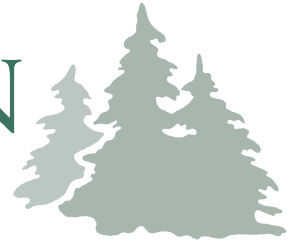


*Personal,
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GOLDSTEIN
LAW OFFICE PLLC



Do You Know What Your Duties are After an Automobile Accident?

My first-born son recently completed a driver's education course. To say the least, I entered an interesting phase of motherhood a couple of months ago when I turned over control of the wheel to him. We've all heard the statistics--males under 25 years of age are more likely to get in an accident than any other population group. I certainly don't like to dwell on the odds of my son getting in a crash, but as a personal injury attorney with many years of experience representing car accident victims, I know all too well the risks at play. While the odds are much less for drivers between 25-65 years of age, the risk of an accident looms nevertheless each time we turn the key in the ignition. Here's what to do in case the unlikely accident happens to you.

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Serious Personal Injury

Ms. Willingham limits her practice to serious personal injury matters. "Personal injury" is a broad term that signifies any kind of accident or occurrence that leads to bodily injury, such as car collisions, injuries from defective products, medical malpractice, and injuries occurring on premises. Some examples of serious personal injury include traumatic brain injury, spinal cord injury, bone fractures, dislocations, and of course wrongful death. If you have questions about whether you have a serious personal injury matter, please call our office for a free consultation.

The content of this newsletter is derived from the Washington State Office of Insurance Commissioner's website, www.insurance.wa.gov, and from the Washington State Association for Justice pamphlet "Understanding Your Auto Insurance." It is meant for general purpose information and is not, nor is it intended to be, legal advice. You should consult an attorney for individual advice regarding your own situation.

AT THE SCENE OF THE ACCIDENT....

For the safest and best outcome after an auto accident, you should:

Remain at the Scene.

Every driver involved in an accident is legally required to remain at the scene and give necessary information to others involved.

Warn Oncoming Traffic.

Use all reasonable means possible to warn oncoming traffic of the danger at the scene.

Assist the Injured.

If someone is seriously injured, call 911 and tell them an ambulance is needed. Make the injured as comfortable as possible, but do not move him or her unless it is absolutely necessary to avoid further injury.

You should keep the following items in your car in case of an accident:

- Your insurance and registration information
- Reflective triangle and/or road flares
- Disposable camera
- First aid kit
- Note pad and pen
- Flashlight

Notify the Police.

If there is any injury or death, or if property damage exceeds \$700 to any one person's property, you must notify the police.

Insist on a Police Investigation and Report.

If you do not request a police investigation, you could seriously damage your chances of obtaining full compensation, or worse, you may be blamed for an accident that is not your fault.

Don't Move Your Vehicle.

Unless your vehicle poses an immediate hazard to other traffic, it is important that you leave it in the same position that it came to rest after the accident. Ask the other driver not to move his or her vehicle until the police arrive. The most important evidence for determining fault is the position of the vehicles after the wreck. It is a good idea to take photos of the vehicle damage and the scene.

Complete an Accident Report.

Obtain information for the accident report, including names of witnesses and officers. Remember that if you fail to complete a written report, when required, it could result in suspension of your driver's license.



Your Time for Making a Claim is Limited by Law.

In Washington the period for bringing an injury or death claim is usually three years from the date of the accident, but there are some exceptions. For accidents that occur in other states, the period may be as short as one year from the accident.

IF YOU ARE INJURED....

In the event you are injured in an accident, you should also observe the following:

Tell the Police Officer.

The first record of your injuries will be contained in the investigating police officer's report. If you fail to mention to the police officer that you were injured, it could create suspicion in the mind of the insurance adjuster assigned to your claim that you were not hurt.

Write Down Names and Telephone Numbers of Eyewitnesses.

Often by the time a police officer arrives at the scene, witnesses to a collision are gone. It is important for you to identify any witnesses to the crash and that you write down their names, addresses and telephone numbers. In the event that the at-fault driver later attempts to change his or her version of the facts, these independent witnesses are crucial to proving responsibility for the crash.

Don't Delay Obtaining Medical Treatment.

Go to the nearest hospital emergency room or to your personal doctor as soon as possible. An injury, if untreated, may become much worse. If you don't seek treatment in a timely manner, an insurance adjuster may suspect that you were not genuinely injured and discount your claim. Even a delay of one week is often too long.

File Your Accident Report.

You are not required to file an accident report when the collision is investigated by a law enforcement officer who files a report. You may, however, file your own report if you wish or if you disagree with the details reported by an officer. Your report, which is filed with the Washington State Patrol in Olympia, must be sent within four days of the accident, although sending it in late is better than not sending it in at all. Always keep a copy of the report for your records and later reference.

If You Have a Serious Injury, Do Not Try to Settle Your Own Claim.

If you have suffered a serious injury or injuries requiring follow-up medical attention such as physical therapy, MRI or numerous follow-ups with your doctor, you should at least consult with an attorney. An experienced personal injury attorney will generally make sure that you receive the compensation that is due you, usually more than will be offered in settlement by an insurance adjuster, even after attorney's fees are paid.

Report Your Loss to Your Insurance Company, but Do Not Give a Statement to the Other Driver's Insurance Adjuster.

Whether or not you are considering hiring an attorney, you should not give a statement to an insurance adjuster for the other driver. Statements made can seriously prejudice your claim. Instead, tell the adjuster that you have decided to hire an attorney and instruct him or her to refer all further questions to your attorney. You should, however, immediately report the accident to your own insurance company and ask that a PIP claim be opened to allow your medical bills to be timely paid.

Do Not Sign Medical or Employment Records Authorizations for the Other Driver's Insurance Company.

The claims adjuster for the other driver may also ask you to allow them to get your medical or wage/time loss records. Never sign such authorizations before speaking to an attorney. You must, however, sign a medical authorization for your own insurance company if you are making a PIP claim. Always keep a copy of the PIP application and the authorizations you signed, and caution your company not to provide any medical or other information to the other driver's insurer without your consent.



Sherelle A. Willingham graduated magna cum laude from the University of Puget Sound (now Seattle University) School of Law in 1991. While in law school she served as primary editor of the Law Review.

Ms. Willingham is an active member of Washington Association for Justice (WSAJ), formerly Washington State Trial Lawyers Association (WSTLA). She has published on insurance bad faith litigation in the Trial News, the monthly publication of WSAJ, and she has presented at and chaired continuing legal education seminars on insurance and motor vehicle accident cases.

Ms. Willingham resides in Olympia with her husband and two sons. She is active in the community and leads the children's ministry for her church.



From left:
Carmen R. Rowe Hoogkamer, Sherelle A. Willingham,
Shawn M. Bunce, JD, CPA, Jason M. Zittel, Jay A. Goldstein

Read more about our attorneys and practice areas, search published works and resources and submit your case on our website at www.jaglaw.net