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What's with all this talk of insurance?

By David M. Kerner

In our world of constant bombardment of advertisement, it seems we cannot escape it. Whether it's a billboard on the side of the highway, the Internet, television, or Facebook, advertisers and companies have integrated this medium into our everyday lives. In fact, I recall recently seeing an ad pop up on my iPhone as I was playing Scrabble. Love it or hate it, in this information age, the next advertisement is surely only a few moments away.

One thing I've noticed over time is that insurance companies have drastically changed the way they advertise to us, along with the frequency (it seems to have gone up drastically as well). One automobile insurance company has a gecko, a caveman, and an odd stack of money with eyes as their main advertisement characters. Others highlight how much money the average person saves if they switch from one company to theirs.

With this barrage of advertising, it becomes easy to forget why automobile insurance is so important and what it really is designed to do.

In law school, insurance was often defined as a form of *risk management* primarily used to *hedge* against the *risk* of a contingent, *uncertain* loss. Outside of the classroom, though, we all know we need it for our cars because it's required by law, and it is there to protect our well-being and property.

In reality, many of our clients admit how confusing the different types of insurance are

and what exactly is covered. Many clients are astounded to learn that with all the money they pay per month, when they are hurt by the negligence of others, they may not be covered.

Automobile insurance comes in various forms...

Personal Injury Protection (PIP): Florida's "no-fault" law requires automobile insurance that generally pays for medical bills and lost wages, up to \$10,000.

Property Damage: Collision and comprehensive coverage protects your vehicle in the event of a collision or other damage not resulting from a collision (such as hail, flood, falling debris, etc.). This coverage is not required by law in Florida, and collision and comprehensive coverage can be purchased separately.

However, "third-party" property damage coverage, which protects other persons' property in the event you damage it, is required by law, in the amount of \$10,000 minimum.

Bodily Injury: This coverage protects you in case you injure someone else in a crash, and is usually represented by two numbers, such as 100/300. Coverage in these amounts would provide up to \$100,000 per person injured, and up to \$300,000 per incident (if multiple parties are injured or killed).

It surprises most of my clients when they learn that this coverage has nothing to do with



Do you know what your automobile insurance covers?

(continued on back page)

We believe no one deserves to have insult added to injury.

Think twice before running that red light

More and more often, red light cameras are being installed at intersections to improve safety by catching light runners.

Most of these setups include multiple cameras positioned to take pictures of vehicles traveling in any direction. When a vehicle passes a certain point on the road, it sets off a trigger that tells one of the cameras to snap two pictures. The first photo shows the vehicle on the edge of the intersection; the second shows it in the middle. Most of these cameras are digital and send their photos to a computer. Some systems include a camera installed at an angle to capture a photo of the driver's face. The owner of the light-running vehicle can expect to receive a ticket in the mail in a few weeks.

The hope is that these cameras will help to cut down on the accidents caused by drivers running red lights. According to the Insurance Institute for Highway Safety, these accidents account for 22 percent of all traffic accidents in the United States. It is estimated that these accidents kill 800 people and cause \$7 billion in property damage, medical bills, lost productivity, and insurance hikes every year.

If you find yourself at an intersection thinking about saving some time by running a red light, remember...you may be on camera.

If you received a citation in the mail for running a red light, call us. We may be able to help.

MEET LADY JUSTICE

You may not know her name, but you've surely seen Lady Justice around. She's tall, made of stone, and wears a blindfold. She carries a scale in one hand and a double-edged sword in the other. Lady Justice is a common sight outside courthouses throughout America as well as Europe. So, what's her story?

Lady Justice's story started as far back as ancient Egypt, where the goddess Maat (and later Isis) personified the idea of justice as balancing the scales of truth and fairness. The Greek goddess Themis and her daughter, Dike, later represented the ideal of justice. The next goddess to carry the scales was the Roman deity Justitia.

The image of Justitia is the one we're familiar with today. She carries the scales in one hand, which she uses to weigh the strengths of a case's support and opposition. The double-edged sword she carries in her right hand symbolizes reason and justice. The blindfold she normally wears represents her objectivity.

She may not always be dressed the same, but Lady Justice will forever represent the same thing: an ideal legal system based on equality for all.

New FDA Web site makes tracking recalls easier

The U.S. Food and Drug Administration (FDA) recently launched a brand-new Web site to make it easier for consumers to find out about and track recalled products.

About 3,000 Americans are killed by contaminated food every year, and 128,000 are hospitalized. The FDA is hoping that the site, along with new powers granted under the Food Safety Modernization Act (such as the ability of the FDA to directly recall a tainted product), will lead to fewer outbreaks.

The searchable site features drugs, medical devices, and veterinary products as well as food. It can be found at www.fda.gov/Safety/Recalls.



THEY KNEW WHAT WHEN?!?

It seems like every day another product is recalled. Most of us would like to think that as soon as a company knows there is a safety problem with one of their products, they warn their customers right away. The majority of the time, this is the case. Mistakes do happen. The unfortunate truth, however, is that there are many times when a company keeps a defective product on the market, knowing of the potential danger to consumers, for the sake of profit.

Zyprexa

Eli Lilly's Zyprexa was approved by the FDA in 1996 to treat schizophrenia and bipolar disorder. It wasn't long before Zyprexa became one of Eli Lilly's best-selling drugs. As early as 1999, company executives became aware of a direct link between Zyprexa and diabetes. Evidence from the company's own research showed the drug had severe side effects, including diabetes.

Instead of pulling Zyprexa from the market, Eli Lilly commissioned ghost writers to provide favorable literature for the drug. They also unleashed a marketing campaign aimed at children and the elderly: two high-risk groups for whom the FDA had not approved the drug's use.

When the facts finally came to light, the U.S. Justice Department fined Eli Lilly \$1.4 billion in 2009. That may sound like a big fine, but by that time, Zyprexa was making the company \$4.4 billion per year!



Killer peanuts

Executives at the Peanut Corp. of America (PCA) knew in 2006 that their products were tainted with salmonella. The contaminated peanuts were used in more than 3,600 products.

The problem was traced by investigators to a PCA plant in Blakely, Georgia, where a number of unsanitary conditions were found, including mold, roaches, roof leaks, and machinery held together by duct tape. FDA investigators reported "12 instances where the firm, as part of its own internal testing program, identified some type of salmonella." They sold the product anyway.

Why would they ignore their own testing? PCA president Stewart Parnell offered this explanation in an e-mail: "We need to protect ourselves, and the problem is that the tests absolutely give us no protection."

In 2009, PCA finally ordered a full recall of the contaminated products. By that time, 9 people had died and 700 were sickened by the tainted peanuts.

Second Chance Body Armor bulletproof vests

What do you call a bulletproof vest that can't stop a bullet?

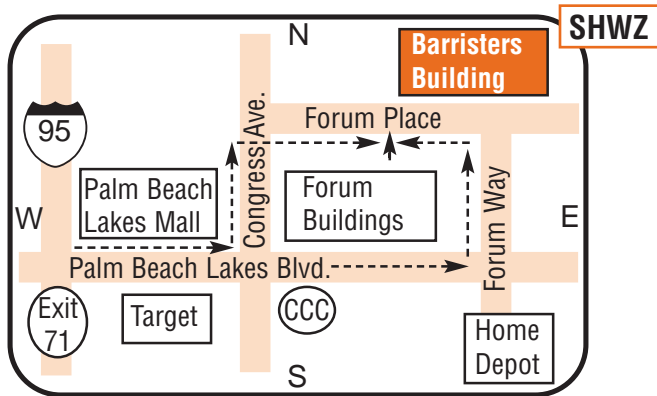
In 1998, Second Chance Body Armor realized there was something wrong with the Zylon material used in their bulletproof vests. The Zylon in the vests was suffering degradation that left it unable to actually stop a bullet. Hundreds of thousands of vests were sold anyway to law enforcement and military personnel. President George W. Bush and First Lady Laura Bush even wore them. It wasn't until 2003 that the company finally acted, eventually recalling 228,000 vests. Unfortunately, it was too late.

During a routine traffic stop in Oceanside, California, police officer Tony Zeppetella was shot in the chest, eventually dying from his wounds. His vest did not protect him.



The government is supposed to protect the American people from these kinds of dangers, but with agencies understaffed and underfunded, it is impossible to catch every problem. When regulators do catch a violator red-handed, the penalty is little more than a relatively small fine. This is why the civil justice system is so important; it offers consumers an opportunity for justice and provides a deterrent against future misconduct.

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What's with all this talk of insurance? *(continued from front page)*

compensating them if they are injured. It is only designed to compensate others if they are injured and to protect you from financial exposure. This coverage is not required by law, and Florida is one of the few states that does not require it. If another party injures you and they do not have this coverage, or they have it in small amounts, you can be placed in a very unfortunate position, which brings me to the next type of coverage.

Uninsured/Underinsured Motorist (UM): This coverage is designed to protect YOU if you are injured by another uninsured or underinsured motorist, which is very common in South Florida. Additionally, UM coverage protects you even if you are a passenger in another's vehicle or if you are a pedestrian at the time of the accident. It also provides coverage when an accident is caused by a hit-and-run driver or if the identity of the other driver is unknown. Your UM coverage is purchased from your own auto insurance company and provides you with coverage in the event that the person who hit you does not have any bodily injury coverage, or has insufficient amounts of bodily injury coverage, to compensate you for the injuries you have sustained in an accident.

UM coverage is perhaps the most important, and most widely underused, type of coverage available. If you do not have it on your policy, you will be relying on others to ensure that you are financially protected if they injure you.

So the next time you are thinking about renewing or changing automobile insurance companies, keep in mind the different types of coverage and the importance of each as it relates to you and your family. Consider the reputation of the company for paying claims fairly and honestly. A little bit of research can go a long way. Be sure to put aside the catchy advertisement campaigns and slogans that are used by these companies. Rely upon the advice of your friends, family, neighbors, and the firm of **Schuler, Halvorson, Weisser & Zoeller, P.A.** We're always happy to speak with you and answer any questions you may have. And as always, we're just one call or click away! Since 1978, our firm has vigorously, ethically, and competently represented injured parties and have fought for their rights in the courtroom. We look forward to upholding this proud tradition in the future.

DEPUY HIP REPLACEMENT

Johnson & Johnson and its medical device subsidiary, DePuy Orthopedics, have recalled ASR XL Acetabular System total hip replacement and ASR Hip Resurfacing System.

Research has shown that the DePuy products are much more likely to cause complications. Five years after surgery, 12 to 13 percent of patients using the DePuy product were forced to undergo a second hip replacement surgery. The average replacement rate for other models is 6 to 7 percent.

DePuy has already begun contacting patients and offering to compensate them for medical expenses caused by the faulty implants. While we appreciate this effort, we still recommend that affected patients speak to an attorney before signing anything.

