

LAW OFFICES OF KIM MICHAEL CULLEN, P.A.
PERSONAL INJURY - WRONGFUL DEATH

**LIFE, LIBERTY,
 AND THE LAW**

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What the Casey Anthony case reminded me, as a trial lawyer

You may not realize it, but this newsletter is read by folks all over the world – from our own backyard here in central Florida, to as far away as England, and even Australia. Although people here in Florida have been inundated with information about the recent Casey Anthony jury verdict, it has been my personal experience that people all over America, as well as the world, are interested in this case. As a lawyer, it is very rare that someone does not ask me for my thoughts about the case, once they find out what I do for a living.

For me, the Casey Anthony verdict drove home the fact that it is virtually impossible to predict what a jury will do. No matter what we, as outsiders, feel that we knew about the evidence in any particular case, or what we feel would represent justice in response to a defendant’s actions or omissions, we simply cannot get into the heads of those twelve (six, in civil cases) jurors and reasonably anticipate what they are going to do.

I think this is true for a couple of different reasons. First, the evidence that the jury gets to consider in any jury trial is usually very different from the “whole truth”

about any situation. Because of legal rules, the information that jury sees and hears and gets to weigh, is often *very different* from the reality of a situation. The evidence the jury received is usually only bits and pieces of what everyone else involved in the case “knows.”

Second, each juror shows up to jury duty with a unique set of beliefs and life experiences. When you combine twelve sets of beliefs, there is no telling what you’ll get. While all the jurors in a case listen to the same evidence, it is not unusual for each of them, or groups of them, to hear things differently. Some will consider a piece of evidence crucial, while others will consider that same evidence essentially irrelevant.

After having been involved in loads of jury trial over the past 18 years, I am still trying to come to grips with just how unpredictable juries are. Obviously, it makes advising clients very difficult. As the Casey Anthony case illustrates, no matter how solid you think the facts are, you never know what is going to happen when a jury gets involved.



LIFE, LIBERTY, AND THE LAW

Super coverage can equal super benefits

As economic times continue to be challenging, we are seeing more and more people in our office who have been injured by drivers who do not carry liability insurance, and therefore have no way to properly compensate someone who they have injured.

Many people reading this letter have heard us talk again and again about how Uninsured/Underinsured Motorist (UM) coverage is essential to protecting yourself and your family from the potentially catastrophic effects of a car accident. Many people do not realize that UM coverage comes in two categories – stacking and non-stacking. We believe that stacking UM coverage is an excellent and fairly inexpensive way to further protect yourself and your family. Uninsured/Underinsured Motorist coverage protects you or a family member if you are injured in an automobile accident with a driver who has no bodily injury liability coverage, or very little coverage. UM coverage "steps into the shoes" of the uninsured driver, and functions just like his bodily injury liability insurance -- if the uninsured driver had elected to carry bodily injury

coverage. Under Florida law, whenever you elect to carry Uninsured/Underinsured Motorist coverage, your insurance carrier is obligated to offer you "stacking" UM coverage. Stacking UM coverage allows you to combine the coverage limits of the UM coverage on each of your vehicles, to create essentially a "super UM policy." For



example, if you own three vehicles and each vehicle features \$100,000/\$300,000 in UM coverage, if you have "stacking" UM coverage and are involved in a motor vehicle crash with an uninsured driver, you can "stack" the three UM policies and give yourself more coverage to pay for your medical bills, lost wages, and even pain and suffering. In such a scenario you would be entitled to \$300,000/\$900,000 in UM coverage for your accident. Of course, this doesn't mean that your

UM carrier is necessarily going to pay you the entire limits of the coverage -- you still have to prove both liability and damages, as you normally would to prove your case against the person who injured you. It is also important to note that stacking UM coverage does cost more than non-stacking UM coverage. However, the potential financial benefits of having stacking coverage when catastrophe strikes far outweigh the slight increase in price. According to Drew Havron, an agent at Cooper, Simms, Nelson and Mosley, an insurance agency in Winter Park, the standard difference in premiums between stacking and non-stacking UM coverage is generally between 15% to 20%.

As always, if you have questions about automobile insurance, please give us a call at 407-254-4901, or you can order a copy of my free book, *Asleep At The Wheel: 13 Mistakes the Insurance Company Desperately Hopes You Will Make After A Florida Car Accident*, which has an entire section on automobile insurance. The book can be ordered from my website: www.cullen-law.com.

LIFE, LIBERTY, AND THE LAW

Are you hack safe?

Today, passwords are the keys to your digital life, and they safeguard everything from email accounts to bank accounts against cyber criminals. Here are a few ways to protect yourself online, according to Shan Li of the LA Times:

- Know that longer is usually better, but not always. A six-character password such as 7cG&!s is more secure than a longer password that uses a phrase, such as iloveyou.
- Change passwords to your bank accounts every few months.
- Write down the passwords on a list without user names. Keep it with your

passport, car title, Social Security card or other papers you are not likely to lose.

- If you truly cannot remember passwords and tend to lose scraps of paper, use password-managing software such as LastPass or KeePass that encrypts and stores all your passwords. They're usually free or charge a nominal monthly fee for extra features.

And a few things to avoid:

- Never use simple words or phrases, even if you spell them backward and add a number. Hackers have software that can predict commonly used words.
- Never have the same password for every account, especially for bank

accounts and sites such as Amazon.com that can store your credit card information.

- Never email passwords to yourself. If hackers gain access to your email, they would then have the whole kit and caboodle.
- Avoid using personal details. Do not include your name, birthday or home address, which can be easily guessed by someone who knows you.
- Don't share your passwords with friends or family.
- Don't log into sensitive accounts when using public Wi-Fi.

Weight problem? Try more sleep

Many of us consider ourselves night owls. We feel like we can operate on very little sleep, stay up late working or playing, and still remain healthy. Today's science is calling that mindset into serious question. New medical studies show a direct link between lack of sleep and obesity. Most disturbing, new data suggests that lack of sleep in our children is playing a huge role in America's epidemic of childhood obesity.

According to Dr. Eve Van Cauter in two new studies, the culprit is likely hormones. When human beings don't get enough sleep, our bodies tend to release hormones that tell our brains that we are hungry, as well as hormones that make us crave high-fat, high-carbohydrate foods. Similarly, when humans are sleep-deprived, our bodies secrete less of an important hormone that signals our brains that we are full.

How does this translate to kids? Dr. Van Cauter's research indicates that the odds of a child becoming obese by age seven was 50% greater for kids who were sleep-deprived. Similarly, 58% of obese kids averaged fewer than eight hours of sleep per night, while just 11%

of non-obese kids received fewer than eight hours. According to the American Academy of Sleep Medicine, children aged two to three need 10-12 hours per sleep per night, while children aged five to ten need 9 1/2 to 11 hours sleep per night. Normal adults need seven to nine hours sleep per night.

Making sure our kids get the sleep they need seems like a small price to pay to keep our most precious gifts happy and healthy.

Here are some tips from the Academy to help you **and your children** get the sleep you need:

- Have a regular, set bedtime.
- Arise from sleep at the same time (even on weekends)
- Keep your bedroom dark and cool while you sleep
- Exercise regularly
- Avoid caffeine for alcohol for several hours before sleep
- Avoid television and computer screens before bedtime.

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Vitamin ABCs

Almost every year, it seems as if a new study is published saying that vitamins don't offer any real health benefit. Then, a few weeks later, I will read an article saying how important vitamins are to overall good health.

I've been taking a daily multivitamin for many years. I get mine from a well-known, national health food store, and they aren't cheap. That is why I was disappointed to read in the *Los Angeles Times* about a new study conducted by ConsumerLab.com.



find out if the vitamins really contained what the makers said they did. As many of you will know, the U.S. government does not regulate vitamin makers for ingredients or purity.

Of the 38 multivitamins tested, over one-third of the vitamins included either too much or too little of the listed ingredients. Importantly, testers determined that inexpensive multivitamins often outperformed their higher-priced counterparts. Particularly impressive to testers were Nature's Way Alive! Daily Energy, Walgreen's One Daily for Women, and BJ's Warehouse Wholesale.

The folks at ConsumerLab.com purchased multivitamins manufactured by 38 different makers and tested them to

Be sure to let us know about your results if any of you decide to change to these brands.

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A winner???
So far, this looks like the leading candidate for a new

dog in the Cullen household based upon your votes. Thanks so much for your kind responses regarding our beloved Stella.