

Know Your Rights in a Personal Injury Case

You do have rights when you are injured at the fault of someone else

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For additional information, contact the Law Office of Richard J. Banta, P.C. at 303-331-3415.



In order to get you started, the following is a list of basic individual rights in an injury case. It is by no means all-inclusive; however, it is designed to assist the injured person in understanding the legal process. Since the law, and injury cases in particular, can be complicated it is

important to get a knowledgeable attorney involved as soon as possible.

The Law Office of Richard J. Banta, P.C. handles personal injury cases on a contingency basis (a percentage of the settlement). We don't charge a fee if there is no recovery and we offer a free initial consultation.

Your Basic Rights:

1. If you are injured as the result of someone else's fault or negligence, you have the right under Colorado law to financial compensation. This is called a liability claim. Your injury and damages may include, but are not limited to, one or more of the following:
 - a. Property damage.

- b. Bodily injury, including pain and suffering.
- c. Future pain and suffering.
- d. Medical expenses incurred.
- e. Future medical expenses.
- f. Permanent injury, including any disability.
- g. Permanent scarring.
- h. Loss of employment, including lost wages.
- i. Loss of enjoyment of life.
- j. Loss of business.
- k. Permanent disfigurement.
- l. Vocational rehabilitation.

This list is not exhaustive; however, these are the most common areas of recovery allowed under Colorado Law. In a motor vehicle accident, these rights exist not only for the driver of the vehicle, but also for passengers.

2. You have the right to have an attorney represent you.
3. Occasionally an accident involves a driver who is uninsured or has the bare bones insurance coverage required by law. In this situation the injured party may have a claim under their own policy if they have uninsured and underinsured coverage. If you do not have uninsured and underinsured coverage on your own policy, we recommend you get it as soon as possible. Adding uninsured motorist coverage to your policy will result in a modest increase in your premium but will provide you with a huge benefit in coverage. We believe that every Colorado motorist should have this coverage.
4. Most Colorado insurance policies have Medical Payments Coverage. This means that, in Colorado, your own insurance carrier will pay for your medical bills up to the limits of your coverage. After that, if you have health insurance, your insurance company will take over paying your medical bills. In most instances,

your medical bills can be recovered from the insurance carrier of the responsible third party but not until the case is settled.

5. There are time limits for personal injury cases called Statutes of Limitation. These are statutory time lines by which you must file a lawsuit for your claim, or lose it. Missing a deadline could be fatal to your claim. These Statutes of Limitation vary depending on the type of incident. They may be changed by legislature or modified by Court decisions so we recommend that you contact a knowledgeable attorney to answer your questions as soon as possible.

As previously mentioned, these are your basic rights; however, knowing these rights will help you avoid certain mishaps and assist you in understanding the process. As always, please feel free to contact us any time with questions you may have regarding your rights and how to successfully process your claim.

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