



UTAH PEDESTRIAN ACCIDENT GUIDE

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

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You probably have walked at least a little bit outside every single day of your life. You most likely do not think much about it when you do. It is the cheapest form of transportation and sometimes a necessary way to get around. We often do not consider the danger that comes with being a pedestrian when there are vehicles

on the road. If you are here, you have probably been involved in a pedestrian accident. We first want to say how sorry we are that that happened to you. It is truly unfortunate and your injuries may be extensive because someone was careless. After you read a little bit about your pedestrian accident case, please do not hesitate to give our Utah pedestrian accident attorney today to set up a free initial case evaluation. Here are some of the most important things you should know about your case.

IMPORTANT THINGS TO DO AFTER THE ACCIDENT

Immediately after the accident, it might be next to impossible to think about anything but your condition. These accidents can be catastrophic and cause life-altering injuries for those victims. Sometimes people lose consciousness and get swept away in the ambulance to the emergency room. Other times, you're able to get up and walk away from these accidents. Regardless of what end of the spectrum you are at, you need to get to a doctor as soon as possible. You need to have every injury, big or small, checked out by a medical professional. You should never ignore pain. It is a signal that something is wrong.

If you are able to stay on the scene for a few moments, there are few things that you don't want to leave without. If you can't personally do this, call on a friend or family member to help you. Your attorney may even be able to come on the scene to help with this. You need to collect evidence in forms of photos and videos. Anything that you think is important probably is. You should also get witnesses' contact information as well as insurance information from the liable party. You will be able to call on the witnesses to help strengthen your case

later on. The police hopefully called on the scene should also get a report about the incident filed and that will help you with your case as well.

WHEN THE INSURANCE COMPANY TRIES TO CONTACT YOU

Very shortly after the accident, possibly while you're still at the hospital on pain medication, the insurance company for the driver who hit you will try to get a hold of you. They will most likely call you and ask you for a recorded statement. You have no legal obligation to give them a statement. In fact, it is a bad idea to give them a statement. What you can tell them on the phone is that it was indeed you who was hit by their driver. Beyond that, anything you say will be used against you if they can twist it in a way that makes their insured seem less responsible for your injuries. Tell the insurance company to contact your attorney if they have any questions. Even be wary of them when they ask how you are. If you are polite and say, "I'm okay," they can use that answer against you. Just hand them off to your attorney right away before they get a chance to ruin your case.



HOW COMPENSATION WORKS

If you want a fair shot at getting full compensation, you must bring your claim or settle it in court no more than four years after the date of your pedestrian accident. Here are a few incidents that explain how Utah's shared fault rules work:

1. You were walking in a cross walk and a car blew a red light and hit you. You are not at fault for this accident and are eligible for 100% of your compensation award.

2. You were walking in a cross walk and looked at your phone right before someone blew through a red light and hit you. You may be found to be 20% at fault for the accident and your compensation award will be reduced by 20% to account for your role in causing the accident.
3. You were crossing the road when the light was green and didn't look up from your phone and you got hit by a car who couldn't stop in time to avoid hitting you. You would not be eligible for compensation because you were 100% at fault for the accident.

It is extremely unlikely that you will be in the third category and we will work hard to keep you out of the second one.



FREQUENTLY ASKED PEDESTRIAN ACCIDENT QUESTIONS

What Do I Have to Do After the Accident?

If you have been injured in the state of Utah as a pedestrian, there are a few things that you need to do right away. First, you need to seek out medical care for any injuries that you have. It's important that you get to a doctor so that you can understand what injuries you have and what you can do to heal from those injuries. Second, it's important that you follow any of the recommendations and instructions of your doctor. An insurance company is watching to see if you follow the instructions of your doctor or not, and if you don't, they will offer less value to your case.

Third, you need to hire an attorney early on. An attorney can step into your case, help you organize your case, and help you avoid some of the common mistakes and pitfalls that we often see people fall into. Fourth, it's important that you hire a trial attorney. A trial attorney is someone that is willing to take your case to

a jury verdict. Insurance companies know very well who the trial attorneys are, and they treat those cases differently, offering a more fair value on those cases.

If you have any other questions, please give us a call. Come in and visit with us.

How Do I Pick the Right Attorney?

If you've been injured as a pedestrian in the state of Utah, you may be wondering how to hire the right attorney for this case. You want to be looking for somebody who has experience. You want somebody who's dealt with these cases and understands how it works. You want somebody who's done this successfully and more than once.

You also want somebody who focuses their practice on injury claims, including pedestrian injuries, so they understand how to do it. They're not doing it part-time, and they're not doing it here and there. You also want to hire somebody who's a trial lawyer. It's important to have somebody that the insurance company knows if you're pushed, you'll take the case to trial and you'll get the result you need.

What If I'm Hit and Run?

If you're hit as a pedestrian and the other vehicle flees the scene, you still have a claim in the state of Utah. It does create some tricky issues on identifying the vehicle and tracking down the proper insurance which can be a little complicated. We recommend that you contact an attorney and talk to them about the details of how to pursue such a claim.

What Mistakes Can I Avoid?

When someone has been injured in the state of Utah as a pedestrian, some of the most common mistakes are, first, individuals won't seek out the medical care that they need. If you have been injured, it's important that you get to a doctor as quickly as you can so that you can understand what your injuries are and what you need to do to recover from them. Number two, people will not follow the instructions of their doctors. If a doctor has suggested that you come back for a follow-up appointment or that you go and see a specialist, it's important that you follow that doctor's instructions and recommendations.

Mistake number three is that people will not hire an attorney early enough in the case. An attorney can step in early on, can organize your case, and can help you avoid pitfalls and make any of the common mistakes. Number four, when you hire an attorney, you need to make sure that you hire a trial attorney. A trial attorney is someone who is willing to take your case to court and take your case to a jury verdict. Insurance companies know who the trial attorneys are, and hiring a trial attorney can have a big impact on your case.

What If I'm Partially at Fault?

If part of your accident is your fault, you still may have a claim. Utah allows you to bring a claim against the other party, as long as you're not more than 50% at fault. If you were crossing and the car was speeding, and there's going to be an allocation between the two of you, but you still may have a claim.

How Much is My Case Worth?

When you've been injured as a pedestrian in the state of Utah, it's difficult to figure out what the value of that claim is initially. You need to look at a lot of different items. You need to look at how much medical care you got, how well that medical care worked, if it got you back to the pre-accident condition, if you're able to return to work, if you're able to return to doing the things you love doing, and if you have any permanent limitations. All of those things have to be accounted for in determining the value of that case.



How Are Pedestrian Accidents Different?

If you're a pedestrian involved in a car crash in the state of Utah, it's different than being in a two-car crash. One, you don't have any of the protection that the other vehicle gives you, so frequently the injuries are much more severe. The laws are different because pedestrian laws are different than those for vehicles. It's important that you have an attorney who has dealt with those issues, who knows the distinctions, and deals with it on a regular basis.

Should I Give a Recorded Statement?

If you've been involved in a pedestrian accident in the state of Utah, you're probably going to get a call from the insurance company for the driver that hit you, and they're going to want to take your recorded statement. You don't have to give them a recorded statement without talking to an attorney. It's a good idea to talk to an attorney before you give any kind of a statement. The reason for that is the insurance companies train their adjusters to ask questions to get the information that they need to drive down the value of your case from the very beginning. Don't give them that opportunity.



How Long Will My Case Take?

One of the most common questions is, "How long does this take to resolve?" One of the major factors is what your injuries are and how long it's going to take you to recover from those injuries. Some injuries are minor and you make a quick recovery from those injuries; other ones are more severe and they require more time and more medical care to make a recovery or to reach a point where you're stable again.

We're going to gather up your bills and records from your medical providers and use those bills and records to negotiate with the insurance company a full and fair settlement to your case. A lot of times we're successful at that and we're able to bring your case to a resolution at that point. If the insurance company is unwilling to make a full and fair offer on your case, we then file litigation and we take your case into the court process.

Understand that we are always pushing to bring your case to a resolution as quickly as we can, while at the same time, understanding that you can only settle these cases one time. We don't want to settle these cases until we have a full and complete understanding of what your injuries are.

CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

As soon as you are able to, we highly suggest calling our office to set up a free initial consultation with our experienced Utah pedestrian accident attorney. We will take you through every phase of the pedestrian accident claim and guide you through it so that you fully understand what you are up against and what to expect. You are our priority and we want you to feel like you are. It is important to us that you get the compensation that you deserve. We will do everything we can to make sure that happens for you. Please do not hesitate to call us as soon as you can and we will help you get the ball rolling on your case.

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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