

Recovery & Resolution

A LEGAL NEWSLETTER FOR
HEALTH CARE PROFESSIONALS



Graham Lundberg & Peschel *Founded 1979*

Winter Activities and Insurance Coverage

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With winter weather rapidly approaching, many of us will be enjoying some of the best that the Pacific Northwest has to offer: skiing, snowboarding, winter cycling or shopping in preparation for the holidays. Others may choose to travel to drier, warmer areas, and travel by rental car while on vacation. Whatever your choice of activity, chances are you might not give much thought to your safety and insurance issues. Here are a few tips about common injury-causing events during the long winter season, as well as some general legal principles if you do have the misfortune of suffering an injury.

Skiing and Snowboarding

Popular sports in the winter are skiing and snowboarding. A ski resort only owes a duty to skiers and snowboarders, known as "business invitees," to provide a reasonably safe facility, and to avoid enhancing the skier's risks.

Thus, any liability for injuries on the part of the facility will depend on the place, circumstances and conditions that existed at the time that the injury occurred. In this regard, while on the slopes, Washington law holds that "a person shall be the sole judge of his or her ability to negotiate any trail, run or uphill track and no action shall be maintained against the operator by reason of the condition of the track, trail or run."

More commonly, injuries occur on the slopes when skiers and snowboarders collide. A skier or snowboarder may be held

liable for another's injuries if their actions are deemed negligent or reckless. However, skiers and snowboarders are, under the law, deemed to have assumed all risks inherent in the sport.

Escalators and Elevators

Little thought is probably given to injuries that can occur on escalators or elevators while shopping. However, these people-moving devices often cause injuries, either due to malfunction or poor maintenance. A claim for injuries against the owner or maintenance company may be pursued if it can be shown that the owner or maintenance company created the condition or had notice of the condition that caused the malfunction. Also, regardless of whether fault can be established on the part of the owner or maintenance company, property owners frequently carry premises medical coverage that may be available to pay at least a portion of charges incurred for health care treatment necessitated by the injuries sustained.

Icy Sidewalks

Icy sidewalks can often be a hidden hazard of the winter season. Although Washington law imposes a duty upon all people to use reasonable care when walking in hazardous conditions, a premise owner is not completely absolved from responsibility just because ice or snow caused someone to fall. An owner can be held liable for injuries to another if the owner knew or reasonably

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Keep an eye on upcoming issues of this newsletter for information on our complimentary...

Legal Educational Seminars

The Communications Team at Graham Lundberg & Peschel

Whether organizing educational seminars or distributing *Crash Course 101* books, the Communications team at Graham Lundberg & Peschel is always hard at work behind the scenes to meet the needs of health care providers and our attorneys. We would like to take a moment to introduce our Communications Team: Melissa Collins in Seattle, Mitch Bylin in Tacoma and, our newest addition, Marie Wohlert in Port Orchard.

Melissa Collins joined the Seattle office in January 2007, after working for three years in the marketing department for a local title & escrow company. Melissa graduated in 2004 from Seattle University with a degree in Communications with an emphasis on Marketing. She brings with her big ideas and a cheery outlook as she sets about representing GLP

in King, Snohomish, Island, Skagit and Whatcom Counties.

Mitch Bylin obtained his AA degree in Marketing from Green River Community College in 2004. He then worked as the Marketing Coordinator for the second largest residential builder in the State of Washington, until he joined GLP in March 2007.

Mitch works out of our Tacoma office, which keeps him busy traveling throughout Pierce and Thurston Counties. He recently stated "I really enjoy the communications field because it allows me the opportunity to meet a lot of people in a variety of settings."

Marie Wohlert is originally from Newcastle, England, which is where she earned her degree in Marketing from Sunderland University. She then was the Marketing Executive for the Scottish & Newcastle Breweries until 2002

when she moved to the U.S. Marie worked for GLP as a legal assistant back in 2003, but then moved to New Jersey where her husband was transferred with the Navy. The Wohlerts recently moved back to Washington, and Marie looks forward to her new position with GLP in the peninsula counties, and has stated that she is "very excited to meet all of the wonderful people with whom GLP has the privilege of working."

If you need any information about our free CE luncheon seminars, our annual conference, more *Crash Course 101* books, or other information that GLP makes available, do not hesitate to contact one of our friendly Communications Team members, or visit our web site at www.glpattorneys.com. Melissa, Mitch and Marie are here to assist you!

Winter Activities and Insurance Coverage, continued

should have known of the dangerous condition, and then took no action to remedy the condition or warn about it within a reasonable amount of time.

Bicycling

The Northwest is known for its avid cycling community. There are many who will not let a little rain stop them from commuting by bicycle or continuing their cycling training. Of course, winter riding is much more dangerous because the days are shorter, causing darkness to set in earlier, which limits visibility, especially during rain. When riding at night, a cyclist must have a white front light visible for 500 feet, and a red rear

reflector. It is also a good idea to have a red rear light on the bike.

A bicyclist has all the same rights and responsibilities of a motor vehicle driver on the roadway. However, a cyclist necessarily has to take greater care for his or her safety because, whether in the right or wrong, a collision with an automobile can be devastating for a cyclist.

Regardless of fault, any PIP coverage under the motor vehicle's insurance policy would be available to the cyclist for medical expenses and income loss. Under Washington law, the minimum PIP coverage that can be underwritten is \$10,000 for medical expenses and \$10,000 for income loss.

Rental Vehicles

Motor vehicle accidents involving rental cars can pose some tricky legal issues, whether you are driving a rental or are involved in a collision with a rental vehicle. Because of complicated insurance coverage issues, prompt consultation with a personal injury attorney is a must when involved in an accident with a rental vehicle.

All rental car companies offer optional liability coverage. Most people reject this coverage simply because they believe that their own automobile coverage will apply or, in some instances, they think that the credit card with

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Out With The Old – Year That Is

By Tara L. Eubanks, Attorney

Another year is rapidly coming to an end, and it has been a busy one for the Law Offices of Graham Lundberg & Peschel. 2007 was our 28th year practicing personal injury law and protecting the rights of the injured. It has again been a pleasure for all of our staff to work throughout the greater Puget Sound area and continue to provide superb service to our clients and the health care community.

We are proud to have worked side by side with many health care providers in our communities, and to share the same goals: to make sure that our clients/your patients make full and complete recoveries, and that their personal injury claims get resolved with the least amount of stress for everyone. Our firm works hard to ensure that the lines of communication are open between all parties involved in a case, which we know is essential to providing superior service.

We have and will continue to facilitate communication through our complimentary Continuing Education seminars for health care providers. From February through mid-November 2007, we offered luncheon seminars for health care providers at numerous locations in the Puget Sound Region. Topics for 2007 included information on managing complex personal injury cases, getting paid on personal injury cases, and the ABC's of insurance coverage. In addition, 2007 was the year that we held our first ever GLP Conference on Practice Management for Health Care Providers. In June 2007 over 100 providers joined us in SeaTac to listen to exciting and informative speakers on a wide variety of topics. The Conference was a huge success, so much so that we will be hosting the second annual GLP Conference on Practice Management on June 12,

2008, so mark your calendars now and save the date!

In addition, 2007 saw GLP launch its new and improved website, www.glpattorneys.com. Our website provides important information on upcoming seminars, changes in the law, liens, and litigation. It is a good resource for both your office and your patients.

Our firm continues to be at the top Leadership Level in sponsorship for the Washington State Chiropractic Associates (WSCA). Once again in 2007, we were the title sponsors for the Annual GLP/WSCA Golf Classic held in Lacey in September. We continue to enjoy association with the WSCA, and we look forward to our continued involvement in 2008.

2007 was another year of growth for GLP: we now have 13 attorneys to serve your patients. Attorney Molly Crowley joined the Tacoma office in January, bringing with her five years of experience in plaintiff and defense personal injury work. James Gooding joined the Seattle office in August, having relocated to Washington from New York, where he honed his skills as a seasoned litigator in the courtrooms. Heather Webb, a paralegal at GLP for the last five years, recently passed the Washington State Bar Exam after completing the Rule 6 Law Clerk Program through our office. We have also hired many other new staff members, all of whom look forward to continuing the GLP tradition of unparalleled excellence in representation of our clients.

So as 2007 comes to a close, the team at Graham Lundberg & Peschel look forward to an equally exciting and challenging 2008, and are looking forward to another successful year working with each and every one of you.

Winter Activities and Insurance Coverage, continued

which they pay for the rental provides automatic coverage. Unfortunately, these people do not find out until after an accident that they do not have coverage under either circumstance.

When renting a vehicle, carefully consider the coverage that is offered by the rental agency. Check with your own insurance company and/or credit card company about their policies and coverages on rental vehicles. Always make sure that you have adequate insurance coverage to protect you and your passengers in the unfortunate event of an accident. Such coverages should necessarily include liability, underinsured motorist and personal injury protection.

It is Graham Lundberg & Peschel's wish for you to remain healthy, active and protected during this winter season.

Pay attention to your surroundings, carefully review any "release" documents you may be asked to sign before participating in an activity, understand and have in place appropriate insurance coverages and, if you are injured, make notes about the circumstances.

One of our attorneys will be able to advise whether you have a potential liability claim against another party in order to compensate you for your damages. Give us a call — the initial consultation is free and we are here to help!





We are a team of legal professionals working together to advocate for the injured while being recognized in the community for providing the highest level of service.

Attorneys

John M. Graham
Scott F. Lundberg
Brian J. Peschel
Kenneth B. Golden
Cydney Campbell Webster
John D. Webber
Sean A. Ayres
Molly K. Crowley
Tara L. Eubanks
James F. Gooding
Carrie D. Umland
Heather D. Webb
Rodney G. Zerr

**Paralegals/
Legal Assistants**

Annie Adamson
Patricia Clanton
Melissa Clune
Patti Cryder
Neil Diemer
Judy Hanson Earle
Leslie Gesterling
Georgia Gullick
Aleena Hodges
Maya Jenkins
Andrea Kato
Lindsey Martin
Martha McDonald
Cynthia Sapp
Morgan Simpson
Grace Stephens

Administration

Anne Bowers
Regina Bronson
Mitch Bylin
Melissa Collins
Ana Maria Gamos
Teresa Garcia
Lynne Golden
Heather Kelly
Contessa McKenzie
Becky Moilanen
Geoff Waring
Marie Wohlert

**CONVENIENTLY
LOCATED**

For the convenience of your personal injury patients, we offer several meeting locations throughout Puget Sound and Peninsula communities. Attorney consultations are encouraged and always free.

- Auburn 253-931-1111**
- Bellevue 425-827-1111**
- Burien 206-241-1708**
- Everett 425-252-1111**
- Federal Way . . . 253-946-1111**
- Gig Harbor 253-853-5005**
- Lacey 360-786-1717**
- Lakewood 253-274-1111**
- Lynnwood 425-775-1111**
- Marysville 360-658-1111**
- Mount Vernon . . 800-422-4610**
- Port Orchard . . 360-876-5005**
- Puyallup 253-845-1112**
- Renton 425-235-1111**
- Seattle 206-448-1992**
- Silverdale 360-876-5005**
- Tacoma 253-627-7701**

Or Call Toll Free

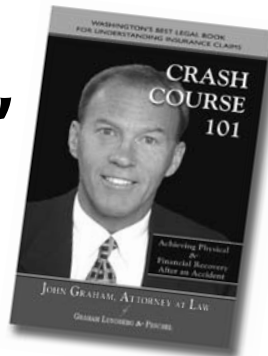
North Puget Sound area
including Island, Skagit, King,
Whatcom & Snohomish Counties
800-422-4610

South Puget Sound area
including Pierce, Kitsap, Mason
& Thurston Counties
800-273-5005

or visit us online...

www.glpattorneys.com

We Rewrote the Book!
“Crash Course 101”
The 4th Edition of
“Crash Course” is Here!
by John Graham, Attorney at Law



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