



INTRODUCTION

Who this guide is for

This guide is for everyone who has been in a car accident in Utah. It does not matter if you are a resident of this state or not. If you are in a car accident within Utah's borders, you have the right to file a personal injury claim to recoup losses you have sustained.

This book explains every aspect of the claims process. Knowledge is power, and we want our clients to be informed. You can read this guide from beginning to end or skip to the sections you have the most questions about. If you have any lingering concerns, please call us, chat with us online, or stop by one of our many Utah offices.

Why should you choose The Advocates?

There are many personal injury law firms in Utah. It's important that you choose the firm and attorney that are right for you. The Advocates' mission is simple: To create a personalized, compassionate, and stress-free recovery experience for every single one of our clients.

It's easy to state our mission, but what matters most is that we act on it. Thousands of people in pain have come to us seeking help. Their reviews of our company serve as a great source of pride for us and an example of the representation you will get from our attorneys.

We care about your well-being, want you to recover from your accident, and will work tirelessly to get you the compensation you deserve. Helping people like you is our priority—it always has been and will always be.

Overview of car accidents in Utah

Car accidents are the most common type of accident in Utah.

2023 had:

- 60,021 crashes
- 26, 637 injuries
- 279 fatalities

This breaks down to:

- One crash every 8.8 minutes
- One accident-related injury every 19.7 minutes
- One fatality every 31.4 hours

The proof is in the pudding: *Accidents happen*. The best thing would be if they never happened. But we need to live in reality. They can and do happen to your friends, family, neighbors, and you. We can reduce the chances of accidents but can't completely prevent them.

We can reduce the chances of accidents but can't completely prevent them.

If you want to know what to do after an accident or have been in one, then you're in the right place. Read on for all you need to do after a car accident.

THE STEPS TO TAKE AFTER A CAR ACCIDENT

The next few minutes, hours, and weeks after the accident are perhaps the most important. First, we should recognize the most important thing after an accident: If you are reading this, you survived. Thank goodness for that.

Our job is to create a robust defense that gets you maximum compensation for your pain and suffering. Post-accident, follow these steps to ensure we can do just that.

| Safety above all else

Car accidents happen quicker than the flash of a match. For those who have never experienced one, it is difficult to describe what it is like to be in one. [This article](#) does a good job explaining what it's like and the gratitude that comes with surviving one.

Once the dust has settled, take stock of yourself and the other passengers in the car. This may be difficult. Adrenaline will be coursing through your body, causing you to want to panic, run away, cuss, or some combination of these. *Stay calm by taking deep breaths.*

| How badly are you and others hurt?

If you can move and your car is still in decent shape, ensure you get to a safe location. If you can't move or your car is totaled, stay where you are. Turn on your hazard lights, call (or get somebody else to call) emergency services, and wait. The accident has already happened; there's no going back in time. At this point, the most important thing to do is stay calm and safe.

| Call 911

Even if no one is hurt, get emergency services rolling as soon as possible. Some injuries aren't immediately obvious because of the adrenaline rush. Even if you know for a fact that no one is hurt, you still want law enforcement to come and assess the situation. A police report is a foundational document in any personal injury claim.

| Exchange information with the other parties involved

Accidents bring out human beings' primal survival instincts. There are so many unknowable factors after an accident, and the unknown is scary. Don't be surprised if the other driver is irritated or irate. The first thing to understand is how to deal with confrontational people.

- Avoid arguing. An argument is, at best, futile and, at worst, dangerous.
- Politely ask for their information.
- If they are angry, then disengage and wait for law enforcement to arrive.
- Stay in a public place with witnesses.
- If they keep coming at you, stay away and stay calm.
- If they try to flee the scene, take pictures of their car and license plates.

If they are on the more agreeable side, obtain the following:

- Name
- Address
- Phone number
- Insurance information
- Vehicle make and model
- Driver's license number
- License plate number

Get contact information from any witnesses. Their testimony could help your case further down the road.

| Never admit fault

As the old saying goes: Anything you say can and will be used against you in a court of law. Lots of people, even if they weren't the ones who caused the accident, will instinctually apologize after an accident. A simple statement like, "I'm sorry," could potentially be used in court to show you taking the blame for the accident.

Don't admit fault or assign blame. Look out for your own safety and that of others. Call law enforcement and give them the facts of the accident, not how you feel about it.

| Seek medical attention

If you're lucky, you might not need to take the ambulance. Even if your injuries don't appear serious or you feel fine, you should still see a doctor. Many injuries are delayed, not showing symptoms until days, weeks, or months after the accident. Internal bleeding can be fatal but often cannot be felt right away.

The further from the accident date you get, the harder it will be to trace delayed injuries back to the crash.

It is understandable if you don't want to go to a doctor because of medical bills. Everyone knows how expensive healthcare can be. Surgeries, rehab, and exams cost thousands, even for people with health insurance. Any compensation The Advocates pursue for you will usually include the costs of medical attention you need. We also have connections with many medical providers and specialists in Utah. Our firm can help you access most of the services you need.

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So, go to the doctor. Get the help you need. And be sure to keep all medical bills you receive.

Some common injuries from car accidents are:



Bruising and lacerations



Muscle strains



Whiplash



Broken teeth



Dislocated joints



Disfigurement



Broken bones



Internal damage



Spinal cord injuries



Traumatic brain injuries



Wrongful death

Document everything

Investigating your accident begins seconds after it occurs. In the realm of law, evidence is everything. Claims fall apart without proof to support them.

These are the most essential pieces of evidence to gather and preserve:

- Photographic and video evidence of the vehicles, license plates, road conditions, injuries, and traffic signs and signals
- An official accident report
- Witness statements and contact information
- Driver and vehicle information
- Medical records and bills
- Estimates for the cost of fixing property damage
- All your correspondence between your insurance company and the other driver's insurance company

Organization is key. Keep all these documents in folders and in an easily accessible location. When you hire an Advocate injury attorney, we will want to see the evidence you have gathered. If you don't have any evidence when you first come to us, that's okay. We will help you gather it.

Notify your insurance company

One of your allies during the process is your insurance company. Give them the details of the accident as soon as possible. This helps you out for several reasons.

Most insurance companies require you to report accidents. Reporting protects you from the other party, who may bring claims against you in the future. It's also good to notify your insurance company of any vehicle repairs or medical expenses you will have to make. Prompt reporting also prevents the other party from making false accusations against you later on.

Get a personal injury lawyer to represent your case

Having a skilled and experienced injury attorney on your side can make the difference between a stressful claims process and a successful one. There are many criteria to consider when selecting a personal injury firm. Some important qualities of a good accident attorney include:

- **Transparent costs:** You should never hire an attorney who sees you as nothing more than an income source. Many firms work on a contingency basis, meaning there are no upfront fees, and they only get paid as a portion of your settlement if they win your case.
- **Experience:** You want to work with experienced professionals who have a deep background in personal injury. Look for a firm that focuses on personal injury rather than many different areas of law.
- **Reputation:** The American entrepreneur George Eastman said, "A good reputation is measured by how much you can improve the lives of others." See if this quote is true for the personal injury firms you're considering by looking at their reviews and testimonials from former clients.
- **Knowledge of the community:** A personal injury attorney doesn't need to have a family from the area that goes back generations. They could be a recent transplant and still provide excellent legal representation. What's most important is that they know the community they are representing. This means they know the intersections where accidents most often occur, have connections with medical providers in your area, and care about the community they are a part of.

THE AT-FAULT PARTY'S INSURANCE COMPANY IS NOT YOUR FRIEND

Your well-being is their last priority

Insurance companies are businesses. Like any business, their goal is to bring in money. While they must pay out any damages their policyholder inflicts on you, they will often try to pay you as little as possible.

Many insurance companies don't care about justice or ensuring you are rightfully compensated. Parting with as few dollars and cents as possible is their priority.

| What to expect when you call them

Many adjusters will listen to your story and display empathy. They'll make you feel heard and understood. After that initial call, you may not hear back from them for a long time. This is purposeful. They want you to reach a point of desperation so that when they finally call you back, you will take whatever offer they give you as a settlement.

This settlement will likely be less than you deserve. Their offer will reflect the amount of money they are comfortable parting with, not a settlement that fairly covers all the damages you receive from the accident.

| Personal injury lawyers will take care of insurance companies

One of the benefits of having a personal injury attorney on your side is that they will take on the insurance companies for you. You don't have to worry about haggling over how much your settlement should be. Nor do you need to stress about the days and weeks without contact as your medical bills pile up.

An attorney will be your first line of defense, advocating on your behalf so you can focus on your physical and mental recovery.

HOW NEGLIGENCE IS DETERMINED

| What is negligence?

Negligence is the failure to exercise reasonable care which results in harming someone else. In a personal injury claim, negligence must be established before anything else. This goes for car accidents, slip-and-falls, dog bites, and any other type of personal injury.



There are four elements to proving negligence:

- 1. Duty of care:** The at-fault party had a legal duty to act with reasonable care to prevent harm. With cars, this means drivers have a duty to obey traffic laws.
- 2. Breach of duty:** The at-fault party failed to uphold their duty of care. Running through a red light would be a breach of duty.
- 3. Causation:** The defendant's actions that caused the breach directly caused the injuries you sustained. If you had a green light, and a driver T-boned you as they were driving through a red, then their actions directly harmed you.
- 4. Damages:** The plaintiff suffered losses. For example, if you are T-boned, any medical care, lost income, and pain and suffering would be considered damages.

| The damages you can sue for:

Every personal injury claim is as unique as the people we represent. It is difficult to say exactly what damages you can seek compensation for without first getting into the details of your case. Here are the most common losses accident victims suffer and sue for:

- Medical expenses
- Property damage
- Lost wages and loss of future earning capacity
- Non-economic damages like emotional distress
- Funeral and burial expenses in cases of wrongful death

| How Utah determines negligence

Utah uses a modified comparative negligence system. This means you cannot recover damages if the accident is more than 50% your fault. If your percentage is below 50%, you can still file a claim, but your final settlement will be reduced by your percentage of fault.

For example, you are 20% at fault for an accident, and your settlement is \$10,000. This means you will be awarded \$8,000.

Attorneys will use witness testimony, photo and video evidence, police reports, and medical records to establish the at-fault party acted negligently at the time of the accident.



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I Utah is a no-fault state

Utah is one of twelve no-fault states for accidents. This means every person injured in an accident can seek compensation for the first \$3,000 of insurance *from their own insurance company*. This no-fault insurance is called personal injury protection (PIP).

You can get a policy covering more than \$3,000, but that is the legal minimum coverage every driver needs. If your injuries and property damage exceed your policy limit, then you will probably need to bring a claim against the at-fault party to ensure you are fully covered.

I What if the at-fault party doesn't have insurance?

What if a driver's negligence causes you to suffer injuries, but they don't have insurance?

This is a tricky situation. Although it is against the law to operate a vehicle without insurance, many people still do.

The first thing you will want to do is read the fine line of your insurance.

You will have PIP coverage. If that doesn't cover all the costs, see what else is in your policy.

Most auto insurance policies have optional coverage for drivers concerned with being in an accident with someone uninsured. This is called Uninsured or Underinsured Motorist Coverage (UM/UIM). Purchasing this will give you the peace of mind that you'll still be covered if an uninsured motorist hits you. The problem with UM/UIM coverage is you need to have it before the accident.

You might also have collision coverage, which covers the cost of repairing your vehicle.

Look at your insurance policy now. Do you have all the coverage you need? If not, do what you must to get the insurance necessary to properly protect yourself and your family. Better to have it and not need it, than to need it and not have it.

If your insurance does not cover all of your damages, then you will need to bring a lawsuit against the at-fault party. There may still be ways to obtain a settlement, even without their insurance. Your attorney can explain your options.

UNDERSTANDING UTAH'S STATUTE OF LIMITATIONS

I You only have a set amount of time to file a personal injury claim

Every state has a time frame in which you can file a personal injury claim stemming from a car accident.

In Utah, it is generally four years.

Below are different types of claims and how long you typically have to file:

Type of Claim	Statute of Limitations
Car Accident Injuries	4 years
Property Damage	3 years
Wrongful Death	2 years
Utah Transit Authority (UTA) Bus Accident	1 year

If you do not file a claim within its statute of limitations, then you will more than likely lose your legal right to seek compensation

I Exceptions to the statute of limitations

There are instances when the four-year time frame for a car accident lawsuit may not apply.

- **The discovery rule:** You may not notice some injuries until several years after the car accident. If you start having explosive migraines resulting from the accident after the statute of limitations has passed, then you may still be able to file a claim.
- **Claims against government entities:** You have two years to file a personal injury claim against a government entity. You must give the government a notice and 60 days to respond before filing.
- **Underage individuals:** Minors have until they are 18 years old plus the statute of limitations for whatever type of claim they have. For example, someone who is 16 and has been in a car accident has six years to file a personal injury claim—two years until they are a legal adult plus the four-year statute of limitations for a car accident. Someone else can file for them before they turn 18.

I Don't wait until the last minute to file a claim

Four years may seem like a long time, but it flies by when you have so many other things to deal with after an accident. Medical visits (and the bills that come with them) and property damage (more bills) aren't cheap and are often time-consuming.

The further we get from the date of the accident, the more challenging it will be to investigate your accident and collect evidence.

Don't delay. Hire a personal injury attorney today. The sooner we start, the sooner you can get a settlement that gives you financial peace of mind.

DEALING WITH PROPERTY DAMAGE AND VEHICLE REPAIRS

I Who pays for your property damage?

- **Option 1:** The insurance company for the at-fault party should pay for repairs. However, they may want to investigate

the accident first. This can be a lengthy process—if you need your car repaired quickly, consider Option 2.

- **Option 2:** If your car has collision coverage, your own insurance can pay for repairs. You may get a smaller deductible this way, and this option will be quicker than Option 1.

| What if you can't drive your vehicle?

- **Option 1:** The at-fault driver's insurance is required to pay for a rental car, as well as the towing and storage of your own vehicle, at a reasonable cost. If your car is totaled, the at-fault insurance will pay for your rental until they extend an offer on your vehicle.

- **Option 2:** If you have rental coverage through your own insurance, you may choose to use that instead. It may be timelier and more efficient. You will be reimbursed through your settlement.

| Where should you take your vehicle for repairs?

You are welcome to take your car to the body shop of your choice. The Advocates work closely with a few body shops with excellent work and service. We are happy to provide a referral if needed. If your car was towed from the scene, get it out of the tow yard and into a body shop as soon as possible. The cost of storing your car in the tow yard will add up quickly.

| What if your vehicle declared a total loss?

If your car was totaled, you will ultimately get an offer from the at-fault party's insurance. Be sure to have your own insurance company provide an offer as well, as you may get a better offer from them. Keep in mind that the insurance is only required to pay the current value of your car, which may not be enough to pay off an outstanding loan.

If you had a car seat in your car at the time of the accident, even if it appears to be fine, throw it away and purchase a new one. Your settlement will help cover the cost.

HOW YOUR MEDICAL BILLS WILL GET PAID

| First-Party Coverage

First-party coverage is the coverage provided by your own auto insurance company. Each state has different types of first-party coverage; we are happy to help you access yours. However, first-party coverage has limits. Once it has been exhausted, you will receive an "Exhaust Letter" from your insurance company. At this point, it's important that you notify us to make sure the remaining balance is billed to your health insurance.

| Health Insurance

Once first-party coverage has been exhausted, your health insurance company should process the remaining bills. The amount your health insurance will pay will differ depending on your insurance plan. You will be responsible for any co-pays or deductibles associated with your medical care. See medical providers within your insurance company's network to keep expenses down.

| What if you don't have insurance?

There are always ways to get the medical attention you need, even if you don't have insurance.

- **Attorney lien:** If you do not have health insurance or your medical provider does not accept your insurance, you can request to have your medical provider set up a lien. This allows your account to be put on hold until proceeds from your settlement can be used for your bill. Your attorney can help you with this.
- **Payment plans:** If a lien is inaccessible to you, we recommend setting up a payment plan with your medical provider. Many providers will work with you and accept small monthly payments if needed.
- **The client is responsible for all bills before the settlement:** Our goal is always to obtain the best settlement for your case so that you can be reimbursed for bills associated with your accident. We use the options above to keep your out-of-pocket bills as low as possible. Keep in mind, however, that prior to receiving a settlement, you are responsible for these costs. Please let us know about ALL medical procedures and other expenses related to your accident so they can be added to your claim.

THE BENEFITS OF GETTING LEGAL REPRESENTATION

| Problems you will face if you file your personal injury claim alone

- Insurance companies will throw you lowball offers, delay the process so you'll settle for less, and outright deny liability.
- You will be responsible for proving the other party was at fault. This means that in addition to recovering, you'll also have to gather evidence, witness reports, and witness statements. Chances are high the insurance company for the at-fault party won't budge without legal pressure.
- You might undervalue the total damages done to you.
- You could miss filing deadlines, make paperwork mistakes, and make other seemingly small mistakes that could invalidate your claim.

The Advocates work closely with a few body shops with excellent work and service.

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- If you manage to overcome all the legal hurdles and a settlement still isn't reached, you'll probably have to go to trial. Going to trial without any legal experience is like trying to fix a vehicle's transmission without any mechanical knowledge.
- Medical providers might not extend you a grace period and expect you to pay upfront.
- You will probably be stressed. The legal process is hardly ever straightforward and fast.

I The benefits of hiring a personal injury lawyer

- Fighting on your behalf for the maximum settlement
- Handling all communications with insurance companies
- Preventing time-consuming and costly mistakes
- Creating a strong case for you based on evidence, reports, medical records, and testimony
- Working on a contingency fee basis

I Hiring an Advocates attorney comes with some extra benefits:

- **Aggressive representation:** We are prepared to take your case to court if the insurance company will not settle fairly and reasonably
- **Responsiveness:** We return all client phone calls and emails within two business days
- **Direct, transparent communication:** We provide you with regular updates and ensure you can always speak directly to your attorney if you need
- **Care and compassion:** We see you as an individual with unique needs, not just another case
- **The extra mile:** We will meet you at your house or place of work, find you a great medical professional, and/or get you into a mechanic, depending on your needs

THE GENERAL PROCESS OF GETTING YOU A SETTLEMENT

I No two personal injury claims follow the same route

Nothing in law is ever guaranteed. We cannot pull out a road-map and show you exactly what twists and turns your claim will face. Laws change, events that are out of our control occur, and judges give verdicts we don't agree with. That is the nature of law.

This is why we will not promise any specific outcomes. There is no guarantee of results. All we can promise is that our attorneys will show up every day and provide you with the best legal representation they can.

Step 1: Initial consultation

- This is your time to explain your accident to one of our attorneys. The consultation is completely free.
- The attorney will explain your legal rights and lay out a rough case timeline based on prior cases similar to yours.
- If you choose to hire us, you will sign an agreement to work with The Advocates. We operate on a contingency basis, meaning our lawyers don't get paid unless they win your case. If they win your case, their earnings will come out of your settlement and not your pocket.

Step 2: Obtaining evidence

- Your lawyer will collect reports, photos, videos, witness statements, and assessments of your injuries from your doctor.
- It would be helpful if you bring them all the evidence you have. Getting an official report and a thorough set of pictures and videos of the accident before hiring a lawyer will greatly help get you maximum compensation.

Step 3: Taking care of insurance companies

- Your attorney will deal with all communications involving insurance companies.
- They will file your claim and negotiate with adjusters.
- Even if insurance companies keep pestering you, do not respond. All communications will have to go through your lawyer.

Step 4: Demand letter

- The first big step in the process is when you finish your medical treatment. Then, your lawyer will have a more accurate estimate of how much compensation you are owed.
- They will send a demand letter containing the extent of your injuries, other damages you have incurred, the details of your accident, and the settlement amount the insurance company is expected to pay.

Step 5: Negotiations

- Your lawyer will negotiate with the insurance company to get you maximum compensation.

Step 6: Accepting what the insurance company offers or filing a lawsuit

- If the insurance company offers a fair settlement, your lawyer will inform you and you can choose to accept or not.
- If they give you a lowball offer or deny your claim, your attorney will advise that you move forward with a lawsuit.

Step 7: Filing a lawsuit

- The lawsuit will proceed through the discovery phase, depositions, mediation or settlement talks, and if no settlement is agreed on, to the trial.

Step 8: Trial

- It is uncommon for most personal injury claims to go through a trial. Usually, cases are settled before. If you do go to trial, your lawyer will argue your case in front of a judge, jury, or arbitrator.
- If you win, the court will order the insurance company to pay out your settlement.

Step 9: Trial verdict or settlement

- You will receive your settlement. Your attorney will get a percentage of the final amount as their contingency fee for representing you and winning your case.
- We cannot say for certain how much your settlement will be. It all depends on the damages that you have suffered and how the legal process unfolds for your case.

Average time frames for car accident settlements

Given how each case is different, it's impossible to say exactly how long your case will take.

Depending on the severity of your injuries and the number of parties involved, your case could take several months to several years. However long it takes, we can say for certain that it will not happen overnight.

WHAT TO DO AND NOT DO ON SOCIAL MEDIA DURING YOUR CASE

Insurance adjusters will probably scour the internet to look for evidence against you once you bring a personal injury case against them. Remember: Everything you say can and will be used against you in a court of law—that includes social media.

If you have crippling back pain from an accident and post pictures of you and your family out boating, that could be used against you to show that you are lying about your injuries. If you post a video on Instagram of you doing donuts in a vehicle, that could be used to show you are a reckless driver. Follow these Dos and Don'ts of social media, and you'll probably be okay.

The DOs

- Deactivate or stop using all your social media accounts until your claim is over.
- Keep your claim between you and your closest family and friends. Your coworker's husband's nephew does not need daily updates on Facebook about your accident claim.
- In Facebook settings, turn off the option for search engines to link to your profile.
- Ask your friends and family to avoid tagging you in posts for the duration of your claim.



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The DON'Ts

- Don't post pictures of your injuries or property damage.
- Don't accept friend requests from people you don't know.
- Don't discuss your injuries, treatment, or anything related to physical activity on social media.
- Don't post pictures of yourself engaging in physical activity or anything that could be construed as physical activity.
- Don't attack the at-fault party or insurance companies on social media.

HELPING A LOVED ONE WHOSE BEEN IN AN ACCIDENT

The only thing worse than getting in an accident is watching your loved one go through this process. You may feel helpless, but there are many things you can do to be their guiding hand:

- Ensure their immediate safety and get them medical attention
- Help then gather evidence
- Handle the first few contacts with insurance companies
- This is the most important: Provide emotional support
- Help with daily responsibilities their injuries prevent them from doing
- Assist in finding a qualified personal injury lawyer
- Encourage them to continue down the road to recovery

I Preparing for a Future Car Accident

You cannot prevent every accident, but there are some steps you can take to make dealing with one much easier:

- Keep your car maintained
- Install a dashcam
- Always have an emergency kit
- Keep all necessary documents accessible in the glove box
- Use technology like Google Maps to see where accidents have occurred
- Considering getting supplemental coverage, such as coverage against uninsured motorists

CONCLUSION

I Nothing is guaranteed

Nothing is guaranteed in life, not even life itself.

You can be the safest driver and still get into an accident because of another driver's poor choices. We would be lying if we promised you what will happen with your personal injury claim.

The only promise we can make is to fully commit to using our decades of legal experience to get you the settlement you deserve.

I The road ahead: Moving forward after an accident

The road to recovery will twist and turn in unexpected ways. There will be pain, frustration, uncertainty, and time will feel like it's stuck in molasses.

The Advocates sole mission is to ease your burden by handling the legal aspect of your recovery. We are a law firm that truly cares about each of our clients as individuals. That includes you. We will be by your side until the very end, offering advice, defending you from insurance companies, and advocating on your behalf. Rather than being a victim of unfair circumstances, we will help you be a victor over them. You deserve it.

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