



UTAH
PERSONAL
INJURY
GUIDE

*Steps to Take if You Were Seriously Injured
by the Negligence of Another*

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Personal injury is a term that covers a lot of different branches of accidents and incidents. Generally speaking, when you are injured due to someone else's carelessness, it is important for you to know that you may be eligible for a personal injury claim. You will have your medical bills covers along with your lost wages

and any other expense that you have had to incur because of your accident. That will hopefully help you to get back on your feet and return to normal. Our Utah personal injury lawyer is here to help you through your personal injury claim to ensure that you will be getting the fullest and fairest compensation available after your accident. We understand how vulnerable you may be feeling and we want to be there for you.

TYPES OF PERSONAL INJURY CASES WE HANDLE

As mentioned, personal injury is a kind of umbrella term. There are many types of accidents and incidents that our Utah personal injury lawyer can help you with. Here are the types of cases we handle:

- » Bike accidents
- » Bus accidents
- » Car accidents
- » Construction accidents
- » Dog bites/attacks
- » Motorcycle accidents
- » Pedestrian accidents
- » Slip and falls

The injuries people suffer from these accidents range from minor to life changing. It is possible that you will never be the same. When we ask the liable party's insurance company for compensation, we take into consideration the amount

of suffering you have undergone and we fight hard to get you a compensation reward that reflects that.

TIPS FOR A SUCCESSFUL CLAIM

Our hope is that you will walk away from this taking valuable information. After your injury, it is important for you to take the proper steps to make sure you are going to have a strong case. Here are a few tips for a strong and successful personal injury claim.



1. **Seek Medical Attention** – You should do this as soon as possible. Your health is so much more important than anything. Our top concern is you getting back to normal after your accident and you should be seeking medical attention if you need it. Do not try to brush off the pain and walk away from the incident as you run the risk of seriously harming yourself more. Also, what you need to know is that if you delay or avoid going to see the doctor, the liable party's insurance company will take that as an opportunity to deny you compensation and claim you don't need it.
2. **Collect Any Evidence** – Every scene of any accident has evidence that needs to be collected. If you were hurt in a slip and fall, there was a cause to that and you should get a photo of it. If there was an auto accident, there were probably witnesses and you should get their contact information. If you are too injured to do anything, you can call on a friend or family member. You can even hire an attorney who may be available to get to the scene of the incident and collect the evidence for you. Anything that you think is important pertaining to the accident, you should get a picture of.
3. **Statute of Limitations** – There is an allotted amount of time for you to bring your claim or to settle it in civil court. In Utah, you have four years from the date of the accident to do this or you will be barred

from receiving compensation. It is not a loose rule, and once that date passes, there is nothing anyone can do to fix it. Four years might be a long time, but it is not wise to wait to bring your claim. Your witnesses may forget important details, your evidence might disappear, and your case will subsequently be weakened.

4. **Hire an Attorney** – To help make sure you are on track with everything, it is wise to hire an attorney early on. They will take over communication with the insurance company so that they can't bully you into a low settlement offer. They will take the weight of this personal injury case off of your shoulders.



FREQUENTLY ASKED PERSONAL INJURY QUESTIONS

How Do I Pick the Right Attorney?

One of the questions that I get asked is, "How do you pick a good personal injury attorney in Utah?" I know that can be a very difficult task because you see so many people on TV, in newspapers, and in advertisements for personal injury attorneys everywhere. I think you need to look at a couple basic things.

One, you need to look at the experience. Not just how long somebody's been an attorney but how much they're involved in the actual personal injury arena on a day-to-day basis. You need somebody that's focused on personal injury. You don't want somebody who's doing criminal law one day, doing a bill of trust the next day, and then taking a personal injury case if they get a chance.

You also want to look for somebody who's a trial lawyer. It's important to prepare your case as if it's going to trial, because that helps in the settlement, and if you do have to go to trial, it helps there. Most importantly, insurance

companies know who's willing to go to trial, who's willing to fight and spend that extra effort on a case, and who's not.

What Do I Do After I'm Hurt?

If you have been injured by somebody's negligence in the state of Utah, there are a few things that you should do right away. Number one, you should seek the medical care of doctors that can help you heal from the injuries that you have received. Number two, it's important that you follow any recommendations that your doctors give you. If your doctor instructs you to do something, it's important that you follow those instructions. Number three, you should hire an attorney to help you with your case.

When choosing an attorney, you need to make sure that that attorney is a trial attorney. An attorney that is willing to take a case to trial and to a jury verdict is treated differently by insurance companies than an attorney who is not willing to do the same.

Can I Avoid Trial?

I was meeting with a client the other day and they said, "No matter what, I do not want to go to trial. Is that a possibility?" I explained to them that in Utah, you always have the option of settling the case before trial. This is your case. We're not going to file a lawsuit without asking you first and explaining to you what the process is. The ultimate decision is the client's decision. What we offer is our opinion and our expertise on whether or not we think filing a lawsuit and taking the case to trial will add value and give you the opportunity to settle your case for more and fair money.

Should I Talk to the Insurance Company?

I'm often asked, "Is it a good idea to give a recorded statement to an insurance company?" My answer to that is it's not a good idea. Insurance adjusters are trained to ask questions in a specific way to get the information they need to help their case, which means hurting your case. Their entire goal is to reduce the amount of damages they pay out. I would recommend that you not speak to an insurance company or give them a recorded statement until you've talked to an attorney.

Can I Be Compensated for Emotional Damages?

One of the areas that an injured party is able to recover is for the damages of emotional distress. People come in and they ask me about that, and sometimes initially chuckling about it and then we get a few weeks down the road and they understand the reality of emotional distress. They understand that when you're in pain, any aspect of life is less enjoyable. It doesn't matter what you're doing; if you're hurting, it's more difficult to enjoy and appreciate the life that you're living.

One of the areas of damages that somebody who injures another person is required to compensate you for is your emotional distress. In Utah, you do get compensation for the emotional stress caused by the injury.

What Mistakes Can I Avoid?

A lot of people have asked me, "What are some of the most common mistakes that people make on their personal injury claims in the state of Utah?"

One of the biggest ones is not seeking the medical care that you need right away. If you're injured, you need to seek out the medical care of trained professionals who can help you get the care that you need to make a recovery. Number two, people don't follow the advice of their doctors. They don't go to their follow up appointments, they don't follow their doctor's recommendations, and they delay the healing process. Insurance companies look at whether or not you're following the instructions of the doctor when trying to make a recovery.

Number three is not seeking out the help of an attorney. An attorney can come into a case early on, help organize the case, and help you avoid making a lot of these mistakes that people commonly make. Number four is when seeking out an attorney, make sure you seek out an attorney who is dedicated to personal injury work and is a trial attorney as well. An attorney can make one of the biggest impacts on your case, and the attorney that you hire could determine the ultimate outcome and value of your case.



How Much is My Case Worth?

One of the questions that I'm asked most frequently is, "What is my case worth?" Those are very difficult questions to answer because there's no formula that can be used; it's based on the specifics of the case. It depends on how severe the injury is, how bad it impacts the individual who's hurt, how long it's going to impact them, and how severely it's going to impact them. What are they going to lose for work? What kind of future medical bills are they going to incur? All of those things go into it.

One of the other things that you have to factor into it is the amount of insurance that's available to cover that loss because you could have a significant injury but not enough insurance to cover it, and that affects the value of a case.

How Long Will My Case Take?

I'm often asked, "How long it's going to take to settle my personal injury claim in the state of Utah?" The answer to that question depends on the number of factors. The main factor is how long it is going to take for you to recover from the injuries that you have sustained. Minor injuries heal quicker; bigger injuries take a longer amount of time to heal from.

What we want is for you to get to a stable point where your medical providers have a good understanding of what your injuries are and what it's going to take for the ongoing care. At that point, we'll gather up the bills and the records that have been produced by your medical providers and we'll begin to negotiate a settlement with the insurance company. Many times we're able to resolve cases through settlements if the insurance company is able to come to the table with a fair offer. In the event they are unwilling to come to the table with a fair offer, we would then file litigation.

We are always pushing your case to settle and to resolve as quickly as we can, while understanding at the same time that you only get to settle the case one time. Once your case is over, we can't come back at a later date and ask to reopen it.

What if I Have Preexisting Conditions?

Preexisting conditions are interesting because insurance companies look at them and say, “You’ve already had the injury; we didn’t really cause an injury.” The problem is with the preexisting injury, you’re more susceptible to a new injury or a re-aggravation of that injury, and so when they cause something new, oftentimes because of the preexisting, it makes it worse.

Should I Take the First Settlement Offer?

When negotiating with an insurance provider in Utah, we never recommend taking the first offer. In fact, unless the insurance adjuster is offering one-hundred percent of the insurance policy, we have never had a situation where an insurance adjuster is unwilling to give more money above and beyond their first offer. We do not recommend that if an insurance adjuster offers some amount of money, that that is an offer that you should take. It’s our experience that there is typically more money to offer, more room to negotiate with, and we can help you through that process.

Will My Injury Case Go to Trial?

A lot of my clients are wondering, “Is my case going to go to trial?” The reality is most cases do not end up going to trial or being decided by a jury. Many cases can settle prior to filing litigation; you can negotiate a claim with an insurance adjuster and you reach an agreeable resolution. We’re unable to do that with some cases, and so we file litigation and start the litigation process. During that process, there are a lot of things that happen that can help the case continue to negotiate and work towards a resolution. Even most of the cases that do end up in litigation still end up settling before trial. In the event that a case does go to trial, rest assured that we are attorneys that handle cases that go to trial, we’re not afraid to take a case to a jury verdict, and we will make sure that you’re comfortable with the process, understand what to expect, and are well-prepared for a trial.

CALL OUR OFFICE FOR A FREE CONSULTATION

If you are in need of a strong, dedicated, and experienced Utah personal injury lawyer, please call our office today to set up a free initial case evaluation. We will go over the details of your case, talk about your current health condition and get the ball rolling on your case. We want it to be a successful claim for you so that you can get on with your life after the accident. We will take the stress of a legal situation off of your shoulders and let you focus on yourself and your recovery. You don't owe us a dime unless we win your case and we will make sure that you are fully and fairly compensated by the liable party's insurance.

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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