



THE WASHINGTON
AUTO ACCIDENT
GUIDE 1

CHONG H. YE

DISCLAIMER

BY CHONG H. YE, ESQ

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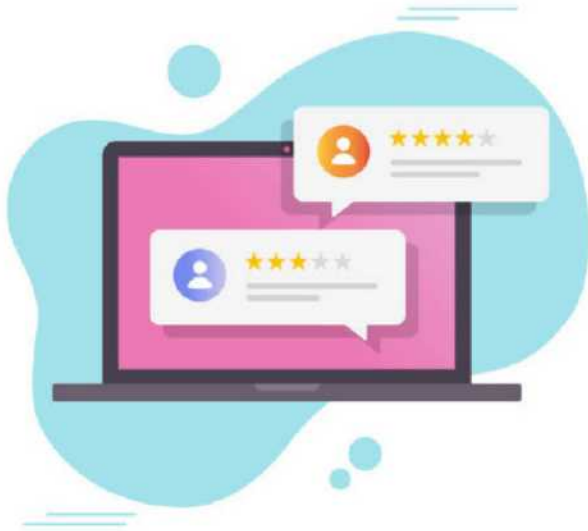
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Client TESTIMONIALS



Before I met Mr. Ye, I had a life of promise, goals, aspirations, and stability.

Also before my accident, I was going to church, being a spiritual person, and afterwards by not being able to attend on a regular basis precipitated me to becoming homeless, loss of wages and livelihood. Just prior to this accident my husband passed away leaving me little and no funds and having me depend on Public Assistance and State Aid.

Little did I know that by choosing The Ye Law Firm what I received was a new lease on life, new direction with employment and positive outlook with a sense of direction.

The Ye Law Firm has been fighting Pierce Transit, the largest transit company in the Northwest and in the State of Washington. Mr. Ye was not only determined to see justice served, but also helped renew my faith in a sense of self-worth and direction with attainable goals.

I now have a great job at a hospital and I graduated from Highline Community College with an Associated Degree in Business Administration.

Upon arriving at The Ye Law Firm, I had zero dollars to speak of and Mr. Ye took my case not knowing that he would have such an uphill battle and taking an enormous risk and amount of time but did so with the pursuit of justice in mind.

I was a passenger on Pierce Transit whose driver ran a red light in downtown Seattle, which ultimately resulted in an oncoming yellow cab T-boning the bus. I was seated right above where the cab hit the bus and the image of the scene still haunts me today. Luckily, by hiring The Ye Law Firm, I was able to receive compensation for my injury and I have a renewed self-worth and life.

I have been truly blessed in knowing that I was led and spiritually directed to The Ye Law Firm and received more than I could ever imagined. And to hear of other successful outcomes of The Ye Law Firm contact Mr. Ye at The Ye Law Firm. - **Tessie**

My wife and I highly recommend The Ye Law Firm to those who are involved in car accidents. He and his staff are knowledgeable and were readily available to answer our questions whenever questions arose when dealing with insurance companies and later on about her medical treatments. Since this was our first accident, we didn't know what to expect, but we realize why having an attorney represent the injured is so important. His office took the stress out of dealing with auto accidents. Furthermore, we were very happy with how the case was later resolved. - **Steve**

Customer service was excellent! Professional attitude, Mr. Ye was in no rush, he was very patient, nice and consistent. I had an impression that he genuinely wanted to help me, instead of trying to rush me into hiring him. I appreciate him. - **Simon**

For sure, the best lawyer in Washington state, me and my wife, got in a car accident on a Saturday. By Sunday, he was already helping us, and we didn't have to worry about anything. Every time I had a question, they responded right the way! And I was really happy about the settlement! Thank you so much!!!! - **Lucas**

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WHAT ARE 4 THINGS I SHOULD DO

IF I AM INVOLVED IN A CAR ACCIDENT IN WASHINGTON STATE?

If you or your loved one is involved in a car accident in Washington State, here are 4 things you should do:

CALL THE POLICE

This is important because police officers will document what happened.

Call the police as soon as possible and cooperate fully with the investigating officers. Write down the names and badge numbers of all investigating officers. If you believe the other vehicle driver of the other vehicle is under the influence of drugs or alcohol, tell the investigating police officer.

TALK TO YOUR DOCTOR

It's important to talk to your doctor so you can document any injury, be it serious or not so serious. Don't leave anything out. Think about what hurts or feels odd and how you feel.

Write it down and hand or read it to the doctor. If you don't report an injury after a few days, you can be accused of making up your symptoms or maybe that you hurt it elsewhere. Most injuries heal and physical problems go away within six months after an accident, but some injuries get worse.



GATHER INFORMATION

It is important to keep meticulous records and document your medical care and treatment, all communications with your insurance adjuster and your attorney. You should also keep a detailed journal of how injuries are affecting you. The journal should keep records of trips to your chiropractor, physical therapist or any other specialists. It should also include when you returned to work, when you experienced flare-ups of pain, when activities were missed due to pain, etc, but refrain from “rants” and matters that are completely unrelated to the accident. Please be advised that if your case is in litigation, your journal will be discoverable by the insurance company.



Keep all receipts of co-payments, medications and any other expenses related to your accident. Check your mail regularly for communications from your doctor and insurance company. Keep all of your documents together and organized. If a family member has suffered a serious injury and is unable to keep records, offer your assistance.

WRITE DOWN WHAT HAPPENED

Do this as soon as possible. If you physically can, do it right away while your memory is fresh. It is critical that you document what happened. Obtain names, phone numbers, addresses, driver's licenses and insurance information of all the drivers and passengers and take photographs of the accident scene with a camera or cell phone. Write down the time of the accident, direction of the vehicles traveling, street names, and accident location, make and model of all vehicles and any other information you feel is relevant. If witnesses stop at the scene, write down their contact information as well. If appropriate, take photographs of your injuries.

THE INSURANCE ADJUSTER WANTS

A RECORDED STATEMENT

NOW WHAT?



Insurance company claim adjusters are becoming increasingly aggressive in obtaining recorded statements from those involved in car accidents in Washington. Most problems, however, can be avoided by remaining calm and politely referring the adjuster to your lawyer.

AFTER THE ACCIDENT

You were just involved in a car accident. You get home from the emergency room or from seeing your doctor. You are disoriented, in pain and probably in shock. The insurance company representative may be courteous but persistent in wanting to take your statement, but you suspect he might not be acting in your best interests. What should you do? Could you lose your insurance or forfeit your claim if you don't cooperate?

YOU MAY HAVE OBLIGATIONS TO THE INSURANCE COMPANY

You are legally obligated to provide your car insurance company with a recorded statement. When you purchased your car insurance, you signed a contract, even if you purchased your auto insurance online. Buried in the fine print of that contract is language about your duty to cooperate with the insurance company, which means that you must provide your insurance company with a recorded statement. Failure to do so can void or cancel your policy.

HOW YOUR ATTORNEY CAN HELP

Nevertheless, if you have retained or are about to retain a lawyer, the insurance company adjuster MUST communicate directly with the lawyer and not with you, the client.

Therefore, the best course of action when anyone asks you to provide them with a recorded statement is to politely inform them that you have hired a lawyer and provide the lawyer's name and phone number.

Most of the time you are not obligated to provide a recorded statement to the at-fault party's insurance company -- you did not sign a contract with that person's insurance company. There are some instances where you are required to give the other side's insurance company a recorded statement, in particular if you are looking to receive any payment from the other side's PIP or other first-party insurance carrier.

BE POLITE BUT FIRM

It is always a good idea and helpful to be polite even if the claims adjuster is acting rudely or is overly aggressive.

Getting into an angry and heated argument with the insurance company claims adjuster can make resolving your case more difficult.

For example, if you have a verbal fight with the claims adjuster from your auto insurance company, the company could schedule an "Examination Under Oath," which is like a deposition, and you would have to appear before a court reporter and answer questions from the insurance company's lawyer.

An angry exchange with the claims adjuster from the other side's insurance company could prompt that company to be make a less fair and reasonable offer on your case, which could delay the resolution of your case.



WHY DO INSURANCE COMPANIES WANT MY RECORDED STATEMENT?

There are several reasons. Accidents with injuries create legitimate issues that must be addressed, and a recorded statement is one way to do so. It is very important that your lawyer be present when giving a statement -- sometimes claims adjusters try to intimidate or confuse people who have been in an accident by trying to trap or trick them into saying something that can be taken out of context and used against them in court.

REMEMBER WHO YOU ARE DEALING WITH

Insurance companies are very competitive profit-driven corporations, and all claims' adjusters are under tremendous pressure to NOT pay, or pay less for injury claims. Each year the insurance industry spends tremendous amounts of money to hire investigators, claims adjusters and attorneys to defend and deny injury claims. Consequently, the recorded statement can become an opportunity for the insurance company to undercut an accident victim's personal injury case, especially if the accident victim's lawyer is not present as a safeguard.

DOES THE INSURANCE ADJUSTER RECORD YOUR PHONE CONVERSATIONS?

How can you know if the insurance company is recording your conversation? Legally, the most important question concerns the consent of the person being recorded. For example, if you leave a message on an answering machine, you have given your consent to be recorded.

But when you call the insurance company and a recorded voice says, "Some calls may be monitored or recorded for quality assurance purposes," you have not given your consent to be recorded. The claims adjuster will usually begin the recorded statement by asking if you understand that you are being recorded and that it is being done with your permission. They will even ask you for your permission to turn off the tape recorder after the statement has concluded.

For most people who have been injured in car accidents, aggressive attempts to obtain recorded statements without their lawyer present may feel like adding insult to injury. There are legitimate and valid reasons for obtaining your recorded statement, but without an attorney being present, recorded statements can provide an opportunity for insurance company adjusters to create mischief and mayhem to an individual's legitimate injury case.

This is a very real concern, particularly when considering today's unrelenting competitive corporate pressure on insurance company claims adjusters to save money.

Fortunately, you can easily protect your rights and avoid most of these problems by calmly and politely directing the claims adjuster to your lawyer.

Follow these rules to make sure you do not jeopardize your personal injury claim during phone interviews:

5 Things To Remember When Talking To An Insurance Adjuster About Your Motor Vehicle Accident

Remember to:

1. WRITE IT DOWN

Write down the name of the caller, job title, company, phone number(s), email address, and physical address.

2. GIVE IT OUT

Provide your full name and contact information. Take notes of the information you provide.

3. QUESTION

Ask the adjuster if they are aware of any witnesses. Write down the answer, including names and contact details.

4. GENERALIZE

Be very general when you describe your injuries.

5. OFFER ASSURANCES

Assure the adjuster you will provide a detailed description of your injuries once you've met with your doctor.



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5 THINGS TO AVOID!! When Talking To An Insurance Adjuster About Your Motor Vehicle Accident

1. NO RECORDING

Do not agree to your conversation being recorded.



2. AVOID THE DETAILS

Do not discuss anything other than the general facts: where, when, type of accident.



3. SKIP THE PERSONAL

Do not provide any personal information about your job, duties, income, schedule, or future.



4. NO SIGNATURES

Do not sign any documents, agreements, or acknowledgments.



5. LEAVE OUT THE LIST

Do not answer questions about your family, witnesses, or your doctors.



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In case you're wondering, making a collision coverage claim under your policy should not increase your premium if the accident was not your fault. If the other insurance company does not accept fault, you can file a lawsuit against the driver who hit you to recover property damages.

In Washington, a person with a judgment against them arising out of a car accident will have their license suspended when you notify the Department of Motor Vehicles of that judgment. That's some serious pressure on the at-fault driver to come up with the repair money.

WHAT ABOUT STORAGE AND TOWING COSTS?

Be sure you keep receipts for towing and storage – you can request reimbursement once the at-fault driver and his insurer accept liability. You may need to pay to have your vehicle moved if it is incurring storage costs. Minimize costs as much as possible; remember you could be held responsible for excessive storage costs if you do not move the vehicle.

IS MY CAR REPAIRABLE OR IS IT A TOTAL LOSS? WHO DECIDES?

Whether a car is "totaled" depends on the value of the car and the damage. If the damage exceeds the value, the car is deemed a total loss even if still drivable. Most insurance companies consider a car totaled if the cost to repair exceeds 70% to 80% of the value. If the insurance company determines that your car is a total loss, you may keep your car but must deduct the salvage value from your proceeds. Salvage value is typically the average of the auction sale price of ALL the vehicles with the same make and model, not accounting for miles or amenities.

WHAT IF THE CAR IS WORTH MORE THAN THEY HAVE OFFERED TO PAY?

The value of a particular car is determined by industry standards. National Automobile Dealers Association (N.A.D.A.) and Kelly's Blue Book (kbb.com) will give you accurate values. The insurance company may negotiate some if you have good documentation supporting your valuation.

WHAT HAPPENS IF I OWE MORE ON MY CAR THAN THE INSURANCE COMPANY WILL PAY?

The insurance company is only required to pay the car's determined value. If you have purchased gap insurance, that policy will make up the difference. What you owe on the car does not alter the value of the car.

CAN I CHOOSE WHERE TO HAVE MY CAR REPAIRED?

Yes, and I recommend that you not use the shop suggested by the insurance company. If your body shop charges more than the insurance company estimated the repair costs to be, the insurance carrier must still pay for the repairs. Make sure to give your body shop the name and the claim number of the responsible insurance company before starting the work.

WHEN AM I ENTITLED TO A RENTAL CAR?

If your car is not drivable or is deemed a total loss, the insurance company must provide you a rental car comparable to your car for a “reasonable” time after they pay you for the value of your car. A reasonable time usually means one or two days for you to purchase another car. You must give the rental back or pay for it yourself after this time. If your car is repairable, you are entitled to a rental car while your car is being repaired.

WHAT IF THE PERSON WHO HIT ME DOES NOT HAVE INSURANCE OR DOES NOT HAVE ENOUGH INSURANCE?

If the person who hit you does not have insurance or does not have enough insurance coverage to pay for the full repair of your car, you can use your underinsured motorist property damage coverage to pay for the damage the other driver’s insurance did not pay. You may need to pay a deductible, and it will not affect your insurance rates.





WHAT DO I DO IF THE OTHER DRIVER DOES NOT HAVE **VEHICLE INSURANCE?**

You are involved in an accident. To make matters worse, the driver who was at fault does not have insurance. What do you do?

UNINSURED DRIVER COVERAGE IN WASHINGTON STATE

In general, uninsured or underinsured driver claims develop in the same way as a regular car accident claim. The only difference is that the claim is against your own insurance company. Washington state law allows insurance companies to spell out in the policy contract the manner in which UIM disputes are to be decided. The policy can vary from company to company.

Your uninsured motorist coverage will be used if a driver with no car insurance hits you and if the accident is determined to be the other driver's fault. Generally, you won't sue the uninsured driver as that person will have little or no money. You could, however, make a claim against your own insurance company up to the limit of your uninsured driver coverage.

UNDERINSURED DRIVER COVERAGE

Underinsured driver insurance is meant to cover you when you are hit by a driver who doesn't carry enough insurance to cover your damages. In that case, you could file a claim against your own insurance company up to the limit of your underinsured motorist coverage -- but only if your underinsured driver coverage exceeds that driver's policy limits.

HOW AN UNINSURED OR UNDERINSURED DRIVER CLAIM WORKS

If you have reason to believe that the driver who hit you is uninsured, you should give your insurer notice as soon as possible, letting them know that you intend to file an uninsured claim.

Some policies place strict deadlines for notification of potential uninsured claims. Don't delay. If the other driver tells you that he does not have car insurance, or he refuses to give you any insurance details and you can't get that information in any other way, inform your insurer immediately that you intend to file an uninsured claim against your insurer.

An underinsured driver claim will generally take longer to develop. Such a claim often depends on how your medical treatment progresses, a key issue in determining the total value of your accident case. If, however, you or your lawyer believe right away that your case is worth more than the defendant's liability coverage, you must immediately inform your own insurer that you intend to file an underinsured driver claim.





WHY DO I HAVE TO PAY MY INSURANCE BACK FOR

MEDICAL TREATMENT

WHEN I ALREADY PAY A

PREMIUM?

Many people injured in car accidents in Washington discover to their dismay that they must repay their insurance carriers, including car insurance, health insurance, Medicare and Medicaid. Their typical response: I pay my insurance premium for years, so why must I repay for those medical benefits provided by my insurance company? Intuitively this may not seem fair. In fact, it doesn't make economic sense.

Anyone lucky enough to have insurance coverage for injuries suffered in an auto accident should count themselves lucky. Many injured persons face enormous challenges in the getting necessary treatment following an accident. In fact, getting treatment can be the greatest challenge related to a car accident.

INSURANCE COMPANY LIENS

When you sustain a serious injury in a car collision caused by another person's negligence, you seek medical treatment, and your insurance company pays the bill. However, suppose you prevail in your legal action against the responsible party. In that case, you may receive compensation for medical expenses incurred due to your collision-related injuries. If your insurance provider paid for your medical expenses and you then received payment for them in the settlement, you have effectively been reimbursed twice. In this case, your health insurer will seek reimbursement for the amount already paid.

Subrogation is the term used in the insurance industry to describe this process. This means that your car or health insurance pays your medical expenses first and then seeks reimbursement from the party who caused the injury (the at-fault party's insurance company in the collision).

Yes, your car and health insurance company will be reimbursed if you receive compensation for medical expenses incurred due to the collision.

INSURANCE LIENS ARE NEGOTIABLE

You must pay back your insurance company for your medical expenses. Your carrier will claim a lien against the proceeds of any settlement or judgment. Failure to pay the lien will likely result in a collection action against you.

That is the bad news. The good news is that you can often negotiate these liens down. The amount of the lien reduction will depend on the circumstances. An attorney experienced in auto accident cases and insurance issues will be able to address these issues with the goal of maximizing your recovery.





WHAT ARE SOME

CAR INSURANCE COVERAGES

AND HOW ARE THEY DIFFERENT?

LIABILITY INSURANCE

Liability insurance covers you in the event you are at fault in a Washington State car accident and will pay for repairs to the other car and medical bills for injuries to the other driver. The required coverage and limits in Washington State are: Bodily Injury Liability coverage: \$25,000/\$50,000. Property Damage Liability coverage: \$10,000. If you can afford it, it's usually a good idea to have more liability insurance which will provide extra protection in the event you are found at fault for an accident. In any event, you are responsible for any and all claims that exceed your insurance coverage limits.

COLLISION COVERAGE

In Washington, collision coverage will pay for the repairs to your car. If your car is totaled (where the cost to repair it exceeds the value of the vehicle), collision coverage will pay the value of your car.

COMPREHENSIVE COVERAGE

What if something happens to your car that is unrelated to an accident, like weather damage, hitting a deer or your car is stolen? Will your insurance company cover the loss? Liability insurance and collision coverage cover accidents, but not these situations. Comprehensive coverage, however, will cover your vehicle in accidents like these and other situations causing damage.

PERSONAL INJURY PROTECTION/MEDICAL PAYMENTS

The costs associated with a Washington state car accident can quickly add up, and Personal Injury Protection (PIP) can help cover those bills. PIP covers your and your passenger's medical bills and other expenses no matter who is at fault for an accident.

Alternatively, Medical Payments (Med Pay) provides a similar service, however at a limited amount.

One of the most frequently asked questions I get from potential clients is,

“If the at-fault party’s insurance company has agreed to pay for my medical bills, why do I need to use my personal injury protection/med pay coverage?”

What they don't realize is that the at-fault party's insurance company will not pay medical bills until the case is finally settled. This means that if you were transported to the emergency room by ambulance, your ambulance and emergency room bills would remain unpaid until your case is resolved. Since the bills would be unpaid, they may be sent to collections and your credit could suffer. It is in your best interests to use your personal injury protection/medical payment coverage to help pay for your medical bills.

UNINSURED /UNDERINSURED MOTORIST COVERAGE

Washington State law requires all drivers to be insured, but not everyone carries such insurance. This state has relatively low minimum coverage requirements, but they may not be enough to cover all the expenses in an accident. This means a claim against a person legally responsible for damages related to an accident but not insured or with minimum coverage probably won't yield what you need to cover your medical and property costs. Uninsured and Underinsured Motorist Coverage are designed to help in such situations by allowing you to collect those damages. Please purchase adequate coverage. You should purchase at least \$100,000 per person/\$300,000 per collision underinsured / underinsured motorist coverage.



CONCLUDING REMARKS

Whether you picked up this book for you or your family as you pursue your personal injury claim or a wrongful death claim for a family member, this book was meant to answer the pressing questions you may have on your journey to recovery from the negligence of another.

I hope this book has helped you answer the majority of the following questions:

- What should you do if you are involved in a car accident in Washington State?
- What do you do when the insurance adjuster wants a recorded statement?
- What should you do about the property damage to your car?
- What should you do if the other driver does not have vehicle insurance?
- Should you expect to pay insurance back for medical treatment when you already pay a premium?
- What are the different insurance coverages and how are they different?

I hope this book has given you the confidence to decide your and your family's personal injury and wrongful death case. Today's good lawyers can assist you in identifying problems, developing options for dealing with the problems, discussing alternative solutions, and finally deciding which resolution to pursue. You can participate in the decision-making if you understand the process and know how to ask the right questions. Hopefully, you will realize that pursuing personal injury and wrongful death claims is time-consuming and will not be resolved in a matter of days. Most claims take months or years to resolve.

ABOUT THE AUTHOR

Chong H. Ye is the Founder and Senior Attorney of The Ye Law Firm, Inc. P.S. He is dedicated to helping those seriously injured by the negligence of others. He prides himself on being down-to-earth, reliable, accessible, but capable and comfortable winning a battle, whether via negotiations or court rooms.

Chong has handled thousands of car accident cases and claims ranging from minor injuries to catastrophic injuries/wrongful death. He aggressively advocates for his clients against insurance companies and has recovered tens of millions of dollars for his clients.

Chong emigrated from South Korea at the age of 10. Instilled with a sense of hard work and determination while growing up in the immigrant community in the Seattle-Tacoma area, Chong is a zealous advocate. He especially has a heart for those whose first language is not English. He has personally witnessed his own parents and other non-English speakers injured from collisions due to someone else's fault, he witnessed their attorneys not standing up for them but were much more interested in quick payouts by pressuring their clients to accept what amounted to be less than fair settlements, and thus he decided to fight for the voiceless and the vulnerable. Chong's mission is to represent the helpless fight against the Goliaths of the personal injury industry.

Chong lives with his wife and two children and in Northeast Tacoma. He is a member of the Lifeway Church in Federal Way. He sits on the board for Nest Mission, non-profit homeless mission organization helping the local homeless communities in Tacoma and Lynnwood.

Professionally, he is a member of the Washington State Bar Association. He is an Eagle member of the Washington State Association for Justice, a Washington plaintiff's trial lawyer association and holds membership with American Association for Justice. He is a member of National Trial Lawyers Top 100 Trial Lawyer and The Ye Law Firm has been nominated as 10 Best Law Firms by the American Institute of Personal Injury Attorneys.

He earned his undergraduate degree at Bushnell University/University of Oregon. He completed his graduate studies at Dallas Theological Seminary. He earned his law degree at Mitchell Hamline School of Law.









**HAVE YOU BEEN IN A CAR ACCIDENT IN
WASHINGTON STATE?**

If you answer YES to these questions,
I may be able to help you!



- » Do you have total expected medical bills and lost wages of at least \$5,000.
- » Is there visible property damage to your car?
- » Was the accident someone else's fault?
- » Did you receive prompt medical treatment after the accident?
- » Have you followed the recommended course of treatment from your doctor?
- » Did the accident occur less than 15 months ago?

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