



# CRASH

**CAR ACCIDENT CRASH BOOK  
SEVEN CRUCIAL QUESTIONS**

# BOOK

**BRANDON RITCHIE**  
ATTORNEY AT LAW

PRAISES FOR



INJURY & IMMIGRATION ATTORNEYS

*I WAS IN MY FIRST ACCIDENT EVER LAST YEAR AND I HAD NO IDEA WHAT TO DO OR HOW TO DEAL WITH THE INSURANCE OR MEDICAL BILLS. THE STAFF HERE ARE SUPER HELPFUL AND ALSO VERY FRIENDLY, I DON'T KNOW WHAT I WOULD HAVE DONE WITHOUT THEM. THEY ARE ALWAYS THERE FOR YOU IF YOU HAVE ANY QUESTIONS OR CONCERNS. THEY'RE ON TOP OF EVERYTHING AND GET THINGS DONE AS SOON AS POSSIBLE. I WILL MAKE SURE TO RECOMMEND THEM TO ANYONE I CAN!*

— MICHE A.

*WHEN I SEARCHED FOR AN ATTORNEY TO HELP MY PARENTS WITH THEIR CAR ACCIDENT CASE IT WAS VERY IMPORTANT FOR ME THAT THEY WOULD UNDERSTAND EVERYTHING IN SPANISH. I WAS VERY PLEASED THAT RITCHIE REIERSEN PROVIDED SPANISH SERVICES. THEY ARE DOING AN EXCEPTIONAL JOB WORKING WITH OUR CASE. THANK YOU MICHELE FROM THE LAKEWOOD OFFICE YOU HAVE BEEN VERY HELPFUL.*

— ALMA R.

*GREAT EXPERIENCE WITH EVEN BETTER RESULTS. THEY DID AN OUTSTANDING JOB GETTING THE MOST MONEY AVAILABLE FOR MY FUTURE. I COULDN'T BE HAPPIER AND HAVE ALREADY REFERRED PEOPLE. IF YOU EVER FIND YOURSELF IN THAT UNFORTUNATE SITUATION PUT YOUR TRUST IN RITCHIE LAW. THEY WILL WORK THEIR BUTTS OFF FOR YOU TOO!*

— DEDI

*(THE TEAM) DID A GREAT JOB HANDLING MY CASE. I NEVER FELT LIKE I WAS OUT OF THE LOOP ON WHAT WAS GOING ON, NOR DID I EVER FEEL LIKE I WAS BEING LEAD IN A DIRECTION THAT I DIDN'T WISH TO PURSUE. THEY TOOK ON THE BURDEN OF DEALING WITH NOT ONLY THE INSURANCE COMPANIES BUT THE DOCTORS AND MEDICAL COMPANIES AS WELL. MY MAIN CONCERN WAS TO HEAL AND RECOVER FROM THE ACCIDENT AND THEY MADE SURE I WAS ABLE TO. HOPEFULLY I WON'T NEED AN ATTORNEY AGAIN BUT IF I DO, THEN I WILL MOST DEFINITELY BE COMING BACK.*

— CRAIG H.

*DENISE AND TYLER IN THE LITIGATION DEPARTMENT GOT MY CASE WHEN THE CAR INSURANCE COMPANY REFUSED TO PAY ALL MY BILLS AND FOR SURGERY. THEY GOT ME A GREAT SETTLEMENT!*

— **MARIA C.**

*BRANDON RITCHIE AND HIS TEAM ARE DEDICATED TO PROVIDING YOU EXCEPTIONAL SERVICE. THEY KNOW THAT YOU HAVE BEEN THROUGH AN ORDEAL ALREADY AND WANT TO MAKE THE PROCESS AS EASY AS POSSIBLE. IF YOU, OR SOMEONE THAT YOU KNOW HAS BEEN INJURED AND ARE LOOKING FOR SOMEONE THAT IS IN YOUR CORNER - GIVE BRANDON A CALL.*

— **DANA M.**

*I HAD A GOOD EXPERIENCE WITH RITCHIE REIERSEN. THEY WORKED HARD AND FAST FOR ME. I WAS HAVING A HORRIBLE EXPERIENCE WITH ANOTHER FIRM FROM YAKIMA AND I ENDED UP FIRING THEM..*

— **FELIPA B.**

*SO MY CASE WAS THE WORST. THE ACCIDENT INVOLVED MULTIPLE PEOPLE AND THE LOWEST POLICY LIMITS ALLOWED. THERE WERE TIMES I WAS FRUSTRATED AND THE TEAM KNEW IT. THEY ALLOWED ME TO EXPRESS MY FEELINGS AND WERE COMPASSIONATE. THEY WORKED HARD THROUGHOUT THE CASE EVEN WHEN THEIR HANDS WERE TIED. THERE WERE TIMES THEY WENT ABOVE AND BEYOND TO CLOSE THIS CASE. THERE WASN'T MUCH MONEY LEFT WHEN ALL WAS SAID AND DONE. BUT THEY WENT THE EXTRA MILE TO MAKE SURE I WOULD WALK AWAY WITH MONEY IN MY POCKET. THEY DIDN'T HAVE TO DO THAT AND I'M SO GRATEFUL FOR EVERYTHING THEY'VE DONE FOR ME AND MY FAMILY. I WOULD ABSOLUTELY RECOMMEND THEM TO ANYONE LOOKING FOR HELP AFTER AN ACCIDENT*

— **JOANNA E.**

*I HAD AN OPEN CASE WITH ANOTHER LAW FIRM AND THEY NEVER CALLED ME OR CHECKED ON ME TO SEE IF I WAS DONE TREATING. IT WASN'T UNTIL FOUR MONTHS AFTER I WAS DONE TREATING THAT I CALLED THEM TO LET THEM KNOW I WAS DONE.*

— **URIEL F.**

*I WAS SO RELIEVED WHEN I WAS REFERRED TO RITCHIE REIERSEN LAW AFTER A NECK INJURY FROM A CAR ACCIDENT. THEY JUST TOOK MY INFORMATION AND TOOK CARE OF EVERYTHING. THEY DEALT WITH ALL INSURANCE AND I DIDN'T HAVE TO WORRY. THEY WERE SO GREAT ...*

— **RHONDA Y.**

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*Ritchie Reiersen Injury and Immigration Attorneys  
316 N Neel St.  
Kennewick, WA 99336*

*[www.RRInjuryLaw.com](http://www.RRInjuryLaw.com)*

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### You are reading this book because

- you have been involved in an accident,
- you know someone that has, or
- you know that driving is more dangerous than flying.

The bottom line is that there is a motor vehicle accident every 5 minutes in Washington and you want to be prepared.

My goal in this book is to outline the seven major decisions that almost everyone faces while resolving their auto accident.



# CAR ACCIDENTS CAN BE A PAIN IN THE NECK - LITERALLY.

## You are reading this book because



- you have been involved in an accident,
- you know someone that has, or
- you know that driving is more dangerous than flying.

**The bottom line is that there is a motor vehicle accident every 5 minutes in Washington and you want to be prepared.**

## We want to help you make 7 crucial decisions involving:

1. property damage,
2. dealing with insurance companies,
3. seeking medical treatment,
4. paying for medical treatment,
5. wage loss,
6. closing the claim,
7. and last and possibly most important, choosing whether or not to get an attorney.

## INTRODUCTION

You might be thinking, 'Of course the attorney thinks getting an attorney is the most important decision I could make.'

Am I biased? **Sure I am.**

I have made it my life's work to make sure people receive the proper care and compensation they deserve after an accident - without chasing ambulances. In fact, I don't actually see a single penny until my clients have been treated and compensated.

Have you considered who else is biased?

**The insurance companies have very good attorneys themselves.**

These attorneys, along with their insurance adjuster friends, deal with multiple car accidents on a daily basis and know exactly how to pay you the smallest amount possible.

I have personally resolved well over a thousand auto accident cases and I cannot begin to count how many times people have made wrong decisions that have been detrimental to their case, often leaving little means for proper care and compensation. Even worse, many of these mistakes have created situations where a person has serious, long-lasting injuries that can go undiagnosed or untreated.

Now, this is not a step-by-step, how-to book. Rather, this book is intended to provide you with guidelines of what to watch out for and what to expect. Every auto accident is different and has so many variables that it would be impossible to make a book that perfectly covers every scenario.

I am very passionate about helping people who have been injured by others and I hope this book is one more way I can continue making the recovery process less painful.

**HOPEFULLY, THIS BOOK WILL EMPOWER YOU TO DO THE RIGHT THING - EVEN IF YOU NEVER CALL ME.**

## INTRODUCTION

My firm has offices in Auburn, Lynnwood, and Tacoma in Western Washington and Kennewick and Yakima in Eastern Washington.

We would love to answer any questions or concerns you may have. Consultations are always provided free of charge.

Call us at

- Western Washington: (253) 204-2244
- Eastern Washington: (509) 396-5577



Sincerely,

Brandon Ritchie  
Attorney - At - Law

# THE WHAT, WHY, AND HOW OF GETTING A PERSONAL INJURY ATTORNEY

## What Does an Attorney Do?

**...AN AUTO ACCIDENT ATTORNEY ASSESSES THE DAMAGE CAUSED BY AN AUTO ACCIDENT AND GUIDES THEIR CLIENTS ALONG A CLEAR PATH OF RESOLUTION.**

Like an auto mechanic who diagnoses problems with cars and implements a plan of repair, an auto accident attorney assesses the damage caused by an auto accident and guides their clients along a clear path of resolution.

Two of the primary responsibilities of your attorney will be to ensure that you are recovering from your injuries by connecting you with the right doctors and making sure the medical bills get paid; deal with the insurance companies. This includes handling the paperwork and communicating with these companies to guarantee a fair outcome for your claim.

## Why Do You Need an Attorney After an Auto Accident?

You have a life.

You shouldn't have to spend weeks and months dealing with car insurance companies and fretting over medical bills just because another motorist ran into you.

That's the attorney's job.

I wouldn't want my dentist to fix my plumbing and I am sure glad the plumber isn't drilling my teeth.

Experienced auto accident attorneys deal with car accidents every day. It's what they live and breathe. They know how to get your medical bills paid and they know how to settle your claim.

You certainly don't have to have an attorney; just like you don't have to have a plumber fix your toilet.

But I find it's always better to have a professional in your corner before you're up to your ears.

### **How Much Does it Cost and How Does It Work?**

#### **...ATTORNEYS DO NOT GET PAID UNLESS YOU WIN.**

Two events must take place before your personal injury attorney is compensated.

- The attorney must settle your claim with the insurance company and
- You must accept the terms of the settlement.

This is called a contingency fee. Your attorney's compensation is contingent, or dependent, on your settlement. It is risk-free in the sense that there is no expectation of payment until the settlement is accepted and the case is closed.

When resolving your case, attorneys will acquire medical records and other relevant documents in order to compile a demand packet. The demand packet is typically a detailed outline of exactly how the accident happened and documentation of damages incurred by the victim of the accident; including:

- wage loss,
- medical bills,
- loss of enjoyment,

## WHAT, WHY AND HOW

- pain and suffering.
- and others variables that auto accidents cause.

It's in the demand packet where you will state the specific dollar amount that the insurance company will need to award in in order to settle your claim.

Most of the time, it takes a lot of negotiating back and forth. Remember - the people at the insurance company are being paid to make sure their company covers the least amount of damages possible.

But not to worry. The majority of claims are resolved in this manner.

However, sometimes the insurance company will outright refuse your claim. It would be at this point that your attorney would actually file a lawsuit in court and move forward into litigation.

There are multiple platforms of resolution during litigation, and your attorney will keep you informed as you progress through each step.

Remember, the majority of claims go through this simple process:

**DEMAND PACKET > NEGOTIATION > SETTLEMENT**



## WHAT TO DO RIGHT AFTER AN ACCIDENT

### ...IF YOU ARE INJURED, TAKING CARE OF YOURSELF IS THE MOST IMPORTANT THING.

If you are reading this book you have likely already been in an accident and can't change what has already happened. However, there are some initial steps to take that will make your case much easier to resolve in the long run.

Don't worry if you aren't able to get all of the items listed below. There are still things you can do to try to get as much of the information as possible.

Obviously, as mentioned above, if you are injured, taking care of yourself is the most important thing. The police and those around you should take care of things while you are not able to.

#### **Take Care of Yourself:**

If you need an ambulance, get an ambulance. If you need to go to the hospital, go. If you need to see the chiropractor, physical therapist, family doctor, or whichever medical provider you need, go.

**DO NOT wait.**

## FIRST THINGS FIRST

The longer you wait, the longer you will suffer. Also, the longer you wait, the easier it will be for the insurance company to discredit your injuries.

### **ALWAYS call the police.**

Police officers have a lot of weight in deciding liability. Also, people may initially seem nice and cooperative. They might even admit fault to you. It's amazing how fast their story can change.

This creates the "he said, she said" scenario that will likely result in huge out of pocket expenses even though the accident was no fault of your own.

### **Take Pictures:**

"This is a low impact accident."

This is the starting position of every insurance adjuster - especially if you don't have pictures.

### **REMEMBER: IT'S THEIR JOB TO MAKE SURE YOU ARE AWARDED THE LEAST AMOUNT OF COMPENSATION.**

One of the easiest ways to mitigate that claim is to provide pictures of the damaged vehicle. It's also very helpful to take pictures of the other person's vehicle and the scene of the accident in case the person who hit you tries to deny liability later.

### **Get Witness Information:**

Often liability is very clear and witnesses are not as vital.

However, in disputed liability cases witnesses can make or break the claim. Without independent witnesses, it's your story against theirs.

It is almost impossible to find witnesses if you don't get their information at the scene of the accident. The police will try to get this information, and while they do their best, gathering witness statements often falls through the cracks.

### **Do NOT Admit Fault:**

Here's the truth:

## FIRST THINGS FIRST

If I personally run a stop sign and I hurt someone, I am at fault and I want to take responsibility for my actions.

Now I have helped a lot of people who should not have had **any** liability placed on them, but for whatever reason, they decided to admit partial fault when talking with the police.

If you admit partial fault, you will likely to be found to be partially at fault. The very real result of this may require you to pay money out of your pocket and a lower settlement.

### **Consider Getting an Attorney:**

Honestly, you should at least consult an attorney - it's free.

Not only is the consultation **free**, you pay nothing unless you **win**, and, best of all, a good attorney will take care of the insurance company and medical bills so you can focus on getting better.



CRUCIAL QUESTION #1

# CRUCIAL QUESTION #1 DO YOU HAVE PROPERTY DAMAGE?

## QUICK PREVIEW



- Your first priority - You
- Understand towing, storage costs, and rental insurance
- Figure out what kind of insurance coverage you have
- Choose a reputable repair shop
- Get into a rental car
- Understand total loss valuations

### Getting Your Priorities Straight

I am a person who really appreciates a reliable car, but it doesn't matter how nice your car is. If you are injured, your car is your second priority.

This is one more reason that getting an attorney is advantageous. Your attorney's job is to take care of all of the insurance stuff, including helping with property damage,

## CRUCIAL QUESTION #1

so you can focus on getting better.

I cannot emphasize this point strongly enough: Seek medical treatment if you are injured. Seek medical treatment if you think there is a possibility of being injured. DO NOT WAIT.

### **Where to Start**

You have two main options when handling your property damage.

- You can get an attorney who has experience and knowledge of preferred auto body shops and vehicle valuation, or
- you can handle it yourself.

If you decide to do handle the claim on your own, the first step to take is to call your insurance company and open a claim. You will also likely need to open a claim with the other person's insurance company.

This is where things can begin to get complicated. There are many questions regarding property damage that fall under this property damage category. These questions include and are not limited to each section discussed below.

### **Costs to Acknowledge -Towing, Storage and Rental Insurance**

Towing and storage are some of the first things you have to deal with when there is property damage. If your car has to be towed, there are going to be hefty towing and storage fees.

Ultimately, the "at-fault" party is responsible for these fees. But while the insurance companies take their time figuring out who caused the accident, someone's bill is going up and it goes up quick.

If you don't have liability figured out, or anyone representing you, when this bill is due, then you're on the hook.

Be prepared for this as well: In most instances, the insurance companies will not fully reimburse storage fees. So get your vehicle out of storage as soon as possible.

It is also important to realize that although the "at-fault" insurance company is responsible to pay the rental car fees, most rental car companies sell rental car insurance.

## CRUCIAL QUESTION #1

This is an out of pocket expense that you will have to incur. The “at-fault” insurance company will not reimburse you.

### **What Kind of Coverage do I Have?**

In order to know how to handle your property damage claim, it is important to figure out what kind of coverage you have. Most people think they have adequate coverage, only to find out it is not as good as they thought.

There are two insurance companies involved when there is an accident:

- **1st party insurance, which is your insurance, and**
- **3rd party insurance, which is the insurance of the person who crashed into you.**

If there are multiple vehicles or multiple policies it get more complicated, but most of the information below is applicable to all coverages.

In a perfect world, the “at-fault” driver’s insurance will cover all of your property damage. There are, however, multiple situations that will make your property damage world “not so perfect” **including:**

- the 3rd party insurance is unable to contact their policyholder,
- the 3rd party insurance is not responding to your calls,
- the 3rd party insurance is making terrible offers to settle your property damage, and/or
- the 3rd party insurance is simply denying that their policyholder is at fault.

After liability is cleared up, you will be reimbursed your deductible and your insurance company will be reimbursed for expenses...

If the above mentioned scenarios do occur, your best option is to use your own insurance and pay the deductible. After liability is cleared up, you will be reimbursed your deductible and your insurance company will be reimbursed for expenses they paid out.

Using your own insurance is only applicable if you have the right type of coverage. Below is a brief explanation of the most typical insurance coverages.

**Uninsured Motorist Coverage** – As the title implies, some people drive without insurance. Usually, uninsured drivers do not have the resources to compensate the parties they have injured. If you are in an accident with an uninsured motorist, hopefully

## CRUCIAL QUESTION #1

you have uninsured motorist coverage to help.

**Liability Motorist Coverage** - In the State of Washington all motorists must carry a minimum of **\$25,000 in liability coverage**. This is the cheapest coverage and offers the least amount of benefits.

If you are hit by a person with basic liability, their **insurance will cover the cost of your property damage up to the allotted amount of their policy**.

If you are hit by an **uninsured motorist** and you only have liability coverage on your car, you are likely out of luck - **liability coverage does not typically extend coverage on your own vehicle**.

**Full Coverage** - Full coverage insurance typically **includes uninsured motorist coverage (UM) and underinsured motorist coverage (UIM)**.

UM coverage comes into play only if the at-fault driver is an uninsured motorist.

UIM comes into play if the at-fault motorist's insurance policy is not sufficient to cover all the damage they have caused.

**Rental Insurance** - Rental car insurance is another optional coverage that you can elect to purchase. **The at-fault driver is responsible to get you into a rental car while your car is being repaired or if your car is deemed a total loss**.

Unfortunately, waiting for the 3rd party insurance company will often leave you stranded. It is wise to use your own 1st party rental coverage to get into a rental car. Your insurance will then seek to be reimbursed from the 3rd party insurance company.

**Gap Insurance** - Gap insurance is insurance that covers the "gap" on a car loan and the actual value of the car if the car is deemed a total loss. This coverage is typically purchased at the same time as the car loan, but can be purchased later. **This coverage protects you in case more is owed on your car than it's worth**.

**Personal Injury Protection** - **PIP insurance typically deals more with your injuries than with your property damage**, but we will discuss it briefly here as it can affect your claim.

PIP is an additional coverage that **covers the upfront cost of your medical bills**. To put it in the simplest terms possible, by purchasing PIP, your insurance company agrees to pay your medical bills up front and generally has the right to be reimbursed if there is an at-fault 3rd party.

## CRUCIAL QUESTION #1

If you have PIP, I strongly encourage you to use it. Paying your medical bills up front will keep them out of collections. PIP can also provide benefits including wage loss and other personal expenses.

### **Choosing a Repair Shop**

The insurance company will likely try to direct you to one of their “preferred” shops but do not be fooled into thinking that is where you have to take your car.

**You have the right to choose any auto repair shop you want.** The insurance company will likely try to direct you to one of their “preferred” shops, but do not be fooled into thinking that is where you have to take your car. There are many reasons why it may be wise to choose a shop that is not “preferred” by your insurance company, but that is something you can talk to your attorney about.

It is very wise to ask around and do your research when deciding which auto body shops are best. Once you get a few names, it is never a bad idea to get estimates at multiple shops. The estimates are almost always free and you will likely be surprised by the differences you will discover at each shop.

After you’ve made a choice, I recommend having the insurance company communicate directly with the shop. This will not only make your life easier, but also ensures any warranty issues will be taken care of.

**Once the car is repaired, the auto insurer will cut a check directly to the shop.**

### **Rental Car**

If you lose the use of your vehicle due to an accident, the negligent driver is required to either pay for a rental car or pay you for the loss of use of your vehicle.

The unfortunate news about rental vehicles is that they do not have to rent you a car equivalent to your vehicle. However, that is usually something that you and your attorney can negotiate.

### **Electing to Keep the Money**

You can elect to not to repair your vehicle and simply **pocketing the money.**

In some situations this can make sense. But, you need to be aware that by accepting this money, **even if the car is damaged more severely than initially discovered, you release the auto insurance from any liability in regards to property damage to the vehicle.**

### **Total Loss & Valuation**

If your car suffers damage that nears the value of the car, the insurance company has

## CRUCIAL QUESTION #1

the right to either

- repair the car or
- reimburse you fair market value of the vehicle if your vehicle is deemed a total loss.

You also have the right to buy your car back from the insurance company. The value of the vehicle is typically the same price that a salvage yard would pay for the vehicle. Obviously, if you buy your vehicle back and repair it, it will have a branded, or salvaged, title.

### **Summary**

Although your vehicle is very important, your health is even more important. Your car can wait, but your health cannot.

Most people become very frustrated with the fact that they do not have their vehicle. Although your vehicle is very important, your health is even more important. Your car can wait, but your health cannot.

You do not have to get an attorney to resolve your property damage claim, but like anything, having an experienced professional who has resolved hundreds or thousands of similar cases takes the stress off of you.

It also ensures that your car will be repaired correctly, as quickly as possible, and that you will be compensated fairly.

Most people find that hiring an attorney early on in the case allows them to focus on getting better. Let your attorney and their team take care of the paperwork, bills, headaches, and details of dealing with the accident.

# CRUCIAL QUESTION #2 HOW DO YOU DEAL WITH THE INSURANCE COMPANY?

## QUICK PREVIEW



- Prepare for frustration
- Opening an insurance claim
- The art of recorded statements
- Get ready for a lot of phone tag
- Understanding settlement talks

### The Fun Starts Now - Not Really

As a personal injury attorney, I have the privilege of dealing with insurance adjusters every single day.

Here's a few other words to describe what dealing with car insurance companies is really like - frustrating, irritating, exhausting, and lonely - because 90% of the time I am talking to answering machines.

## CRUCIAL QUESTION #2

You do not have to have an attorney when dealing with insurance companies, but just know that the insurance companies have their own attorneys. There are multiple occasions that you may have to talk to the insurance companies during your recovery. Here are the most likely circumstances in which you'll be dealing with the insurance companies.

### **Opening a Claim**

The initial step to getting the insurance companies to take action is to open a claim.

This can be as simple as calling them and letting them know what happened, but often times requires a lot more information. This can include multiple phone calls, emails, faxes, etc.

It is likely that you will have to **open a claim with your insurance company** as well as with any and all other insurance companies involved.

### **Recorded Statements**

Initially, both insurance companies will want to ask you questions about the accident in order to open the claim and determine liability. During these conversations the insurance companies will ask you many questions both about the car accident and about your injuries.

**Insurance companies typically record everything you say.**

One of the tactics they use is to ask you the same question multiple times in slightly different ways. They want you to contradict yourself and downplay your injuries. Later, during negotiations, they'll use these statements to minimize the value of your claim.

**It is always beneficial to do these recorded statements in the presence of your attorney.**

### **Written Correspondence**

## CRUCIAL QUESTION #2

One of the most common things insurance companies request in these written correspondences is your permission to request all your medical records.

Insurance companies also correspond via letters and email.

**ONE OF THE MOST COMMON THINGS INSURANCE COMPANIES REQUEST THROUGH WRITTEN CORRESPONDENCE IS YOUR PERMISSION TO ACCESS YOUR MEDICAL RECORDS.**

While they do need to see relevant medical records to properly value your claim, they are actually seeking access to all of your medical records.

They will search your records to find prior injuries that have very little to do with the car accident to minimize your settlement. Have an attorney request and deliver the medical records. At minimum, read the fine print and restrict how much access you grant to your personal medical records.

### **Correspondence**

One of the most frustrating tasks of dealing with insurance companies is simply trying to get hold of them.

Often times, they are in different time zones and have so many claims that you'll average three to seven messages before getting a return call. This is not always the case, but occurs more often than any person deserves.

Additionally, if you are trying to get hold of the insurance company, it is likely because you need them to do something like fix your car or get a rental. If you do not know your way around the internal communications of these large corporations, this correspondence can cause huge headaches and extreme frustrations.

### **Settlement Offers**

**DO NOT accept any offers until you know for certain that the offer is fair.**

Another important reason the insurance company may be trying to communicate with you is to get you to settle your claim. This can occur very early in the claims process and well before you may know the extent of your injuries.

Do not accept any offers until you know for certain that the offer is fair. This goes for both property damage as well as for your injury claims.

## CRUCIAL QUESTION #2

### **Independent Medical Evaluations, or IMEs**

Insurance companies often ask if you will be willing to see an Independent Medical Evaluation doctor. The “independent” doctor’s job is to take a look at your injuries and determine if you need more treatment or if, in their opinion, you should be healed by now.

They are paid by the insurance company, therefore they are almost always unfavorable to you. The IME process, more often than not, occurs at the request of the 1st party insurance, your own insurance company, usually to determine if they feel they should continue to pay your PIP benefits.

Unfortunately, it has been my experience that almost every IME comes out negative, as it is in the best interest of the insurance company to close your claim and stop paying your medical bills.

### **Conclusion**

Dealing with insurance companies to get your car fixed is not always frustrating. Sometimes the insurance companies do a good job approving the auto body shop to fix your car, but this is certainly not always the case.

If you are involved in an accident, hopefully the insurance companies do their jobs efficiently and fairly.

When they don’t, it’s time to call an attorney.

## 03

## CRUCIAL QUESTION #3: HOW TO GET MEDICAL TREATMENT?

- YOUR RECOVERY IS YOUR TOP PRIORITY
- DO NOT WAIT TO TREAT
- IT IS IMPORTANT TO HAVE THE RIGHT TEAM OF DOCTORS
- BE CONSISTENT AND PATIENT WITH YOUR TREATMENT AND RECOVERY
- DO NOT SETTLE TOO EARLY

### Recovery is your Top Priority

Although it is nice to get a little bit of money from a settlement after a car accident, but you can't put a price on your health.

Very rarely do hear, "I am so glad I got in that wreck."

More often I hear, "I wish this accident never happened."

If you have already been in an accident, you can't change the past. You had better take care of yourself and do everything

you can to get back to where you were. If you are hurting, even if you think this will go away, seek medical treatment immediately.

### Do NOT Wait to Get Treated

Providing medical records is the only way to prove to that you are, in fact, injured. If you are hurt, get medical treatment and get it promptly.

This is not only critical for your long term health, but the only way to prove that you are, in fact, injured is by providing medical records documenting your injuries.

One of the most common tactics insurance companies use to justify not paying for medical bills related to car accidents is gaps in treatment, or lapses in time where there is no documentation of injuries and treatment.

**Get the Right Team of Doctors****...HAVING THE RIGHT DOCTORS ON YOUR TEAM WILL MAKE A HUGE DIFFERENCE IN YOUR CASE.**

When dealing with car accidents, having the right doctors on your team will make a huge difference in your case. Although most doctors are more than competent to treat your injuries, there is a huge difference in how different doctors document their notes and those notes are what prove the severity of your injuries.

Additionally, having the right team of doctors allows you to get the treatment that you need.

As an example, most chiropractors know how to do adjustments and can help you physically recover. However, you may need to be referred to get an MRI or to see an orthopedic surgeon. Some chiropractors are more reluctant to refer clients out or don't have good relationships with those types of providers.

This is another reason why getting an attorney can prove to be very beneficial. Attorneys are not doctors, but they work with them every day. Experienced personal injury attorneys know which doctors are not only going to help you get better, but also which ones work better with car insurances.

**Be Consistent, Be Patient**

One of the main tactics that insurance companies use to offer lower settlements is to look at inconsistencies in treatment.

I cannot reiterate enough the importance of being consistent and patient with your treatment. Most people experience what insurance companies deem "soft tissue injury," meaning there no broken bones. Soft tissue injuries typically require three to six months of treatment. This can mean treatment multiple times a week for months.

It is not fun going to these appointments and sometimes they can hurt, but if you are not consistent with your treatment, it will hurt you a lot more in the long run. If you do not treat consistently, it is a lot less likely that you will fully recover from your injuries.

## CQ#3

Insurance companies will use an inconsistent treatment record to offer lower settlements. They will look at inconsistencies in treatment and claim that if a person was really hurt, they would give their prescribed treatment plan seriously.

### **Do NOT Settle Too Early**

### **DO NOT SETTLE YOUR CASE WITHOUT TALKING TO AN ATTORNEY.**

Nothing makes me crazier than having a potential client come to my office and tell me they are still hurting but they already accepted an offer.

The reason this drives me so crazy is because what the insurance company really did was pay the client a few hundred bucks and now they are off the hook for all future medical bills.

Do not settle your case until you are better.

Even better advice: Do not settle your case without talking to an attorney. The consultation is free.

# CRUCIAL QUESTION #4 HOW DO YOU PAY FOR MEDICAL BILLS?

## QUICK PREVIEW



- PIP – Personal Injury Protection
- Using your health insurance
- Paying for medical treatment using a lien
- Understanding your medical coverages
- Overview of policy limits
- The process of negotiating
- The perils of collections

### **Now is the Time to Plant a Money Tree**

The obvious downside of going to the doctor is the cost of medical treatment. I am not here to sugarcoat things - it is expensive.

If your emergency room visit includes CT scans or any extensive diagnostic testing, you have likely already incurred over \$10,000.00 in bills. That's a lot of money for anyone.

## CRUCIAL QUESTION #4

Fortunately, there are a few options and the best thing you can do is to take care of yourself and get the treatment you need.

### **Personal Injury Protection, or PIP**

Personal Injury Protection is optional coverage you purchase when you buy car insurance. Much like uninsured motorist and underinsured motorist, many people carry some sort of PIP coverage. PIP policies generally cover between \$10k-\$50k in medical costs.

PIP can also cover wage loss and other financial losses.

### **Health Insurance**

Much like PIP coverage, you can usually use your health insurance to pay for your medical bills upfront. However, your health insurance will be a secondary insurance to any PIP coverage.

Medical providers are supposed to bill your PIP insurance first. Many providers may refuse to bill your health insurance for medical treatment related to a car accident simply because they can make more money by not using your health insurance.

It is common knowledge that health insurance companies negotiate with medical providers about how much they will pay for different procedures. In instances where there is an option of billing health insurance, for example the car insurance of the person who caused the accident, some medical providers simply refuse to bill health insurances. Also, like PIP, your health insurance has the right to be paid back for most medical expenses they pay out which are directly related to your accident.

### **Liens**

This is often times the only option that many people have...

There are also some medical providers who will provide medical treatment on condition that the client, and most likely the client's attorney, sign a lien which ensures the bill will be paid once the case settles. This is often times the only option that many people have as they either do not have PIP coverage, their PIP coverage has been exhausted, or they do not have health insurance.

Most medical providers will not work on a lien basis without an attorney involved.

## CRUCIAL QUESTION #4

### Knowing Your Medical Coverage Options

When dealing with trying to figure out how to pay for your medical bills, it is important to **know what coverage you have and**, more importantly, **knowing how to use them**. In some instances PIP policies can stack, meaning multiple PIP policies may be in place. **This can occur if you are a passenger in a car and both you and the owner carry PIP coverage**.

Many people have supplemental policies, such as AFLAC, that will pay for emergency room visits and short or long term disability policies that can pay for missed work. There are a myriad of other policies and if you think you may have any of these policies, do your homework and use them. An experienced car accident attorney deals with these types of policies every day and can be a huge resource of knowledge.

### Policy Limits

Even if the case is worth more, that maximum amount is all the insurance company has to pay.

One of the biggest frustrations with serious car accidents is the fact that there may be a lack of adequate insurance coverage to compensate you for your injuries and medical bills. A policy limit is the maximum insurance coverage that an individual purchases. Even if the case is worth more, that maximum amount is all the insurance company has to pay.

**In the State of Washington the minimum policy required by law is \$25,000 per person**. That means that even if you are seriously hurt, or even worse, killed by someone with a \$25,000 policy, **that is all the insurance has to pay**.

This is one reason why it is so important to have uninsured motorist and underinsured motorist coverage.

Cases that involve policy limit issues are complicated in the a different way than other cases. Rather than trying to get more money, it now becomes your responsibility to try to reduce the amount of money owed.

## CRUCIAL QUESTION #4

### **Negotiating Costs**

One aspect of paying for medical bills is trying to get medical providers to reduce the cost of treatment. Doctors and medical facilities are like the rest of us, they want their money and don't really like it when you ask them for a discount.

Some of them will reluctantly agree to reduce their bills, but others refuse. There are statutory requirements in the State of Washington to help with medical bill reductions in cases where **medical bills far exceed the settlement money going to injured person.** For more information on those laws, I strongly advise you contact an attorney.

### **Collections**

You **MUST** pay a minimum payment each month to ensure your claim does not go to **collections.**

As if getting hit by a car, being injured, missing work, and not sleeping isn't enough, to make matters worse, medical providers have the right to send your bill to collection agencies if you do not pay them promptly.

The problem with resolving car accidents is that they generally are not resolved promptly. You must pay a minimum payment each month to ensure your claim does not go to collections.

Having an attorney on your team helps keep bills from being sent to collections, as your attorney likely has relationships with most of the medical facilities you'll be treated at. They will talk with these facilities on your behalf and arrange to have them hold the bill until the case settles.

# CRUCIAL QUESTION #5: HOW DO YOU GET PAID IF YOU CAN'T WORK?

# 05

TO WORK OR NOT TO WORK – IT HURTS EITHER WAY

## QUICK PREVIEW



- Get doctor's notes excusing work
- Document everything and gather old wage documents
- How and when you get paid
- What happens if you get laid off?

The reason that most of us work is because we need money. A huge problem with being injured in a car accident is that even menial tasks become hard and working your regular job becomes an impossibility.

There are some important steps to take in order to be fully compensated for lost wages due to an accident.

As a warning, I am going to be very blunt: Most of the time, in most situations, the best thing you can do, if you can, is to work.

## CRUCIAL QUESTION #5

### Get a Doctor's Note

**...MAKE SURE YOUR DOCTOR DOES HIS JOB AND PUTS PROPER DETAILS IN THE NOTE LIKE HOW LONG HE IS EXCUSING YOU AND EXACTLY WHAT YOU CAN AND CAN'T DO.**

Telling you that you need a doctor's note may sound like we are taking you back to elementary school, but insurance company adjusters have less acceptance and grace than your typical second grade teacher.

In spite of the fact that you were smashed by a ten-ton semi going thirty miles per hour, the insurance company can't seem to grasp the fact that you are too sore to work unless a doctor writes a note that specifically states that you can't return to your employment. If you are going to miss more time than the initial prescribed period of work due to your injuries, the best thing to do is get yourself back to the doctor.

Another side note is to make sure your doctor does his job and puts proper details in the note, like for how long you are excused and exactly what you can and can't do. These details must be explicit.

### Document Wage Loss

The only way to prove that you have missed work is to prove that you work in the first place. The insurance company is going to require proof of employment, proof of income, and proof of average hours worked. They may even want written proof that your employer could not have provided light duty or some other task that you could have done.

They are also going to want documented proof as to how many hours you actually missed, including specific dates, times, and reasons.

### Getting Paid

Unfortunately getting paid from the auto insurance company for lost wages is not as easy as picking up your check.

First, you have to complete all the above mentioned items and convince the insurance company that you were in fact hurt bad enough to not be able to work

.

Then the real fun starts.

## CRUCIAL QUESTION #5

If you have PIP, there is generally a waiting period before your wage loss benefits even begin to kick in. Often times this means that the first two weeks of missing work will not be compensated to you from PIP.

This does not mean that you will not eventually be compensated. It just means that most of the time you will not be compensated until you resolve the entire personal injury claim. This can take months or sometimes years.

Some people have the luxury of having sick leave or vacation time that they can use. By using your vacation or sick time your paycheck does not show a huge dip in salary, but you certainly lost that time that you would otherwise have had.

Some people also have supplemental short term disability insurance which can kick in and pay. However, there are many different options with many different variables. It is advised that you contact either an attorney who can explain them to you or, at minimum, contact your insurance provider immediately.

In most circumstances where wage loss is applicable, the straight answer is that you typically do not receive reimbursement for loss of income until the claim is settled.

### **What if I Lose My Job?**

A common question I hear is, "what if I get fired because I can't come to work."

There are laws that protect against these types of situations, but that is not to say it doesn't happen. If this is the case and you have doctor's notes and documentation to prove that you cannot work, there are a couple of different outcomes that can take place.

First, the insurance company of the negligent driver, and your own personal UM/UIM coverage, are technically supposed to compensate you for all of your losses, including both current and future wage loss. In a perfect world, this would always be the case.

Second, you may very well have a claim for wrongful termination against your employer. This is a completely different claim and it is advised that you contact an attorney who focuses on that area of law.



# CRUCIAL QUESTION #6

## WHEN AND HOW DO YOU CLOSE YOUR CASE?

# 06

### QUICK PREVIEW



- Still injured, don't close your claim
- Statute of limitations
- Understanding the process of closing your claim
- Negotiating
- Litigation basics – arbitration and mediation

It is very important to know that this is your case and it is your right to close your claim at any time.

However, just because you have the right to close the claim at any time does not mean that it is the right thing to do!

In other words, you can close your claim at any point, but there are a few important factors that you should take into consideration before you close your claim. **These factors include the status of your injuries, statute of limitations, settlement offers, and your overall well being.**

## CRUCIAL QUESTION #6

It is also very beneficial to understand the process of how this all works.

### **Still Injured? Do not Close too Early**

**ONCE THE CLAIM IS CLOSED, THE INSURANCE COMPANY IS NO LONGER RESPONSIBLE FOR ANY ADDITIONAL MEDICAL BILLS.**

One of the biggest mistakes I see people make is accepting a settlement offer when they are still suffering.

Once the claim is closed, the insurance company is no longer responsible for any additional medical bills - even if the injuries are a direct result of the accident.

Arguably the two biggest factors that create value for your claim are

- the extent of injury and
- the time it takes for those injuries to recover.

**The only way that an insurance company can decipher both the extent of injury and time it takes to heal is by evaluating the medical records provided by your doctors.**

By closing your claim too early there is no way to prove to the insurance company the full extent of your injuries, especially if you stop treatment, because those medical records do not exist.

I have had many clients tell me they 'just want it to be over' and they 'want to move on and just deal with the pain'. That is certainly their decision and can be your decision as well.

Just know that by closing your claim early, you are not only going to be personally responsible for any additional medical bills, but your claim will also be less valuable.

### **Statute of Limitations**

**If the claim is not accepted before that time, the claim becomes null and you essentially lose out on any settlement.**

**Car accident cases have a limited time that the claim remains open.**

If the claim is not accepted before that time, the claim becomes null and you essentially lose out on any settlement the insurance may owe you.

## CRUCIAL QUESTION #6

There are a few exceptions to this rule. The most noteworthy exception is filing a lawsuit. **By filing a lawsuit the statute of limitations, the above mentioned time frame, is extended.**

In the State of Washington, **the statute of limitations is three years from the date of the accident.** Minors involved in car accidents have different time limitations and it is recommended that you consult an attorney who has experience with those exceptions.

### **Process of Closing Your Claim**

Once you have decided that you do in fact want to close your claim, there are a couple of things that happen.

**The responsible car insurance will need to acquire a copy of your medical bills and records in order to evaluate your claim.** If you have an attorney, the attorney will usually acquire these records and put together what is called a demand packet outlining all medical bills, out of pocket expensive, and any wage loss and suffering this accident has caused.

**If you do not have an attorney, typically the insurance company will have you sign a release document allowing them to have access to all of your medical records.**

There are obvious downsides of allowing the insurance company access to everything. There may be medical records that are completely unrelated, yet they may use them as ammunition against paying you fair value on your claim.

The insurance company will then make an offer.

### **Negotiating**

The initial offer is usually much lower than the true value of the claim. It is the insurance company's job as a for-profit business to pay as little as they can when settling a claim.

Therefore, the initial offer is usually much lower than the true value of the claim. Unfortunately, many people do not know any better and accept these offers. **One of the primary duties of your attorney in resolving the claim is negotiating with the insurance company and getting the insurance company to pay as much money as possible.**

It truly is difficult to put a value on claims as each claim is unique. This is why having an attorney who has experience settling car accidents is vital. All auto accident attorneys

## CRUCIAL QUESTION #6

do is work with car accidents and they know the average range your car accident should settle for.

### **Litigation**

Mediations are much more affordable and can often reach a resolution in hours instead of months.

**Litigation is a fancy word for saying you are going to sue someone.**

Up to this point there has likely not been a lawsuit filed. In fact, most cases resolve without even having to file a lawsuit. When a resolution has not been reached or the statute of limitation is about to expire, litigation is likely the answer.

It is also important to note that just because a lawsuit is filed doesn't necessarily mean you are going to have to sit in front of a judge. The insurance company can make new offers at any point.

There are various aspects of litigation and I will try to outline the major players below.

**Arbitration** - Arbitration is a tool used for dispute resolution and is often used as an alternative to court.

Arbitration is much quicker and less expensive alternative to courtroom litigation. Generally an experienced attorney acts as the arbitrator or the "judge." **The arbitrator listens to both sides and each side has the opportunity to present their case, much like a trial only under much more relaxed conditions.**

Once the arbitrator has listened to both sides, he or she then makes a decision to award as damages based on liability and value.

Arbitration is often a very good alternative to trial, but also has its complications and you are usually much better off having an experienced attorney to represent you.

**Mediation** - Mediations are much more affordable and can often reach a resolution in hours instead of months.

Mediations do not focus on the facts of the case, but rather focus on both parties **coming to a financial resolution.**

## CRUCIAL QUESTION #6

In a mediation, there is an unbiased mediator who acts as the liaison between the two parties who are generally in two separate rooms.

Typically the mediator will ask the insurance company what they are willing to offer the injured party and without disclosing any numbers, also asks the injured party what they are willing to accept. The mediator then begins to negotiate with each side in order to come to a resolution.

**Litigation** - Litigation requiring a full blown trial is not quite as intense as seen on TV but requires a lot more work and is much more complicated.

There are not enough trees in the State of Washington to discuss all of the complications and special rules for jury trials.

There probably are actually enough trees, but the reality is if your case is headed for a full blown trial, you are either crazy or straight out amazing to want to try to brave that battle without an attorney.

# CRUCIAL QUESTION #7 HOW DO YOU CHOOSE AN ATTORNEY?

CHOOSING THE RIGHT ATTORNEY IS CRUCIAL. LIKE ANY PROFESSION, THERE ARE A LOT OF REALLY GOOD PERSONAL INJURY ATTORNEYS AND THERE ARE SOME THAT ARE NOT QUITE AS GOOD.

## QUICK PREVIEW



- What does an attorney do?
- Why would you want an attorney?
- How much does it cost?
- What is the process of getting an attorney?

Law is an interesting profession because there are not any requirements for specialization. For instance, in medicine, if you want to operate on someone's brain you first become a brain surgeon. A brain surgeon is very different from an orthopedic surgeon who went to school to learn how to work on bones.

## CRUCIAL QUESTION #7

In law, any attorney can technically do any type of law. With that being said, you are going to be in better hands with an attorney who focuses on auto accident cases to resolve your car accident than someone who spends ninety percent of their time helping people get divorced.

Remember that your attorney and their staff are on your team. You are going to be dealing with the attorney's paralegals a lot, probably even more than you do with the attorney, so you need to make sure that you not only trust your attorney but also their staff.

One of the best things to do is ask around. Ask your doctor and your friends. Read online reviews and study their website. However, the best thing you can do is talk to them either by phone or in person.

Experience matters but do not be fooled into thinking that the number of years a person has been an attorney means they have a lot of experience. Find out how many auto accidents they have represented and dig into their successes. Look at your attorney's biography and be sure that they are passionate about helping people.

# GETTING INTO AN AUTO ACCIDENT REALLY HURTS.

It hurts your back, your head, your neck, your pocket book, your calendar, your car, and even your temperament.

To make matters worse, dealing with insurance companies can be almost as painful as the actual injuries.

Insurance companies have been handling auto accident claims for years and years and have created a science of how to minimize the expenses they pay. They put your medical bills and recovery time into an algorithm and generate a number that they think is “fair” based on what they can justify as being the reasonable and typical recovery time.

I am the first person to tell you that not every car accident requires an attorney. However, I have handled a lot of car accident claims and have been able to get better results than the insurance companies offered these clients before hiring me.

**Below are a few reasons why you may want to contact a personal injury attorney.**

- You sustained injuries
- You have medical bills
- Your car was damaged
- You lost time at work
- You are tired of dealing with insurance
- You don't know what to do

## CONCLUSION

Typically, all personal injury attorneys will give you a free consultation. This consultation is a time for you and the attorney to review your case and answer any questions you have, as well as explain the recovery process.

I have personally written this book as a reference to answer your basic questions. This book likely will not answer every question you have, but I am happy to answer any questions you may have free of charge and obligation.

We have multiple offices on both the West side of the state as well as the East side for your convenience.

Feel free to call us at either (253) 204-2244 or (509) 396-5577.

# ABOUT THE AUTHOR

**BRANDON KNOWS HOW MUCH BEING INJURED IN A CAR ACCIDENT CAN AFFECT YOUR LIFE.**



**BRANDON RITCHIE**  
**ATTORNEY-AT-LAW**

When he was three years old, his father was severely injured in an accident and it completely changed the lives of his family. The accident caused the loss of their family business and left his very athletic father bound to a wheelchair.

He has experienced the detrimental impact in his own life, which is why he has devoted his entire legal career to representing people that have been injured in car accidents.

He has personally represented over 1000 clients amounting to well over \$15,000,000.00 in total settlements.

Brandon attended law school at the University Of Idaho, College Of Law, and earned his Master's Degree in Business Administration from Washington State University.

Brandon grew up in Burley, Idaho, a small farming community, where he learned the value of hard work. He grew up raising both cattle and working on agricultural farms.

It was during his days in Burley that he developed his love of the outdoors. His family often took camping trips and fishing outings. Fishing continues to be one of his favorite things.

Brandon is married to his beautiful wife Sarah and they have three sons, Mason, Jake, and Chase, who are the joy of their life and keep them extremely busy outside of work.

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Kennewick, WA 99336  
(509) 396-5577

## AUBURN

110 2nd Street Suite 135  
Auburn, WA 98001  
(253) 204-2244

## YAKIMA

8 East Washington Ave Suite 106  
Yakima, WA 98903  
(509) 658-7000

## TACOMA

10116 36th Ave Ct SW Suite 106  
Lakewood, WA 98499  
(253) 204-2244

