

# LIFE, LIBERTY, AND THE LAW



**CULLEN & HEMPHILL** <sup>PLC</sup>  
PERSONAL INJURY ATTORNEYS

**407-254-4901**

## In Spite Of COVID-19, We Remain Here To Serve You

By Kim Cullen

I have to be honest with you. When we were planning this edition of "Life, Liberty, and the Law" we never dreamed that we would be including an article about a virus that none of us had ever heard of, and that would ultimately shut down huge swaths of our nation.

Nevertheless - here we are. As I type this article, the Mayor of Orange County has just issued a Stay-At-Home Order which will go into effect at 11PM on March 26th. The Order will force most Orange County businesses to shut down their stores or offices.

Those businesses that can operate remotely can continue to do so. Unfortunately, businesses that cannot operate remotely will be shut down completely. I know of several small businesses here in Winter Park that have already let their employees go. Federal unemployment numbers came out this morning indicating that over 300,000 Americans became unemployed last month (the typical number is about 60,000.) This is obviously horrible for our country.

Fortunately for us, Orange County considers law firms "Essential Businesses", so Bob and I have decided that we are going to keep the doors here at Cullen & Hemphill open as long as the government will let us. We are committed to having at least one person on our team in our office location during our normal business hours. Several years ago Bob and I made the decision to invest in a significant overhaul of our firm's technology infrastructure, so the remainder of our team can work very efficiently from home (or from anywhere, really.)

(We always figured that it would be a hurricane that would make things difficult for us. We had no inkling it would be something smaller than the naked eye can see...)

While in the office, we are trying to follow CDC best-practices, and are being very careful in our physical interactions with clients and each other. However, it is still probably safest - for everyone - if we try to keep physical interactions to a minimum.

As most of our readers probably already know, we are extremely easy to contact by phone, email, or text (407-644-4444.) In addition, we have accounts with all of the major video-conferencing services (Zoom, Skype, Google Hangouts, etc.) - which seems to be the next-best-thing to a face-to-face meeting (which we always prefer - except in these strange times.)

Regarding paperwork, we have been largely paperless for the last several years, so you can always email or text documents to us and they will be automatically saved into our system. For new case sign-ups, authorizations, contracts, Releases, and those sorts of things, we have been using digital signature software more and more over the last few years and are very comfortable working that way.

The long-and-short of it is: **our firm is in a perfect position to continue to serve our existing clients, and to assist any new people who need help in these trying times.**

Please stay in touch and let us know how we can help. Things are likely going to be tough for many of us in the days to come, but we can all get through this — together.



The view from Kim's office window of what would normally be a bustling Winter Park intersection at lunchtime.

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## Safety First: How to Recognize An Online Predator

By: Kim Sprouse and Kim Cullen

As our children get older they tend to spend a lot more time online. Sadly, the more time they spend online - especially on social media or in chat rooms (but really anywhere where people can communicate with them) - the more likely they are to become targets for sexual predators. Here are some tips for avoiding disaster, and educating yourself and your children about to to be careful of:

- Predators are almost never who they say they are. Most predators use fake accounts with bogus names and pictures to hide their real identity. They prefer to keep their identities secret until they have gained a child's trust.
- Predators typically tell their young targets that they are the same age so their targets.
- Predators will almost always want to take their conversations private so nobody else can see what they are saying to their child targets.
- Predators will try to get their child targets' personal information - and particularly their physical location - by making subtle comments or asking subtle questions in hopes that their target won't realize what they are doing.
- Predators are adept and getting children to talk about themselves and their problems - usually by asking lots of questions.
- Predators are generally quick to adopt an "us versus them" attitude with their child targets - generally playing up a "parents just don't understand us" angle.
- Predators frequently gather information about their child targets' families as a way of further ingratiating themselves to their child targets, but also to determine who they need to be wary of.
- Online predators will try to make their targets feel special. They will tell them how smart and beautiful they are. Predators will frequently offer (and later shower) their targets with gifts.



- Predators will frequently ask their child targets for photographs or videos (and will frequently reciprocate - however, with fake photos that make the Predator seem of similar age to the child.)
- Eventually Predators will start making sexual comments or using subtle sexual innuendo in their communications with their targets. Sexually oriented photos and videos frequently begin shortly thereafter.
- Predators will also encourage their targets to lie. They will tell their targets that they can't tell anyone that they are communicating. They threaten that if the children tell anyone, all communication will be cut off. s
- Eventually, online Predators almost always start pressuring

their targets to meet in person for some kind of seemingly fun outing.

- Predators will threaten their targets. They'll tell their targets if you don't do as the Predator says, they will get the child in trouble. Sometimes predators also threaten the safety and welfare of the child's family if the child tells anyone what is going on.
- Online Predators will make their target think what they're doing is normal. They'll tell their target that everyone chats online. They'll tell them everyone sends their friends sexually

charged pictures and videos. Once the child finds out that the Predator is an adult, they'll tell their victims it is perfectly normal for young kids and adults to hang out.

Be sure to talk to your children about online safety and share some of these common signs of an online Predator with them. Even if your children don't spend time on social media or in chat rooms they can still become a victim of an online sexual predator.

Sexual predators are posing as children in video games now and chatting with younger and younger children. They can send children friend requests and start talking to them through an online video game.

It is always best to make sure your child knows the dangers of giving out personal information and talking to them about how people aren't always who they say they are.

## Social Media Posts Can Impact a Personal Injury Case

By: Kim Sprouse and Kim Cullen

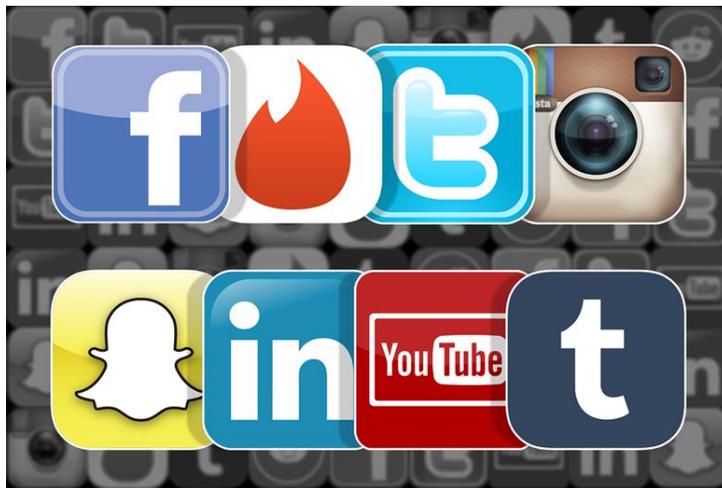
Many consumers probably don't realize it, but even one bad decision with a social media post by an injured person can destroy an otherwise valid and meritorious personal injury claim. It is well known to experienced personal injury law firms that one of the first things that insurance companies and their lawyers do after receiving notice of an injury claim or notice of an injury-related lawsuit is to scour the injured person's social media accounts.

Defendants are hoping to find something posted by the plaintiff that is entirely inconsistent with what they have stated about the accident or their injuries. The classic example is someone testifying that they are seriously injured, but posting an image or video on social media showing the supposedly injured person doing something extremely athletic or dangerous. Finding something like this online would certainly make an insurance adjuster's day!

Defendants are also hoping to find posts that suggest that the injured claimant is engaged in activities or behaviors that general society (i.e. potential jurors) might find shocking or scandalous. An example might be an injured person making social media posts showing them doing illegal drugs or supporting mass murder or something similarly outlandish.

Lastly, defendants and insurance companies are looking for anything potentially embarrassing or uncomfortable to the injured person. For example, if an injured person repeatedly created posts calling his treating doctor a "quack" or criticizing his doctor's staff, an insurance company will think they can gain an advantage by showing these posts to the injured person's doctor. How cooperative and helpful to the injured person's case do you think the doctor would be after looking at posts like that?

We advise all of our clients to give social media a rest during the pendency of their personal injury cases. The benefit simply does not outweigh the potential harm. There is absolutely no good reason for any of our clients to give insurance companies and their lawyers any free help or assistance in defending their claims.



## Cullen & Hemphill, PLC Sponsor the 12th Annual Fiddler's Green 5K

By: Robert Hemphill

Kim and I were very pleased and proud to, again, serve as sponsors of the 12th Annual Fiddler's Green 5K. Over the last 11 years, this race has raised over \$250,000 for local charities. 100% of the net proceeds of this year's race were or will be donated to the Habitat for Humanity of Winter Park-Maitland and the Conductive Education Center of Orlando.

The race was held on a cold February 22nd morning. Kim and I both ran (well, mostly ran) the race, along with a thousand or so other elite athletes :). Neither one of us set personal records, but we had a great time for great causes.



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## Consumer News: Do You Have Your REAL ID Yet? You'll Need It

By: Kim Sprouse

Have you looked closely at your driver's license lately? Does your driver's license or state identification card have a fancy star on it? How long has it been since your drivers license was last renewed?

If your driver's license or state-issued identification card does not have a star on it, than you do not have a **REAL ID**.

Congress passed the REAL ID Act several years ago in an effort to create uniformity between the states in terms of identification. Federal law now requires each state to gather more documentation from its citizens in terms of proving residency and Social Security registration. The REAL ID law also requires states to print driver's licenses and identification cards using new technology that should make them more difficult to forge.

**Most importantly, going forward REAL ID's (or some other form of TSA-approved will be required in order for U.S. citizens to fly domestically.**

It is our understanding that this requirement goes into effect on October 1, 2020. However, on a recent business flight Mr. Cullen was told by a TSA employee that response to this deadline has been so poor that the government will almost certainly have to delay strict enforcement and allow people more time to comply.

Online renewals were supposed to be disappearing on January 2, 2020, and Floridians were going to have to visit their local DMV to get **REAL ID's**. However, with the demand that is surely to ramp-up as the deadline approaches, it is difficult to imagine DMV locations being able to handle all of these requests. You should check online for more information.

Generally, a star indicates it's a REAL ID



Gold star



Black star



Star cutout in gold circle



Star cutout in black circle



Star cutout in gold grizzly bear