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I've Been Injured, Now What?

The 5-Step Guide to the Personal Injury Claim Process



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Executive Summary

Most of the people who suffer an injury and make a personal injury claim are in unfamiliar territory. They likely have never retained an attorney, never been a party to a lawsuit, and have little or no experience with the legal system. They have no idea how the process works and what to do next.

When most people think of a personal injury case, they picture a jury trial complete with exhibits, testimony, and expert witnesses. But the initial phases of a personal injury case actually take place out of court – at the accident scene, in a hospital or medical clinic, and at the office of a personal injury attorney.

The purpose of this white paper is to provide direction to an injured person at a very chaotic time in their life – when they may be facing serious and sometimes debilitating injuries, their vehicle has been damaged or destroyed, and although they are unable to return to work and may never be able to do so, the bills just keep piling up.



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Introduction: What Do I Do?

Personal injury cases typically follow a logical flow in which the injured person completes a series of steps to initiate the process:

Step 1

Report the Accident: In many states, including Colorado, it's against the law to fail to report an accident that results in injuries, property damage, or death.

Step 2

Contact the Insurance Company: Drivers have a responsibility to notify their insurance company in the event of an accident, and also to respond to reasonable requests regarding their property damage and physical injuries.

Step 3

Choose an Attorney: Because of the nature and complexity of most personal injury cases, it is usually in the victim's best interest to retain legal counsel, provided the attorney chosen will be a strong advocate.

Step 4

Seek Medical Attention: Accident victims have a tendency to downplay their injuries and resist obtaining treatment for them. But this is a mistake, as untreated injuries often worsen, and insurance companies tend to believe that if victims don't take their injuries seriously, why should they?

Step 5

Work Toward Settling the Claim: Once the victim's injuries have stabilized and his or her condition is unlikely to change substantially, it's time for an accident attorney to compile all the damages and present the insurance company with a settlement demand, which may or may not lead to resolution of the case.

Throughout the important initial stages of a personal injury case, the goal for everyone involved is to obtain a fair settlement. Sometimes an agreement can be reached out of court, but occasionally the matter will go to trial. Either way, an experienced accident attorney is an injured person's most important ally.

If you are injured due to someone else's negligence, you may have a legal right to pursue a personal injury claim. Some common personal injuries include accidents involving automobiles, motorcycles, bicycles, boats, commercial

vehicles, and public transportation; dog bites; pedestrian accidents; and slip and fall incidents.

Despite what you might have seen on television, the initial stages of a personal injury claim actually have little or nothing to do with a court of law, but are still extremely important. What happens during this time can make the difference between a relatively quick out-of-court settlement and a lawsuit that drags on for months or even years.

So if you've suffered a personal injury, what should you do?



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STEP 1 Report the Accident

In the case of an automobile crash, the first thing you need to do if you are injured is report the accident. According to Colorado law, all automobile accidents must be reported immediately, and it is against the law not to call the police when a collision results in injuries.

Upon notification, a police officer might come to the scene, investigate the accident, and gather information from all the parties involved, including any witnesses, but if the collision did not involve drugs, alcohol, injuries, or the loss of human life, law enforcement personnel may not respond. In this case, you can file the report using Colorado's online [accident report form](#) or by downloading and filling out a counter crash report.

If you've suffered a dog bite, if the dog's owner is present, you should exchange names and phone numbers so that you can get proof of rabies vaccination. Animal control and the police should also be notified of the injury so that they can take the necessary steps to help ensure that the dog won't bite anyone else.

If you were injured in a [slip and fall injury](#), you should notify the owner of the property, who may or may not be responsible for the injury, unless he or an employee caused the slippery or dangerous condition, knew about the dangerous surface but did nothing about it, or should have known that a reasonable

person would have discovered the danger and removed or repaired it. However, your own carelessness may have contributed to the accident and might affect the outcome of your claim.

If you are injured in an accident, including those that don't involve a motor vehicle collision, there are several things you can do to bolster a future personal injury claim, such as:

- Take pictures at the scene to document the circumstances and illustrate the damage.
- Obtain contact information from any witnesses to the incident.
- Draw a diagram of the exact positions of the vehicles or parties before and after the accident.
- Jot down pertinent information, such as the time of day, road or weather conditions, anything the other party may have said to you, visible damage to your vehicle, and any physical injuries you may have suffered.
- Look around for reference points like telephone poles, signs, crosswalks, and nearby homes and businesses that will help you remember vital accident-related information later.

STEP 2 Contact the Insurance Company

You will also need to notify your [insurance company](#) about your accident, even if it was a minor fender bender and you don't think anyone was injured, or it was not your fault. Start by calling your agent, but you may end up speaking with the company's claims department. After the accident is reported, you will receive a formal letter from your insurance company documenting your claim.

The [at-fault driver](#) is responsible for reporting the accident to his own insurance company. You might want to contact their insurer, as well, and disclose your property damage and/or physical injuries, but never agree to give a recorded statement or accept any offer of settlement before first consulting with a personal injury attorney. If the other party is uninsured, report this to your insurance company.

“Never agree to give a recorded statement or accept any offer of settlement before first consulting with a personal injury attorney.”

Once the claim is opened, the insurance companies will investigate, and in the case of an automobile accident, your insurance company will usually request an inspection of your vehicle to estimate the cost of repairing the damage. They will also want to review any medical information relevant to your injuries, including the records of emergency services, hospitals, clinics, and all your treating physicians.

Pursuant to your insurance contract, you will be expected to cooperate with reasonable requests from your insurance company, which usually means providing accurate details of how the accident happened, who may have been at fault, the damage to your vehicle, your physical injuries, the type of medical treatment you are obtaining, and any other information that might be relevant to your claim. It is usually safe to assume that you won't be required to provide a recorded statement if you don't want to, and you won't need to respond to repeated requests for information that you've already provided. When in doubt, refer to your insurance policy.

STEP 3 Choose an Attorney

Retaining an attorney in a personal injury claim is almost always a good idea, especially if your injuries are serious and hard to quantify, making your case more complex. Personal injury cases are typically handled on a contingency basis, meaning you don't have to put out any money upfront and may only have to pay the costs of your case if you don't recover damages. Most personal injury attorneys are selective about the cases they accept on a contingency basis, but offer a free initial consultation so you can get an evaluation of your claim for no charge.

66 Don't choose an attorney based solely upon someone else's recommendation. Before you sign a retainer agreement, you need to meet with a potential attorney and thoroughly discuss your situation so you will know whether or not he or she is a good fit for you.

Before you hire an attorney to represent you in your injury claim, there are some important considerations you need to make, including:

- **Related experience:** It's usually a good idea to ask a prospective attorney what percentage of his practice includes personal injury cases, and whether he typically represents plaintiffs (injured people) or defendants (insurance companies).
- **Track record:** An effective accident attorney should have a record of success. Ask him how long he's been practicing and whether any of his previous cases were similar to yours.
- **Strong commitment:** When choosing an attorney, you need to feel confident that he will be dedicated to your case and put your interests first.

Don't choose an attorney based solely upon someone else's recommendation. Before you sign a retainer agreement, you need to meet with a potential attorney and thoroughly discuss your situation so you will know whether or not he or she is a good fit for you.

STEP 4 Seek Medical Attention

Many accident victims do not seek medical attention after an injury for a variety of reasons:

- They assume that their injuries are minor.
- They are not experiencing pain, or feel only slight discomfort.
- Their injuries do not become noticeable until time has passed.
- They don't have [medical pay coverage](#) on their automobile insurance policy, or don't understand how it works.
- They don't have health insurance or any other means to pay for medical treatment.

Unfortunately, many serious injuries, particularly those involving the head, neck, and back, may not be apparent for hours, days, or even weeks after an accident. If you've been hurt, it's critical that you see a doctor for diagnosis and treatment right away so that you do not aggravate your condition, and make sure your injuries are documented.

After you receive an initial medical evaluation after your accident, you will need to follow your primary physician's advice regarding your treatment plan by:

- Keeping all appointments
- Taking all prescribed medications
- Taking your doctor's recommendations regarding returning to work, resuming normal activities, etc.
- Following instructions regarding referrals to specialists, including but not limited to physical therapists, pain management professionals, neurologists, and surgeons

Your treatment may take weeks, months, or even years, depending upon your injuries. Eventually, your condition will stabilize and your doctor will place you at what is called [maximum medical improvement](#), or MMI. Being at MMI does not necessarily mean that you have returned to pre-accident form, but rather that your physician expects no more significant improvement in your condition. Sometimes doctors will also include an ongoing treatment plan, if necessary, and any expected surgeries or treatments that may be required at a later date.

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STEP 5 Work Toward Settling Your Claim

Once your doctor says you've reached maximum medical improvement, a critical point in a personal injury claim, your attorney will help you compile your damages and present them to the adverse party's insurance company in the form of a letter, known as a [settlement demand](#). An experienced attorney will negotiate with the claim representative and make every effort possible to settle your case out of court, but this is not always possible, and the time may come when a lawsuit will be filed.

Each state sets the maximum time after an injury that legal proceedings based upon the event may be initiated in civil court. This time limit is known as the statute of limitations. In Colorado, the [statute of limitations](#) for certain civil actions is:

- Negligence: Two years
- Personal injury, if from use or operation of a motor vehicle: Three years
- Injury to personal property, if from use or operation of a motor vehicle: Three years
- Product liability: Two years
- Professional malpractice: Two years
- Wrongful death: Two years

An accident attorney can advise you regarding the statute of limitations applying to your particular injury, and speaking to a professional sooner rather than later will protect your right to file a lawsuit seeking compensation for your damages should your case fail to settle out of court.

An experienced attorney will negotiate with the claim representative and make every effort possible to settle your case out of court.

Conclusion & Next Steps

Once you have gone through the initial stages and your case is filed in court, you will enter the litigation phase of your personal injury claim, but that does not mean you can no longer settle your case. You have the opportunity to reach a settlement right up until trial, and doing so not only will save you additional time and expense, but also help you avoid taking your chances in front of a jury, which can be unpredictable at best. But no matter how your case plays out, *an experienced attorney will guide you throughout the process and dramatically increase your odds of a favorable result.*

About Our Firm



If you or a loved one has been injured in an accident due to someone else's negligence, it's crucial to hire an experienced personal injury lawyer to help you achieve a fair resolution. My name is Dan Rosen, and I have over 30 years of personal injury experience, properly assessing damages, and fighting to get my clients the compensation they deserve for their injuries. I've personally handled tens of thousands of injury and accident cases, and have settled over \$100 million in claims for my clients.

At the Law Offices of Daniel R. Rosen, it's our goal to get you through your accident, injury, or wrongful death claim as quickly and smoothly as we can. We have offices in Denver and throughout the greater Colorado area.

Contact us today for a free consultation.

Personal Injury Resources

Want more information about the personal injury claim process? Check out these helpful articles from our blog.

- [5 Things to Look for When Choosing a Personal Injury Attorney](#)
- [How Long Will It Take to Settle My Personal Injury Case?](#)
- [Who Pays My Medical Bills After an Accident?](#)
- [How Are Personal Injury Settlements Calculated?](#)
- [I've Been Injured in an Auto Accident: What Are My Rights?](#)
- [Preparing for Your First Meeting With a Personal Injury Attorney](#)
- [5 Things Insurance Adjusters Don't Need to Know](#)
- [Commonly Misunderstood Aspects of an Auto Accident Claim](#)



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