



UTAH BICYCLE ACCIDENT GUIDE

*Steps to Take if You Were
in a Serious Accident*

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Biking is an excellent form of exercise and a very inexpensive form of transportation. It can be less than enjoyable when a bike ride turns into an accident. These bike accidents can cause catastrophic injuries because you don't have much protection from the elements and the impact. Our job is to help guide you through this difficult time.

Our Utah bike accident attorney would be glad to sit down with you for a free consultation to go over what your legal options are and how to get you the most compensation possible.

TYPES OF BIKE ACCIDENT INJURIES

Bike accidents, as mentioned prior, are potentially catastrophic. You take the full impact from a car or truck and then you have the added consequences of the impact with the ground if you're thrown from the bike. The most common types of bike accident injuries include:

- » Cuts and lacerations
- » Concussion or traumatic brain injury
- » Tendon, nerve, or tissue damage
- » Broken bones and fractures
- » Spinal cord injury

These injuries have the potential to permanently damage you and change your life forever. The good thing about a bike accident claim is that the amount of compensation you get is related to your injuries. If you are terribly injured from your bike accident, you won't just be offered a flat rate award. It will be awarded based on your medical bills, lost wages, and out-of-pocket expenses.

IMPORTANT FIRST STEPS AFTER THE ACCIDENT

Your body and your physical health are more important than anything following the accident. If you are knocked unconscious, odds are you will be taken on an ambulance to the emergency room. If you are conscious, but feel like you are too injured to move or to do anything at the scene, you should also get on the ambulance.



If you are injured but not in life-threatening danger, you should take some time to collect evidence before you get your injuries checked out. For those who are unable to, you can have a friend, family member, or attorney do this part for you. Photos and videos need to be taken of any physical evidence of the scene. That includes your bike, the other car, any debris in the street, the tire marks, a general overview video of the whole area, etc. Anything you think is important probably is. You also want contact info from witnesses as well as the insurance info from the driver who hit you.

DEALING WITH INSURANCE COMPANIES

Our job as a Utah bike accident attorney is to get you the most compensation possible. The job of the liable party's insurance company is to do the opposite. They would be happy if you got no compensation whatsoever. They want to reduce or eliminate your claim. They do this by asking you for a recorded statement. They will call you very shortly after the accident while you are still recovering and they will ask you to give them a recorded statement. You should never give them a statement. They are trained to ask you questions that will make you seem like you are the at-fault party in the incident. You should tell them that if they have any questions, they can ask your attorney.

HOW COMPENSATION WORKS

In Utah, your compensation will be affected by the amount of fault you share in the accident. You and your attorney should get to work right away so they can get an idea of what they are working with. There are incidents where people on a bike have to swiftly swerve into the street to avoid pedestrians and they would share some fault. Then there are people who are totally following the rules of the road and a driver does something negligent and the bike rider would have no shared fault. If you are deemed 50% or more at fault for the accident, you will be barred from compensation. If you share fault less than that, your compensation will be reduced. For instance, if you share 20% of the fault and are awarded \$100,000, then you will be eligible for \$80,000 of that award.

UTAH STATUTE OF LIMITATIONS

In Utah, you get four years from the date of the accident to bring your claim or settle it in civil court. What you need to keep in mind is that you will not benefit from waiting to bring your claim. Your case relies on evidence and witness statements. If you wait three years to bring your claim, your witnesses' memories will get fuzzy and if you haven't done evidence collection for this case, that time you waited can make it really hard to build a good case.



FREQUENTLY ASKED BIKE ACCIDENT QUESTIONS

How Do I Pick the Right Attorney?

One of the most popular sports in Southern Utah is mountain biking. If you've been injured in a bicycle accident, it's important for you to hire the right attorney. You may be asking, "How do I do that?"

One, find an attorney who's got the experience in dealing with bicycle crashes. Second, get somebody who focuses on that area, and doesn't just dabble in it. Third, get a trial attorney. They're difficult cases and you have to prepare them from the beginning as if you were going to have to go to trial, and let an insurance company know that you're willing to go to trial, if that's what you need to do.

What Mistakes Can I Avoid?

When someone has been injured in a bicycle accident in the state of Utah, there are several mistakes that can be made. Some of the most common ones that I see are, number one, not seeking medical care as quickly as you can. If you have been injured, it's important that you get to a doctor and seek treatment for the injuries that you have as soon as you can. Number two, people will not follow the recommendations of their doctors. If your doctor has given you instructions and recommended that you do something, it is important that you follow that doctor's recommendations.

Number three is people will wait to hire an attorney. An attorney can step in early on in a case, help you organize, and help you avoid some of the pitfalls that people make. Number four, when selecting an attorney, people will not hire a trial attorney. A trial attorney is someone who is willing to take your case into court and to a jury verdict. Insurance companies know who the trial attorneys are, and they value cases that are run by trial attorneys differently than cases that are ran by individuals who are unwilling to take a case to trial.

What Do I Do After a Bike Accident?

When someone has been seriously injured in a bicycle accident in the state of Utah, there are a number of things that they should do right away. First, they need to seek medical care for any injuries that they have. It's important for an individual to get into a doctor and understand what injuries they have and what they can do to heal from those injuries. Second, it's important to follow the instructions and recommendations of your doctor. An insurance company is going to look and see if you've followed the instructions of your doctors, and if you didn't, the insurance company is going to offer less value for your case.

Third, it's important that you hire an attorney early on in your case. An attorney can help you organize, and help you avoid some of the common mistakes and pitfalls that people fall into on their own. Fourth, it's important that you hire a trial attorney. A trial attorney is an individual who is willing to take your case to a jury verdict. Insurance companies know who the trial attorneys are and offer more value for cases that are being run by trial attorneys.

How Much is My Case Worth?

If you've been injured in a bicycle crash, you may be wondering, "How much is my case worth? If you contact us early on, that's a very difficult thing for us to answer. Part of the reason for that is because we need to see what happens with your treatment. We need to see if the medical treatment that you get helps you, if it gets you back to work, and gets you back to doing the things you love to do. All of those things have to go into it to deciding what the value of the case is.



How is a Bike Accident Different?

If you have been injured on a bicycle in the state of Utah, there are a few differences that you need to understand that are different from when you're injured in a vehicle. First off, bicycles typically don't carry the same type of liability insurance that you would have if you were riding in a vehicle. Second, the injuries are typically more extensive. If you have been injured on a bicycle, we suggest that you get medical care immediately to help you understand what your injuries are and how to make a full, physical recovery. Third, we recommend that you hire an experienced bicycle attorney who understands how the different insurances interact with each other, and preferably a trial attorney who has a reputation and is known for taking cases to trial and to a jury verdict.

Should I Give a Recorded Statement?

If you've been hit on your bicycle in the state of Utah, you're probably going to get a call from the insurance company for the driver of the car that hit you, and they're going to want to take your recorded statement. I recommend that you not give them a recorded statement without talking to an attorney first. The

insurance companies train their adjusters to get the information that they need to help their case and hurt your case. They try to do that right at the beginning of a case and use it against you.

What If I'm Partially at Fault?

A lot of people wonder, after they've been injured in a bicycle crash, "What if I am partially at fault?" We have these conversations with people and explain to them that you still can make a recovery, even if you were partially at fault. In Utah, you can bear some of the responsibility and some of that fault and still make a recovery against an insurance carrier.

What if I'm Hurt Due to a Pothole?

If you're riding a bicycle and you happen to be injured by a pothole or poorly maintained road, you may have a claim. It may also have a shorter time period to bring that claim because it's against the city, state, or county, and you still have to prove that they did something wrong and that they were at fault.

CALL OUR UTAH OFFICE TODAY

Going to an attorney right away, as you probably have gathered, is so important to having a successful claim. We want you to know that our Utah bike accident attorney is here to talk to you to go over all of your legal options and create a plan to get you the post compensation possible. We work hard to make you feel like a priority. Please do not hesitate to call our Utah office today for a free consultation.

ABOUT THE AUTHORS



Kevin Swenson

Kevin Swenson was raised in Bountiful, Utah, and is a co-founding partner of Swenson & Shelley. After graduating from Bountiful High School, Kevin attended business school at Westminster College. While in college, Kevin owned and ran a sign company and also worked as an ambulance driver and firefighter. Kevin loved his work in the emergency medical arena. His career as a personal injury attorney allows Kevin to continue devoting his time to assisting injured people.

Kevin graduated from law school at the University of Utah and then worked as a defense attorney for insurance companies. Through that experience he learned how insurance companies work, how they think, and how they attack a claim. In 2010 Kevin “changed camps” and switched to representing injured individuals in his community rather than the multi-billion dollar insurance companies that fight those claims of those individuals.

He now feels a greater sense of purpose, and fulfillment, by assisting people who were injured by the wrongful acts of others. Understanding the reluctance of insurance companies to pay claims, and the strategies they use to get out of paying claims, Kevin is now able to use that first-hand knowledge to fight for injured parties and collect the money rightfully due to them from insurance companies.

Kevin has been involved in thousands of lawsuits over the course of his 27 years as an attorney, many of which have gone to a jury verdict. Kevin is passionate about what he does, he is devoted to helping individuals get the medical care they need, and he enjoys seeing his clients heal and move on from their injuries.

When Kevin isn't working he enjoys the outdoors, family and travel.



Brian Shelley

Brian Shelley is a co-founding partner of Swenson & Shelley. As a child, Brian felt a strong connection to the underdog. During his short-lived career of playing football, some of Brian's teammates determined they would hit the most undersized, least athletic opponent to "send a message." As the plot unfolded, Brian performed a surgical-like leg sweep of his own teammate in order to keep the unsuspecting rival out of harm's way. After receiving both physical and verbal repercussions from his team, Brian decided to stick with his life-long passion...soccer.

Helping injured individuals recover lawful benefits from insurance companies gives Brian the satisfaction of representing the underdog daily. He enjoys balancing the playing field by holding insurance companies responsible to pay claims fairly.

Brian completed his undergraduate degree in Business, Finance at Brigham Young University. He then pursued a law degree from Pepperdine University School of Law, graduating cum laude. He is licensed to practice law in Utah and California.

Brian has a wife and four young children. When not working, Brian can be found coaching three soccer teams, rock climbing, cooking, and traveling. Brian loves Lake Powell and the beaches of Southern California and Hawaii. Having lived on three continents and having visited over 25 countries, Brian deeply values the opportunity to see new places, experience new cultures, and meet the wonderful people that can be found in all places.



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& SHELLEY
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