

# UTAH CONSTRUCTION ACCIDENT GUIDE

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

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Construction zones are naturally a dangerous place to be. There is a lot going on, heavy machinery, raw material, and heights involved that make it such a hazardous environment. Whether you are a worker at the site or are a passerby who got hurt, you are eligible for a construction accident personal injury case. The nature

of these cases is to reimburse you for the medical bills, lost wages, lost earning capability, and other accident-related expenses you've had to deal with. Our experienced Utah construction accident attorney is here to guide you through your case and fight to get you the compensation you deserve.

## COMMON TYPES OF ACCIDENTS AND INJURIES

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As mentioned, there is a lot going on at a construction site so the types of accidents vary. All of the follow types of injuries are qualified as construction accidents. They include:

- » Falling from heights (roofs, ladders, elevators, scaffolding, etc.)
- » Collapsing of structures (trenches, buildings, etc.)
- » Heavy machinery or equipment accidents (forklifts, cranes, etc.)
- » Defective products or tools
- » Electrical accidents
- » Falling objects

The types of injuries that these accidents cause can be catastrophic. You might be able to recover from them over time, or you may have to have medical care for the rest of your life. The most common types of construction accident injuries include:

- » Broken bones or fractures
- » Burns

- » Spinal cord injury
- » Traumatic brain injury
- » Cuts and laceration
- » Exposure to toxic chemicals
- » Nerve, tendon, or tissue damage

As you probably already know, these injuries are awful. They deserve the immediate attention of a medical professional, so make sure that is the first thing you consider after the dust settles.

## FIRST STEPS AFTER THE INCIDENT

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As mentioned, medical attention is seriously important for two big reasons. Obviously you want to get better after you get injured so seeing a doctor is the route to healing. You should never wait to see a doctor because you run the risk of worsening your condition if you hold off on medical treatment. Also, you have to get to a doctor so that you can have your injuries documented officially. That will be a key element to your compensation. If you do not see a doctor, the insurance company could possibly deny your claim when you ask for compensation.



Next important thing that needs to happen soon after the accident is the collection of evidence. At the scene, you need to take photos and videos of what you think caused the accident. It is going to be excellent, hard evidence to show the insurance company what happened and how it caused you the world of hurt you are in. If you are too injured to do this, you can have a friend, coworker, or family member to do it for you. You can even call an attorney to have them come in and help you collect evidence from the scene of the accident.

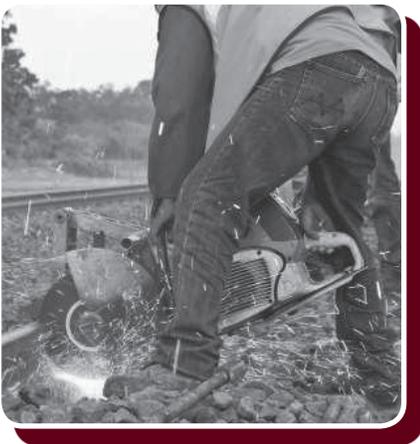
What is also very important to do before you leave the construction zone is to report the incident to someone in charge. It might not be wise to just tell your

coworker and then take off. You should be telling your supervisor or construction manager.

## AVOIDING THE INSURANCE COMPANY

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When you go for compensation, it is not without obstacles. The insurance company is going to assign an adjuster to your case. They will reach out to you shortly after the accident, possibly while you're still recovering from your injuries in the hospital. They will seem very helpful and friendly, but your full and fair compensation is not what is in their best interest. When they ask you for a recorded statement, you can tell them that you will not give them one. Your attorney can take over all communication for you with the insurance company.



## STATUTE OF LIMITATIONS

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Utah is a state that has a little bit of a longer time limit to bring your construction accident claim or settle the claim in court. Your statute of limitations is four years from the date of the accident. If you try to bring a claim the day after that four years runs out, you will be barred from receiving compensation

altogether, so being timely is important. The sooner you get to an attorney, the better off your case will be. Even waiting a year can be tricky. Your evidence will disappear quickly at a construction site because it is always changing. Your witnesses' memories will get fuzzy over time and you don't want to lose these key parts of your case.



# FREQUENTLY ASKED CONSTRUCTION ACCIDENT QUESTIONS

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## *What to Do After the Accident?*

People who have been involved in a construction accident site need to do a few things immediately. You need to make sure you let your employer know about the incident. Fill out the reports that are required by the employer and make sure you document that. Make sure you get to the doctors you need to and get the treatment that you need. Make sure you comply with your doctors, get the treatment that they tell you to get, and do what they tell you to do.

One of the other things that becomes important is hiring an attorney in a timely fashion. You want somebody to help you preserve the evidence. Things change quickly on a construction site. Witnesses, evidence, and equipment all disappear quickly. You want to get somebody involved to help you preserve all of that evidence.

The final thing is you want to hire the right attorney. You want somebody who has experience with construction cases, and focuses their practice on personal injury, including construction cases so they understand what to be looking for early on, how to deal with all of the regulations, and get the appropriate information.

Finally, you want to get somebody that's a trial attorney. You want somebody who can take a case from the beginning all the way through it and somebody is not afraid to go to trial if that's what's necessary.

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

If you're dealing with a construction accident, and you're trying to find the right attorney for that, you want to look at three different things. You want to look at their experience, and the focus of the firm. You want them to have experience

because there are a lot of regulations that impact construction accidents. You want to know what those are, and how they apply to your case.

Your attorney should be somebody who focuses on construction accidents, not somebody who's a dabbler. You don't want somebody who's doing all kinds of different law, but will take a run at a construction accident case. They're more complicated than that and deserve that attention. You also want to get a trial attorney because, if your case has to go to trial, you want to prepare it from the very beginning to be heading that direction. You also want to let the insurance company know that you're not afraid to take a case to trial, that you're preparing that way, that you've got an attorney who has the experience and the reputation of going to trial.

## *Will My Case Go to Trial?*

If you've been injured in a construction site incident and you're wondering if your case will have to go to trial, understand that that's a really tough thing to know initially. Some cases get resolved early on. Some cases get resolved further down the road. In some cases the insurance company won't make a fair resolution of the case, so it has to go to trial.

One thing that we do as trial attorneys is make sure that, if we go to trial, we're prepared for it, and that you don't have to worry about how the trial will go or if you will be ready or not.

## *How Much is My Case Worth?*

People who have been involved in construction site accidents in the state of Arizona are curious about the value of their case. There are many factors that go into determining the value of a case. It depends on how long you're off of work, the type of work you're able to do when you return, what permanent limitations you're going to have, what the medical bills are, and whether you can continue in the same line of work. Once we have a good understanding of what those damages are, we can talk to you about the value of your case and give you a good idea what it's worth.

## *Can I Afford the Attorney Fees?*

If you've been injured in a construction accident, you may be wondering how you are going to pay for an attorney. The good news is, when you hire us, we take care of the case, we prepare it, and we do that at our expense as we take care of everything that's necessary to prepare the case. The only time you pay us is when we get a successful resolution of the case.

## *Should I Give a Recorded Statement?*

If you're involved in a construction accident in the state of Arizona, you may get calls from some of the insurance companies involved asking for a recorded statement. While you do have to give information to your employer and you may have to give information to the worker's compensation carrier, you want to be careful who you're giving recorded statements to. I recommend that you not give recorded statements without having consulted with an attorney. The insurance adjusters are trained to ask questions and get answers in a format that helps their case and hurts your case.



## *How Long Will My Case Take?*

If you've been involved in a construction accident in the state of Arizona, you're probably trying to figure out how long it will take to get the case resolved and how long it will take to get money for you. The difficulty in determining how quickly that can happen is finding out from the doctors what the problems are, what's going to work, what's not going to work, and how long it's going to take to get you back to your pre-accident condition. Once we know that information, we can go to the insurance company with a demand and try to push the case to a resolution.

From there, it just depends if the insurance company is going to be fair with their resolution or if we have to fight through arbitration or litigation. Of course, that can extend the time. It's always hard to give a specific timeline for a case.

The one thing that we always do is push the case forward as quickly as we can to make sure that we are attempting to get a fair settlement as soon as possible.

## *What Mistakes Should I Avoid?*

People dealing with construction accidents tend to make the same mistakes frequently. Some of those mistakes include not reporting their claim to their employer. Other mistakes would be if they don't follow up with medical care, don't do what their doctors tell them to do, or don't hire an attorney quickly enough.

Hiring the right attorney is critical in these type of cases, and you want to hire somebody who handles these cases regularly and. You want it to be somebody who has construction accidents as a major part of their practice so they're familiar with those types of issues. You also want to hire a trial attorney because you want somebody who can take the case as far as you need to make sure you get a fair resolution.

## CALL OUR UTAH OFFICE TODAY

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If you have been injured in a construction accident, please do not hesitate to contact our Utah construction accident attorney to set up a free initial consultation. We will guide you through this legal situation with strength, support, and experience. You are in good hands with us and we will do what is necessary to make sure that you are getting the best and most fair compensation available to you. We are here for you.

# 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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