

LIFE, LIBERTY, AND THE LAW



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PERSONAL INJURY ATTORNEYS

407-254-4901

So Long 2019, Hello 2020!!

By Bob Hemphill and Kim Cullen

Bob: The Hemphills enjoyed a very busy holiday season here in Orlando. We are always amazed by all of the exciting things there are to do in Central Florida during the holidays. Although Julie and I worked throughout December, we were both overjoyed by the opportunity to spend so much quality time with family and dear friends.

We were eventually able to take a trip to Washington D.C. over the extended Martin Luther King, Jr. weekend to celebrate Julie's birthday. We took a tour of the Bureau of

Engraving and Printing where we all learned a great deal about the money-printing process and the Federal reserve. A highlight of our trip was a tour of the U.S. Capitol Building. It was a great learning experience for the kids and a great reminder for Julie and me about how

the bicameral legislature came to be and how it is designed to function.

We rounded out our trip by visiting the White House, the Air and Space Museum, the Museum of Natural History, and spending time with great friends who accompanied us on our adventure. It was a great way to start the new year!

Kim: With our family's mixes of conflicting college and high school schedules, internships, work schedules, etc., our big family trips have morphed from summers to the Christmas/New Year holiday. This year Weeze's youngest sister, Betsy, and her family invited the rest of the extended family to her home in Los Angeles for Christmas. By

Christmas night, there were 18 of us enjoying the holiday.

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Another aspect of the trip was helping Weeze's father accomplish one of the items on his bucket list - seeing a western night sky free from light pollution. So our entire party trekked to Palm Springs, California, where we gathered after sundown one night in Joshua Tree National Park and witnessed a

view I never thought I'd see. I was awe-struck that it was possible to literally actually see thousands and thousands of stars (including an awesome view of the Milky Way galaxy) from our little spot on Earth. If you ever get a chance to do this, you should not miss it.

From Palm Springs, the Cullens separated from the larger group and drove through the desolation of the Mojave Desert to Las Vegas, Nevada. On our second day, we had another once-in-a-lifetime experience when we boarded a helicopter and flew into and landed on the floor of the Grand Canyon.



The Grand Canyon is majestic from any viewpoint, but actually landing on the floor and exploring next to the Colorado River with the people you love is something very, very special.

Weeze and I know it is going to be more and more difficult to get all of our



kids together as they start their adult lives, so we are cherishing every moment we can spend with our favorite people!

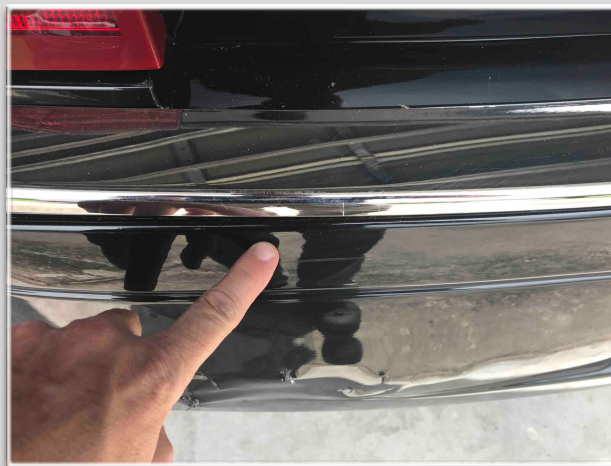
What You Need To Know About Low Impact Crashes

By: Kim Cullen and Kim Sprouse

It might surprise you, but some of the more difficult personal injury cases we handle are those car crashes where there is little property damage to our clients' vehicles. Insurance companies look at these claims as very defensible. They believe (based upon their own claims statistics) that juries are reluctant to award damages to injured people unless their cars show significant property damage. The insurance companies call most of these MIST claims (Minor Injury Soft Tissue.)

If an insurance company categorizes a claim as a MIST claim, it is likely that the insurance company will offer the injured plaintiff nothing more than their out-of-pocket medical expenses - particularly if the injured plaintiff has any history of injury or trauma to the same area of the body where a new injury is alleged. In these kinds of cases, it may actually be an advantage for the plaintiff to have been previously injured because we can argue that our client's prior injuries made him more susceptible to injury - even if the force of the injury was not significant. We have to work hard to get good results on these cases.

Any way you slice it, injury claims from low impact crashes are always challenging. Plaintiffs how have been involved in low impact crashes need to understand this from the beginning and adjust their expectations accordingly. Call us if you have any questions!



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Involved in a Car Accident, But Don't Own a Car?

By: Kim Cullen and Kim Sprouse

Many of our clients do not own motor vehicles, but nevertheless are injured in car crashes while riding with somebody else. Unfortunately, people who don't own cars often face challenges in getting their accident-related medical bills paid.

Under Florida insurance law, every person who owns a motor vehicle is required to carry Personal Injury Protection (PIP) coverage. PIP is designed to pay the medical bills of people involved in car accidents - regardless of who caused the crashes (this is why PIP coverage is also sometimes also caused "No Fault" coverage.)

Since most people who are involved in car crashes are injured in their own vehicle, most people correctly turn to their own insurance company to pay their initial accident-related medical bills. Later, if their injuries are determined to be permanent or more serious, they may also be able to recover money damages from the at-fault driver - over and above what has been paid by their PIP carrier.

Family Comes to the Rescue

Things get more challenging when a person injured in a car accident doesn't own their own car. For an injured person who does not own a car, PIP coverage can often be established if the injured person lives with a blood relative who owns a car (and carries PIP.) Under Florida law, resident relatives of a PIP policy holder that do not own their own cars are entitled to PIP coverage from their relative (unless the relative has specifically excluded the family member in question from coverage. We sometimes see this if the injured person has a terrible driving record, and the relative who has coverage does not want to pay a bunch of extra money to cover the bad-driving relative.)

If an injured person does not own a car, and does not live with a resident relative who owns a car (and is insured), things can get even trickier.

Which Car Were You In?

If the injured person doesn't own a car, and doesn't live with a relative with PIP coverage, the injured person would next turn to the owner of the vehicle he was riding in at the time of the crash for PIP coverage. This usually requires the injury person to swear under oath that they don't own a car and don't live with a relative with PIP.

The At-Fault Driver Might Pay More Than He Bargained For

Under Florida law, if a person does not own a car, does not live with a relative that has PIP coverage, and was riding with someone who did not have PIP coverage, PIP coverage can often be secured from the at-fault driver's insurance company. Of course, this is rare, but it does

sometimes happen. In order to secure PIP under these circumstances, the injured person would have to swear under oath that she had no other source of PIP coverage from any other person or entity. In these somewhat rare instances, our client might then receive PIP payments as well as a personal injury settlement from the

same insurance company. the injured person will usually then

\$10,000.00 For Medical Bills Always Helps

PIP coverage is valuable to anyone that has been involved in a car crash because it pays 80% of any accident-related medical bills - up to a total of \$10,000.00. PIP coverage can also be used to pay 60% of accident-related lost wages. Unlike other insurance designed to pay medical bills, PIP payments do not have to be reimbursed to an insurance company. Once PIP coverage is set up, it usually works very well, with very little inconvenience to the injured person.

If you have any questions regarding establishing PIP coverage, or how PIP coverage works, please give us a call.



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Safety Matters: Cars & Bicycles

By: Kim Sprouse

Bicyclists in Florida have the same rights and responsibilities as motorists. As a motorist, it is important that you drive safely around bicyclists. Your vehicle has a number of safety features, but a bicyclist only has a helmet.

As the weather warms up you will find more bicyclists on the road. In an effort to keep everyone safe, we want to share some key safety tips to keep in mind when you come upon a bicyclist.

- Reduce your speed
- Don't blow your horn
- Give bicyclists 3 feet of space
- Don't turn right in front of a bicyclist
- Yield on left turns to on-coming bicyclists.



Following these safety rules will ensure everyone gets to their destinations safely. There is plenty of space on the road for all of us to travel together. We just have to drive safely and be courteous of others.