



# UTAH MOTORCYCLE ACCIDENT GUIDE

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

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Motorcycle accidents can be completely devastating and can change your life forever. It is a terrifying experience to go through and we want to express how truly sad we are for you to have to deal with this. Our skilled and knowledgeable Utah motorcycle accident attorney is ready to take your call to get your case started. You

deserve to have every right for compensation protected and we want to dedicate ourselves to getting a successful outcome for you. Please call our office today after you read about your motorcycle case and set up a free initial case evaluation. We are ready for your call.

## FIRST STEPS FOR A SUCCESSFUL CLAIM

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After the accident, there is a lot of evidence that needs to be collected. If you can have a friend, family member, or attorney come to the scene to do this for you if you are unable to. What needs to happen is you have to get photos and possibly videos of the scene of the accident. You can record the tire marks, any vehicles involved, and your injuries. Anything that you think is important needs to be documented. You should also get contact information from all witnesses and every driver involved in the accident. All of this is highly important when trying to create a successful and strong case.

What is more important than evidence collection is your health. As mentioned, you might not be able to stay on the scene if you are too injured. You may have been whisked away on an ambulance. That's when you rely on others to help with evidence. But you should prioritize yourself in these scenarios. You need to make your health more important than the accident scene. Get to a doctor when you need to and don't risk worsening your condition by trying to shake off your injuries as they may be severe and life-altering.

# COMMON MOTORCYCLE ACCIDENT INJURIES

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Motorcycle accidents can be particularly damaging because of the lack of protection from the impact when you're on a bike. You don't have a metal frame that will take most of the impact for you. You might have had your helmet on and may have been wearing clothes that protect you somewhat, but generally a motorcycle accident will cause more severe injuries.



- » Road burn
- » Scarring and disfigurement
- » Paralysis
- » Broken bones and/or fractures
- » Concussion
- » Spinal cord damage
- » Traumatic brain injury

It is possible that these injuries can lead to permanent damage. In that case, you will have a compensation reward that suits the amount of damage you have had. You can discuss everything with your Utah motorcycle accident attorney to see how to get the fullest amount of compensation available.

## TIMELINE FOR A SUCCESSFUL CLAIM

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In Utah, you have four years from the date of your motorcycle accident to bring a claim. That is called your statute of limitations. It may seem like it's a long time, but you should not use that as an excuse to delay getting the ball rolling on your case. You should be talking to an attorney right away so that your

evidence does not disappear and your witnesses don't forget the fine details about the accident. Moving quickly is so important. If you wait longer than these four years to file a claim, you will be barred from receiving any compensation.

## AVOIDING MAKING BIG MISTAKES

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Another big risk for being barred from compensation is if you talk to the other driver's insurance company. They will be reaching out to you very shortly after you are injured and they will be looking to get a recorded statement from you about the accident. You should know that you are under no legal obligation to give them a statement and if they need to talk to someone, they can talk to your attorney. They have a way about asking questions that make it seem like you were to blame for the accident and if they can pin you for enough blame, they can bar you from receiving compensation. Utah follows shared fault negligence rules for compensation and when you are found to be 50% or more at fault, you lose your right to compensation. We want to avoid making the mistake of talking to the insurance company so that they cannot throw away your claim. It just is not fair to you when you are hurt because their insured did something that put you in danger.



## FREQUENTLY ASKED MOTORCYCLE ACCIDENT QUESTIONS

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### *What Should My First Steps Be?*

If you have been seriously injured in a motorcycle accident in the state of Utah, there are number of things that you should do. First, you need to seek out medical care for any of the injuries that you have. You need to get into a doctor that can help you understand what the injuries are and what it's going to take to make a full, physical recovery. The second thing you need to do is follow any

of the instructions of your doctors. Insurance companies are watching to see if you did follow the instructions the doctor's given you, and if you don't follow their instructions, the insurance company is going to offer you less value for your case.

Third, you need to hire an attorney that can step into the case early on and can help organize the case, and help you avoid some of the common mistakes and pitfalls that are often made. Fourth, when hiring an attorney, you need to make sure that you hire a trial attorney. A trial attorney is an individual that is willing to take the case to a jury verdict. Insurance companies know who the trial attorneys are, and they treat cases ran by trial attorneys differently than cases that are ran by attorneys that are unwilling to take a case to trial.

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

If you've been injured in a motorcycle crash in the state of Utah, it's important that you find the right attorney. The right attorney is somebody who has experience, who knows how to handle a motorcycle crash, and who's handled motorcycle crashes in the past. It's important that you have somebody who focuses on personal injury and a big part of that personal injury practice deals with motorcycle crashes. You don't want somebody who dabbles in it, you want somebody who really understands it.

You also want somebody who's a trial lawyer and who's willing to take the case to trial if needed.

## *What If I Was Forced Off the Road?*

If you're on a motorcycle and somebody forces you off the road or puts you into a situation where they don't actually hit you, but you still crash, you have a claim against their car. In the state of Utah, you're required to have something more than just your word that says they forced you off; you need to have an eyewitness. You need to have some kind of proof that is more than just he said/she said. If you have that, you're entitled to make a claim.

## *What Mistakes Should I Avoid?*

When someone has been seriously injured in a motorcycle accident in the state of Utah, there are some common mistakes that we hope you will avoid. Mistake number one is people do not seek the medical care that they need right away. If you've been injured, it's important that you get into a doctor and begin to make a physical recovery from the injuries that you've sustained. Mistake number two is people not following the recommendations of their doctors. If a doctor has suggested that you do something, it's important that you follow that doctor's instructions and do what the doctor is asking you to do.

Mistake number three is to not hire an attorney. An attorney can step into a case early on and can help organize your case, and can help you avoid some of the pitfalls and mistakes that are commonly made. Mistake number four is to hire an attorney that is not a trial attorney. Insurance companies know who the trial attorneys are, and they treat those cases differently. A trial attorney can help your case settle for full and fair compensation.

## *What is My Case Value?*

If you've been involved in a motorcycle crash, some of those injuries can be extremely severe. You have very little protection on the motorcycle. To answer a question about what the value of the case is early on is very difficult. You need to see what the treatment is, how you respond to the treatment, and how much work will be missed. How much time is missed from doing the thing you just love doing? It's very hard to figure out the value of a motorcycle crash early on, but as the case progresses, you can do that.

## *How Are Motorcycle and Car Accident Claims Different?*

If you have been injured in the state of Utah in a motorcycle accident, there are a number of differences that you need to understand. First, the insurance policies carried by motorcycle riders is different from the insurance policies carried by those who are driving in passenger vehicles. Second, the injuries are typically more severe in a motorcycle crash, so there's more on the line, and you need an attorney who can understand how to present those damages and how to get full and fair compensation for the injuries that you sustained.

Third, you need a trial lawyer who understands that there is a public perception out there that the motorcycle rider is always at fault. A trial attorney can step in, do a thorough investigation right in the beginning, and gather the evidence that we need to prove your case and help a jury understand that you were not at fault in this crash.

## *Do I Have a Claim as a Passenger?*

If you were injured as a passenger on a motorcycle in the state of Utah, you do have a claim. You could potentially have a claim against the motorcycle driver, and you could also have a claim against the other vehicle involved, if there is another vehicle involved. If you were involved in an accident as a passenger, we recommend that you go and seek medical care and get an understanding of what your injuries are and what you need to do to make a full and physical recover, and then seek the help of an attorney to get full and fair compensation from the insurance company.

## *Should I Make a Recorded Statement?*

If you're involved in a motorcycle crash in the state of Utah, you'll probably get a call from the insurance company for the driver of the other vehicle, and they'll want to take a recorded statement. What the insurance adjusters want to do in that case is get you to talk about what you were doing that was unsafe. They'll try to talk about speed and other issues. They'll talk about your injuries, which, at this point, you probably won't know much about, and they'll want you to say they're not as significant as they really are. For these reasons, we recommend that you contact an attorney before you ever give a recorded statement to the insurance company.



## *How Long Will This Case Take?*

I met with an individual who was involved in a pretty serious motorcycle crash. He asked me, "How long is it going to take to settle my motorcycle case in the state of Utah?" He had a lot of medical bills, he was missing work, and this was

a big concern of his. I explained to him that the answer to that question depends on a number of factors. One of the biggest factors is what injuries you've sustained and how long it's going to take you to recover from those injuries.

Once you have recovered from your injuries and you've reached a stable point, we communicate with your doctors and your medical providers, and we gather up all of the bills and records. We then use those bills and records to negotiate with the insurance company a fair and full settlement offer. A lot of times we're able to get the insurance company to pay full and fair value on your case. In the event the insurance company is unwilling to do so, we would then push your case into litigation, and we'll go and take your case to court and possibly to trial.

### *What If I'm Injured on a Scooter?*

If you've been injured on a scooter, you might wonder if you have a claim. If you were struck by a car and the other driver is at fault, you do have a claim. Even if you were partially at fault, you still could have a claim. It's important that you come in and consult with an attorney, preferably a trial attorney that can explain to you your rights and whether or not you have a claim.

## CALL OUR OFFICE FOR A FREE CONSULTATION

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As you probably already know, motorcycle accidents can change everything. Your health might be compromised for the rest of your life, your finances might be tight because of your medical bills, and your daily life could be different. We are here for you through all of this. We will work hard to get you the compensation you deserve and we will protect you from the bullying tactics that the insurance company will try to use against you. Do not hesitate to give our Utah motorcycle accident attorney a call today for a free initial consultation.



# 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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