

LIFE, LIBERTY, AND THE LAW



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PERSONAL INJURY ATTORNEYS

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A Summer That Got Off To A Quick Start

By Kim Cullen and Bob Hemphill

Kim: I owe all of our readers a big apology. This edition of the newsletter was supposed to go out at the beginning of the summer. All of the articles (other than mine) were done and ready to go until it reached a bottleneck - me. I got busy working on a few older cases that really needed my attention - and bam - no newsletter came out. So please enjoy our content that is now, admittedly, several weeks old - with my apologies. **SPOILER ALERT:** You won't want to miss the NEXT edition of Life, Liberty, and the Law so you can see the awesome trip the the Hemphill family went on just before school started!

Bob: The girls are officially on summer break after successful kindergarten and first-grade school years. They made a lot of new friends in their first year at their new school. This summer we have been enjoying some of the perks of living in Central Florida. We have spent time at the beach, pool and local theme parks. We also recently took a father-daughter trip to the Tampa Bay area to catch a baseball game between the Minnesota Twins and the Rays. We hope to enjoy the remainder of the summer in a similar

fashion in between the girls' summer camps. I hope everyone has a safe and enjoyable summer!

Kim: Two of the Cullen kids got great news at the very beginning of the summer. Our lovely daughter, Grace, found out that she has been accepted into the University of Florida

College of Nursing! This is an extremely competitive program - accepting only 10% of all applicants - so, of course, Weeze and I are extremely proud of her! Our oldest son, Jack, also found out that he

would be interning with the Fifth District Court of Appeals under Judge Richard Orfinger.

Because it is so difficult to get all of the Cullen kids together at one time, we took advantage of a free weekend at the beginning of the summer and took a short trip to New York City. The kids spent a lot of their time at the Governor's Ball Music Festival while Weeze and I rented bicycles and explored and took a day-trip to the U.S. Military Academy in West Point. It was a really fun and interesting trip!





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Change is Here: Now Put Your Cell Phone DOWN

By: Kim Cullen

You cannot drive a mile down the road without seeing another driver on their cell phone. They might be talking to someone, texting, or even on social media. Due to the hazards and the number of injuries and deaths that distracted driving has caused, the Florida Legislature has FINALLY made some cell phone usage illegal while you're driving.

Since July 1, 2019, a person may not operate a motorized vehicle while manually typing or entering multiple characters into a wireless communication device. Additionally, drivers are not permitted to use their cellular devices while driving for any kind of interpersonal communication - which includes texting, emailing, and instant messaging.

The only exceptions to the law will be if drivers are operating an emergency vehicle, reporting an emergency, criminal or suspicious activity to law enforcement officers, receiving messages that are related to the operation or navigation of the motor vehicle, receiving safety-related information including emergency, traffic, or weather alerts, using a device for navigation purposes, conducting wireless communications that does not require the driver to enter multiple characters or read text messages, using a wireless communications device in a voice-operated mode such as a Bluetooth device, or operating a vehicle in autonomous mode. This law will also not apply to a driver whose vehicle is stationary.

When an officer pulls someone over they must notify a driver of their right to decline a search of their cellular device. Police officers are not permitted to access the device without a warrant, confiscate the device while waiting for a warrant, or obtain consent

through coercion or improper methods. The law will, however, allow cellular phone records to be admissible in court if an accident occurs that causes a death or personal injury.

The consequences for not following the law will keep adding up. The first offense will be punishable by a \$30 fine, with a second offense costing \$60. Court costs and fees also would apply and points can be added to your license.

This law is intended to improve roadway safety and decrease the number of distracted drivers. The Legislature is also taking this law a step farther and



extending it in certain zones. Beginning January 1, 2020, all drivers will be required to be completely hands free in school, school crossing, and construction zones. This means that drivers cannot use their cell phone in these designated zones for any reason that requires them to hold their cellular phone.

The same exceptions from the previous law will apply to the hands-free zones as long as drivers are using the cellular device in a hands-free manner while using the navigation and Bluetooth devices.

The intent of this legislation is to improve roadway safety in school and work zones for all vehicle operators, passengers, bicyclists, pedestrians, and other road users. It is the Legislature's intent to assist in reducing injuries, deaths, property damage, health care costs, and automobile insurance rates related to motor vehicle crashes.

In 2016 alone, Florida had nearly 50,000 accidents caused by distracted drivers resulting in 233 deaths. We must all reprogram ourselves to put the phone down when we are behind the wheel. **It really can wait.**

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The Dumbest Lawsuit Award Goes to . . .

By: Kim Cullen

It seems that people will sue for just about any reason these days. There are countless numbers of frivolous lawsuits filed across the country everyday. Believe it or not, lawyers who represent legitimately injured people hate frivolous lawsuits more than anybody. It makes our job much harder. What is the worst lawsuit you've ever heard of?

Starbucks seems to have had more than their fair share lately. One woman had enough of Starbucks putting too much ice in her iced coffee and decided to sue them for it. She claims Starbucks' ice coffee contains significantly more ice and not enough coffee.

Starbucks also found themselves in trouble for their lattes. They were sued for putting too much foam in their lattes causing customers to get less latte than they paid for. The theory goes that by using less product the coffee giant is saving a lot of money and making profit by serving less coffee than promised.

Starbucks responded saying that any customer can ask for more or less ice when they place their order and can always ask their barista to remake their drink if they are not satisfied with it. Go figure.



Employee Recognition - Emely Canto

By Robert Hemphill

It would be very difficult for Kim and me to run the firm without the assistance of our wonderful team members. This month we want to recognize Kim's long-time assistant, Emely Canto, for everything she does to help our clients through some of the most difficult times in their lives.

Emely is responsible for getting cases through the litigation process and prepared to go to trial. The litigation process starts when the complaint is filed and doesn't end until the case is settled or tried before a jury. The process of getting a case ready to go to trial can sometimes be challenging, but we know we can count on Emely to get the job done.

Emely is one of our oldest employees and has been working at Cullen & Hemphill, PLC for almost ten years now. Our clients frequently tell us how lucky we are to have her. She is a very valuable employee that we would be lost without. When Emely isn't working at the firm, she is at home with her son or visiting with her daughter and one-year old granddaughter!

We want to thank you Emely for all of your hard work and dedication not just to the firm, but to all of our clients too!



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Your Vehicle, Your Insurance, Your Responsibility

By: Kim Sprouse

I let my sister borrow my car to run to the store and she got into an accident. Now what? Many people believe that car insurance follows the person when really it primarily follows the vehicle.

If you loan your car to someone and they get into an accident your insurance policy will normally cover the property damage that is caused - as long as the person driving your car is determined to be at fault. If you carry liability insurance, the same rule applies. However, if the other driver is found to be at fault then the other driver's insurance will cover the damages.

It is always best to know exactly what coverage you have and what your insurance company expects of you when allowing other people to drive your vehicle. Understanding your insurance policy before you need to use it is something we strongly encourage everyone to do.

If you have insurance questions, you can always call us!!

