



The Group with the Scoop

Wrongful Death | Car Accidents | Defective Products

what's inside

page 2

There's No Place Like Home

Is There A Magic Formula For W. Va Injury Settlements?

page 3

You've Been Injured... You Can't Afford A Lawyer... What Do You Do?

page 4

What Happens If Your Parents Die Without A Will?



Fighting like a Tiger for you!

CLARKSBURG LAWYER GOES BIG TIME, signs mega-deal with NBC

Attorney Mike Florio retires from practicing law at 44, pursues childhood passion



As a young boy, Mike Florio grew up in Wheeling watching the Pittsburgh Steelers on Sunday afternoons, often dreaming

of being a part of the NFL someday, either as a player or coach. When he got older, he wanted to play football for Central Catholic High School, but was too big and slow to play the position that he coveted – wide receiver – so instead, he focused on academics while keeping his passion for football on the backburner.

After graduating from high school, he attended Carnegie Mellon where he received an engineering degree, and later attended West Virginia University College of Law, where it is rumored that he graduated with the highest G.P.A. in the history of WVU Law School. After his graduation from law school, he began working in Pittsburgh, but soon after married a Clarksburg girl and moved his family to Bridgeport so they could be near her family.

While practicing employment law in Clarksburg, Florio's passion for football began to re-ignite, and he began writing NFL stories

for various websites, usually for free. In his spare time he wrote the book "Quarterback of the Future," but had difficulty getting anyone to publish it (the book was finally published, thanks to Florio's persistence). While his book certainly did not make any best-seller lists, he realized that his true calling was to write about football.

In June 2000, Florio began writing for the website NFLTalk.com. That site was eventually purchased by ESPN.com, and Florio was hired to write a rumor and news report. When his contract expired at ESPN, he decided to start his own website and, in November 2001, Florio launched www.Profootballtalk.com ("PFT"), a blog site designed to give him an outlet to write stories and rumors about the NFL and its players. To most people's surprise, Florio does most of his work from the den of his Bridgeport home, in front of a television and with many newspapers from around the country spread out on his dining room table where he gathers stories to put on the website. Many of Florio's stories are also based upon insider sources in the NFL that he has befriended over the years while he has been writing about the NFL.

Continued on next page.

Spotlight

THERE'S NO PLACE LIKE HOME



Keith and Tracy
with their children,
MacKenzie and Jack.

Have you ever known people who are “workaholics?” They often spend hours at the office hoping to get ahead, but usually sacrifice their family in the process. One person who has always found a way to balance his work and home life is Keith Gould.

After graduating from WVU College of Law in 1996, Keith married his college sweetheart, Bridgeport native Tracy Strother, and began his legal career for a

small local law firm where he worked for 3 years. Keith began to feel the need to spread his wings a little more and decided to commute to work for the next 8 years at a medium-sized law firm located in Weston, WV. While working in Weston, two wonderful additions were made to the Gould family: his children, MacKenzie, 6, and Jack, 3.

Growing weary from the drive up and down Interstate 79, Keith longed to work closer to home so he could spend more time with his family. In 2007, Keith finally got the urge to “come home” and began employment at The Miley Legal Group on July 1, 2007. “Keith Gould has been a wonderful addition to The MLG and has served the clients of the firm well,” said Tim Miley, owner of the firm. “Keith has always been willing to put the interests of the clients above his own. I look forward to having him be a part of this firm for years to come,” Miley states.

Keith was raised in the Adamston section of Clarksburg, the son of Gary (deceased) and Carol Gould. He graduated from Liberty High School in 1987, Fairmont State College in 1991 and WVU’s College of Law in 1996. Keith currently resides in Bridgeport with Tracy, his wife of 13 years, and his two children. Tracy teaches 7th grade social studies at Bridgeport Middle School, where she is also responsible for working with WVU’s student teachers.

Keith and Tracy are most passionate about spending time with their children, who are active in swimming, baseball and gymnastics. When Keith is not working on his 1920’s-era home (which he claims to enjoy), he likes to spend time walking on the beach at sunset with his wife and kids, and an occasional trip to the Clarksburg YMCA to stay fit. Keith is also an avid fan of the Mountaineers and the Pittsburgh Pirates, and dreams that they will both win championships.

Welcome home Keith, we’re glad you’re here!!! ■

IS THERE A MAGIC FORMULA for W. Va. injury settlements?

Hardly a week goes by when a client or potential client does not say something like, “Isn’t there a formula that insurance companies and lawyers use to settle injury cases?” I am not really sure where people have gotten that notion, but I am here to tell you that there is no magic mathematical formula for determining the value of, and therefore settling, your injury case.

There is widespread belief that, in the past, attorneys and insurance adjusters seemed to use a formula to settle cases - “3x the medical bills, plus the lost wages.” If there ever was such a formula, it simply does not exist today. The reason the formula does not exist today (and may, in fact, have never really existed) is that jurors are not instructed to apply any “formula” when reaching their verdict for your case. In other words, every case is different and only an experienced personal injury attorney can review the facts of a case and advise you as to a reasonable settlement or verdict range for your case.

To do so, however, requires the lawyer to analyze many different factors, all of which will influence the value of your case. For example, if a car accident victim has neck surgery that costs \$80,000, but the first time he saw the doctor, complaining of neck pain, was six months after the accident and the evidence shows that he had a history of neck pain for several years prior to the accident, a jury may not include the entire \$80,000 hospital bill in the calculation of its verdict. Whether it does largely depends on the expert testimony in the case and on the lawyer’s ability to prove that the medical treatment was all caused by the accident.

Sometimes we see cases where there are tens of thousands of dollars of diagnostic testing done, such as x-rays, CT scans, and MRI’s, all of which turn out to be negative. Put another way, you may be complaining of pain, yet no test reveals what is causing the pain. In these cases, insurance companies, as well as juries may, or may not, give you “3x” the medical bills as settlement because they have not been shown any evidence supporting your complaints of pain.

Any attorney who tells you that there is, in 2009, a formula for determining the value of a personal injury case, simply has not had the experience of handling enough personal injury cases. Only if a lawyer is actually handling and trying cases, and keeping up with jury verdicts in the community, can he or she make a reasonable prediction of the value of your case. ■

YOU'VE BEEN INJURED...YOU CAN'T AFFORD A LAWYER what do you do?

One of the first questions you will ask yourself when you get injured and realize that you need to hire a lawyer (which will occur if you get jerked around by the insurance company) is 'how can I afford a lawyer?' The answer for most injury and medical malpractice cases is to hire a lawyer and pay him a "contingent fee." Do you know what it means when you hear a lawyer advertise that he "takes cases on contingency" or offers "no fee, if no recovery?" Let me explain.

Lawyers charge you for the time they spend working on your case. There are two methods you can use to pay your lawyer - an hourly rate or on a contingent fee basis. If you pay your attorney an hourly rate, you will usually have to pay the attorney a retainer fee up-front and pay the attorney for every hour of work that is done for you, even if you lose your case! Unfortunately, most of us can't afford to take that chance because (a) we don't have the money to pay an upfront retainer fee, or (b) we cannot afford to lose the money if we also lose our case.

On the other hand, you can hire the lawyer to work for you on a "contingent fee" basis. For a client, the "contingent fee" is often the only key to the courthouse. Since you do not have to pay your lawyer by the hour, you have the opportunity to hire a very experienced attorney to represent you and not have to worry about how the bill

for legal fees will be paid. This means that instead of paying an hourly rate to the attorney, you agree to pay the attorney a percentage (%) of any recovery in the case. Depending on the type of case, that percentage fee can be anywhere from 25%-45% of anything recovered for you in the case. Of course, if you don't win your case, you don't pay any attorney fees.

What else does the 'contingent fee' system mean for you? It means that most lawyers are going to evaluate your case very carefully before accepting you as a client. In other words, a lawyer is going to assess what the chances are to win your case. Because a lawyer only earns a fee if YOU recover, there is absolutely no incentive for a lawyer to take on a frivolous case - why would they? No lawyer in his right mind is going to take on a frivolous case, work hundreds of hours on it, for \$0.00 payment. Thus, if you ask a lawyer to take on a silly case or one that looks like it might be frivolous, they will probably say "no."

At The Miley Legal Group, we only do work for people on a contingent fee basis. In almost all cases, we advance the expenses in your case so that we can adequately prepare it for trial - these expenses may be for experts we hire, deposition costs, medical records and bills we obtain, and other case related expenses. If we recover anything for you, the fees and expenses will be taken out of that recovery. If we do not recover anything for you, you owe us nothing. It doesn't get any better than that. Give us a call if you have been injured, you won't be disappointed. ■

("Clarksburg Lawyer Goes Big Time, Signs Mega-Deal with NBC" cont. from first page.)

Since 2001, the website has grown to the point where millions of people visit his website daily. According to Sam Farmer of the Los Angeles Times, "PFT's online audience outnumbers that of most newspapers and sports sites. In March 2009, when interest in the site spiked with the start of free agency, PFT attracted 1.7 million unique visitors and 25 million page views."

The popularity of Florio's website has become so large that it has gotten the attention of corporate America. On June 15, 2009, Mike Florio and NBC Sports announced a mega-deal, which provides for Florio maintaining ownership of the website, but selling/licensing to NBC the exclusive rights to the content of the site. In

exchange, NBC plans to make it a permanent feature at the top of its NBC Sports site. Though terms of the deal were not disclosed, it was lucrative enough for Florio be able to retire from practicing law at the age of 44 and write full time for the website and NBC Sports. Although Florio enjoyed being a lawyer representing individuals in employment disputes, he "derives much greater pleasure from writing about his childhood passion than he does from practicing law."

Congratulations Mike on a job well done! ■

Tim Miley

Puzzler
What asks no questions but demands an answer?

The Miley Legal Group

230 W Pike Street, Suite 205

Clarksburg, WV, 26301

Phone: (304) 326-1800

PRESORT STD
U.S. POSTAGE
PAID
PERMIT 662
WICHITA KS



Fighting like a Tiger for you!

FIND OUT WHAT LOCAL
LAWYER IS RETIRING TO WRITE
FOR NBC SPORTS **INSIDE!**

WHAT HAPPENS IF YOUR PARENTS DIE without a will?

It can be a touchy subject, but there's no time like the present to have a talk with your parents about whether or not they have made a will, especially if they have re-married following the death of one parent or a divorce between them. About a quarter of all adults with assets of more than \$500,000.00 don't have a will, according to PNC Wealth Management. It's important that your parents know what will happen to their estate when they die.

If your father or mother are married living in West Virginia and die without a will, the surviving spouse gets everything, but only if all surviving children and grandchildren of your mother and father are a product of their relationship with each other. The surviving spouse gets half of everything if one or more of your deceased parent's children are not a descendant of the surviving spouse. In other words, if your mother or father is married to a step-parent, the surviving spouse is entitled to half of the deceased spouse's estate, no matter how long the parent and step-parent were married. If your parent does not have a will and lives in a state other than West Virginia, they need to learn about that state's laws of descent and distribution so they will know what will happen to their estate upon their death.

Obviously, it is in everyone's best interest if your parents (as well as you) have a will prepared so it is clear as to how, and to whom, their estate is going to be divided. Because people are living longer, one of your parents (and maybe both) are likely to be married for a second (or more) time. What I have seen most often is that your parent and step-parent verbally agree as to how the step-children (from both sides) are going to be taken

care of after one of them dies. Unfortunately, many factors arise in life that cause verbal agreements and good intentions not to be carried out.

Your step-parent may have promised your mother or father to leave certain items of the estate (i.e. those that may have sentimental value) to you, but unless it's specified in a will, you may not end up getting them. Even if your parent prepares a will, one of the most unwise arrangements I have seen a parent make involves leaving everything to the second spouse (i.e. the step-parent) with the expectation of the step-parent leaving the estate property to the step-children after he or she dies. The only problem with that arrangement is what if parent and step-parent were only married for a few years and the step-parent and children drift apart? What if the step-parent remarries – does the step-parent have an obligation to his “new” family? Does that leave the children of the deceased parent with nothing, which would be contrary to the wishes of the deceased parent? All of the above examples have occurred without any improper motive or intention of anybody.

The moral of the story is to encourage your parents to have a will prepared, especially if they are re-married, so that their wishes can be carried out after their death.

You've heard the saying that there are only two things guaranteed in life – death and taxes. Talk to your parents. Remind them how important it is to have a will. Sorry, there's not much I can do about taxes!! ■