

Legal Briefs

A LEGAL NEWSLETTER FOR
FRIENDS AND FAMILY



Graham Lundberg & Peschel Founded 1979

THE INSURANCE FAIR CONDUCT ACT

The Insurance Fair Conduct Act (IFCA) took effect on December 6, 2007. It was passed by the Legislature, signed by the Governor and approved by the voters in 2007. It provides legal remedies for insurance policyholders, including the right to seek triple damages and attorney fees in court if their claims are unreasonably denied by their insurance companies, or their insurance companies violate regulations governing unfair claims practices.

As an example, Washington State law requires insurance companies to acknowledge their policyholders' communications about their claims, to investigate claims promptly, to advise of applicable provisions in their policies, and to settle valid claims promptly and fairly.

The IFCA applies only to claims made by insureds with their own insurance company. It does not apply to claims made against someone else's insurance company. For example, if you have been in a car accident, this law applies to a claim made by you under your own policy to your insurance company. It does not apply to your claim against the at fault driver's insurance company.

Furthermore, the law does not apply to claims under

health insurance policies. The Patient's Bill of Rights provides consumer protection for policyholders of health insurance coverage. However, the IFCA applies to claims under policies that include medical costs as part of that coverage, such as Personal Injury Protection, commonly found in automobile policies, and no-fault premises medical coverage commonly found in homeowners' policies.

Under the new law, a policyholder who wishes to pursue an action under it must mail written notice of the potential claim to the insurance company and to the Office of the Insurance Commissioner at least 20 days before a lawsuit is filed. This notice requirement allows the insurance company to take action to cure its unreasonable conduct in order to avoid being sued.

The IFCA is a significant new law for Washington consumers. It provides protection from being unreasonably denied insurance coverage; the coverage paid for through premium dollars. If you have any questions regarding this new law, please feel free to contact the attorneys at Graham Lundberg & Peschel, who are always eager to answer your question on this or any other matter relating to your personal injury claims.

Attorney Spotlight

Jim Gooding, an associate attorney, and Melissa Clune, his paralegal, are an integral team in the Seattle office of Graham Lundberg & Peschel.

A native of Ballard, Jim recently moved back to Seattle after practicing law in New York City for the last eight years. He brings with him a background of aggressive, hard-nosed trial lawyering that focuses on getting the best recovery possible for his clients, whether by settlement or verdict.

Jim originally began his practice with his father in Kent, where he learned how to handle every type of case from a grievous wrongful death to a neighborly dispute over a trespassing cat. On the East Coast, he worked for one of the largest and oldest personal injury firms in the city, trying cases back to back, and taking over 20 verdicts in the last three years alone, with a total recovery for his clients during that time of over \$7 million dollars.

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.

Address Service Requested

500 John Street
Seattle WA 98109

Attorneys at Law



Free Consultation: 1-800-422-4610 | Visit our Web site: www.glpattorneys.com



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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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John M. Graham
Scott F. Lundberg
Brian J. Peschel
Kenneth B. Golden
Cydney C. Webster
John D. Webber
Sean A. Ayres
Tara L. Eubanks
James F. Gooding
Carrie D. Umland
Heather D. Webb

Rodney G. Zerr
Melissa Timmerman

Paralegals/Legal Asst.

Annie Adamson
Patricia Clanton
Melissa Clune
Patti Cryder
Neil Diemer
Judy Hanson Earle
Alex French
Aleena Hodges
Maya Jenkins

Kellie Lavigne
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We are in your neighborhood!

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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800-422-4610

South Puget Sound area including Pierce, Kitsap, Thurston and Mason Counties:

800-273-5005

Attorney Spotlight (Cont'd)

Jim is currently a WSTLA Eagle member, an American Association for Justice member, a member of Trial Lawyers Care (a group that contributed pro bono time to World Trade Center victims after September 11th), a Moot Court Judge at AAJ's Student Trial Advocacy Competition, and he was a member of Ethics Committee of the NY County Lawyers Association until 2007. He is also one of only a few attorneys in Seattle who are Board Certified as a Civil Trial Specialist by the National Board of Trial Advocacy, a distinction which requires verifiable trial results and skills, and a review process including testimonials by Judges, and attorneys who have opposed him at trial.

Melissa Clune joined the firm in 2006 as a Legal Assistant, and has been working as Jim's paralegal since September 2007. Melissa, a native of Bainbridge Island, received her Bachelor of Science in Economics from Syracuse University in 2006, where she graduated with Distinction for completing original research in the field of political economics. Melissa has been an avid swimmer most of her life, and she still holds school records for Bainbridge High School and Syracuse University. She plans on attending law school in the fall of 2008. In her free time, Melissa enjoys playing golf, skiing, and playing with her Corgi puppy, Pumpkin.



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