

Inquiry Topics:

Automobile Accidents
Wrongful Death
Premises Liability (Slip and Fall)
Dog Bites
Bicycle and Motorcycle Accidents
Assault & Battery

Attorney Profile

David Yochelson has been practicing law for 25 years. He has his own personal injury law firm. He is a member of the Los Angeles County Bar Association, Consumer Attorneys Association and the Consumer Attorneys of California. He is married to Vivian Yochelson, an attorney, and they have three children.

Firm Profile

Yochelson & Associates is a firm dedicated to the area of personal injury. The attorneys have specialized in the practice of personal injury for over 20 years. We have five attorneys and nine staff members. Our staff members speak English, Spanish and Russian. This is an area of law that can encompass many types of injuries, but to better serve our clients, we limit our practice to the six type of cases listed above.

FAQ

- Q:** Do I need a lawyer to handle my personal injury case?
- A:** Generally, the answer is yes. If you are injured, you are entitled to certain types of compensation if you are not at fault, such as reimbursement for property damage, loss of use, rental reimbursement, loss of earnings, medical expenses, future medical expenses, future loss of earnings and pain and suffering. The adjuster for the other person's insurance adjuster is not going to tell you of all the types of compensation you may be entitled to. This may even be true if you are dealing with your own insurance company if the person who injured you is uninsured. It is the lawyer's job to determine what compensation is due you and figure out how much would be "fair". Obviously, insurance companies have a different idea of what is "fair" than we do.
- Q:** How are personal injury attorneys paid?
- A:** Practically all personal injury attorneys work on a contingency fee basis. This means that the attorney agrees to work on your case in exchange for a percentage of the final

settlement or judgment. It also means if there is no settlement or verdict in the client's favor, the attorney would not get paid. The attorney is willing to take that chance because he believes the client has a good case that will succeed. This system benefits the client because they don't have to put up a lot of money in the form of a retainer agreement, like most attorneys require, and it can reward the attorney who knows that the better he does for the client, the more he will earn. Most contingency fee contracts are 33% of a settlement if a case settles before a lawsuit is filed and 40% if your case goes to litigation. These fees usually do not include property damage. Our firm usually settles a property damage claim for a client without taking a fee.

Q: What is pain and suffering compensation?

A: This part of the personal injury claim is the hardest to define and the single most reason a person would be better off with an attorney. In personal injury claims, there are two parts: special damages (i.e. property damage, medical bills, loss of earnings) and general damages. General Damages (more commonly known as pain and suffering) are meant to compensate the victim of an injury for the hardship, hassle, pain and suffering that one is put through due to the negligence of another. Obviously, injuries can also be caused intentionally which may call for punitive damages, which are different from special or general damages. It is the attorney's job to know how much an injury is "worth" and to get as much compensation as possible for the client.

Q: Do I need uninsured motorist coverage?

A: Yes. I have included this question because I believe it is one of the most important types of automobile insurance coverage one can have. All automobile insurance policies are divided into different types of coverage.

Briefly, **liability coverage** will pay the person who is injured if you (the insured) are at fault for causing an accident. Liability insurance is required by law to be carried by all persons who drive or own a vehicle.

Comprehensive(Comp) & Collision coverage says that your insurance company will pay to repair your car or pay you the actual cash value (ACV) if your car is totaled in an accident, even if you are at fault.

Medical Payments (Med Pay) pays your medical payments from an accident, even if you're at fault.

Uninsured Motorist or Under insured Motorist (UM or UIM) is insurance coverage bought by you (the insured) to cover you, your family and your passengers, in an event that you are in an accident that is not your fault and the person that hits you is uninsured or under insured. In Los Angeles, that can be a fairly common occurrence.

Let me explain by way of example. Suppose you (the insured) are stopped at a red light. You are rear ended by another car and injured. That person who rear-ended you is uninsured. You make a claim against your own insurance company. Your insurance company will pay you compensation for your injuries as though they were paying on behalf of the other person.

Why would your insurance company do this? Because it is the law and all insurance companies are required to offer you this coverage. Your insurance company will go after the person who was uninsured and get reimbursement. That is why your insurance company cannot raise your rates for making a UM claim.

Second Example: Same scenario. You are rear-ended and the person who hit you only carries a minimum liability policy of \$15,000 per person/ \$30,000 per accident (15/30). Let's suppose you are severely injured this accident and you have a higher UM/ UIM limit of \$30,000/ \$60,000. Your attorney will go to the insurance company of the person who hit you and collect his limit of \$15,000.00. Then your attorney will make a claim against your insurance company under your UIM coverage. Your insurance company will be entitled to a credit of what the first company paid (\$15,000) but they would have an obligation to pay an additional \$15,000 because that is what your limits of coverage were (30/60).

This all probably sounds much more confusing than it really is, so please feel free to call our office if you have any questions.

One last bit of information. UM/UIM coverage applies even if you or a family member is a pedestrian and are hit by a vehicle that is uninsured or under insured.

It is important to buy as much insurance coverage as you can afford and don't ever give up the right to buy UM/ UIM coverage. It is the most important coverage on your automobile policy, second to liability. You must sign a written waiver to give up this type of coverage. Many insurance agents won't tell you that.