture of teamwork we use at Osterbind Law. We now have three attorneys, a paralegal, and a settlement manager who is a retired insurance adjuster. Our clients are also team members with a very specific role to fulfill. Our client brings a problem, and we bring a solution through working together to solve that difficult problem. Just like Liberty's basketball team, we are working toward getting into that "zone" where those 3 pointers keep dropping, nothing but net.

Instead of the typical law firm model where each lawyer has his or her own caseload, we all work hard, together, on the same cases, each adding unique value. While we all have our job responsibilities, we always emphasize to our team that no matter what needs to be done, we are all working hard to solve hard problems together, to our mutual benefit and to the benefit of others. So we have to know where each team member is. We need to communicate frequently and effectively. We need to hustle. We need to know where our opponent is. We need to keep our eyes on the basket. If we do that, we benefit ourselves when we win because we reap the rewards of our efforts both financially and emotionally.

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Three Years at Osterbind Law, PLLC

By Cindy Morris

Work is fun when you get to do what you know God created you to do. I am grateful to be part of such an amazing team and am excited for what the next weeks, months, and years bring.

On March 14, 2016, after 17 years in the healthcare field, I decided to take a leap of faith and change careers. In starting this new career, I had to be willing to start over and be open to constructive criticism and keep learning. Through hard work and perseverance, my mission was to thrive and to do so with compassion.

My favorite part about the job, besides our clients, is every day I get to do something different.

Trustworthiness, honesty, and being a team player are values that are very important to me.

I want our clients to know they are important to us and that our team is trustworthy and honest. That's what I love about my team. We work with compassion and make sure we are serving our clients efficiently and effectively.

Working for Osterbind Law has been a very rewarding experience for me.

Every day is a learning experience and I am so very grateful to have this opportunity. Let me close with this quote: "Success isn't always about greatness. It's about consistency. Consistent hard work leads to success. Greatness will come."
- Dwayne Johnson



Getting Medical Records Without Breaking the Bank

By Cindy Morris

Every injury case starts with requesting medical records. And as I'm sure you already know, there are many rules governing how you get medical records, what format they come in, how much they cost, etc.

The Health Insurance Portability and Accountability Act (HIPAA) is designed to guard and protect your personal health information. In 2009, Congress enacted the Health Information Technology for Economic and Clinical Health Act (HITECH Act) essentially as amendments to the HIPAA statutes. The HITECH Act was created for the implementation of electronic health records (EHR) and supporting technology in the United States. If a provider has an EHR system, HITECH provides the patient the right to obtain their records in an electronic format. The patient can also assign a third party (like Osterbind Law, PLLC) to be the recipient of the records.

Our law firm is primarily paperless with the exception of original documents that we store in a paper file such as our client's Medical Authorization and HITECH ACT forms. Most law offices use the old way of using HIPAA by sending their request for records with the HIPAA release. The medical provider prints out the records and charges the allowable statutory rate per page. If any attorney or insurer requests copies of medical records the Virginia Code § 8.01-413 allows health care providers to charge \$0.50 for each page up to 50 pages and \$0.25 a thereafter plus a \$20 search fee. Given the volume of records at certain providers, this can bring the cost of obtaining records into several hundreds of dollars, if not thousands of dollars.

A big part of our litigation process is obtaining the medical records and bills in order to evaluate and prove cases. We make every effort to keep the costs down and use the new way of requesting records by including

the HITECH ACT with our request for records. Our clients sign two medical releases: the traditional HIPAA release and a HITECH request letter.

Our request for medical records always reflects the HITECH ACT. When I receive invoices charging our firm the statutory fee, I call the provider and contest their invoice and ask them to adjust their fee pursuant to the HITECH ACT regulations, which make clear that the costs are limited to the labor cost, the cost of supplies, and postage. In most cases the providers use an outside party to produce the medical records which they have in an electronic format, so we end up paying the flat rate of \$6.50, which is essentially an average cost for every patient. As the Client Relations Manager, a part of my job is to ensure our clients are happy and satisfied. I like to think our clients are happier when we save them money!

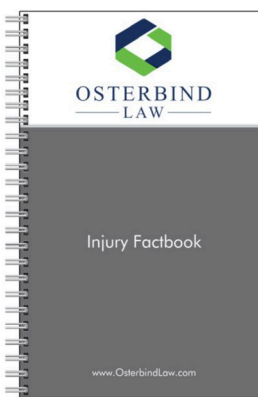
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Remembering the hard things that you probably want to forget

By Kelly A. Osterbind, Esq.

We are under no illusion that litigating an injury case is fun. For most of our clients, it is the exact opposite of fun. It is easy to want to ignore or just not think about some of the things that you'll need to remember down the road.

One of the most important things that you can do for your case is to keep good notes. To help you do this,



we now have a small notebook called the Osterbind Law Injury Factbook. All of our new clients receive this notebook prior to or during the

initial strategy session. If you are a current client and want a notebook, feel free to stop by the office to pick one up.

There are several ways to use your Osterbind Law Injury Factbook. First, you should use the Injury Factbook to record the dates of any medical or physical therapy appointments. You can also include a description of what happened during that appointment or any follow up that you need to pursue. This does not need to be a long description. Just include some basic facts about the appointment.

Second, you should use the Injury Factbook to record any symptoms you may be having. This includes a description of any pain, memory loss, or change in behavior.

Third, you should use the Injury Factbook to record any changes to your daily routine. If you have pain that keeps you from going to

work, church, school, or other daily activities, please write it down. It is important that you write the date, a short description of the activity you missed, and the reason why you missed it. Also, make a note of any changes that were observed by others. If a parent, friend or spouse notices something different about you, please make a note and write that down. Make sure you include that person's name.

There is no right or wrong way to keep this information. If you aren't sure whether a certain feeling or symptom should be written down, go ahead and record it.

Sometimes it can be several years between the injury and a trial. Writing contemporaneous notes will help you keep track of the daily details that are important in your case.

Moot Court

By Hannah Bowie, Esq.

Every year, Liberty University School of Law holds a Spring 1L Moot Court Tournament. Moot Court is just a fancy name for arguing in front of a panel of judges about a legal question in a fact pattern presented to the participants after a written memo has been completed. At Liberty, participation is part of the first year Lawyering Skills class, which is required of all students.

Last month, I had the opportunity to judge two rounds of the tournament. I could not help but remember myself being in their shoes in the Spring of 2013. I do not remember quite what I said during my very first round, but I remember the very first critiques I received. Following our arguments, the chief judge of the panel looked me

dead in the eyes and said, "We are not 'you guys.' We are judges. Do not call us 'you guys.'" Without skipping a beat, he said "And put down that pen." Apparently, I was so nervous during my argument, I was clicking and twirling my pen the entire time. Oops!

I learned a lot from my experience in that tournament. I no longer have anything in my hands when I speak in front of the Court and I address judges by the appropriate name. But more than that, it was cemented into me just how sacred the institution of our judicial system is. While it is far from perfect, it is humbling to walk into a courtroom and speak on behalf of a client who has trusted us to solve some type of legal problem.

In real life, we all know that even the best teams don't win them all, save the 1972 Miami Dolphins (and almost, but not quite, the 2007 New England Patriots). But winning them all isn't the point. Working hard together to

solve difficult problems to our mutual benefit and to the benefit of others is the point.

At Osterbind Law, we strive to find that sweet spot, that momentum,

that zone where every 3-point shot swooshes through the net, and we upset that number 5 seed. And when opportunity presents, we set our aims even higher.

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.

A staple local business in downtown Lynchburg is one of my favorites: The Modern Barber Shop. Doug Pickeral has been cutting hair for longer than I've been alive. One day about 11 years ago—when I was clerking in downtown Lynchburg for Judge Petty on the Court of Appeals of Virginia—I needed a haircut. So, I walked down Main Street because I had seen several barbershops driving by. I stopped in for one haircut and I've gone back just about every two weeks since then. Now, I also bring my boys with me for their haircuts (and they raid his candy drawer).

Doug offers a quality haircut, a straight edge razor clean neck, and always a good conversation. When you go into the shop, you'll notice pictures all over the walls of giants in the faith. Doug wanted me to tell you that he accepted Jesus Christ as his personal Lord and savior on January 23, 1972. He was led in prayer by R.C. Worley after Dr. Jerry Falwell, Sr. preached. Ask him about it when you go to get your next hair cut at 1103 Main Street, Downtown Lynchburg.

Local Nonprofit Responsible for New Child-Friendly Legislation

By Brandon S. Osterbind, Esq.

Last month I wrote about failed legislation. However, this month, I'd like to talk about a new law that I am personally and professionally proud of: House Bill 2542.

For the last 5 years, I've been on the Board of Trustees for Patrick Henry Family Services (PHFS). PHFS was originally founded to provide residential care for children who were either orphans or had parents who could not afford the care necessary to raise their children. PHFS still provides residential care for children but the cultural and legal landscape has changed dramatically since 1960.

The problems facing children and

families are different today than they were back then. So around a decade ago, PHFS started looking at new ways to serve children and families in our community as a way to keep families and children together, strengthen the family unit, and prevent abuse and neglect that often gives rise to the need for residential care. Among other things, PHFS learned of a program that was started in Chicago called Safe Families For Children (SFFC).

That program provides for temporary respite care for children of families that are in crisis. The idea is that if single mom needs a surgery, gets laid off and evicted, has to serve a short jail sentence, or cannot otherwise care for her child whatever the

circumstance may be, the Church should come around her and care for that child but also support that mom in getting through those difficult circumstances. Church members can give this family some resources, some emotional and physical support, and a group of loving people who will do life with them. This relationship isn't designed to end when things get better for mom. It is supposed to continue and, as a natural result of the Church being the Church, this child never gets to the place of abuse or neglect and foster care.

Robert Day, the CEO of PHFS, told me the story of a lifeguard sitting by a deep river one day when he sees a child floating down stream. What does he do? Of course, he jumps in the river and saves the child. Once he revives the child on shore, he sees another child floating down the river. So he jumps in again, saves another child. Then, once again, he sees another child, and another child,

and another child, and he saves each of them. The same things happen hundreds of times and as the children start coming faster and faster down the river, he physically can't save them all. At some point, the lifeguard needs to send someone up river to stop children from being thrown in.

This is the story of PHFS. As an organization, it has helped save many kids. But for the last 10 years or so, the goal has been to send more people up river, so fewer kids get thrown in the deep water.

Enter Safe Families for Children.

The problem was that the Virginia Code did not allow for temporary respite type care for kids or the delegation of parental authority. I was honored to be asked to help figure out where this program fits in Virginia's regulatory system and, then, when we could not see eye to eye on licensure with the Department of Social Services, draft a bill to change the law. The head of the Safe Families ministry at PHFS, Patrick Neff, took the bill to Richmond in 2015 and the bill never made it out of committee. It was referred for study by the Commission on Youth. Later, the general assembly agreed to create a pilot program for study that would be implemented by

PHFS only within Lynchburg and the 4 surrounding counties.

Each year the bill faced the same opposition, but the pilot program was allowed to continue. After much reporting and study, this year, a modified version of the bill I originally drafted came out of committee unanimously, passed the house 71-27, passed the Senate committee unanimously, and passed the Senate unanimously. It was signed by the governor on March 8, 2019. It goes into effect on July 1, 2019.

Regardless of your political beliefs, this bill is good for families and good for children. It is also good for the Church because it allows PHFS to partner with churches and others to help those families in crisis. This is a picture of the Church being the Church. Now, the family unit doesn't have to wait until the situation gets so bad that DSS is there to remove the child. The truth is that DSS has a limit of what it can do and what it can't do. Unless there is child abuse or neglect, DSS cannot step in to protect that child. It simply doesn't have the resources to help every child that comes in. The Church has a duty to care for widows and orphans. But our duty is broader than that. I believe we have a duty to love our neighbor

which means that we have to care for our neighbor even when it is costly and inconvenient.

Patrick Neff worked long hard hours figuring out how to work this bill through a politically charged system. He has poured everything he had into the pilot program and proved with objectively verifiable results that the program works and will prevent abuse and neglect in Virginia. Kathy Byron led the charge with this bill and used her goodwill, knowledge, and political understanding to successfully push this bill through. Her resilience on this bill has been refreshing. She believes in the program and her work on it showed. If you see her, thank her for her efforts on this bill and for her commitment to stronger families in Virginia.

I encourage you to learn more about this program and get involved. You don't have to be a host family, you can be a family friend, a resource friend, a family coach, or you can simply donate to this ministry. You can learn more about the program and how you can help here: patrickhenry.org/services/safe-families-for-children/

One Year at Osterbind Law, PLLC



By Hannah Bowie, Esq.

I have been with Osterbind Law, PLLC for a year now and what a year it has been. Each day is full of new challenges that keep me on my toes. I vividly remember the end of my first week working with Brandon, Kelly, Cindy, and David. I was leaving for the day when Brandon stopped me and asked, "Are you having fun yet?" I replied by

saying, "Yes," but not because he is my boss, but because I was truly having fun. It is somewhat of a joke around the office now. Brandon will ask me the same question from time to time and my answer is still the same. I cannot wait to come to work every day. The people that make up Osterbind Law, PLLC are like family. We have amazing clients that entrust us with some of the most serious circumstances of their life.

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