

DLG News

MARCH 2008

VOLUME 2, ISSUE 2

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Davis Law Group, P.S.

Seattle's Premier Accident & Personal Injury Law Firm

Downtown
2101 Fourth Avenue
Suite 630
Seattle, WA 98121
206-727-4000

Eastside
10900 NE 8th Street
Suite 900
Bellevue, WA 98004
425-451-1704

WE APPRECIATE
YOUR REFERRALS

DON'T Pay For an Accident You Didn't Cause — Buy Enough UM/UIM Coverage!

You probably have never heard about it, or if you have, you may really not know what it is. Uninsured Motorist (UM) coverage will pay for your damages that have been caused by an uninsured motorist. A related type of coverage is Underinsured Motorist (UIM) coverage. UIM pays you for damages caused by another motorist who may not have enough insurance to fully compensate you. UIM is considered "floating" coverage. That is, UIM coverage floats on top of the other motorists insurance limits to provide you an additional layer of coverage if it is needed.

UM or UIM coverage is extremely important. I have handled a lot of cases in my office involving accidents that were caused by an uninsured motorist or by someone who has the minimum amount of coverage that is legally required—just \$25,000. Yet it is the uninsured or underinsured motorist who is responsible for causing a

"Janet had to pay more than \$20,000 out of her own pocket for an accident she didn't cause."

much higher percentage of the accidents that occur on our roadways each year.

The law only requires that a driver have at least \$25,000 in liability insurance. Yet, most of us know that a \$25,000 policy does not go very far, particularly with the high cost of medicine today. That's why you should purchase as much UM/UIM coverage that you can afford.

Here's a true story to illustrate just how important UM/UIM coverage is. About a year ago, a woman called me about an accident she had several months earlier (I'll call her Janet). Janet was rear-ended by another motorist who



was uninsured. The other driver was 25 years old, job-less, and had neglected to buy any insurance on his 1990 Honda. The collision was fairly significant, causing more than \$8,000 damage to Janet's Ford Taurus. Janet received a significant neck injury that ultimately required surgery to repair the herniated disc in her cervical spine. She had complications following surgery and another procedure was performed. When she contacted me, Janet's medical bills were more than \$80,000. And they were continuing to accrue because she was still getting treatment and medication for her ongoing symptoms. Fortunately Janet had health insurance through her employer. But her health insurance carrier only paid about 70% of her bills. What was more unfortunate however, was

Continued on Page 3

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Why Chiropractic Care After an Accident?

To answer the question up front and in a nut shell, quality chiropractic care greatly improves a person's chance for a full recovery and reduces the risks for later complications. Keep reading to learn more.

One of the major sources of pain that a person experiences after an accident are the small joints in the spine called the facet joints. In the neck, for example, when hit from behind the facet joints in the lower neck can jam together and the facet joints in the upper part of the neck can be stretched causing the spine to become subluxated. This can cause neck pain and stiffness, upper back pain and headaches. Chiropractors are trained to

detect and correct the misalignment of the facet joints. This allows the facet joints to heal properly.

The muscle splinting that occurs around the spine to protect from further injury to an already injured area can cause the spine to lose its normal curves. The shallow backward C-shaped curve in the neck can become straight or even reversed. If not treated properly the body will heal the spine without the normal curve. This is not good for the person's future spinal health. As a result, what may happen over time is that the spine will degenerate.

When the spine degenerates, the spinal discs may lose their cushioning ability. Bone spurs may grow and choke the nerves running through the spine. This

leads to chronic pain and other health problems slowly over time. Proper chiropractic care can restore the normal curves in the spine and prevent spinal degeneration. This provides a healthy, pain free active life into old age.

Finally, people have a very high level of satisfaction with their chiropractic care. Studies have shown that as many as 96% of patients would recommend chiropractic care to a friend or family member. The results from this care is what drives people to refer to chiropractic. So don't wait to get good results after an accident. ■

A DLG Guest Article by Rob Plunkett, D.C.
Dr. Plunkett practices chiropractic medicine at Vitality Chiropractic located at 2419 NW Market St. in Ballard. (206) 297-2792

Ask The Attorney



Christopher M. Davis
Attorney at Law
and Author of *The Ten Biggest Mistakes That Can Wreck Your Washington Accident Case*

This publication is intended to educate the general public about personal injury, medical malpractice, and insurance issues. It is not intended to be legal advice. Every case is different.

I was injured in an accident that wasn't my fault, and now my own insurance company is requesting that I submit to a medical examination by its doctor. Do I have to go?

Answer: Unfortunately, and in most cases, yes. Your insurance company has the contractual right to have you examined and to have your treatment reviewed by another medical professional. Insurance companies like to call these one-time examinations "Independent Medical Exams" or "IME's." This is a gross misnomer however-- they should really be titled "Insurance Medical Exams" because insurance companies use these one-time exams (or in some cases, a one-time medical records review) as a way to terminate benefits regardless of whether you are still benefiting from additional treatment. Insurance companies use "IME's" to save them money and their medical examiners are often "hired guns" willing to offer the right medical opinion to justify this goal. As one doctor friend of mine aptly states -- opinions are commodities like everything else and you can always buy the right one you are looking for. If you find yourself being requested to submit to an "Insurance Medical Exam," here are a few suggestions. First, before submitting to an exam, read your policy! The insurance company's right to request an exam is contained within the insurance contract. Review it to make sure the company is not violating any of

the policy provisions. Second, you really should consider hiring counsel. Recent case law has suggested that the "IME" report may be discoverable by the other driver's attorney and insurance company, providing additional ammunition against you when it comes time to settle your case. If you hire counsel, your attorney can often insist upon certain conditions to the exam, like having a certain examiner or asking that an impartial observer be present during the exam. Third, make sure you give the examiner an accurate description of your prior health problems, current complaints, and the facts of the crash. Any discrepancies will be used against you. Lastly, recognize that the examiner will be looking for all signs that you are not injured -- how you walk into the examination room, how you sit, how long you sit, facial expressions, etc. In one case I handled, the examiner wrote in his report how he watched my client drive into the parking lot, "jump" out of his car with no "apparent difficulty" and "ran" into the building entrance! Need I say more? ■



Uninsured Motorist Coverage *continued from page 1*

that five (5) years earlier Janet decided to reject UM/UIM coverage so she could save an extra \$100 per year. That decision proved tragic.

Janet's decision to reject UM/UIM meant that she really had no recourse against the other driver. Oh sure, she could have sued him. But litigating and going to trial is very expensive. Even if she secured a judgment against this young man, he was essentially judgment-proof. He had no assets and a low paying job. She never would have been able to collect anything from that young man. If Janet had adequate UM/UIM coverage under her own auto policy, she could have secured compensation from her own carrier. But Janet had rejected UM/UIM coverage years ago to save money and she never thought to renew it after her financial position improved. Instead, she had to pay thousands of dollars for her own medical treatment.

In the end, Janet had to pay more than \$20,000 out of her own pocket for an accident she didn't cause. An unjust result to say the least.

Yet people will often ask me: even if the at-fault driver is uninsured, can't you just sue him and recover in court? Well, yes you can sue but you're unlikely to collect. You have to get a judgment against the other driver and the only way to do this is to go to trial. Going to trial costs thousands of dollars in expenses alone—to pay your doctors to testify, create exhibits, conduct depositions, etc. By going to trial you likely will be throwing away good money after bad. And even if you get a judgment, the other driver can always declare bankruptcy and discharge the debt. Even without bankruptcy, if the other driver has no assets and a low paying job, the judgment is pretty much worthless.

Dollar for dollar, UM/UIM coverage is the best deal money can buy. Usually the cost of this coverage is considerably lower than the standard liability coverage (the type of coverage you buy to pay for damages that you cause another). The insurance company is required by law to offer this type of coverage to you and it can only be rejected in writing. But I see many people who try to save money by refusing UM/UIM on their policy. This is a big mistake. My advice to everyone: purchase as much UM/UIM coverage that you can afford. ■

Super Lawyers

Chris Davis is a Super Lawyer

Chris Davis has been named a "Super Lawyer" by *Washington Law & Politics* again! Super Lawyers picks the **top 5% of lawyers in WA**, as chosen by their peers through surveys of more than 17,000 lawyers across the state.



March 16-22 is National Poison Prevention Week

If you suspect a poisoning emergency, immediately contact Poison Control at **1-800-222-1222**. Post this number by your telephone.

Is There A Wrong-way Driving Epidemic In Washington?

There seems to be a sudden increase in **wrong-way driving accidents** occurring in the metro Seattle area.

Not only have we have noticed more of these types of accidents being reported in the news, but lately we've received several inquires from wrong-way accident victims. So we decided to look into the matter to find out just how big of a problem wrong-way driving is in Washington State. What we discovered was somewhat surprising.

Wrong way drivers present an obvious danger to all motorists on our highways. The most recent available crash statistics from the National

Highway Traffic Safety Administration indicates wrong way drivers are involved in 1.5% of all fatal crashes.

In the four-county area of King, Snohomish, Skagit, and Whatcom counties—136 wrong-way crashes between 1997 and 2000 resulted in **81 injuries and 9 fatalities**.

On average about **350 people** are killed each year nationwide in wrong-way freeway crashes, according to an analysis using the National Highway Traffic Safety Administration's Fatal Accident Reporting System. From 1996 through 2000, 1,753 people died in wrong-way crashes on the Nation's freeways. Thousands more are injured. ■

RECENT WRONG-WAY ACCIDENTS

February 27, 2008

- ◆ I-405 near Hwy 900
- ◆ Multi-car accident
- ◆ No major injuries

January 29, 2008

- ◆ I-5 in Arlington
- ◆ Two injured; one killed

January 11, 2008

- ◆ I-405 near NE 6th in Bellevue
- ◆ Two killed; one hurt

January 6, 2008

- ◆ Highway 18 in Auburn
- ◆ One killed; one injured

November 7, 2007

- ◆ I-5 near Woodland
- ◆ One killed

October 9, 2007

- ◆ I-5 in South Seattle
- ◆ One killed

Learn the right way to deal with your accident claim. Get the book!!



***The Ten Biggest Mistakes That Can Wreck Your Washington Accident Case* by Christopher M. Davis**

It's **FREE** as a public service to injured WA citizens! Get your copy today by visiting www.WashingtonAccidentBook.com



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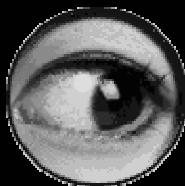
Davis Law Group, P.S.

2101 Fourth Avenue
Suite 630
Seattle, WA 98121
206-727-4000

InjuryTrialLawyer.com

*OUR MISSION IS TO
LEVEL THE PLAYING
FIELD BETWEEN
ACCIDENT VICTIMS
AND INSURANCE
COMPANIES.*

**Look
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This
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OBLIGATION LEGAL
CONSULTATION .

WARNING: Don't Drive While Distracted



"I was sending an email to a client from my laptop when I spilled the coffee I was drinking, while I was talking on my cell phone. So, you see officer, it really wasn't my fault."

The Network of Employers for Traffic Safety estimates that between 2 and 3 million crashes each year are caused by distracted drivers.



According to the Washington state safety commission, between 2001 and 2005, distracted drivers contributed to 971 fatal crashes.

Washington is one of several states to ban using cell phones while driving, unless used with a "hands-free" device. **The law takes effect July 1**, along with another that bans text messaging while driving.

I've been in an accident and the insurance adjustor is calling. What do I do?

Answer: Politely decline to sign any forms or give a recorded statement until you have read my book,

The Ten Biggest Mistakes That Can Wreck Your Washington Accident Case.

Order online at www.WashingtonAccidentBook.com It's **FREE** as a public service to injured WA citizens!