WASHINGTON

THE WASHINGTON INJURY LAW RIDER SERIES

# THE WASHINGTON RIDER'S GUIDE TO MOTORCYCLE INJURY COMPENSATION

Presented by Washington Injury Law · Seattle, Washington

NAMIL PREMIER

Member, National Academy of Motorcycle Injury Lawyers

## WHAT'S INSIDE

CHAPTER 1

# A MESSAGE TO SEATTLE'S RIDERS

The only thing worse than being seriously hurt in a motorcycle crash is not getting the compensation you deserve, or finding out later that an insurance company took advantage of you.

Insurance companies have every advantage. They aren't worried about medical bills, lost wages, or putting food on the table. Their adjusters are trained to diminish, devalue, and deny motorcycle claims, and behind them stands an army of lawyers whose only job is to pay you as little as possible.

Here's the truth: you don't have to face them alone. **Janelle Bailey** has taken on some of the largest insurance companies in the nation, and through our membership in the **National Academy of Motorcycle Injury Lawyers (NAMIL)**, Washington Injury Law stands up for injured Seattle riders. We know how insurers operate, and we don't back down.

If you've been hurt, don't wait. Every day that passes is another day the insurance company is working against you. Call **(833) 388-2453** for straight answers.

CHAPTER 2

# THE FIRM IN YOUR CORNER

**Janelle Bailey**
Founder, Washington Injury Law

**Janelle Bailey** earned her B.S. in Physics from Illinois Wesleyan University before earning her Juris Doctor from the **University of Missouri-Kansas City School of Law**. She began her career as an Assistant Prosecuting Attorney with the Jackson County Prosecutor's Office, handling hundreds of cases and building courtroom experience nearly every day. She later leveraged her physics background as a patent attorney at two prominent firms before founding Washington Injury Law to represent injured people against the insurance industry.

### WHY RIDERS CAN TRUST THIS FIRM

- Member of the **Multi-Million Dollar Advocates Forum**, open only to attorneys with a history of multi-million dollar verdicts and settlements.
- Repeatedly named a **Top 40 Under 40 Trial Attorney** by the National Trial Lawyers, an invitation-only organization of premier trial lawyers.
- Has obtained six- and seven-figure outcomes for clients against insurance companies, trucking companies, and premises liability defendants.
- Combines courtroom trial experience with a technical, detail-driven approach to building the strongest possible case.

**FIRM COORDINATES**

Washington Injury Law · 1905 Queen Anne Avenue North, Seattle, WA 98103
**(833) 388-2453** · washingtoninjurylaw.com

CHAPTER 3

## DON'T GET PLAYED BY THE ADJUSTER

The first thing the other driver's insurer wants is a recorded statement and a signed release. Don't give either. Once they have your words on tape, they will twist them to deny or minimize your claim. If you think you can handle an adjuster alone, test them with these questions and watch the red flags appear.

### 11 QUESTIONS EVERY RIDER SHOULD ASK AN ADJUSTER

1. Will you put in writing that the crash was not my fault?
2. What are your insured's policy limits? Show me the declaration page.
3. Can I have a copy of your insured's recorded statement?

4. If you want my medical records, will you give me copies of everything you collect?
5. Will you share statements from other witnesses?
6. Does your insured have umbrella or secondary coverage? Put it in writing.
7. What personal or medical information have you gathered on me from databases?
8. Have you pulled my credit report or debt information?
9. Have you canvassed my neighbors or people I know?
10. Have you conducted surveillance on me? Show me the photos or video.
11. What reserve amount have you set on my case?

If the adjuster says "no" to any of these, that's a flashing warning sign they don't intend to treat you fairly.

CHAPTER 4

# FIVE STRATEGIES THAT CAN GROW YOUR SETTLEMENT

These aren't tricks. They're proven habits that can significantly increase the value of your case if you start them early.

### 1. TAKE PHOTOS, LOTS OF THEM.

The scene, your injuries, your bike, the other vehicles, your recovery. Pictures tell a story words can't.

### 2. GET DIAGNOSED FOR EVERY INJURY.

Don't shrug off "minor" pain. If it isn't in your medical record, insurers will argue it came from something else.

### 3. FOLLOW DOCTOR'S ORDERS.

Every appointment, every therapy session. Skipping care is the easiest way to tank a claim.

### 4. BRING IN THE RIGHT EXPERTS.

Accident reconstructionists, medical life-care planners, and economists make your damages undeniable.

### 5. NEGOTIATE THE MEDICAL BILLS.

Even after you win, reducing outstanding bills keeps more money in your pocket. A good firm does this for you every day.

CHAPTER 5

## FIVE MISTAKES THAT CAN RUIN YOUR CLAIM

- **Giving a recorded statement.** Never let the other driver's adjuster record you.
- **Believing the adjuster.** If they say you don't have a case or you're at fault, get a lawyer's opinion first.
- **Failing to capture evidence.** Skipping photos of the scene, vehicles, or injuries is a mistake you can't undo.
- **Missing medical appointments.** Every gap in treatment becomes ammunition that you "weren't really hurt."
- **Representing yourself.** You're too close and too untrained in the maneuvering. Your words can be used against you. A lawyer's can't.

CHAPTER 6

## WASHINGTON MOTORCYCLE INSURANCE ESSENTIALS

Most riders don't realize how little coverage Washington law requires, and the state's minimums haven't kept pace with real medical costs.

WASHINGTON MINIMUM COVERAGE (RCW 46.29)

### 25 / 50 / 10

$25,000 bodily injury per person · $50,000 per crash · $10,000 property damage. Washington does not require Personal Injury Protection (PIP) as a mandatory coverage, so unless you add Medical Payments coverage yourself, your own medical bills after a crash depend on health insurance or the at-fault driver's liability limits.

A single surgery can top $100,000. Rehab and lost wages pile on fast. If the driver who hits you carries only Washington's minimum, you'll be left with pennies unless you protected yourself with your own coverage.

#### WHAT RIDERS SHOULD CARRY

- **Liability:** at least 100/300 if you can.
- **UM/UIM:** match your liability limits, this is your real lifeline in Washington.
- **Medical Payments (MedPay):** optional in Washington, but worth adding since PIP isn't required.
- **Umbrella:** worth it if you own a home or assets.

CHAPTER 7

## THE UM/UIM LIFESAVER: A REAL-NUMBERS STORY

Picture a rider hit by a driver who ran a red light on Aurora Avenue. Medical bills alone top $250,000. The problem: the at-fault driver carried only Washington's minimum, $25,000 in liability.

Without protection, that rider is financially ruined. But say they carried **Underinsured Motorist coverage of $250,000**. When the at-fault driver's insurance runs out, their own UIM picks up the rest.

> **THE MATH**
>
> At-fault driver's insurance: $25,000
> Your UIM coverage: $250,000
> **Total available: $275,000**

Riders skip UM/UIM to save a few bucks. Don't. In Washington it's the difference between recovery and ruin.

CHAPTER 8

## WHAT IS MY CASE WORTH IN WASHINGTON?

There's no magic calculator, but three factors drive most of it: **liability** (how clearly the other driver is at fault), **available insurance** (policy limits set the ceiling), and **your**

**lawyer** (insurers track which firms actually try cases, and know Janelle's trial background).

> **WASHINGTON'S PURE COMPARATIVE NEGLIGENCE RULE (RCW 4.22.005)**
>
> Washington uses **pure comparative negligence**. Unlike most states, **there is no cutoff**, you can recover damages even if you were mostly at fault, reduced by your percentage of responsibility. For example, if you're found 30% at fault on a $100,000 claim, you can still recover $70,000. That said, insurers still fight hard to pin blame on riders, since every percentage point reduces what they owe.

Other factors adjusters weigh: the severity and permanence of your injuries, current and future medical bills, lost wages and earning capacity, your credibility, and the at-fault driver's conduct (impaired? distracted?).

CHAPTER 9

## TIMELINE: HOW LONG UNTIL IT SETTLES?

- **Never settle too soon.** Insurers dangle quick low offers before you know the full extent of your injuries.
- **Wait for Maximum Medical Improvement (MMI).** Settle before you've healed as much as you will, and you're gambling with your future care.
- **After treatment, expect 3–6 months** to gather bills, build a demand, and negotiate.

> **WASHINGTON DEADLINE**
>
> You generally have **three years from the date of injury** to file a personal-injury lawsuit in Washington (RCW 4.16.080). Miss it and your claim is gone. Don't wait to get advice.

CHAPTER 10

## DO I HAVE TO GO TO COURT?

"I'm not the suing type." We hear that a lot. The truth: **you're the boss**, and most cases settle before trial. But filing suit is sometimes how you make a stubborn insurer pay full value. It opens access to records, statements, and depositions, and it tells the insurer you're serious. Having a firm willing to try the case is often what makes the difference, even if you never see a courtroom.

CHAPTER 11

# EVIDENCE WINS CASES: YOUR POST-CRASH PLAYBOOK

### IMMEDIATELY AFTER A CRASH

- Photograph the scene, vehicles, your bike, your gear, and your injuries.
- Get witness names and numbers.
- Call police and get the crash report.
- Save your gear, don't toss the helmet, jacket, or gloves. They prove impact.

### MEDICAL EVIDENCE IS EVERYTHING

- Report every symptom, even "small" ones. Undocumented means denied.
- Follow treatment. Keep a simple pain journal (pain, sleep, mobility).
- Helmet-cam or dash-cam footage can be a game-changer.

CHAPTER 12

# SEATTLE & WASHINGTON RIDING RISKS

- **I-5 & the SR-99 tunnel.** Dense, fast-merging commuter traffic through downtown Seattle, with frequent stop-and-go congestion.
- **Aurora Avenue & Lake Washington bridges.** Heavy commuter volume and floating-bridge expansion joints that get slick in rain.
- **Cascade & Olympic mountain passes.** Spectacular riding, but sudden weather changes, gravel on shoulders, and wildlife crossings at elevation.
- **Year-round rain.** Seattle's near-constant drizzle means oily pavement and reduced visibility are a daily reality, not just a seasonal risk.

**WASHINGTON'S HELMET LAW**

Washington has a **universal helmet law**, every rider and passenger must wear a DOT-approved helmet with the chin strap fastened while the motorcycle is in motion, regardless of age or experience. There is no adult exemption. Riding without one risks a citation and can be used by an insurer to argue you contributed to the severity of your injuries.

CHAPTER 13

# RIDE SAFER: PRO TIPS FOR WASHINGTON RIDERS

### BRAKING & CORNERING

- Finish braking before you enter a curve, especially on mountain-pass switchbacks.
- Avoid hard braking on painted surfaces and crosswalks.
- Practice emergency stops in a safe lot. Muscle memory saves lives.

### RAIN & VISIBILITY

- Double your following distance, always assume the road is wet.
- Ride in a car's tire track to avoid water pooling in the lane center.
- First rain after a dry spell is the most slippery. Ease off.

### GEAR & VISIBILITY

- Bright jacket and reflective tape change whether drivers see you at intersections, critical during Seattle's long dim winters.
- Add auxiliary lights to grow your profile in traffic.
- Check your tire date code (4-digit DOT) and replace tires every 5–6 years regardless of tread.

CHAPTER 14

# RESULTS, REVIEWS & COMMUNITY

Janelle Bailey founded Washington Injury Law after building courtroom experience as a prosecutor and technical precision as a patent attorney, a combination she now brings to every injured rider's case. She is a member of the Multi-Million Dollar Advocates Forum and has repeatedly been named a Top 40 Under 40 Trial Attorney by the National Trial Lawyers.

**For Janelle's approval before publishing:** insert 2–3 real, firm-approved case results and a few verified client testimonials here. Per bar advertising rules and our own standard, we won't publish specific results or quotes that the firm hasn't reviewed and approved. Until then this section stays general.

# Chapter 15

## YOUR NEXT STEP: A FREE CASE REVIEW

If you've been hurt in a motorcycle crash, don't go it alone. The insurance company has a team of lawyers. So should you.

When you call Washington Injury Law, you'll talk to a real person, get your questions answered, and learn your rights before you sign anything. No pressure, no obligation, and if we take your case, you don't pay unless we win.

**(833) 388-2453**

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APPENDIX

# QUICK REFERENCE

### A · WASHINGTON INSURANCE CHEAT SHEET

- Minimum: 25/50/10 · No PIP/MedPay requirement in Washington.
- Recommended: 100/300 liability + UM/UIM to match + MedPay.

### B · AFTER-CRASH CHECKLIST

- Check for injuries, call 911.
- Photograph scene, vehicles, gear, injuries.
- Get witness info and the police report.
- Seek medical care the same day.
- Call Washington Injury Law before giving any statement.

## C · GLOSSARY

- **MMI:** Maximum Medical Improvement, when you've healed as much as you will.
- **UM/UIM:** Uninsured / Underinsured Motorist coverage.
- **MedPay:** Optional Medical Payments coverage that pays your own medical bills regardless of fault.
- **Pure comparative negligence:** Washington's rule letting you recover damages reduced by your share of fault, with no cutoff percentage.

## D · ABOUT NAMIL

The National Academy of Motorcycle Injury Lawyers is a nationwide network of attorneys dedicated to injured riders. Membership is limited to firms committed to bikers' rights. Washington Injury Law is NAMIL's member firm for the Seattle market.

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This guide is general information for Washington riders, not legal advice, and does not create an attorney-client relationship. Laws change and every case is different; consult an attorney about your specific situation. Attorney advertising. Statutory references (RCW 46.29, RCW 4.22.005, RCW 4.16.080) are provided for general reference and should be verified.