



DAVIS LAW GROUP News

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Representing Washington Accident Victims & Families Affected By Wrongful Death

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ISSUE**

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Should Washington State Make Driving With Cell Phones a Primary Offense?

The Seattle Times reports that Washington State Senator Tracey Eide (D – Federal Way) has introduced a bill to make using a cell phone while driving a primary offense. Currently, a police officer cannot stop a motorist for talking on the cell phone while driving unless the driver has committed some other infraction. By making the cell phone while driving a “primary offense” it would allow a police officer to stop a motorist for this infraction alone.

The citation will carry a fine of \$124. Only 4 other states and the District of Columbia have made using a cell phone while driving a primary offense.

Senator Eide states that driving while talking on a cell phone is equivalent to driving drunk. She states that studies show that a person who uses a cell phone takes his eyes off the road for at least 6 seconds (about the distance of the length of a football field). Senator Eide also references other studies that show that a cell phone user is 4 times more likely to cause an accident than a driver who is not using a cell phone.

Not everyone agrees with the bill. Senator Don Benton (R-Vancouver) says that using a cell phone is no more of a distraction than someone putting on make-up, or eating, or drinking coffee while driving. So do we include every one of these distracting behaviors in the bill too?



Senator Benton suggests that this bill is just another hidden “tax” designed to make more money for the government.

On the one hand, I’m all for passing legislation that will increase public safety and reduce accidents. But I have to question whether this new law will have any significant effect on getting people to avoid using their cell phones in their cars. I’ve spoken to a few Washington State Patrol officers who say that the current law has

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Guidelines For Settling Your Own Personal Injury Claim

Not every accident case or personal injury claim needs a lawyer. If the claim is small, then you may be able to settle your claim on your own.

There are no hard and fast rules that defines a small claim. But generally, a small claim is one where:

1. The accident is minor or the property damage is relatively small or insignificant,
2. The injuries are minor and/or they are not considered permanent,
3. The medical treatment lasts no longer than a few months, and
4. The medical bills do not exceed a few thousand dollars.

If one or more of these factors exist then there’s a good chance the claim is small enough to settle on your own.

WARNING: By settling the case on your own, you accept the risk that you may make a mistake that could irreparably damage the value of your claim. Some mistakes cannot be “undone” so getting a lawyer involved after the fact may be of little benefit. You need to know that there are many cases that should involve an attorney, particularly if the accident was severe, the injuries are permanent and/or significant, and the special damages (or medical bills and lost wages) are many thousands of dollars. Many people don’t want to hire a lawyer so they can “save money.” But the money that is lost due to a mistake made during the claims process could be much more

significant than the expense of hiring an attorney. You should first seriously consider the risk of settling your own claim before proceeding in this way.



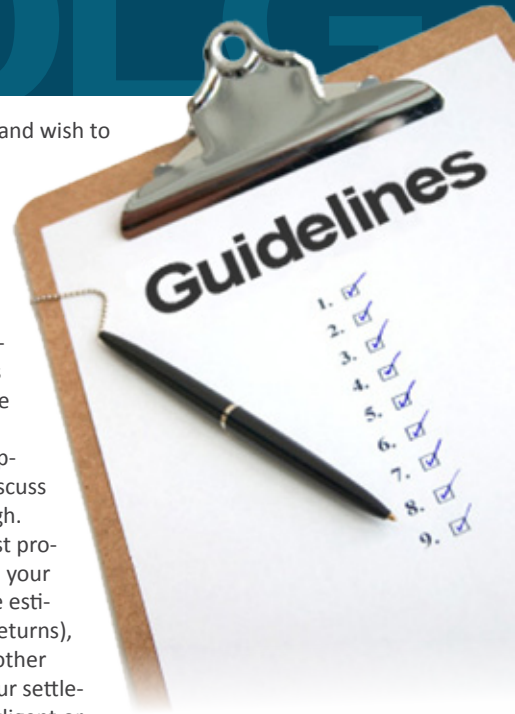
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(...from Pg 1) Here are some general guidelines for those people who have a small personal injury claim and wish to settle the case on their own:

1. **Collect all evidence to support your claim.** This may include the police report, photographs of the vehicle(s), paystubs, tax returns, medical records and bills, property damage estimates, witness statements, etc. The insurance company relies on documentation to support the claim. If you don't have documentation to support your claim or some of the damages being requested, the insurance adjuster will refuse to consider it.
2. **Communicate in writing with the insurance company.** You should keep track of your communications with the adjuster in writing. Be brief and to the point. Refrain from talking about the merits of your claim until you are ready to settle. Written communication leaves a paper trail that may be beneficial to you if there's a dispute about what was said or not said.
3. **Focus on your medical treatment.** If you're hurt, get medical treatment. Do not skimp, or miss appointments. Do not try to settle the claim until your medical treatment has concluded. Do not discuss your medical treatment with the adjuster. He or she will receive your medical records soon enough.
4. **Prepare a thorough settlement demand package.** See No. 1. With your documentation, you must provide a comprehensive settlement demand package which includes copies of all items that support your claim for damages. This includes your medical records and bills, collision report, property damage estimates, photographs (of injuries and/or vehicles), wage loss documentation (paystubs and/or tax returns), witness statements, etc. If you are claiming other expenses, then you should provide receipts or other written documentation to prove that these expenses or costs or damages have been incurred. Your settlement demand should contain a brief description of the accident, and why the other party was negligent or at fault. Your damages should be itemized and explained. If you are claiming general damages, or pain and suffering, then you should describe the facts and circumstances to support this part of the claim. Statements from family members and other people familiar with your life and the way your injuries have affected you can be persuasive.
5. **Be prepared to negotiate.** Settling a personal injury claim takes skilled negotiation. It is not unlike the process of buying a car because typically there is back and forth negotiation about the value of the claim and how much of a settlement you're prepared to accept and how much the carrier is prepared to pay. If your settlement demand package is thorough, well-organized, and amply supported by pieces of documentation, then you will have enough leverage to negotiate a favorable recovery.

Remember, not every case needs a lawyer. Usually the very small personal injury claims can be resolved without the assistance of an attorney. If you don't know whether your case is small or large, than by all means speak to a reputable personal injury lawyer. Most lawyers or their staff in this field will at least speak to you over the phone and advise you whether you can benefit from the assistance of attorney or not.

Good luck. ■



Featured Scholar Athlete
James Kashima
Mercer Island High School

cross country team. When he finishes high school, he will have earned 11 varsity letters in his three sports. With James' contributions, the cross country team went to State the past two years, placing 5th and 14th respectively. His soccer coach, Steve Newman, says, "James has helped Mercer Island win the KingCo Championship the last two years. He has great endurance and has come up big with assists or goals when we needed someone to step up. A valuable teammate!"

He is also an accomplished oboist in the school band, having four times been selected as an All State Soloist. He is taking six courses currently, and in the past year has taken eight honors or AP courses, all while maintaining his high GPA. For this and for the fact that all of his teachers compliment his talents and his character, the Lion's Club awarded him the Outstanding Junior Student of the year for 2009.



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SCHOLAR ATHLETE OF THE WEEK

Nick Anderson

Lindbergh High School - 2/3/2010

Nicholas is a natural leader. As football team captain he utilized these skills and was inspirational to his team. So much so that they voted him "Most Inspirational" and "Lineman of the Year" awards at a recent banquet. He will study chemistry or physics at BYU next fall, and will make a great contribution to society with his knowledge, leadership skills, and all around likeability.



Sarah Anderegga

Interlake High School - 2/3/2010



Sarah has been a first team All-Conference basketball player for the past two seasons, leading the KingCo 3A conference in scoring both years and recently setting the all time career scoring record for basketball at Interlake. "She is a captain, a leader, and a wonderful asset to our school and basketball program," says basketball coach Scott Marcum, "She continues to work hard on the court and in the classroom. She will be truly missed next year."

Know an outstanding high school senior student athlete?

Nominate Them!

www.ScholarAthleteProgram.com

Office Expansion!

The Davis Law Group is growing! In January we began an office expansion that will almost double the size of our working space. The expansion will give our current staff more room to work

on your case and also allow us to grow our team! The construction is scheduled to be finished by March. In the mean time we've been doubling up offices and working in some tight quarters in preparation for the extra space. Our excitement has been growing by the day. We're all looking forward a bit more elbow room.



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Driving With Cell Phones

(...from Pg 1) not changed how often drivers use their cell phones. Will this new law then make a difference? Tough to say.

On the other hand, I do understand Senator Benton's argument. The bill is meant to reduce just one type of behavior that causes a distraction. Should we then include every other behavior that also causes drivers to become distracted? Seems like a ridiculous slippery slope to me. I don't like the government micro-managing my life, and using numerous opportunities to fine drivers to create revenue.

Perhaps we should pass a law that imposes a heavy fine or even jail time on those drivers who do cause an accident while using a cell phone. It might be tough to prosecute since you may not know in most accidents that the at-fault driver was using a cell phone. But I think it's worth considering.

I do know that using a cell phone while driving is an added distraction that increases the likelihood of an accident. But this behavior is likely no different from any of the other distraction-causing behaviors that drivers commit every day like putting on make-up, eating, drinking, or even talking to a passenger in the vehicle. ■



The Ten Biggest Mistakes

The Ten Biggest Mistakes That Can Wreck Your Washington Accident Case is intended to help accident victims who have been injured in Washington State. The book addresses various aspects of the insurance claims and civil litigation processes that are common in personal injury cases. It covers a wide array of accident claims topics such as, "How Do You Determine the Value of a Personal Injury Case?" and "Do you really need an attorney?" The book also details how to work with a claims adjuster, medical treatment considerations, and the different avenues of the legal process.



Little Kids Big Accidents

In Little Kids, Big Accidents Davis offers basic facts about typical accident claims involving children; defines the legal and settlement process for child injury claims; gives tips on dealing with insurance companies; offers insight into how to determine the value of a child injury claim; and discusses common questions and legal issues that are often present in cases involving children. Davis also helps parents understand the pros and cons of hiring an attorney to represent their child.



When The Dog Bites

In When The Dog Bites: The Essential Guide To Dog Bite Claims In Washington Davis explores the legal rights of dog bite victims; outlines the legal and settlement process for dog bite claims; gives tips on dealing with insurance companies; answers common questions asked by dog owners and bite victims; and address legal issues that are often present in animal attack cases. Davis also shares both national and local facts and figures for various dog breeds and types of dog bite cases.



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St. Patrick's Day!

People who think they are unlikely to encounter a police officer while driving after having a few drinks, especially around holidays, need to think again. This Saint Patrick's Day, Public Health - Seattle & King County and the King County Traffic Safety Coalition, as part of an ongoing, coordinated effort, announced that most police agencies in King County will have extra officers out looking for alcohol and drug impaired drivers.

"This Saint Patrick's Day, take a taxi or bus home from the pub, bar, or party," said Dorothy Teeter, Interim Director and Health Officer for Public Health - Seattle & King County. "Or call a sober friend or relative to pick you up. It is so easy to avoid drinking and driving that no one should have to drive home after having a few drinks."

People who drive after drinking kill about 46 people each year in King County. As such, DUI enforcement has been ramping up in recent years to reduce these numbers, especially around holidays like St. Patrick's Day where alcohol is a large part of the celebration.

"Alcohol-related car crashes are a leading cause of death and disabling injury in King County, and they are absolutely preventable," said Dr. Alonzo Plough, Director and Health Officer for Public Health - Seattle & King County. "Let's keep our celebrations healthy and safe, and if you choose to go out, please make a plan to get home safely."

The Washington State Patrol is asking for the public's cooperation in planning ahead and making good decisions. They ask that you not drink and drive, obey the speed limit, maintain a safe and reasonable following distance, wear your seat belt and drive defensively by not allowing yourself to be distracted while driving.

If you don't plan on celebrating with a few drinks this St. Patrick's Day, but still find yourself out on the road, be cognoscente of other drivers that may be intoxicated. If you witness erratic or aggressive driving, call 911 to report it and provide vehicle & driver descriptions. Troopers will make locating drivers reported via 911 calls a top priority so those drivers are stopped before they cause a collision.

King County Executive Ron Sims concludes, "As with any holiday, celebrate and have fun but if your Saint Patrick's Day celebrations involve alcohol, please leave your car at home."

