

Legal Briefs

A LEGAL NEWSLETTER FOR
FRIENDS AND FAMILY



Graham Lundberg & Peschel Founded 1979

HOW INSURANCE COMPANIES MINIMIZE PAYOUTS ON CLAIMS BY BLAMING INNOCENT VICTIMS

We Appreciate Referrals
Please feel free to refer any family members or friends should they need any legal services. A referral from you is one of the best compliments our office can receive. Consultations are complimentary.

Insurance companies make it a practice to place blame for automobile collisions on innocent persons. Although Washington law allows for "comparative negligence," which is the legal term for apportioning responsibility between two or more parties who are at fault depending on the circumstances, insurance companies have recently taken the allocation of fault to an absurd level. Some insurance companies have saved millions of dollars by placing blame on innocent victims where the evidence does not support a finding of comparative negligence. Often times, these innocent victims are not represented by an attorney, and they simply accept what the insurance company representative tells them about their fault, and how it serves to reduce the amount of fair compensation they are entitled to recover for their injuries and damages.

Recently, King 5 News did an exposé story on such unscrupulous practices by insurance companies. One example used was the case of a 17-year-old girl who was killed in an automobile collision in March 2001 when she was coming home from a non-alcohol school party. Unfortunately, at the same time, two schoolmates were leaving an alcohol-fueled party from the opposite direction. The two drunken schoolmates were driving their cars side-by-side on a two-lane road at speeds up to 70 miles per hour. The young girl did not see them in time, and the high-speed, violent head-on collision killed her instantly.

When the deceased girl's family brought a lawsuit against the drunken drivers, Allstate Insurance

Company hired a crash expert who submitted a report claiming that the young girl had three seconds to evade the wrong way vehicle, and that she would have lived had she reacted more quickly. Allstate used this information to claim that she was partially responsible for her own death, and tried to assess comparative fault against her to reduce the damage claim to be paid to the family of this innocent victim who lost her life as a result of the collision.

Another story uncovered by the King 5 News report was of a driver traveling through an uncontrolled intersection with the right-of-way. He was struck by an uninsured driver, who later received a ticket for failing to yield. The innocent driver was forced to make a claim for uninsured motorist benefits with his own insurance company, State Farm. Arguing that visibility and resulting damage to the vehicles indicated that the driver could have done more to avoid the accident, State Farm cut his claim by 25% to cover his comparative fault. The driver later took State Farm to small claims court for the shortfall, and State Farm was ordered to pay 100% of its insured's damages.

Be wary of such tactics by insurance companies: either the person at fault or your own. If you, or someone you know, are being partially blamed for a collision, it is very important that you contact an attorney at Graham Lundberg & Peschel to analyze the claim and determine whether a claim of comparative negligence is supported by law in your case.

Associate Attorney Spotlight

Rodney G. Zerr is an Associate Attorney for the South Sound Offices of Graham Lundberg & Peschel. He has been with our office for four years, and is a great asset to our legal team.

Rod likes working with people who need his help, and he is very good at it. "Every day brings new challenges because each case is unique and offers new opportunities to learn new ideas and techniques," Rod has said about his cases. Rod tediously examines his clients' records to make sure

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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.

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Becky Moilanen
Martha McDonald
Charles Quackenbush
Melanie Shotts

that all known injuries are brought to the forefront. He is tenacious negotiator with the insurance company representatives, and he is adamant that his clients receive complete and fair compensation for their damages. Rod recently completed an intensive ten day course through the National Institute of Trial Advocacy, and he looks forward to testing his new knowledge and skills during his next jury trial.

Rod received Quarterly and Yearly High Scholarship Honors while an un-

dergraduate. In 1995, he earned his Bachelor of Arts degree from the University of Washington. He is a member of the Golden Key National Honor Society. In 1998, he received his Juris Doctor degree from Seattle University School of Law. Current and past affiliations include the Washington State Bar Association, Kitsap County Bar Association, Washington State Trial Lawyers Association – Eagle Member, the American Bar Association – Young Lawyers Division, and the Tacoma-Pierce County Bar Association.

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Graham Lundberg & Peschel – Attorneys at Law, since 1979, have offices throughout Western Washington including Seattle, Tacoma and Port Orchard. For a location near you, visit our Web site at www.glpattorneys.com. We handle all types of personal injury cases including motor vehicle accidents, slip & falls, product liability injuries and wrongful death.

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