

UTAH SLIP AND FALL INJURY GUIDE

*Steps to Take if You Were
Seriously Injured*

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When you trip over something, most of the time it's no big deal. You may not hurt yourself and you just try to brush off the embarrassment. If you are here, that is probably not what happened to you. You may be eligible for a slip and fall claim if you were seriously injured due to someone else's negligence. These slip and falls can

cause injuries that can truly shake your normal life. We want you to know that we are here for you. After you read a little bit about your slip and fall claim, please call our office as soon as you can so that we can get the ball rolling and ensure you are on track for a very successful claim.

COMMON SLIP AND FALL INJURIES

As mentioned, these accidents are sometimes severe and can lead to missed time at work which makes it harder for you to pay any medical bills that are coming your way. Here are the most common slip and fall injuries that we see in our clients:

- » Broken bones
- » Fractures
- » Cuts and lacerations
- » Bruising
- » Concussion
- » Dislocation

We will sit down with you shortly after the accident and discuss your health condition. We need to get an idea of how bad you are and how long it will take to get back to 100%. If 100% is not an option, we will take that into consideration. Once we know how long your recovery will take and what you will need to get better, we will have a better understanding of how much compensation we need to ask the liable party's insurance company for.

WHAT TO DO AFTER YOU FALL

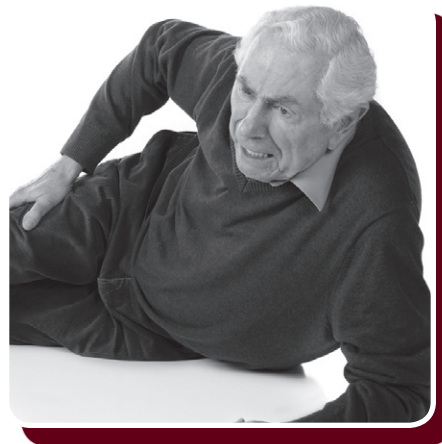
A key thing to know after your slip and fall is that your health is more important than anything else. You might be embarrassed if you fell in public and want to get right out of there, but you should not leave the scene without reporting the incident. Then you can head off to the urgent care and get the medical attention you probably so badly need.

If you were at a friend's house, take photos of what you tripped or slipped on and ask your friend for their homeowner's insurance information. Don't worry, you are not personally suing a friend. You are bringing a claim against their insurance and those companies are well prepared for slip and fall cases.

Once you know you have reported the incident, taken photos of the cause of your injury, and perhaps gotten contact information from witnesses, you can then get to a medical professional. That might be an urgent care facility, an emergency room, or your primary physician. What ever it is, do not hesitate getting there after you have settled things at the scene of the accident. You don't want to run the risk of worsening your condition by waiting. You also run the risk of having the liable party's insurance company say that you could not have possibly been that injured and that you do not deserve compensation. They will use that against you to try to throw out your case.

HOW TO GET THE MOST COMPENSATION

Utah has shared fault rules and you can fall into one of three possible categories when it comes to compensation. First, if you are 50% – 100% at fault for your accident (which barely happens) you will be completely barred from receiving compensation. The next category is when you are less than 50% at fault for the accident. You may have been on your phone you fell. Let's say you were 20% at fault. When you get your compensation award, it will be reduced



by 20% to account for your fault. Lastly, you could possibly share no fault in the accident and not have any reduction in your compensation which is obviously the best case scenario. The best way to make sure you don't have any reduction is to avoid talking to the insurance company when they ask you for a recorded statement. They don't really want to help you. They want to throw out your case. Also, to avoid having your case thrown out, you should be aware of the statute of limitations. You have four years from the date of the accident to get your case started or settle it in court. Do not delay this process because if you miss the deadline, you will no longer be eligible for compensation and there's nothing we can do to reverse that.



FREQUENTLY ASKED SLIP AND FALL QUESTIONS

How Do I Pick the Right Attorney?

If you've been injured because of a slip and fall accident in the state of Utah, you may want to know how to hire the right attorney. You want to look at a couple of different things including experience, the focus of the practice, and you want a trial lawyer.

You want somebody who's experienced because these cases are quite difficult. You want somebody who knows how to deal with the case, how to navigate through the case, and somebody who's done it multiple times successfully. You want somebody who focuses on personal injury and these types of claims specifically, because it's hard to understand the smaller parts of the case if you just dabble. If I'm doing criminal cases one day, and then trying to do adoptions the next day, and then I try to fit in your slip and fall case, that's a difficult thing to do.

These cases are tough. We want to prepare them from the beginning as if you're going to have to go to trial. A lot of the insurance companies for these

businesses don't want to pay anything on these cases. You want to have somebody that the insurance company knows will take the case to trial and will be ready for trial.

What Should I Do After a Slip and Fall?

If you have been injured in a slip and fall in the state of Utah, it's important that you do a number of things. First, you need to seek out medical care for any injuries that you have. You need a doctor that can tell you what your injuries are and help you understand what you need to do to heal from those injuries. Second, you need to follow the recommendations and instructions that are given to you by your doctor. An insurance company will look and see if you've followed the instructions, and if you didn't, the insurance company will offer you less compensation for your case.

Third, you need to hire an attorney early in the process. An attorney can step in and help you organize your case, and help you understand how to avoid some of the common pitfalls and mistakes. Fourth, you need to make sure that you hire a trial attorney. A trial attorney is one that will actually take your case to a jury verdict, and insurance companies know which attorneys are willing to do that and which are not. When a case is run by a trial attorney, insurance companies offer more compensation for those cases.

What if There Was a Caution Sign?

We have a client that was involved in a slip and fall case in a restaurant. He walked into one of the entrances of the restaurant, took a couple of steps, his foot hit wet floor, and down he went. As we were discussing the case with the insurance company, the insurance company said, "Your client doesn't have a case because we had a caution sign out that said there was a wet floor." When we looked into it further, we discovered that the wet floor sign was over by a separate entrance, where it would've been very hard to see for anybody, including our client who was walking through the other entrance.

We helped him understand that, in this case, even though there was a caution sign out, he does have a case against this restaurant.

What If I'm Hurt Due to a Faulty Handrail?

If you have been injured in Utah due to a faulty handrail, there are a number of things we suggest that you do. First, we would recommend that you get pictures or video of the faulty handrail. Sometimes those handrails will get repaired or changed rather quickly, and it helps preserve the evidence of what the handrail was like at the moment that you were injured. We also recommend that you seek medical care for the injuries that you sustained so you can start to make a physical recovery. Third, we recommend that you hire an attorney to come in and make sure that all evidence gets preserved and that nothing gets destroyed.

Hire a trial attorney who will take your case to a jury verdict and can see if the handrail was up to code and that the owner of the handrail was doing what they needed to do under the law.

What If I'm Hurt Due to a Faulty Stair?

If you slipped and fell on faulty stairs in Utah, whether or not you have a case depends on a number of factors. The biggest factor is to determine whether or not the stairs that you fell on are up to code. The construction code requires that stairs meet certain dimensions and requirements. That's why it's important to bring an attorney into your case, so that we can help you understand whether or not there is a case against the owner of those stairs.



What Mistakes Should I Avoid?

When someone has been injured in a slip and fall in the state of Utah, there are a number of common mistakes that are made. Mistake number one is if you do not seek out the medical care that you need. If you have been injured, it's important that you get into a doctor right away so that you can begin to heal from the injuries that you have sustained. Mistake number two is not following

the recommendations of the doctor. If the doctor has suggested that you do something, it's very important that you follow that doctor's instructions.

Mistake number three is to not hire an attorney. An attorney can come in early on, help you organize your case, and help you avoid some of the pitfalls and common problems that we see people fall into. Mistake number four is to not hire an attorney who is a trial attorney. Insurance companies know who the trial attorneys are and who is willing to take a case to a jury verdict. Hiring an attorney who is a trial attorney can be one of the things that adds the most value to your case.

How Much is My Case Worth?

Trying to determine the value of a case, if you've had a slip and fall accident in the state of Utah, is tough because you've got to look at a couple of different things. First is the severity of the injury that you have. That includes the medical treatment that you're going to get, that you've already gotten, how well it worked, and how much better you got. The other thing you need to look at in these cases is if some of it is your fault, you need to take that into account in determining the value of the case, and that makes it very difficult to do, especially early on in a case.

What if I Slip and Fall on City Property?

If you have been injured on a sidewalk that is owned and maintained by a city or municipality, whether or not you have a claim depends on a number of factors. One of the most important things to understand is the time frame that you have to bring a claim against a governmental agency is much shorter than it is against a private party. It's important to hire an attorney and get an injury attorney involved early on in the case, so that we can make sure that the steps are followed and the hoops that you have to jump through are jumped through, so that we can preserve your claim.

Should I Give a Recorded Statement?

If you've been injured in a slip and fall accident in the state of Utah, you probably talked to the manager, filled out an incident report, and gave them some basic

information. Most likely, in a day or two, you're also going to get a call from an insurance company wanting a recorded statement about the fall. I recommend that people generally do not give that statement without talking to an attorney first. The reason for that is that the attorneys or the insurance agents that call have been trained to ask questions in a specific way, and the way they're asking questions is to get the information they need to drive down the value of your case.

Talk to an attorney first, then decide if you want to give the recorded statement.



How Long Will the Case Take?

The other day, I had an individual come into my office who, while shopping, stepped in a slippery material and fell down, and they were injured. They wanted to know, "How long is this case going to take to settle or resolve?" I explained to them there are a number of factors that come into play, but usually the biggest factor is the type of injuries sustained and how long it's going to take you to recover from those injuries.

Some injuries are minor, and you make quick recoveries from those injuries, and some injuries are more severe and require more time and more medical care to make a recovery.

Once you have made a recovery from your injuries, or reached a stable point, we then communicate with your doctors and gather up your bills and your records. We use those bills and records to negotiate a full and fair settlement with the insurance company. A lot of times we're successful and we're able to bring a claim to a resolution at that point. At times, insurance companies are unwilling to offer full and fair value, and so we then have to file litigation and take your case to court.

Understand that we are always pushing as aggressively and as quickly as we can to bring your case to a resolution, while also understanding you only get to settle these cases once. We don't want to settle these cases until we have a full understanding and idea of what your injuries are.

CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

If you have been seriously injured in a slip and fall incident, you should not hesitate to call our office for a free consultation. Our Utah slip and fall lawyer will be your strong, dedicated, and experienced guide through this legal situation. You deserve to feel like a priority and we want to give that to you. We will work hard to get you the compensation you deserve so that you can get back to normal after this accident.

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.

