

Deciding whether to hire a personal injury attorney

Many auto insurance carriers seem cooperative and interested in helping you receive compensation for your losses. However, even if the company's claims representatives are personable and sympathetic, their ultimate goal is to settle the claim at minimum cost. Even negotiations with the injured person's own insurance company may be adversarial if the driver at fault and the victim share the same carrier or the loss is to be covered by the victim's underinsured/uninsured motorist (UIM) policy.

In contrast to an insurance company, a personal injury attorney is ethically and professionally obligated to look out for the client's best interests. The singular objective is to obtain the optimal outcome for the injured party. To that end, an experienced attorney will ensure that the damages are calculated correctly and the available sources of compensation are evaluated properly. An experienced personal injury attorney will aggressively pursue the injured person's claim.

Moreover, a case involving bodily injury is often more complex than the victim may realize. For instance, the less typical sources of compensation could be missed without the involvement of an experienced Colorado attorney. An attorney will be able to coordinate the different aspects of the case in order to maximize the available recovery.

Retaining counsel is not as crucial when the accident caused only property damage. The appropriate compensation for property damage can be calculated based on market prices. Therefore, it is easier to evaluate the insurance company's settlement offer and negotiate accordingly.

Calculating the appropriate compensation for bodily injury is more complicated. Certainly, the victim's economic damages such as medical bills and lost wages should be included in any settlement demand. However, assigning a numerical value to non-economic loss such as pain and suffering or disfigurement is more difficult and requires the expertise of an experienced personal injury attorney.

Paying for a personal injury attorney

Obtaining proper medical care frequently imposes a considerable financial burden on the injured person and his or her family. However, it is possible to hire a personal injury attorney without paying either a retainer or an hourly fee. In fact, a contingency fee arrangement is common in personal injury cases.

A contingency fee means that the client does not pay any attorney's fees until he or she receives a settlement or a damages award. At that time, the attorney collects a predetermined percentage of the recovery. This payment method allows the client to obtain legal representation without additional financial stress and helps to align the attorney's financial interest with the client's. An experienced Colorado attorney will be able to explain in detail what a contingency fee agreement entails.

Time limits on bringing a claim

Generally, the injured person has 3 years from the date of the accident to bring a personal injury lawsuit. This time limit is called the statute of limitations. Once it expires, no legal action may be filed.

There are various exceptions to the general rule and shorter time limits may apply. For instance, cases involving a fatal injury are treated differently. As another example, in cases where suit may be brought against a government entity, the injured person must give notice of a possible action no more than 6 months following the accident. The failure to provide due notice forecloses future recovery from the government.

Regardless of the applicable time limits for filing a lawsuit, the demand for damages has to be made early enough to allow time for settlement negotiations with the insurance carrier. Thanks to aggressive and smart negotiations, many cases become resolved out-of-court.

A settlement demand would usually be made after the victim's condition has stabilized, which allows for a thorough evaluation of treatment options and the formulation of a long-term prognosis. The length of time necessary would depend on the type and severity of the injury. A premature settlement demand may result in an incomplete recovery due to an incorrect and rash assessment of damages.

It is to the injured person's advantage to contact an experienced Colorado attorney as soon as practical following an accident that resulted in bodily injury. An attorney will be able to develop a time-frame for handling the claim and advise the victim regarding any applicable time limits.

Amount of compensation

The amount of recovery depends on the injuries suffered and the types of damages sustained. A settlement or damages award is meant to compensate the victim his or her losses, including past and future medical expenses, lost income, pain and suffering, permanent impairment, and disfigurement. It is not possible to provide a specific figure until a careful examination of the medical and financial documentation. However, an experienced personal injury attorney should be able to evaluate your claim and estimate your potential recovery.

An experienced Colorado attorney will help you obtain due compensation for your injury by ensuring that all of the applicable damages are accounted for and that no sources of recovery are inadvertently forgone.

Timing of compensation

A settlement demand should usually wait until the client has had a chance to undergo a thorough medical evaluation and to complete at least the initial stages of treatment. Otherwise, an informed and accurate calculation of damages may not be possible. Since haste could compromise final recovery, some initial patience is usually advisable to avoid future regrets. However, an injured person should not delay contacting an experienced personal injury attorney, because doing so may cause important deadlines to be missed.

Once a settlement demand is made, time is required for the negotiations to take place. The insurance carrier will generally respond with an initial offer, and the victim's attorney will work to bring that amount as close as possible to figure quoted in the demand. This back-and-forth exchange may be quite informal or mediation may be scheduled.

Sources of compensation for personal injury

The sources of compensation depend on the circumstances in which the injury occurred. An experienced Colorado attorney will help you evaluate your recovery options and navigate between them.

For motor vehicle accidents, some of the most common sources of compensation include: the insurance policy that covers the driver at fault and the victim's underinsured and uninsured motorist (UIM) benefit. In some cases, workers' compensation may come into play, if the injured person was working at the time of the accident (for instance, making deliveries). In premises liability cases, commercial or homeowners insurance policies would apply depending on where the injury occurred.

In some cases, the injured person may request punitive damages in excess of the policy limits. The circumstances that merit such a request include drunk or drugged driving, a speed contest, or other exceedingly dangerous or criminal behavior.

There may be multiple entities liable for the injury, e.g. individuals, business entities, or government entities. Moreover, even if the driver at fault is unable to produce a proof of insurance, he or she may be covered by the vehicle owner's, family members, or employer's insurance policy.

Required documentation

A settlement demand has to be supported by documentation that verifies your damages. An experienced personal injury attorney will assist you in obtaining and organizing the required information. Moreover, a careful examination of the relevant medical records, insurance policies, and financial information is indispensable. It will help your attorney correctly evaluate your claim and determine the applicable sources of compensation.

Your attorney will need all of the medical records and bills related to your accident. Your medical care providers will send this paperwork directly to your counsel's office after you authorize them to release the information. This information will help to ensure that you are compensated for your past medical expenses, prospective medical costs, pain and suffering, and any permanent disfigurement or impairment. Moreover, if your injuries have caused you to lose income or your livelihood, you will need to provide financial information to help quantify your damages, such as pay stubs or income tax returns. Additional documentation may be necessary depending on the losses you have suffered.

Payment options for medical bills

Even if you were not at fault, you may be required to pay for the initial treatment. However, any settlement or award of damages would serve to compensate you for those expenses as well as cover any prospective medical costs. Moreover, many health care providers have experience with patients who do not have insurance or are otherwise unable to pay their bills immediately. In such cases, these care providers may postpone payment and assert a lien against your settlement or award of damages. This means that any bills will get paid from the money you eventually receive. There are a number of quality health care providers in Colorado who accept this form of delayed compensation. An experienced Colorado attorney can assist you with making the necessary payment arrangements.

Difference between a lien and subrogation

A lien means that an entity agrees not to receive immediate payment in exchange for an assurance of getting paid from a prospective source of monies. In the personal injury context, liens are frequently asserted by medical care providers in order to cover the victim's medical expenses, while waiting for a settlement or award of damages.

In case of subrogation, an entity has made payments to the injured person or on his or her behalf and expects to be compensated once a source of monies becomes available. Subrogation claims are frequently made by entities that serve as a relatively quick, but temporary source of compensation. An example would be a workers' compensation insurance carrier, where the employer was not the party at fault. There are different types of liens and subrogation claims. An experienced Colorado attorney can help you determine which ones may apply in your case.

For more information, contact Colorado Springs personal injury attorneys at Anderson & Travis:

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