

UTAH BOAT ACCIDENT GUIDE

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

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If you have been hurt on a boat, you are probably feeling extremely frustrated and scared. Your finances might be at risk due to lost wages from being out of work as well as unexpected medical bills. It is hard to deal with knowing that all of this could have been avoided. Our Utah boating accident attorney is here to help you get the compensation that you need. Once you read up about your case, don't hesitate to call our office to set up a free consultation to go over the details of your boating accident claim and find out what your legal options are.

COMMON BOATING ACCIDENT INJURIES

Typically when you are on a boat, there are not very many safety precautions. You may not be wearing a seat belt and many times people get on a boat without putting on their lifejacket. Because of the lax nature of being on a boat, the risk for more severe injuries increases. The most common boating accident injuries we see people get include:

- » Broken bones and fractures
- » Internal organ injury
- » Traumatic brain injury or concussion
- » Cuts and lacerations
- » Paralysis

If you suspect you have an injury, the first thing you should do after your accident is seek out medical care. Your health is the most important thing and you want to make sure you are on the mend as soon as possible. If you delay seeking medical attention, you run the risk of having the insurance company deny your claim on the basis that your injuries could not possibly need compensation if they were not bad enough to send you right to a doctor. Even if you have adrenaline in your body and you don't really feel the full extent of your injuries, you should still seek medical attention. It is also important that you get immediate

medical attention so that we have documented proof of all the injuries you have sustained. We will use your medical records as a means to show the insurance company that they owe you compensation.

UTAH STATUTE OF LIMITATIONS

For most personal injury claims, including boating accidents, you have four years from the date of your accident to bring your claim or settle it in civil court. This might seem like you have so much time to contact an attorney, but it is not advised to wait a significant amount of time to do so. These cases can be complicated and your attorney needs time to find out who the liable party is, get all of your records together, and start building a strong case to present to the insurance company. Waiting will not be beneficial for you. In fact, the sooner you hire an attorney, the better. Additionally, you should not wait until four years to talk to an attorney. If the deadline has passed, there is nothing we can do to help you. If you wait until a week before, we most likely cannot help you anymore as we need that time to build your case.

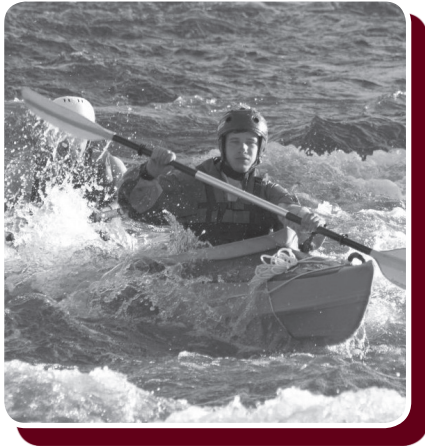


AVOID TALKING TO THE INSURANCE COMPANY

When the insurance company for the liable party comes calling, the best thing you can do is refer them to your attorney. They will be asking you for a recorded statement and claim that it will help them help you in your case. This is not something you want to give them if you are interested in full and fair compensation. They are trained to ask you questions that put you in a bad spot. Any answers that you give that might make it seem like the accident was your fault or that your injuries aren't too bad, they will use that against you in their pursuit to reduce your claim or throw it out altogether.

HOW BOATING ACCIDENT COMPENSATION WORKS

Utah is a shared fault state which means you can receive compensation but if you are deemed to be 50% or more at fault, then you will be barred. If you share fault less than 50%, then your compensation will be reduced. For example, if you are awarded \$10,000 for your injuries, but have 20% shared fault, your award will be reduced to \$8,000 to account for your role in the accident. That is why it is so important for us to keep you from making case-ruining mistakes by talking to the insurance company.



FREQUENTLY ASKED BOATING ACCIDENT QUESTIONS

How Do I Pick the Right Attorney?

Utah has some great lakes and great places to do boating and jet skiing. If you've been injured in any of those activities, you may be wondering, "What do I do to find an attorney who can help me in that situation?"

Find somebody who has experience in boating accidents. Find somebody who knows how to handle that type of a case, who has handled those types of cases, and who has a personal injury practice that deals with watercraft and boating accidents.

The final thing I would say in that area is to get somebody who's a trial attorney, knows how to try the case, and will prepare the case for trial, if it has to go that far. Let the insurance company know right from the beginning that if it has to go to trial, you're willing and prepared and you've got the backup to do that.

What Mistakes Can I Avoid?

One of the most common mistakes that people make when they've been involved in a boating accident in the state of Utah is not seeking immediate medical care for their injuries. If you have been injured, it's important that you get into a doctor and seek the medical care that you need in order to make a full, physical recovery. Another mistake is not following the recommendations of your doctor. If your doctor has instructed you to do something, or recommended that you do something, it is important that you follow that doctor's instructions.

Mistake number three is not hiring an attorney. An attorney can step into a case early on and help organize it to avoid some of the common mistakes and pitfalls that people will fall into.

Mistake number four is hiring an attorney that is not a trial attorney. Insurance companies know who a trial attorney is and who is not, and they treat trial attorneys differently. They are willing to settle the cases that are being run by trial attorneys for more value.



What Do I Do After a Boat Accident?

If you have been injured in a boating accident in the state of Utah, know that there are a number of things that you need to do right away. First, you need to seek medical care for any injuries that you have. Get to a doctor to help you understand what your injuries are and what you need to do to heal from those injuries. Second, it's important that you follow

any recommendations and instructions from your doctor. The insurance company is going to look and see if you've followed the doctor's instructions, and if you did not, they will offer less value on your case.

Third, you need to seek the help of an attorney right away. An attorney can step in and help organize your case and can help you avoid some of the common mistakes and pitfalls that people fall into on their own. Fourth, it's important that when selecting an attorney, you choose one who is a trial attorney. A trial

attorney is someone who is willing to take your case to a jury verdict. The insurance companies know who the trial attorneys are and they treat cases run by trial attorneys differently than cases that are run by an attorney that is unwilling to take a case to a jury verdict.

How Much is My Case Worth?

Determining the value of a boating accident case can be difficult early on. The medical bills need to be looked at, the medical treatment needs to be looked at, and the amount of additional medical bills that will be incurred need to be looked at. Any time missed from work needs to be looked at. You also need to consider things that might prevent you from doing the things you really like, and what limitations you will have in the future. All of those are components that calculate the damage for a boating accident.

Who is the Liable Party?

If you have been injured in a boating accident or a personal watercraft accident in the state of Utah, you should know that the responsible parties can be the boat owner, the boat driver, or the insurance policies that are carried by those individuals. A lot of times, people have questions about who is responsible when you're out on the lake.



Should I Talk to the Insurance Company?

If you've been involved in a boating or watercraft accident in the state of Utah, you'll probably get a call from the insurance company that represents the other person involved, and they'll want to take your recorded statement. I recommend that you not give them a recorded statement until you've had the opportunity to talk to an attorney. They want to take the recorded statements because they're trained to get the information that helps their case early on. They try to make your case worse before you know what's going on with your injuries. Don't give them a recorded statement without talking to an attorney.

How Long Will This Case Take?

You may be wondering, “How long is it going to take to settle my boating accident case in the state of Utah?” The answer to that question depends on a number of factors. One of the big factors is what injuries you sustained, and how long it is going to take you to recover from those injuries. Once you have made a recovery from your injuries, we can gather up the medical bills and records that we would use to negotiate a settlement on your claim. In many cases, we are able to negotiate a settlement on your claim with the insurance company. However, if the insurance company is unwilling to offer full and fair value on your case, we then would file litigation and put your case into the court system.

Understand that we are always pushing aggressively to try to bring your case to a resolution, but also understand that you only get to settle these cases one time, and we want to make sure that you get full and fair compensation.

CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

It is quite frustrating to have to deal with unexpected medical bills if your accident was caused by someone else’s negligence. We understand what you are going through and we have represented many other boating accident clients. It is a stressful time and we want to get rid of the added weight of a personal injury claim. Let us take over the legal aspects of your claim and allow yourself to take this time to heal and recover. You are a priority to us and we want you to feel like one. If you want a skilled and experienced Utah boating accident attorney, please do not hesitate to call our office today to set up a free consultation.

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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