

UNVEILING INSURANCE COMPANIES' COMPENSATION TRAPS

An Experienced Personal Injury Attorney Can
Protect Your Rights and Your Future



Spencer D. Freeman, Esq.
Co-Author: **Kim M. Shomer, Esq.**



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Freeman Law Firm, Inc.

Tacoma Office

1107 1/2 Tacoma Avenue S
Tacoma, WA 98402
(253) 383-4500

Olympia Office

400 Union Ave SE, Ste 200
Olympia, WA 98501
(360) 338-6886

Renton Office

707 S Grady Way, Suite 600
Renton, WA 98057
(206) 880-2454

www.freemanlawfirm.org

FOREWORD

The motivation behind writing this book is twofold: first, to shed light on the challenges and complexities of the justice system as it pertains to bodily injury cases; and second, to emphasize the critical need for injured individuals to seek competent and compassionate counsel. Navigating this journey alone can be daunting, as the insurance industry is often overwhelming.

While personal injury lawyers are indeed plentiful—almost as numerous as pebbles along a path—it is crucial to understand that not all are the same. Some lawyers are business-centric, prioritizing the acquisition of cases, while others, like us, adopt a case-centric approach, focusing on diligently working each case to achieve a successful and just conclusion.

We strive to be the latter. Our internal processes, as well as our hiring practices, are all designed with a single purpose in mind: to champion

the injured. Our commitment to those we serve does not end with a settlement. We donate 1% of every fee earned to select local charities, ensuring that when a difficult incident occurs, others also receive the assistance they need. This dedication to our clients and our community is profoundly important to everyone at Freeman Law Firm, Inc.

If you are reading this book, it is likely that you or someone close to you has recently experienced an injury from an accident. Please know that our hearts are with you. We hope you find the necessary care, both medically and legally.

We are deeply grateful for the work we do.

DEDICATION

We dedicate this book to our entire staff, whose tireless efforts are focused on helping those in need; to our wonderful sons, who are the finest young men we know; to the compassionate medical providers who care for the injured; and to all the clients we have helped thus far, along with those we look forward to assisting in the future.

TESTIMONIALS

"I love Freeman. I've had nothing but good experiences with them. I've worked with them twice on two different cases and they've been supportive, emotionally, and mentally and also offered many good recommendations for me to utilize throughout my process. Kim is wonderful and a pleasure to work with. They offer clear communication and expectations which I really appreciate when dealing with legal stuff. I couldn't ask for a better legal team. Who I'll always go back to!"

— Sekai

"The most wholesome law firm. Kim and Spencer are great people and their staff are very helpful and caring. I have nothing but good things to say about them and the law firm. I highly recommend them!"

— Tia

“The attorneys and staff at Freeman Law Firm are knowledgeable and professional, but most importantly, they are empathetic. They will make you feel seen and heard and help with whatever they can to take the weight off your shoulders during a difficult time.”

– Devin

“Kim and Spencer are incredible. They care about the health and recovery of their clients. They are amazing lawyers, but they also work hard on getting you connected to the care you need to make a full and speedy recovery. It’s comforting to know your attorney cares about you and your health.”

– Jackie

“Freeman Law gives back to the community by facilitating donation of a percentage of proceeds to nonprofits doing good work. Their support helps my organization care for our incredible natural surroundings in the Mountains to Sound Greenway National Heritage Area. We're grateful to Freeman Law as a private business who makes improving their community a part of their company culture.”

– Michael

“They keep you informed when you need information on what is happening with your case. If things are on hold, they let you know that. When you call for information, they get back to you if they aren’t readily available. Most importantly, they get a settlement.”

– Richard

“Freeman Law Firm saved my life. And not just figuratively, but literally. They have been consummate defenders of me and my Wife for years now, professional, competent to the point of excellence, and above all else, they actually and genuinely care.”

– James

“Freeman Law Firm are true professionals in every way!! They go above and beyond to help their clients... I’m so very blessed to have met these people!!”

– Brian

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INTRODUCTION



Freeman Law Firm, Inc.: ***Your Advocates In The Wake Of An Injury***

Freeman Law Firm, Inc. is one of the most reputable and reliable personal injury law firms in the Pacific Northwest. Across its two locations in Tacoma and Olympia, WA, and in every case the firm handles, Freeman Law Firm, Inc. maintains a dedication to guiding its clients safely through the labyrinth that is the legal process they are confronted by after an injury or accident. Its team of highly skilled and experienced lawyers stands by their

clients and represents them as they fight for what is right in their unique set of circumstances.

Freeman Law Firm, Inc.'s ethos is an extension of Kim Shomer and Spencer Freeman's most valued principle — *people first, business second*. This is how they lead in all aspects of their lives, prioritizing what is right and best for their clients. Guided by this North Star, where others look for low-hanging fruit that doesn't cost them much, Freeman Law Firm, Inc. takes the high road, rooted in a commitment to finding the best outcome for each of their clients, regardless of whether it is the most profitable for them.

This people-first mentality extends well beyond the courtroom. Freeman Law Firm, Inc. has woven a unique thread into the firm's culture by tying their attorney's fees directly to local charities. At Freeman Law Firm, Inc. we empower communities by not only achieving justice for our clients, but also giving back to the community, with every successful case closing, our clients can choose from six nominated charities, and we'll donate 1% of our fees on their behalf, fostering a

legacy of hope and positivity. This may perhaps show most clearly how the firm truly operates as a service, not merely a business, ultimately creating a ripple effect of goodwill that makes a meaningful difference to unsuspecting families across the area in real, tangible ways.

Attorney Kim Shomer

Kim Shomer was born and raised in Pennsylvania but fell in love with the West Coast at the age of eighteen – so much so that she decided to move to Seattle in 1991 after receiving a bachelor of science in accounting at Rutgers Business School. When she started law school at the University of Puget Sound, she was set on studying tax law, but things took an interesting turn. First, she started her own practice assisting small businesses, though, eventually, she shifted her focus to personal injury. With this diverse background of experience, she has developed a unique ability to be aggressive when negotiating with insurance companies and compassionate when counseling clients.

Attorney Spencer Freeman

Spencer Freeman was born and raised in Colorado. After graduating *cum laude* from Seattle University School of Law in 1995, he gained extensive trial experience as a prosecutor for the City of Tacoma before working for several small law firms. In 2000, he began working for a law firm in downtown Seattle, where he crossed paths with some of the best lawyers in the nation and gained experience in litigating matters involving the theft of encrypted satellite signals.

In late 2005, Mr. Freeman opened his own practice in Tacoma, where he represented local businesses in contentious shareholder disputes and people in matters ranging from catastrophic injuries to class A felonies. During this time, his practice took him far beyond the borders of Washington State or even the West Coast. He has handled cases for national Internet multimedia companies enforcing copyrights in California, Nevada, Arizona, and Florida.

Though the team at Freeman Law Firm, Inc. often resolves their clients' cases before trial, Mr.

Freeman's passion and strength lie in advocating for his clients before a jury. When a case cannot be settled outside the courtroom, Mr. Freeman goes to work, striving to effectively represent his clients and stand up for what is right. Over his years as an attorney, it has been a great joy for him to master the art of integrating fact witnesses, statutes, case law, rules of evidence, and the unique dynamics of each jury.

What We Want You To Take Away From This Book

So many people have misconceptions about attorneys – and particularly personal injury lawyers. With the information shared within these pages, we hope to dispel common misconceptions of the personal injury legal process and shed light where the darkness of misunderstanding clouds your perception of what's really true.

If you're like a number of people we've come across over the course of our careers, you probably think that hiring an attorney means your case will immediately go to litigation with endless courtroom

drama or that you'll cause unnecessary or unjust harm to others – but this just isn't the reality. Retaining an attorney doesn't equate to you harming someone else; it is a strategic move that protects both your rights and your financial health. As such, we hope this book gives you a sense of comfort while providing you with the information you need to feel affirmed when seeking legal representation and deciding whether to escalate your case.

We also hope to share insights that will offset the insurance company marketing you've likely fallen victim to. The truth is, insurance companies often do everything they can to make you believe that you can't use all of the coverage you are entitled to – even when you genuinely need it. Being nothing more than the profit-seeking companies they are, their goal in doing this is to maintain their bottom dollar. Fortunately for you, we're focused on exactly the opposite: making sure that you have the support you need after suffering in an accident to make a complete recovery and realize the best outcome possible that truly serves your best interests so that you can start building a better future today.

CHAPTER 1

FILING A PERSONAL INJURY CLAIM



Common Questions And Misconceptions When Filing Personal Injury Claims In Washington

Over the decades we've worked with people who have suffered all kinds of injuries, we've noticed several common themes. Among these themes are the recurring questions and misconceptions about the most basic aspects of the personal injury process. At

the top of our shortlist, we find these concerns come up the most often:

- **Fear Of Harming The Other Person**

Many people believe that filing a personal injury claim directly equates to causing financial ruin or some other type of harm to the person who was responsible for causing the injury. In the same vein, many people think that the at-fault party will be personally liable for their medical bills and other expenses after an accident – but in cases where both parties are insured, nothing could be further from the truth.

In these instances, the other person's personal assets are typically not at risk at all. Instead, compensation comes directly from the insurance company. In fact, this is exactly why people carry insurance policies in the first place – insurance coverage is specifically designed to handle these very expenses so that you don't have to. As such, the insurance company will typically cover any expenses incurred as a result of your claim, not the person who caused it.

- **Trusting Insurance Company
Representatives**

Many people fall into the trap of thinking that insurance companies are genuinely there to work in their best interest, likely because most people have not had much, if any, experience dealing with them. However, while insurance adjusters often present settlement offers in a favorable light and may even sweet talk you to some degree, their ultimate goal is one thing and one thing alone: to minimize any payouts the company is liable for.

In some cases, adjusters may even go as far as to provide misleading information or pressure you to accept less than what your claim is worth and what you deserve. With this in mind, it's vital you know that a speedy offer from them is likely a pittance of what your claim is actually worth. It's important to fight against the temptation to accept an early settlement before speaking with an attorney who can help you ensure you're getting the coverage you truly deserve.

- **Litigation = Trial**

If you're not a legal professional, it's easy to conflate litigation with trial – but these processes are not the same. Similarly, most people think that escalating their case at all means it will undoubtedly go to trial. The truth of the matter is that only a meager 15% of our cases ever escalate to litigation, and of those that do, very few go to trial. What's more, it's important to recognize that whether a case goes to trial, let alone litigation, at all is up to you, the client. As the client, you have the biggest influence on the direction of your case.

With this in mind, it's absolutely essential that you trust the attorney who is in your corner providing you with legal advice, because their insights will greatly shape your perspective of the case as a whole. This means that perhaps *the most important decision you will make in the course of the personal injury process lies in who you choose to represent you*. It's critical to handle this choice with the utmost care and diligence. Depending on their motivation and guiding principles, your

attorney could be your greatest advocate or steer you in the wrong direction entirely.

Statute Of Limitations

Many people wrongly believe that the statute of limitations (essentially, the “expiration date”) for personal injury cases is only two years in Washington, but this isn’t the case; it is three years. Furthermore, there is an exception to this rule: upon the 18th birthday of a child, you have an *additional* three years to make a claim.

Beginning The Claim Process: Taking Your First Steps In Navigating The Aftermath Of A Personal Injury

Navigating the aftermath of a car accident is undeniably overwhelming. In those tense moments, it feels like time speeds up and slips out of your grasp. Despite this, it's crucial to avoid making poor decisions based on incorrect or imprecise information. The decisions you make at this point in the legal process and the speed by which you make them are truly more critical than ever. With this in mind, the best way to

ensure you make the best moves in the heat of the moment is to be prepared. Your physical, emotional, and financial well-being deserves nothing less.

It's vital you approach decision-making in these do-or-die situations in a way that prioritizes your safety and rights. *But don't interpret this section of the chapter merely as a checklist – it isn't. It's so much more.* It's a guide to help you not only maintain control and clarity in a situation where so many fall into chaos but also position your personal claim in the best way you can. Every action you take can and does have significant consequences, whether or not you realize it, so the best thing to do is to prepare yourself *now*.

1. Make Sure Everyone Is Okay

First and foremost, it's important to make sure that you and any passengers in your vehicle haven't sustained any significant injuries. At the end of the day, your well-being is the most important thing. It's easy to get bogged down in the details of your case, but ultimately, the compensation you and your attorneys are arguing for goes in one way or another to restoring

your physical or mental health. This should be the main focus from the moment the accident happens until the conclusion of your case. If you or anyone else involved in the accident are clearly injured, contact emergency first responders right away to ensure everyone receives the medical attention they need.

2. Exchange Contact Information

If you can, exchange information with the other party involved in the accident directly. If you can't exchange information or if you feel uncomfortable doing so, have law enforcement facilitate this should they come to the scene. Know that there's a decent chance they won't, though; police typically do not go to accident scenes if the cars involved are still driveable. It's all the more important to collect critical information from the others involved in these situations. If you believe your health or safety would be put in danger for you to interact with the other party, put it off for the time being. Although this situation is not necessarily ideal, it's not worth suffering further injury, especially since you can exchange this information later.

Speaking of ideals, in a perfect world, the other driver will have their driver's license, insurance details, and contact information readily available – but that isn't always the case. (Unfortunately, there's even a chance the driver won't be insured at all!) However, if they do have this information on hand, take a picture of it, but if you can't take a picture of it, make a record of it in some other way, be it by writing it down on a notepad, on a notes app on your phone, or on a napkin from your glove compartment. If you can't take a picture of the driver license and insurance card, take a picture of their license plate. Again, if you can't take a picture of it, record it in any way you can.

3. Document The Scene

Again, there's a good chance the police will not show up, so documenting the scene is key. Why? It's not uncommon for at-fault drivers to report the accident to their insurance company but misrepresent what actually happened. Having documentation of what did will go a long way to establish the reality and changing the narrative of your case.

You'll want to take pictures of everything you can at the scene of the accident – and lots of them. If possible, capture the scene as it was immediately after the accident occurred. This will go far to lay a foundation for your claim later.

Furthermore, take pictures of the other person, especially if you were able to take a picture of their ID. With that, take pictures of their car and license plate, your car – especially pictures that clearly show where it was hit – and any tire marks the cars created immediately before colliding.

The goal here is to thoroughly document every detail of the accident, including the identification of the other driver, the sequence of events, and the immediate aftermath, ensuring a comprehensive record of the incident and its impact on all parties involved.

4. Call 9-1-1

Contact law enforcement and emergency responders as soon as possible. They can serve as a neutral third party when sorting through what

happened and will work to ensure that everyone involved is okay.

Then, if you can, check to see that the police accurately include what you disclosed to them in their report. It's not uncommon for officers to incorrectly record things on accident, if not omit them entirely. We have encountered this countless times with our own clients. By checking the report while still on the scene, you can ensure that the clearest picture of what happened is recorded from the very beginning.

5. Take A Deep Breath And Stay Calm

It's absolutely crucial to keep your wits about you. It may seem like common sense, but you'll likely notice how quickly adrenaline and shock set in, causing you to think differently than you normally would.

6. Move Your Vehicle As Little As Possible

Avoid moving your vehicle unless absolutely necessary. If you must, move it as little as possible. Leaving the scene intact aids in accurately documenting it beyond the pictures you've taken and

can prevent further damage. If you need to leave your car, remember to take any valuables in it with you as you are able.

Furthermore, do not release your car to anyone until you understand the insurance implications of doing so. Moving forward without this clarity can complicate insurance processes and delay compensation you may be entitled to.

7. Contact An Attorney You Can Trust

Before making a decision that will have a lasting impact on your life, take a moment to pause and seek clarity. A personal injury attorney can offer you invaluable guidance and expertise, helping you navigate the complexities of your situation with confidence. But here's a crucial point to keep in mind: don't sign anything prematurely. A common misconception people have about personal injury attorneys is that they're only attorneys at law. Yet, personal injury attorneys exist in part to give legal advice, as well as to provide free consultations. Taking the time to have a brief discussion with an attorney is

critical to understanding your rights and preventing insurance companies from taking control of your case prematurely. By seeking expert advice, you'll be able to make an informed decision that truly serves your best interests, rather than rushing into something that could have long-term consequences.

Another thing to do when speaking with an attorney if you are injured is to discuss how to get proper insurance coverage for any medical care you may need. An attorney can help you get a letter of protection for immediate medical expenses that will work to ensure you are not paying out of pocket for necessary care.

Above all, know that seeking help and guidance isn't a sign of weakness. It's the most vital step you can take to protect yourself.

Interacting With Others At The Scene

We don't need to tell you that people lie – you very well know they do. This isn't any different after being involved in a car accident. In fact, it may be even

more common in these situations, so tread carefully. Furthermore, avoid exposing yourself to potential contradictions at all costs.

The best rule of thumb after an accident is to simply exchange whatever information with the other party is necessary and keep it at that. The at-fault party might express remorse or regret at the scene, but you may find their tune abruptly changes once things set in and they realize what's on the line – like being found at fault and having their insurance premiums skyrocket.

Human nature aside, the emotional impact of an accident on people and the surge of adrenaline that results can also cause you to make statements that may not align with what actually happened or how you actually feel. Again, stay composed and keep interactions brief.

That said, providing your side of the story to the police is important, especially if you're confident about what transpired. However, remember that police reports may not always accurately reflect your account –

discrepancies can and do arise. This doesn't necessarily mean that your version of events is unreliable, but it does create an uphill battle, to say the least. While there's no guarantee that your account will make it into the police report, you should nonetheless share your side of the story in hopes that it will create a paper trail documenting the events that led up to the accident.

Remember:

Things Aren't Always What They Seem

After an accident, you may feel fine and, by most measures, appear fine at first — *but things aren't always as they seem*. It's important to consider the significant trauma your body undergoes during such events. In a state of shock, the body's natural response is to minimize pain as rapidly as possible. As a result, you may not feel any immediate discomfort immediately following the accident, and it may take some time before symptoms manifest.

However, as your body adjusts in the aftermath of the accident, pain may begin to emerge. The absence of immediate pain doesn't imply that your body is on

the path to healing. In fact, it's quite the opposite. Your body might resort to measures such as forming scar tissue in areas where it shouldn't exist or predisposing you to develop arthritis years down the line. While this may sound unusual, we've witnessed such occurrences firsthand – no exaggeration.

This is especially true of young people whose bodies tend to absorb the impact of a car accident more effectively than those who are older. Yet, this doesn't mean that they are unaffected. Even for younger individuals, a thorough treatment regimen is almost always necessary – often spanning two to three months to fully address any underlying injuries or issues stemming from the accident.

Regardless of the specific situation, we focus on delivering holistic recovery for people, no matter their age or health condition, prior to their car accident.

CHAPTER 2

THE ROLE OF AN ATTORNEY: BEYOND A PHONE CALL AT THE SCENE



Involving An Attorney In Your Personal Injury Case

As critical as the moments spent speaking to an attorney directly after your car accident are, they shouldn't be the last. Having seen so many of these cases over the course of our careers, we are of the opinion that if you're in a car accident and you're

injured, you should *immediately* involve an attorney for the entirety of your case. Why? For several reasons...

Believe it or not, even a mere five-minute phone call with a personal injury attorney can give you a decent sense of peace of mind about how you're proceeding, even if it's just for the damage your vehicle has taken – not your physical injuries. That's only a five-minute phone call, too! Imagine what hours upon hours of discussion and strategizing with them could mean for your claim and your peace of mind far beyond the conclusion of your case.

This is especially important if you've been injured to the point where you need to be taken to a hospital. For example, let's say you have personal injury protection (PIP coverage). You may not realize it, but it's far too common for the entirety of that coverage to be gobbled up by the very first hospital bill. If you weren't aware of this, chances are that you don't know you could fight it, either.

Fortunately, we're the type of firm that will insist that your first hospital bill, which can easily total

\$9,000 to \$10,000, should be pushed off onto your primary healthcare insurance or that you should be allowed to postpone payment. This can allow you to allocate the PIP toward visiting your local doctor, chiropractor, or physical therapist as these expenses are just as important.

For reasons like this, it's important to consider partnering only with a skilled and experienced personal injury attorney. At Freeman Law Firm, Inc., we take an open and honest approach, and whoever you partner with should do the same. This is your life, after all! There's no time for you to constantly get the runaround or vague assurances or embellishments that have no chance of actually seeing the light of day. You need an unfiltered reality of where you currently stand and what you're up against. With us, you'll get just that, not only in a preliminary consultation but throughout your entire experience with us as we progress through your entire case.

Our primary goal is to help you achieve full recovery and ensure your well-being is restored. To

make this happen, we establish clear expectations right from the start. We guide you through the necessary steps, emphasizing the importance of consistent and documented care that progresses over time.

Should there be any indication of a treatment plateau, we act swiftly. We'll proactively reach out to you, addressing any concerns and ensuring you're able to overcome any obstacles. We understand that a plateau in treatment could potentially weaken the strength of your case in the eyes of the insurance company. Conversely, it could also signify that your current condition may be the best possible outcome post-accident, potentially affecting your future quality of life. Staying vigilant of this at every stage means we can make sure that you are fully compensated for your claim and avoid any roadblocks to getting you the total amount of recovery that you deserve.

What Ties Your Attorney's Hands

Our aim is to provide comprehensive assistance to anyone injured in a car accident to the best of our ability. We firmly believe in representing our clients

from the initial stages to the resolution of their case, whenever feasible. However, there are some situations where, no matter what we do, the possibility for a successful outcome is limited, at best.

Typically, we can determine the course that it's likely to take within a month of evaluating a case. In most instances, the only scenario in which we may not be able to assist a client is if there's a lack of insurance coverage. This could either be due to our potential client not having uninsured motorist coverage or the at-fault party being uninsured. Regrettably, if either of these circumstances is the case, our options for action are limited.

In cases where there's a lack of insurance coverage, we still make an attempt to pursue recovery by conducting an asset check on the at-fault party. The purpose of this is to explore whether or not there are assets that could be pursued through legal action to compensate our client. However, it's important to note that while there's a potential for the at-fault party to have assets substantial enough to cover accident-related losses, this scenario is exceedingly rare.

The reality is that people who are uninsured typically lack assets significant enough to cover extensive medical bills, which can amount to tens or even hundreds of thousands of dollars. Given this reality, the importance of carrying uninsured motorist (UIM) coverage cannot be overstated. UIM coverage serves as a vital protective measure, especially in situations where the at-fault party's insurance is insufficient.

Unfortunately, without UIM coverage, the avenues available for us to pursue meaningful compensation for our clients are extremely limited. Therefore, ensuring adequate UIM coverage is in place can provide crucial financial security in the event of an accident involving an uninsured or underinsured motorist.

Other Types Of Personal Injury Claims

This book focuses heavily on auto accident injury claims because they are by far the most common types of cases that we handle each year. But, personal injury arises from a wide range of incidents, and

people can seek coverage for their losses that stem from all kinds of negligence. In addition to auto accident injury cases, our firm is proud to serve clients who are seeking recovery through the following types of claims...

- **Premises Liability Claims**

Premises liability claims occur when property owners do not take the necessary precautions to ensure that their locations are safe for visitors. Most commonly, these cases manifest as "slip-and-fall" incidents, where individuals are injured due to hazards negligently left on the ground.

With that said, if someone slips and falls without sustaining a significant injury, pursuing such a case becomes much more challenging. Premises liability cases often result in litigation, and significant injury is required to justify pursuing the case in the first place since you'll need to demonstrate real losses in order to convince a judge or jury of the validity of your claim.

- **Wrongful Death Claims**

When a person's injuries in an accident result in death, a wrongful death claim creates an avenue for the deceased's estate to be compensated for their loss of life. Over the years, we've encountered many people who are confused about the technical meaning of "estate" in this context. It's understandable – in the legal world, technical terminology can often cause confusion. We simplify matters for our clients whenever possible.

Put simply, in wrongful death claims, a personal representative is appointed to act on behalf of the deceased's estate. This representative isn't required to be a family member, their role simply involves bringing a claim forward, as the beneficiaries or heirs of an estate typically don't file claims on their own behalf.

CHAPTER 3

CALCULATING DAMAGES



Beyond Numbers: The Process Of Valuing Personal Injury Cases

No matter how simple or complex the case may be, determining the value of a personal injury claim is not the most straightforward process. There's no fixed formula – there isn't a magic multiplier like “medical expenses, times three.” Instead, the value of a case is influenced by a wide range of factors.

In essence, this process involves considering the unique aspects of each case and weighing them against jury verdicts in comparable cases. A number of factors that impact the injured person's life are considered, including but not limited to:

- Age
- Lost wages
- Impacts on relationships
- Impacts on childcare responsibilities
- Potential hindrances to career progression
- Psychological suffering (such as anxiety and depression)
- The type and scope of the injury (such as whether the person has suffered a concussion or if the injuries included soft tissue damage)
- And much more...

As you can see, there is a wide range of losses associated with an accident that may not be obvious to the average person at first glance. For example, anxiety, the psychosomatic aspect of ongoing pain from a traumatic event, like a car accident, adds a layer

of incredible complexity to the valuation of a case. While losses such as these do not necessarily translate into a specific dollar amount, they should certainly contribute to the overall assessment of the case's worth. This is exactly where an experienced attorney comes in, leveraging the facts of the case against jury verdicts that have been obtained in the past to argue the necessity of proper compensation.

Other Considerations

In an ideal scenario, resolving or litigating a case after completing all necessary treatments and surgeries would provide a clearer understanding of the overall impact and costs incurred by the client due to an accident. Unfortunately, this ideal situation is often unattainable. Additionally, unforeseen circumstances, such as the emergence of conditions like complex regional pain syndrome, can significantly alter the course of a case, even if all other aspects seemed to have been thoroughly accounted for beforehand.

Some of our clients have faced financial constraints or other compelling circumstances that

warranted settling their case before completing all required treatment. For example, one particular case stands out in our memory. Our client was grappling with strict financial limitations and desperately needed funds to cover their expenses before undergoing a costly surgery. While not an ideal scenario, we prioritized settlement to address their immediate needs given the pressing circumstances they were facing.

At the end of the day, not only is every case different, but over and above this, each client has a unique set of goals and concerns at each stage of their case. Sometimes, what is best for the case needs to be what drives it – but we always aim to have our legal strategies and preferences align with the practical needs of our clients' lives. After all, in the end, *our clients are the reason we do what we do.*

CHAPTER 4

WHO'S FOOTING THE BILL?



Leveraging PIP And Other Strategies

With the financial realities of your accident and recovery making up so much of your personal injury claim, it's natural to anxiously wonder who is going to cover the expenses you've incurred (through no fault of your own) during the course of your injury claim. With several different options available to you, dealing with medical bills after an accident involves a thoughtful approach, and that's precisely what we do at Freeman Law Firm, Inc.

Of course, our approach is tailored to each of our clients' individual needs, but there do tend to be some common threads in many of the cases we take on...

- First, we generally rely on Personal Injury Protection (PIP) to cover immediate medical expenses.
- If PIP is exhausted and our client has available health insurance, we redirect subsequent bills there.
- If our client does not have any available health insurance and PIP has been used up, our goal shifts to preventing bills from going into collections. Our advice to clients in this situation is to make minimal payments, often as low as \$10 a month, to maintain financial stability while their case is pending.
- We actively negotiate with healthcare providers to establish manageable payment terms, doing what we can to have bills deferred until the case concludes whenever possible.

Our firm tends to be successful in settling cases within three to four months post-treatment, which typically

allows us to address any remaining outstanding bills quickly and efficiently.

Uninsured And Underinsured Drivers

If the at-fault party in your personal injury claim doesn't have insurance, we move in on the possibility of getting you compensation via any assets they may have. As we've said before, chances are that if someone's driving around without insurance, they most likely do not have any assets to go after. In these situations, it's crucial to have uninsured/underinsured motorist (UIM) coverage on your own insurance policy so that you have a financial resource to draw from.

If our client does have UIM coverage – even with a modest policy of, say, \$25,000 – we would make every effort to expedite the process of securing the full policy limit. This is yet another instance where having an attorney is so critical. Why? The reality is that most people are unable to obtain the full amount of coverage available to them under their insurance policy. This is because, in an effort to protect their bottom line and

provide a lower payout, most insurance companies will simply undervalue any claim.

Having a legal advocate in your corner truly is essential since you have no bullying power, so to speak. That is, without an attorney, you have little to no ability to make the insurance company pay on the policy limits. With an attorney on your side, you do. You can threaten a lawsuit and realize that threat in your demand for proper payment under your policy limits, ultimately asserting your right to the coverage you deserve.

CHAPTER 5

THE IMPORTANCE OF MEDICAL CARE



Visiting The Doctor: Killing Two Birds With One Stone

Navigating the aftermath of a car accident requires strategic decision-making that will impact both the outcome of your personal injury case as well as your personal well-being. Among the most important decisions you will make to this end is choosing to get prompt medical care. This step serves

as a double-edged sword, not only by treating your injuries so you are able to recover quickly, but also by documenting your physical condition and thereby laying a solid foundation upon which your attorney can build a robust case later in the process.

There are a few reasons to wait to see a doctor after you've been in an accident if any at all. In fact, the closer you can receive medical treatment after you've been in an accident, the better. Why? Not only is it best to do this for the sake of your recovery and long-term health, but doing so also safeguards you from any challenges as to the true nature and severity of your injuries.

Remember: insurance companies will do *whatever* they can to try to minimize the value of your case. In fact, they will sometimes even go as far as to try to claim that you haven't actually been injured. If they don't take this route, it's not uncommon for insurers to claim that you weren't as injured as you claimed or that you must not have truly needed any care because you didn't follow your doctor's instructions.

If a significant amount of time passes between your accident and when your injury is documented, you only add fuel to their fire. In this circumstance, it's very likely the insurance company will claim that your injury was not caused by the accident. Instead, they'll assert that it was magically caused by something else.

This is a fact of life in personal injury law — a common issue that we simply have to deal with. However, by seeking medical care as soon as you are able to, you can protect yourself from a slew of tricks and tactics that might be used against you to diminish your claim.

On this note, it's important to remember that consistency of care is crucial in personal injury claims. By going to the doctor on a regular basis and following any treatment instructions, you support your claim of being injured with undeniable action. Likewise, any gap in treatment or failure to follow the protocol you've been advised — especially if you have no justification to do so — will certainly work against you.

In each and every personal injury claim, it's best to corroborate your story with hard facts. As your attorneys, we believe you, but this doesn't mean much when you've given the other side footing they can stand on as they work to discredit you and shrink the value of your claim.

Choosing A Medical Care Professional

During the personal injury claims process, you can choose a medical care professional you know and trust. Because of this, we strongly encourage our clients to work with a healthcare provider that they have an existing relationship with, whenever possible. A doctor with whom you share a pre-established level of trust and understanding of your medical history is truly invaluable.

What's more, this type of relationship is likely to lend itself to the benefit of your case as it's most probable that your doctor will be naturally inclined to want to help you out as much as possible – both in terms of your recovery and with your claim.

Sharing Information With The Hospital

For better or for worse, any information that you share with medical providers can be used against you. Insurance companies may pry at your medical records and attempt to use what you told hospital staff against you. Nevertheless, whenever you're seeing a medical care professional for care, you should share as much relevant information with them as is fitting.

It's always important to speak with your doctor honestly and comprehensively. Go into depth about what you're experiencing as it relates to your injury. After all, it's not about your claim – it's about your recovery! And besides, this creates yet another opportunity for you to enter details about what happened in the accident into the record at every step of the way.

CHAPTER 6

DEALING WITH INSURANCE COMPANIES



Impacts Of Partial Fault On Your Case

Fear of the unknown can be a powerful deterrent. In the context of personal injury law, this fear often leads people to believe that pursuing a claim when they're partially at fault might not be worthwhile. We strongly disagree with this idea. Even in situations where you are found to be partially at fault — for instance, at a 50% level — it's crucial to

recognize that the remaining 50% of what you're entitled to is very real and deserves pursuit.

We've said it before, and we'll say it again: no case is too small to have an advocate fighting on your behalf. In fact, we wholeheartedly reject the idea that any case is insignificant. Even if the financial benefit to our firm is inconsequential, the principle of advocating for those who may not have substantial cases is at the core of our practice. So, while our firm may yield minimal financial gain, if any, from smaller cases, we firmly believe that everyone deserves competent legal advocacy and fair compensation.

Our honest advice? Retain counsel if you're injured. Going up against an insurance company alone is a sure way to either totally lose the compensation you deserve or miss out on the full value of your claim. Meanwhile, your chances of success are significantly enhanced with an attorney by your side.

Notifying Your Own Insurance Company

People so often call us with a deep sense of anxiety resounding in their voice: they're worried about

making a claim to their own insurance company and their insurance going up as a result, especially when they're at fault. Again, this is precisely why insurance exists. This is when you need your insurance.

Regardless of whether a client calls their insurance provider or our firm makes the call for them, it is something that should be done. In fact, if a client gets in touch with us before they call their insurance company, we offer to make the call for them so that we can ensure the information provided to them is presented strategically, precisely how it will best serve our client.

Nothing is worse than disclosing more information to an insurance company than is necessary. Nevertheless, if a client calls their insurance company prior to calling us, there's no real downside, assuming they don't say much beyond asking for their claim number and getting the ball rolling.

The Do's & Don'ts Of Dealing With The At-Fault Party's Insurance Company

Interacting with insurance companies, regardless of the circumstances, is like walking through a field full of landmines – and this holds true for personal injury cases. As unfortunate as it is, insurance companies are ultimately profit-driven entities that are chiefly concerned with fueling an unending appetite for more. They aren't driven by any moral ideals, so when you've been injured and actually need them to come through for you, your well-being is nothing but an obstacle to their bottom line.

With this in mind, it's crucial that you do not speak to the at-fault party's insurance company directly. In fact, if you've retained an attorney and the other party's insurance company reaches out to you, flex a little bit. Let them know it's inappropriate for them to contact you instead of your attorney, (which is prohibited by law), and make it clear that you're aware of this fact. Taking this approach will likely prompt them to adhere to the proper procedures.

Now, if you're not represented by an attorney, the at-fault insurance company is going to take great effort to get you to give a recorded statement. Do not fall for this. Remember, they can and will use anything you say against you, and we really mean *anything*. Consider this as an example – one that isn't an exaggeration: If an adjuster calls you and asks, "Hello, how are you doing?" As in, "This is a normal greeting in our culture, I'm not literally asking you how you are." You could damage your case without it even crossing your mind. If you reply, "I'm fine, thanks." As in, "This is a normal, meaningless response people give when asked 'How are you?' as a greeting in our culture." The insurance company will twist it against you – even going as far as to say that you're not injured since you said you're fine.

Their tactics don't stop there, though. Insurance companies have a plethora of other strategies at their disposal to limit or deny claims. For example, they may allege comparative fault when your case clearly indicates otherwise. In other instances, they may outrightly deny that your injury is related to the accident

in question, suggesting instead that it occurred during a sport or other activity unrelated to the incident. Additionally, they may cast doubt on the severity of your injuries, suggesting that you're not truly injured or that you've been seeking excessive treatment.

These are just a few examples of the lengths insurance companies will go to in order to minimize payouts. All in all, they will meticulously scrutinize every detail, searching for any loophole to exploit in their effort to rob you of your compensation.

A Warning About Accepting Early Settlement Offers

Insurance companies often present early settlement offers that may seem enticing at first glance. However, it's important to understand that these offers are typically far below the true value of your claim. Even if claims adjusters portray themselves as your friend, their primary objective is to minimize payouts for the insurance company. It's crucial not to fall for these tactics and to resist the temptation to accept early offers, no matter how appealing they may seem.

Working closely with your attorney to build a strong case and exercising patience is a sure way to increase your chances of receiving a much higher settlement down the line. It's not uncommon for the same insurance company to offer a significantly higher figure months later. Remember, their goal is to undervalue your claim. They're trying to rip you off – plain and simple. So don't let yourself be taken advantage of.

Common Defenses Insurance Companies Use To Deny Or Limit Settlements

When we talk about the waiting game, we mean it. Be prepared for the insurance company to do whatever they can to prolong the process for as long as possible. Despite the frustration that may come from their delay tactics, having us on your side can make a significant difference. In most cases, you can expect to have a settlement check in your hand within three to four months after completing your treatment.

This turnaround time is typical for us, but it's not necessarily the norm in the industry. We're not

boasting, but our ability to achieve this timely resolution is a result of our client-focused approach and the way we handle cases, even while our clients are still receiving treatment. Unfortunately, not all law firms take the same client-centered approach, and the difference is noticeable.

When An Insurance Company Won't Budge

If the insurance company refuses to offer a fair settlement, as is often the case, you must take action to ensure you receive the compensation you deserve. Fortunately, you have a couple of options available before resorting to trial. The most common option is to initiate litigation by formally filing a complaint with the courts and serving it on the defendant. This step signals the beginning of the legal process and prompts the other party to involve their attorneys.

Once litigation is underway, you'll engage in discovery and motion processes. Discovery involves sharing evidence relevant to the case with the other party. While it may seem counterintuitive to disclose evidence, it can be an effective strategy for compelling

the insurance company to reveal its position without having to proceed to court – especially if you have a strong case.

In Washington, cases filed in the Superior Court valued at less than a hundred thousand dollars are subject to mandatory arbitration. Additionally, parties may opt for mediation, where a neutral third party, known as a mediator, assists in reaching a settlement. Following the discovery process, parties typically proceed to mandatory arbitration. But if the case does not settle through arbitration or mediation and proceeds to trial, it would typically occur sometime after initiating litigation, often at least a year down the road.

CHAPTER 7

HIRING A PERSONAL INJURY ATTORNEY



Invaluable Qualities

Now that you've gotten a crash course on the personal injury process in Washington, you need to equip yourself for what comes next. If you don't have a claim right now, that may not mean much other than making a mental note of what you've read and maybe bookmarking our website for future reference should you need a skilled personal injury attorney.

However, if you've recently been in an accident and feel overwhelmed, (or even if you're not feeling overwhelmed), you might consider reaching out to us or another reputable personal injury law firm for a consultation. This initial step can help you understand your options and determine how to proceed with the guidance of an experienced advocate.

In any case, as we conclude this book, we want to leave you with some thoughts and tips for finding the perfect personal injury attorney who can effectively represent your interests and help you achieve the legal results you're entitled to.

A Track Record Of Success

In line with their insatiable desire for more and more profits, insurance companies keep track of which attorneys file and try cases – and which ones are good at it. Keeping this record helps them know when to prepare for a quick settlement for next to nothing and when they may need to fork over more than they want. When you have an attorney who is known for filing and trying cases, it significantly drives up the value of

your settlement, even if it never ends up going to litigation. They know that with others, they'll roll over and take whatever the insurance company offers, so they're going to offer that attorney as little as possible to increase their bottom dollar.

Therefore, it's crucial to hire a personal injury attorney with a track record of trial experience. Equally important is finding someone who is adept at devising creative solutions and can pivot effectively if you choose to settle your case due to unforeseen life circumstances. Additionally, it's essential to have an attorney who will genuinely listen to your concerns and priorities throughout the legal process. After all, the case they're handling isn't theirs — it's yours.

When To Hire A Lawyer

We highly advise you to hire an attorney as soon as possible. This is because of several key reasons. First, on a practical level, doing so takes a massive load off your shoulders. Dealing with insurance companies, the endless paperwork, and navigating the process is involved enough as it is. But if you retain an attorney,

you can shift your focus to your recovery, knowing that your legal matters are being handled competently and effectively.

Even more critical than relieving the immediate burdens is undertaking essential investigations as soon as possible after the collision. At Freeman Law Firm, Inc. we understand the importance of swift action, which is why we have exceptional investigators on staff who conduct interviews with witnesses, gather statements, and obtain evidence to strengthen your case. Additionally, we conduct Event Data Recorder (EDR) downloads, which provide valuable data from your car's computer, clarifying exactly what occurred during the accident.

But we don't stop there. We also make public disclosure requests to obtain information related to lighting or traffic patterns that may have played a role in your accident. By taking proactive steps early on, we ensure that no stone is left unturned in building the strongest possible case on your behalf.

In addition to preserving evidence, we go to great lengths to collect video evidence whenever

possible. Our investigators determine whether or not there are any relevant videos available in the public domain and obtain them through public disclosure requests. If the videos are not publicly accessible, we collaborate with private parties to ensure they are preserved for later use as evidence. Furthermore, our investigators conduct field visits to capture photographs of the accident scene and other pertinent locations or elements.

All in all, starting your claim on a favorable footing requires numerous proactive steps, but If you wait to hire an attorney or work with a firm that doesn't prioritize comprehensive investigation, you risk significant missed opportunities for your case. Meanwhile, early involvement streamlines the process and enables us to build a stronger and more robust case on your behalf.

The Problem With Self-Representation

The things we just mentioned are possible to do on your own in a literal sense. There aren't any laws that require you to hire an attorney to handle your case

or represent you in court. But, realistically speaking, even if you were to somehow manage to within the time constraints your case would have, do you think you could *effectively*?

Remember what you're up against in a personal injury claim: insurance companies who view you and your claim essentially as a problem to be dealt with, using a machine honed and refined over decades of time and millions upon millions of dollars. They have teams of lawyers behind their claims departments, all of whom are very well-versed in the law. They're incomparably more knowledgeable of the law than you would be, despite your efforts to learn as you go. If you try to do this on your own, you're at a disadvantage; there's simply no way around it.

Bear in mind as well that *you'll be injured*. You'll be in pain. You'll need to focus on your recovery, which will include dedicating time not only to visit the doctor but also to do whatever they instruct you to do. This entire time is a period of intense change and transition in your life. The last thing you need to be

doing is teaching yourself how to be a personal injury lawyer on the fly to top it off.

The Freeman Law Firm, Inc. Difference

You may remember us saying it earlier in this book: we are *people first, business second*. Practically, that means that we take a comprehensive and client-centered approach when representing everyone who walks through our doors. This starts with a consultation to address your questions and concerns. We then build off of the momentum and chemistry we establish in consultations, continuing and extending our support through our network of trusted providers.

In addition to offering access to a robust network, we prioritize maintaining consistent communication throughout the entire case. From inception to resolution, we work diligently, ensuring our clients are kept informed every step of the way. Regular check-ins are a standard practice for us, allowing us to stay abreast of our clients' evolving needs and concerns.

One major goal is to prevent our clients from being overwhelmed by mounting medical bills, especially when policy limits are insufficient. We proactively monitor their medical expenses, taking steps to mitigate any financial strain they may face.

Furthermore, our dedication doesn't waver after our clients complete their treatment. We remain fully engaged, continuing to advocate on their behalf until their case is resolved. Our commitment to our clients extends beyond mere legal representation – we're here to support them throughout their journey toward recovery and justice.

When we say we're skilled, it's not just empty rhetoric. Our extensive experience speaks for itself. Throughout our careers, we've accumulated a wealth of diverse experiences that underscore our proficiency. We've litigated cases at every level within the state and federal court systems, including trials in states outside of Washington, federal district court proceedings, and appearances before the Ninth Circuit Court of Appeals on seven occasions. Additionally, we've presented

arguments before the state courts of appeals, and the Washington Supreme Court, and even filed briefs with the United States Supreme Court. Our team of trial attorneys is equipped to handle cases at any level with confidence and expertise.

Our deep sense of purpose stems from our dedication to helping individuals navigate their legal challenges, regardless of the circumstances. There's nothing that fuels us more than championing the cause of the underdog and taking on formidable opponents such as insurance companies and the legal system itself. This is our commitment to the people we serve: to fight tirelessly on behalf of our clients, ensuring their voices are heard and their rights are protected, no matter the odds.

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NOTES

UNVEILING INSURANCE COMPANIES' COMPENSATION TRAPS

An Experienced Personal Injury Attorney Can Protect Your Rights and Your Future



Attorney Spencer Freeman

Spencer Freeman was born and raised in Colorado. After graduating cum laude from Seattle University School of Law in 1995, he gained extensive trial experience as a prosecutor for the City of Tacoma before working for several small law firms. In 2000, he began working for a downtown Seattle law firm, where he worked with some of the best lawyers in the nation and gained experience in litigating matters involving the theft of encrypted satellite signals.

In late 2005, Mr. Freeman opened his own practice in Tacoma, where he represented local businesses in contentious shareholder disputes and individuals in matters ranging from catastrophic injuries to class A felonies. During this time, his practice took him far beyond the borders of Washington State, where he handled cases for national Internet multimedia companies enforcing copyrights in states such as Florida, Nevada, Arizona, and California.



Attorney Kim Shomer

Kim Shomer was born and raised in Pennsylvania but fell in love with the West Coast at the age of eighteen – so much so that she decided to move to Seattle in 1991 after earning a bachelor of science in accounting at Rutgers Business School. When she started law school at the University of Puget Sound, she was initially interested in tax law, but things took an interesting turn. First, she started her own practice assisting small businesses, though, eventually, she shifted her focus to personal injury. With this diverse background of

experience, she has developed a unique ability to be aggressive when negotiating with insurance companies and compassionate when counseling clients.

Freeman Law Firm, Inc.

www.freemanlawfirm.org

Tacoma Office

1107 1/2 Tacoma Avenue S
Tacoma, WA 98402
(253) 383-4500

Olympia Office

400 Union Ave SE, Ste 200
Olympia, WA 98501
(360) 338-6886



Price: \$14.95