



# UTAH CAR ACCIDENT GUIDE

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

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You are probably here because you were involved in a car accident we want to express how sorry we are that this has happened to you. Car accidents can be traumatic and cause a lot of grief for yourself and your family. Your health may be compromise, your finances are probably strained, and your normal daily life is probably

different. Our experienced Utah car accident attorney understands just how much this can affect you and we want to work hard to defend your right to full and fair compensation. After reading about your car accident case, please do not hesitate to give our office a call to set up a free initial consultation to go over the details of your case. Here are some of the most important aspects that you should be aware of.

## COMMON CAR ACCIDENT INJURIES

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Car accidents unfortunately happen all the time and affect so many people in Utah every year. Sometimes people can brush off their injuries, get some ice on it, and be okay the next day. Other times, people aren't so lucky. If you came to our page, it's likely you were not so lucky. The most common car accident injuries include:

- » Broken bones and fractures
- » Tendon, nerve, and tissue damage
- » Concussion
- » Traumatic brain injury
- » Spinal cord injury
- » Extremity injury
- » Paralysis

In the worst of the cases for surviving victims of car accidents, these injuries can permanently affect your health and your life. When we come up with a number

to ask the other driver's insurance company for compensation, we take all of this into consideration. The worse your injuries are, the more compensation we will ask for. That's what we mean by full and fair compensation. You deserve to have all of your damages covered and we will dedicate ourselves to making sure that happens.

## GETTING THINGS DONE TIMELY

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In Utah, you have a statute of limitations of four years from the date of your accident to abide by. You may not know what a statute of limitations is if you have never needed to file a personal injury claim before. A statute of limitations is the amount of time in which you are allowed to bring your car accident claim or file the claim in civil court for a settlement. If you value your case, you will not delay in bringing your claim to an attorney. The longer you wait, the harder it becomes to build a strong case and if you wait longer than four years to talk to an attorney, there is nothing they can do for you. This statute of limitations is strict and you will be barred from compensation if you wait more than four years.



## KNOWING WHAT TO DO AFTER THE ACCIDENT

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Following your accident, you have several things to keep in mind. The most important thing is your own health. Immediately after the collision, there is a chance you have adrenaline coursing through your body that might mask any pain you are in. Don't let that fool you into thinking that you do not need medical attention. There's also a possibility that you're so badly injured, the only thing you can do is get brought onto an ambulance and be taken to the emergency room. Regardless of the severity of your condition, it is important that you get to a medical professional at some point. Don't try to be tough and shake off your pain. You could be worsening your condition and make it so much harder

for yourself to get better down the road. Also, the insurance company will need documented proof that you were hurt in the accident when they consider giving you a settlement reward.

## AVOIDING CASE-RUINING MISTAKES

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Insurance companies are not all that helpful after your car accident. They have a very important goal to stick by; keeping their costs down. They can't do that and give you the compensation you deserve, so they have ways to try to lower their responsibility of compensation to you. Shortly after the accident, it is almost guaranteed that they will reach out to you and ask for a recorded statement. If you allow them to ask you questions, you will be making a huge mistake. The questions they ask will be twisted in a way that forces you to answer unfavorably and it could give them a reason to reduce or eliminate your claim. If they get the opportunity, they will pin blame on you. If you are 50% or more at fault, you will be banned from receiving compensation.



## FREQUENTLY ASKED CAR ACCIDENT QUESTIONS

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### *How Do I Find the Right Attorney?*

If you've been involved in a car crash and you're trying to find an attorney, you're going to have a lot of options. You may see people on TV, hear radio ads, or see people in the newspaper. Maybe you talked to friends who have a friend who's an attorney who might be able to handle it.

What you want to be looking for is somebody who does this every day, and has the experience and the training to understand what to do from the beginning to the end of a car crash. You want somebody who doesn't dabble with it. You

don't want somebody who might be doing criminal cases today, and car crashes tomorrow, and something different the next day.

You always want to hire somebody who's a trial lawyer and who's got some trial experience. It's important for the insurance companies to know who will and won't go to trial.

## *What Mistakes Should I Avoid?*

I'm often asked what some of the common mistakes that people make after being involved in an auto accident case are in the state of Utah. Some of the most common mistakes that I see as a personal injury attorney are one, they don't seek out the medical care that they need right away. If you have been injured, you need to seek out the medical care of a doctor as quickly as you can so that you can begin the healing process and make a full physical recovery.

Two is people a lot of times don't follow the recommendations of their doctor. If a doctor is suggesting that you come back for a follow-up appointment or suggesting that you do some sort of therapy, you need to follow the recommendations of that doctor. Three is people don't hire an attorney to help them with their auto accident case. An attorney can step in early on, can organize a case, and help you not make some of the common mistakes that people make when they're trying to run a case on their own.

Fourth is you need to make sure that you're hiring an attorney who understands the personal injury process and is a trial attorney. An attorney that is taking cases to court and taking cases to a jury verdict gets treated differently by insurance companies and insurance defense attorneys than an attorney who is unwilling to do that.

## *What Do I Do After a Car Accident?*

If you have been injured in a car accident in the state of Utah, there are a number of things that you should do. First, you need to seek out medical care. If you have been injured, you need to get in to see the doctor as quickly as you can so that you can begin the process of making a full physical recovery. Second, you need to make sure that you follow any recommendations and any instructions

of your doctor. Your medical professionals are here to help you make a recovery. It's important that you listen to them and follow their instructions.

Number three, you need to hire an attorney. An attorney can step into a case early on and help you organize your case, avoid some of the pitfalls, and some of the common mistakes that people make. Fourth, you need to make sure that when you're hiring an attorney, you hire a trial attorney. Insurance companies know who the trial attorneys are, and which ones are willing to take a case to a jury verdict. They treat those attorneys differently and offer more value and money to cases that are run by those attorneys.

## *What is the Value of My Case?*

Several times a week, I'm asked, "What is the value of my case?" That's a question that's very difficult to answer early on in a case. It depends on the severity of the injury, how much work somebody has missed, and the limitations that are put on the person.

In a car crash case, it also depends on the amount of insurance that's there. If somebody hits you and you're seriously injured, but they have the state minimum insurance of \$25,000, that doesn't go very far. You should always make sure that you have enough underinsured and uninsured motorist coverage to protect you.

## *Who Pays My Medical Bills?*

If you've been injured in a car accident in the state of Utah, know that medical bills are handled by a number of different types of insurance. First off, Utah requires that all automobile insurance policies have what's called personal injury protection; sometimes that's abbreviated as PIP. PIP will cover at a minimum the first \$3,000 of medical bills for each person that was injured in a car crash. Once PIP has been used up, the next layer of defense would be your health insurance.

We would recommend that any of your medical bills be processed through your health insurance carrier. In addition, if you don't have health insurance and your



medical bills are more than what is covered by the personal injury protection, we can help communicate with the medical offices and the medical providers and explain to them that we are going to help them get compensated and help them get their money for the medical services they provided once the case has settled. The medical bills would ultimately be paid out of the injury settlement.

## *Should I Make a Recorded Statement?*

If you've been in a car accident in the state of Utah, you may get a call from the insurance company of the other driver asking to take a recorded statement. I don't think it's ever a good idea to give the recorded statement to the other side. The insurance adjusters that take those statements are trained on how to take statements. They ask questions in a particular way to get the answers they need.

The purpose of those calls is to show that you're not injured or not as injured as you say so that they can reduce the value of the claim.

## *How Long Will This Case Take?*

I'm often asked about how long it will take to settle my car accident case in the state of Utah. The answer to that question depends on a number of factors. The biggest factor is how long it's going to take to recover from the injuries that you have sustained. Some injuries are minor and you can recover from them rather quickly. Some injuries are more serious and they take a longer time to recover from those injuries.

Once you have reached a stable point, we then gather up all the medical bills and the medical records from the doctors that you have seen and we begin to negotiate a settlement with the insurance company. In many cases, we're successful in resolving your case through settlement offers. If the insurance company is unwilling to offer a fair and full settlement value on your case, we then would file litigation.

You need to understand that we are always pushing as aggressively and quickly as we can to get your case to a resolution while understanding that you only get to settle these cases one time. If you've settled your case, you can't come back later and ask for something in addition.

## *What If I Was a Passenger in a Rideshare Accident?*

With the rising popularity of rideshare companies like Uber and Lyft, people often ask us, “If I was injured as a passenger of a rideshare, do I have a claim?” The answer is typically yes. As a passenger, you usually do not bear much if any of the fault in the crash. Therefore, you would have a claim against either the driver of the rideshare or the other driver of the vehicle that you collided with.

It’s important that you hire an attorney who understands how to handle a claim when you have been injured in a rideshare.

## *What If I’m Hurt in a Ridesharing Accident?*

If you’ve been involved in an Uber, Lyft, or other rideshare crash in the state of Utah, in many ways, it’s like any other car crash. However, there are some ways that it’s different. As far as it being the same, you want to still get to your doctors, get the treatment, follow your doctor’s advice, do what you need to take care of yourself, and make sure that you’re healing well.

However, it’s different as far as the regulations, the number of defendants, the parties that may or may not be at fault, and how to pursue a claim. You want to talk to an attorney who’s experienced in this field and is a trial lawyer, because many of these cases go to trial. They’re pushing them hard and fighting them with everything they have.

## *Can I Sue Uber or Lyft?*

In the state of Utah, rideshare companies like Uber or Lyft can be at fault for causing the crash. If they are at fault, you can sue them like you would any other party or any other defendant.

## *What If I’m in an Uninsured Car Accident Claim?*

In the state of Utah, insurance is required on all vehicles. However, many people do drive without insurance. If you’re hit by a driver that doesn’t have insurance and it’s their fault, then the insurance companies look at your insurance and go to your uninsured motorists coverage. That’s where your insurance steps into the shoes of the driver who did not have insurance.



# CALL OUR ATTORNEY TODAY FOR A FREE CONSULTATION

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To learn more about your car accident claim and compensation, please call our experienced Utah car accident attorney today for a free consultation. We will guide you through this legal situation with support, experience, and strength. You will be in good hands with us.

## ABOUT THE AUTHORS

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### *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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