

Helping victims
of negligence
overcome the
impact of injuries

YOUR PERSONAL INJURY CASE

Bryan S. VanMeveren

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Printed in the United States of America

ISBN: 978-1-63385-108-5

Design and Printing:

Word Association Publishers

205 Fifth Avenue

Tarentum, Pennsylvania 15084

wordassociation.com

vanmeverenlaw.com



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INTRODUCTION

I am admitted to practice in the state and federal courts of Colorado, Wyoming, and Arizona. As a former insurance defense litigator specializing in personal injury and wrongful death cases, I use over twenty years of experience and expertise to obtain just results for victims of negligence. I hold an AV Preeminent rating with Martindale-Hubbell, which recognizes the highest level of professional excellence.

The purpose of this book is to help victims of negligence and their families overcome the devastating impact the injuries following an accident can wreak on their lives in both the short and long term.

It may not be possible to make victims of personal injury completely “whole” again, but this book seeks to answer questions and point a way out of the uncertainty and devastation—financial, emotional, and social.

I have learned that personal injuries have not only short-term ramifications but often long-lasting effects on the victims and their families as well. These ramifications can be eased by thoughtful and thorough legal help that results in a just settlement or judgment. Judgments or settlements can cover that initial ambulance ride, emergency room care, ongoing medical needs, and lost wages as well as costs on a longer horizon including rehabilitation, coun-

seling, or future medical care that may be necessary even years after an accident.

The list of costs and losses following a serious injury can be significant. Victims of negligence can claim past and future medical expenses, past and future lost earnings and lost earning capacity, recovery for pain and suffering, disfigurement, impairment, and the ongoing therapy and counseling many victims require to get their lives back on track.

Consider the matter in these terms: a personal injury caused by another's negligence can cause a loss of dignity—economic, social, familial, and personal, and a just outcome can help restore these losses. This can come about through a settlement with the responsible party's insurance company, settlement through court-ordered mediation, or through a trial and verdict.

VanMeveren Law Group strives not only to help you get back on your feet but also to recover a settlement or judgment that will compensate you for *all* the damages you have suffered, including future medical expenses and lost earnings.

We've helped hundreds of clients over the years obtain the justice they deserve. We take pride in knowing that those responsible for harm done were put on notice that their workplace conditions, driving habits, behaviors, or the equipment or tools they design and sell are dangerous. Our work on behalf of our clients

has had the effect of stopping others from having to suffer due to other parties' negligence, willful ignorance, or lack of concern. It's not far-fetched to say that our efforts in pursuing justice for our clients may have stopped others from suffering catastrophic injuries, even death.

We specialize in personal injury. In fact, it's all we do. We put the emphasis on *personal*, not corporate, institutional, or governmental, and we never represent insurance companies. Our clients are injured folks just like you whose agony is compounded by the suffering their families are going through and wonder if they will ever get the justice they deserve.

Personal injury cases very frequently call for a *rapid* and *complete* investigation of the scene of the car crash, the location of a premises liability incident, or the examination and preservation of a piece of machinery. Should someone have cleaned up a spill?

**Did You Know?**

You're not obliged to discuss your accident or your injuries with insurance representatives or any investigators working on behalf of the person who hit you.

Was the other driver texting or drunk? Did a power tool have adequate warning labels?

Our firm's attorneys will personally visit the scene of the incident, solicit expert advice from engineers and investigators in different fields, and interview and get statements from witnesses before they move or their memories fade. We'll work to make sure the car, bicycle, appliance, or dangerous equipment is not thrown away, sold, or junked. We'll look into whether the rules of the road, training programs, and safety regulations existed and were followed and determine if they were inadequate for the risks involved. We also look to uncover *all* the parties who shared responsibility and blame for these incidents because frequently there can be two, three, or even more parties whose actions contributed to your injuries and damages.

In addition, we will exert a great deal of effort and analysis into determining all the issues related to liability and your damages, including past and future lost wages as well as your long-term medical, emotional, and social needs. We know from experience that personal injury victims suffer not only long-lasting harms but can also experience physical limitations and mental problems that may not show up for years. Today's broken leg may result in the onset of early arthritis or a knee replacement twenty years from now; a bad scar today could result in the need for plastic surgery in a decade.

Though a great deal of time can separate cause and effect, victims of personal injury deserve to know such possible long-term outcomes. In order to obtain a comprehensive, long-term prognosis, we will work closely with your medical providers to get a complete assessment of all your injuries and future care needs.

**A Case in Point—Future Medical Needs**

One of my clients, Stephen, was on his bicycle when a car sideswiped him, injuring his back and causing post-concussive syndrome. The defendants claimed that his brain was completely healed, his back was fine, and the medical care he had received was relatively minor, approximately \$10,000. I pushed the point that Stephen was going to ultimately need ongoing physical and cognitive therapy as a result of this accident and that he deserved compensation for ongoing care. The extra claim for the future care pushed the settlement up from \$25,000 to \$95,000.

That's because we know that certain injuries, such as a broken wrist or even a bad cut, will heal, but more-serious injuries can leave someone with permanent physical limitations and disfigurements with effects that may last forever. The long-term effects of your accident need to be thoroughly evaluated and reviewed with your medical providers in order to get you the justice you deserve.

It's for these reasons that we focus not only on the short-term issues our clients face but also on making them aware of the long-term needs that may arise in their cases. Our efforts are aimed at getting clients all the compensation deserved as well as due justice.

This book cannot answer all your questions. My years of experience with personal injury cases have taught me that each case is unique and that each victim involved in a personal injury claim is an individual with unique issues that impact recovery and rehabilitation. That said, it's my sincere hope this short book will give you an idea of the range of questions I know have to be asked and answered, the details that need to be gathered, and most important, the rights that victims of personal injury deserve to be preserved and protected.

No book can take the place of a skilled and experienced personal injury attorney looking over all the facts of your case, coming up with questions you may not have thought about, and digging into the details. It's only at that point that you and I can come up with the best way of proceeding.

VanMeveren Law Group has earned the respect of the courts, the insurance companies we frequently do battle with, and, most important, the many clients we've served. The respect our firm has is due to the professionalism we've consistently demonstrated in personal injury cases through the resources and the dedication we bring to bear on each case we accept. I've personally trained each attorney here to treat every client with the utmost respect and dignity. All of our cases, big and small, are always managed by experienced attorneys and never handed off to legal assistants. Those on our staff have the sensitivity, compassion, and knowledge that victims of personal injury can rely on to make a difficult and confusing situation—with potential implications for today and tomorrow—less traumatic.

**A Case In Point—Lowball Settlement**

Ally, a high school student, came to me with a settlement agreement from an insurance company; they were offering her \$2,000 over her \$50,000 in medical bills she'd incurred after injuring her leg in an automobile accident. The insurance company claimed that was reasonable because she had failed to wear her seatbelt. Despite not using her seatbelt, that \$2,000 figure was low, and that's what I told her. I was able to increase the settlement she received to \$175,000.

YOUR PERSONAL INJURY

Personal injury claims can be the result of medical malpractice, assault and battery, an automobile or bicycle accident, a faulty tool or appliance, someone's failure to take necessary steps to keep an area safe, or even a dog bite. They can be the result of another party's negligence, a willful act, or a failure to act. Survivors of someone killed intentionally or due to another party's negligence can suffer personal injury for that death and can make "wrongful death" claims.

Our experience in dealing with personal injury cases has taught us that negligence or failure to exercise reasonable care occurs in so many different ways and for so many different reasons.

We have been trained to thoroughly evaluate those many ways, and we know the incredible importance of getting the right expert investigators, forensic experts, engineers, and other scientists who have the experience and expertise necessary to investigate an auto accident, a defective product, or a store that didn't keep spills mopped up. Their work can go a long way toward determining the cause: inattention, faulty installation, bad design, and lack of maintenance to name a few.

Unfortunately, personal injury victims are not always able to do the research and investigation necessary to determine if any

of these errors caused or contributed to an accident. However, we've had experience in setting the wheels of a thorough investigation in motion to determine the cause or causes of an accident and any elements (lack of safety measures, faulty maintenance, insufficient warnings) that could have contributed to it.

VanMeveren Law Group has dealt with cases in which a problem existed but no one took the steps necessary to rectify it or warn others about the potential problem, and the result spelled disaster for someone. It's in this process that we've been frequently able to identify the party or parties responsible for such oversights or negligence.

When the immediate needs of a personal injury victim have been taken care of and the turmoil in a victim's life is ebbing, the question will ultimately come, "What now?" The idea of a lawsuit might be the farthest thing from the mind of a victim and his or her family, but they owe it to themselves to at least look into the possibility that the accident victim might be entitled to compensation. This compensation can include lost current and future wages, past and future medical bills, pain and suffering, and other justifiable claims.

Someone who has been in an auto accident or suffered an injury at a store, for instance, can reasonably expect the other party's insurance to pay. Unfortunately, without skilled legal representation, the insurance adjuster is less likely to offer a fair settlement. If, however, an individual suffers from someone's intentional act such as an assault or a robbery, insurance most likely won't come into play. A lawsuit might be the only way to recover damages, and a personal injury lawyer's assistance can be invaluable on a number of levels.



A Case In Point—Too Busy Lawyer

An attorney friend of mine referred a woman to me whose case was languishing on the desk of the lawyer she'd hired—the matter had been in this lawyer's hands for a year when I asked permission to get his case transferred over to me. Long story short, I recovered a settlement of \$250,000 within six months, the other side's insurance policy limits.

A FEW “DON'TS”

Don't discuss the issue of fault with paramedics, employers, witnesses, investigators, or anyone else for that matter—even if they are close friends or family. Remember the line from so many cop shows, “Anything you say can and will be used against you”? It's particularly true in personal injury cases; insurance companies will be quick to pounce on anything that can help them minimize or even eliminate the need for a payout.

The fact is, you should not talk to anyone about your case except your lawyer. Your conversations with your attorney are protected by the attorney-client privilege, but you could be giving up some of your rights in this area if you mention to others what you have discussed with your attorney. Don't get into conversations with claims adjusters or lawyers from even your own insurance company; keep in mind that its chief goal is to limit the amount it pays out, not to help you. Discuss the matter only with your lawyer.

When it comes down to it, you most likely don't know all the factors that went into the accident you suffered. It could have been due to someone else's inattention, texting, improper use of the tool or piece of machinery, or faulty maintenance you weren't aware of. The reality is that you simply can't know at the time if you were at fault at all. Things can happen way too quickly in an

accident, and you just can't expect yourself to have all the facts of your injury at your fingertips. That's where a thorough investigation comes into play. This isn't a matter of changing the facts; it's simply a matter of understanding that in the heat of the moment, you cannot expect yourself to know all the elements that could have contributed to your accident.

Even if it turns out that someone's actions contribute to an accident, he or she might not be completely at fault. Sometimes, "outside" factors such as lack of maintenance or warnings on a piece of machinery, unsafe working conditions, or another's mistake also play a part. You'll need expert and objective advice on this matter, and that can take place only after a thorough investigation has been completed. We've had plenty of experience investigating accidents and uncovering factors that contribute to dangerous conditions that put our clients at unnecessary and avoidable risk.

My work with personal injury victims has taught me the importance of getting an expert investigation underway as soon as possible. We retain trained, professional investigators and experts who will uncover all the facts of your accident. What they find can have a tremendous impact on your case, and it can counter "expert" testimony from an employer, a tool manufacturer, or the supplier of a product or service. Keep in mind that there will be plenty of others out there who will be trying to protect their own interests any way they can.

CALL US

No matter the circumstances surrounding the accident, no matter what you've been told, and no matter what you may think about the accident—give us a call. The quicker we can start looking into your case, the better able we will be to help protect your rights. We realize the burdens that personal injuries can place on victims and their families, and the idea of filing a lawsuit can look like just another complicating factor, but personal injury victims should not go it alone.

It's been my experience that personal injury victims who seek and get professional advice early can greatly reduce their feelings of helplessness, bewilderment, and confusion—and can also increase their chances of getting the compensation they deserve.

(970) 495-9741

**A Case In Point—Timely Investigation**

I assisted a young woman who was seriously injured when the SUV she was traveling in as a passenger was struck by a police car during a high-speed pursuit. Initially, the police officer's lawyers refused to take any responsibility, claiming governmental immunity and negligence on the part of the SUV driver.

My prompt research and investigation, including scene analysis, gathering witness statements, video evidence, and crash data resulted in the police officer's representatives admitting fault and offering a very favorable settlement to my client.

INJURED IN AN AUTOMOBILE ACCIDENT?

You can collect for injuries you suffered in a car accident. What's critical initially, of course, is getting prompt medical treatment. Even if you don't think you're injured seriously enough to warrant going to the hospital to get checked out, you perhaps should do so. Calling the police, collecting the names and addresses of witnesses, and contacting your insurance company are other steps that auto accidents call for.

We understand that once the dust settles, getting your car back into working condition so you can get to work may be a necessity, but talk to us before you take it into the shop. Your case may require some solid documentation of the extent of your car's damages, and that will mean getting plenty of photos to be able to prove the extent of damages later.

We also recommend that you get photos of the scene of the accident and your injuries, including bruises, burns, and abrasions suffered, as these will fade over time. Just as your injuries will fade over time, so will your memory of the event. Keeping a journal of the date of the accident, your injuries, medical treatment, and the impact the event has on your quality of life is also important.

**Did You Know?**

Most juries in personal injury cases never learn that an insurance company is involved.

INJURED ON THE JOB?

One important consideration about on-the-job accidents and injuries is that those who suffer them cannot sue their employers in most cases. The Workers Compensation Act was passed to take care of those who are injured at work and to protect their employers against lawsuits. Such workplace injuries are handled without any rulings about who was at fault.

Workers' Compensation can help you while you are disabled due to an accident or if you end up permanently disabled. It can cover medical bills and lost pay and compensate the survivors in case of death, but it won't cover punitive damages, pain and suffering, and loss of consortium as can personal injury lawsuits.

Exceptions to this general rule, however, do exist. Let's consider a case of someone injured in an accident caused by a third party or faulty piece of equipment or product. Under these scenarios, the victim could possibly sue the third party or maker of a defective product. Here again, it's critical to get the advice of an experienced attorney who is working for you, not one whose main task is to protect the employer or the insurance company.

Accidents caused by someone other than an employer can be much different stories when it comes to on-the-job accidents. Think about an outside trucking company delivering material to

your jobsite or gas company employees making the final connections of a gas line into your place of work; if they are responsible for your accident, they could be sued even though the accident happened at work.

As well, someone involved in an accident while driving for work may be able to sue the responsible party, again even though it may have been technically an “on-the-job” accident.

You can recover past and future lost wages and medical expenses, damages for scarring and disfigurement, for pain and suffering, loss of companionship, emotional distress, and loss of enjoyment of life in such a suit. These losses apply whether your accident is caused by someone’s negligence or a defective product.

Here again, our firm will delve into important details you may have overlooked and determine who’s responsible for the accident. You’ll need a prompt and thorough investigation of the accident itself to uncover all its ins and outs, and you’ll need someone on your side to look into any third-party involvement in the accident through a thorough, professional, and *prompt* investigation, which includes getting statements from witnesses, photographs, and other information that could fade or disappear over time.

INJURED BY A PRODUCT?

If you've been injured by a tool or an appliance at home or a piece of machinery or equipment at work, the particular product's design may have played a role in your accident. It is critical that the tool or equipment be set aside and not altered, fixed, or changed—or worse, thrown away. It could be evidence that plays a critical role in establishing who's at fault, whether totally or in part.



A Case In Point—A Faulty Product

My client, Al, was working on his farm in Eastern Colorado when his harvesting equipment jammed. In an attempt to clear the jam, Al's left arm was pulled into the machinery and amputated above his elbow. Al's claim was initially denied, as the equipment manufacturer blamed Alan for the accident.

My prompt investigation and consultation with safety experts uncovered the fact that the harvester's warning devices and safety systems were inadequate. Despite Al's contributory negligence, I obtained a settlement for \$275,000.

One important point: anyone injured by a product, a tool, or any other implement should *never* use it again or let anyone else use it. Make sure everyone knows about the possibly defective tool or equipment. If you use it, that could be considered evidence that you didn't really consider it dangerous or at fault for your injury.

**Did You Know?**

You should keep all receipts for anything you bought (crutches, for instance) or paid for (an ambulance ride, for example) as a result of a personal injury. Make copies of all such receipts, letters, bills, and keep track of missed time from work and mileage to and from doctors' appointments. You don't want to hinder your ability to be fully compensated because you're waiting for a copy of a receipt you misplaced.

RESULTS OF PERSONAL INJURIES SHORT TERM

- Debilitating pain
- Loss of vehicle use
- Inability to work
- Medical problems requiring immediate treatment and follow-up care
- Large immediate debt
- Emotional distress



A Case In Point—Dog Bite

My client Chelsea was bit on her face by a friend's dog, requiring stitches and additional surgeries and leaving her with a scar on her ear. VanMeveren Law Group obtained a settlement of \$285,000 for her.

**A Case in Point—Failure to Diagnose**

One of my clients was young man whose doctor failed to recognize a raging infection following a routine appendectomy. I sued the doctor for medical malpractice—failure to diagnose, specifically—and won a settlement of \$520,000 for my client.

RESULTS OF PERSONAL INJURIES LONG TERM

- The need for intensive and extensive ongoing medical procedures, including surgery, skin grafts, and various forms of physical and emotional therapy
- Chronic pain and the need for ongoing treatment
- Increased susceptibility to reinjury
- The need for rehabilitation
- Dealing with the physical, emotional, and social problems resulting from permanent disfigurement
- Loss of past and future earnings
- Financial distress and damage to credit

**Did You Know?**

You can recover compensation for aggravations of pre-existing injuries in addition to the injuries directly caused by the personal injury.

FINDING AN ATTORNEY

When it comes to personal injuries, you need a specialist in this complex field of law, not a jack-of-all-trades. The lawyer who handled your real estate closing or the lawyer who wrote up your will has specialized legal skills that do not transfer over to personal injury cases. Keep in mind, however, that those lawyers may be able to steer you to a personal injury lawyer they know of or have worked with who have great reputations in personal injury matters.

If you're a victim of a personal injury, you need an attorney well versed in this specialized area of the law. The time you spend on finding a personal injury lawyer with whom you can develop trust and rapport is time well spent.

Ask friends, coworkers, and family, because you know they will have your best interests at heart. Even if they don't know of a personal injury lawyer, they may be able to recommend a lawyer who could direct you to one.

You can spend some time on the Web looking for lawyer's organizations and directories of lawyers. Keep in mind, however, that caution is necessary here—some are simply lists of lawyers who have paid a fee to be listed, not necessarily those who are well versed or experienced in personal injury law.

Be cautious as well about relying on lawyers' ads in the Yellow Pages, on billboards, or in TV or radio commercials. That type of advertising might just be a reflection of the amount of money a lawyer has for advertising, not his or her experience or competence.

You need an attorney who is willing and able to take your case to trial if necessary, not a lawyer who is simply going to concede to a quick settlement. For this reason, it's best to interview several attorneys. Look primarily for attorneys who specialize in the area of personal injury law. You're looking for an attorney not only with confidence, experience, and knowledge but also someone you can trust explicitly with all the facts of your case.

If you hire a huge firm, your case could be lost among many others or handled primarily by legal assistants. On the other hand, a small firm might not have the resources to handle your case if it will end up involving other attorneys to help them, expert witnesses, and unnecessary investigations. There are many elements that you might not know are important to your case. Make sure you look at the attorney's legal rating and the reviews from former clients.

STATUTES OF LIMITATIONS AND OTHER DEADLINES

Statutes of limitations are those laws that dictate time limits for filing a lawsuit. They lay out how much time a victim of a personal injury has to file a lawsuit regarding an accident, and you can be sure that whomever you are suing, such as a manufacturer or an insurance company, will not cut you any slack if you file after a statute of limitations deadline. In fact, during the writing of this book, we are assisting a woman whose former attorney ignored a substantial settlement offer, failing to respond until after the statute of limitations had expired. The insurance company revoked the offer and has asked the court to dismiss the case.

This is where accurate information is critical. Don't ever guess about a statute of limitations or rely on what you've heard from any source other than an experienced lawyer who knows the statutes of limitations that apply in your case. Statutes of limitations can vary from state to state, and an attorney in a different state may know the statutes in his or her state but not in yours. One state's statute of limitations might be two years, but your state may give only one year.

In addition, the statutes on limitations can vary based on whether the case involves minors or individuals with impairments.

If your case involves a matter in another state, you can count on us to collect reliable information from one of the knowledgeable attorneys we have worked with across the country.

Timeliness is vital in these matters. Unfortunately, we have heard from clients who've relied on wrong or out-of-date information and have discovered too late that the statute of limitations has too little time left for adequate preparation of a case or that it has run out completely. Their delay at times was due to lack of information or misinformation about liability until it was too late.

Some clients hadn't realized that even though they could have been partially responsible for an accident, others could have shared in the blame and thus have pending consequences. Some thought that they were just victims of bad luck and so were initially reluctant to file a lawsuit out of fear or embarrassment.

Our advice to you is regardless of your initial thoughts on an accident, set aside your assumptions and get our legal advice. You have the right to seek and receive objective advice about your accident, and if you do so in a timely fashion, you may not have to forego justice and compensation because of a technicality. We have been contacted too late at times, but we have *never* been contacted too early.

Keep in mind that certain "civic" or governmental agencies including states, cities, and townships have very strict dead-

lines when it comes to filing a claim for damages against them. If injured in an accident with a city vehicle, you might find that you are subject to the city's rules and regulations when it comes to filing a lawsuit against it. Also, the time limits can be considerably shorter when suing a governmental agency in comparison to suing an insurance company.

It's important to think about "statutes of limitations" in a broader sense. Your case may be subject to other deadlines you have to comply with, such as getting a signed doctor's report to an insurance company. You can count on us to be in touch with your medical professionals and to keep any and all of these deadlines in mind.

All too often, those suffering from personal injuries and even their families can have so much on their minds that they can benefit greatly from professional help when it comes to handling such demands. We will make sure the opposing parties cannot take advantage of a passed deadline, which they will do if they can. Insurance companies are not in business to hand out money; their objective is to *keep* it. They aren't going to offer justice; you need a lawyer in your corner willing to fight for the justice you deserve, and a single missed deadline could spell disaster for you or your loved one's legitimate claim.

**A Case In Point—Snowboarder Struck**

When Dawn, a twenty-two-year-old nursing student, was struck by an out-of-control snowboarder, her leg injuries were extensive: she was hospitalized and required surgery to correct the fracture in her leg. The snowboarder's insurance company initially denied any responsibility, claiming my client had "assumed the risk." I sued the snowboarder for negligence and gained a settlement of \$110,000 for Dawn.

WHAT'S MY CASE WORTH?

This is the big question, of course, and perhaps the most difficult to answer. You can certainly claim all the specific, documented losses you have suffered, including lost wages, medical expenses, insurance co-pays, out-of-pocket expenses, and others.

If your injuries have long-term implications and will affect you financially (keep you from earning as much as you used to), physically (make you incapable of doing what you used to do), or emotionally (scars or other disfigurements are affecting you), the courts could take these into consideration.

Your liability in your accident will come into play when it comes to calculating what your case may be worth. If the courts or jurors determine that you were 25 percent or 50 percent liable for your accident, your recovery could be reduced or completely eliminated depending on your percentage of fault. This is an area where different states have varying laws.

The other party's total assets above and beyond insurance limits could come into play here as well, as can your pre-existing conditions, legal damage limitations, or "statutory caps" on the amount of the verdict or judgment. The truth is that there are multiple variables and factors when it comes to determining

the “value” of any case. But I have learned that what is critical is: **First:** *Solid documentation* of all the facts and evidence and medical treatment.

Second: *Clearly present the evidence* to defense attorneys, insurance adjusters, judges, and juries. Our thorough and proactive case preparation consistently produces increased settlements well beyond the initial amounts offered.



Did You Know?

Different states have different statutes of limitations, and they can differ even within a state based on the type of suit: personal injury, malpractice, wrongful death, and claims against governmental entities, to name a few.

COMPENSATION YOU MAY BE ABLE TO COLLECT

The damages a victim of a personal injury suit can claim are numerous:

- **Past and Future Lost Wages:** Personal injury victims can claim wages lost while unable to work, and this includes vacation time, personal time, and sick time as well as missed opportunities for potential overtime that would have been accrued had the victim still been on the job.

In addition, it could be that due to their injuries, victims are unable to earn the same amount they made before or be forced to forego a promotion to a higher-paying job. These are the details we'll take into consideration when it comes to determining the total economic impact an accident causes.

- **Past and Future Medical Expenses:** Victims of personal injuries can require, in addition to immediate medical care, potentially extensive and expensive medical care that might be required even years later as a direct result of the injury. We're familiar with the necessity of getting expert medical advice to determine the likelihood of this.

- **Out-of-Pocket Expenses:** Injuries may prevent you from completing tasks you were able to do around your house before your accident, and you might need to hire outside help to manage your home. You can claim that help in your case. The same goes for insurance copayments and deductibles as well as medical equipment such as crutches. When in doubt, document it and save the receipts. We'll be able to offer you a list of all the out-of-pocket expenses you should document.
- **Past and Future Pain and Suffering:** When it comes to compensation for "pain and suffering," consideration is given not only to the immediate pain and suffering a personal injury victim has gone through but also the likelihood of long-term pain and suffering. For instance, an accident victim might end up with chronic pain that lasts well beyond the date of the accident.
- **Loss of Consortium:** "Loss of consortium" is a specific legal term that refers to the loss suffered by the *spouse* of a personal injury victim who can have a legitimate claim to damages in this matter. He or she could suffer if the victim is unable to have relations with him or her, to offer the companionship (think here about a husband and wife no longer able to go camping, play tennis together, take walks around the block, or other activities they were accustomed to). Perhaps the injured party can no

longer take care of the children or pitch in on household chores. Courts have long recognized that personal injuries can affect more than one person and can award damages based on this.

It may be easy to talk to your lawyer about trouble you have walking or using your hands, but your spousal relations? That's getting very personal, intimate, and potentially embarrassing. However, this is an area in which you'll be able to rely on our professionalism, compassion, and willingness to listen to you and respect your privacy.

- **Enjoyment of Life:** Nobody can calculate the correct dollar amount for something as broad and subjective as “enjoyment of life.” How can anyone put a price tag on not being able to shoot hoops with your son or to teach your daughter to swim? However, the courts and juries do consider such losses as real damages, and they'll consider them when entering judgments.
- **Emotional Distress:** Personal injury victims who end up with permanent disfigurements such as scars, burns, or missing limbs can suffer ongoing emotional distress as they worry about their appearance and also realize they could be affected socially for a long time, perhaps even for the rest of their lives.
- **Damaged Property:** This can include damages to your car or home, damaged personal property items such as cell phones and glasses, and compensation for stolen items.

- **Punitive Damages:** Courts can enter judgments for punitive damages to victims of personal injury; they are meant to punish the guilty party for his or her reckless conduct done in disregard to the rights or safety of others. In these instances, punitive or exemplary damages can include an amount equal or in excess of the amount of actual damages for the injured party.

WRONGFUL DEATH

There is a right of action for families who have lost a loved one through another's negligent acts. The law is designed to compensate those who suffer direct losses as a result of the wrongful death of a loved one. Damages include loss of support, grief, loss of companionship, and emotional stress.

I know from experience that wrongful death claims are the most heart-wrenching of cases. VanMeveren Law Group has regularly done battle with defendants as well as their lawyers and insurance companies to get the compensation the loved ones deserved.

**A Case in Point—Failure to Treat**

One of the many heartbreaking cases I've handled was that of a twenty-eight-year-old pregnant mother whose doctor and nursing staff ignored fetal-monitoring strips and complaints of pain and abdominal cramping. Even though the next step should have been an emergency C-section, the doctor and staff decided on a wait-and-see strategy instead. By the time it was diagnosed that the unborn child was in fetal distress, it was too late; the baby died. Extensive research, investigation, consultation with leading medical experts, and discovery resulted in the hospital and doctor agreeing to settle for a confidential but very substantial amount.

POST-ACCIDENT: THE NEXT STEPS

It's tough for victims of personal injuries, even after they get out of the hospital and perhaps back to work, to think much beyond the immediate: How am I going to shop? Can I still pick up the kids? What about my last three missed paychecks? How am I going to pay the medical bills? It's tough at times like these for personal injury victims to even contemplate the future.

Though determining what the future holds may be overwhelming for you to take in all at once, consider taking some short but concrete steps one at a time on behalf of yourself and your loved ones.

- Photograph vehicle damage and any visible injuries to your body.
- Contact our office *before* you respond to any requests for information from insurance adjustors, investigators—anyone—and never sign anything until we've had a chance to review it.
- Save all the information that comes your way: records, emails, notes, letters, statements or communication from doctors, hospitals, the ambulance company, and insurance company

representatives. We'll need this information, and you don't want to rely on someone to resend a document by the time you might need it. Make copies of everything, or ask our office to do so. Even if organization is not your strong suit, the ante here is upped, and this is an area where you can make a difference by helping us protect your rights.

- Keep accurate records of all the time you have missed from work or had to take off because of doctors' appointments.
- Keep a journal of your medical treatment and physical complications—aches, pains, anxiety, dates, times, and places.
- Keep all your medical appointments, and follow your doctors' and physical therapists' advice thoroughly. Failing to do so could make it look as though your injuries weren't as serious as they really were.
- If you ever need help in any of these matters, don't be shy or embarrassed—ask our office for help. We can put you in touch with all the resources you'll need.

OUR STEP-BY-STEP APPROACH TO THE SUCCESSFUL HANDLING OF YOUR CASE

Personal injury cases can become understandably overwhelming for anyone not knowledgeable about the laws involved and how they might apply to his or her case. We have developed and mastered lengthy and complicated “checklists” of all tasks and details that will start with our initial consultation and go all the way to the courtroom if necessary. This is just to say that you need an experienced professional in your corner at all times during what can be a long and complicated process. We pride ourselves on working for our clients one step at a time, staying ahead of the curve, and keeping them informed every step of the way as their case proceeds.

This is a brief rundown on what you can expect from us:

- an initial consultation in which we’ll listen to all the particulars of your case and ask questions
- a fair, unbiased opinion as to the merits of your case and the likelihood of a successful outcome
- communication with doctors and collection of all relevant medical information, including hospital records, bills, diagnostic studies, and reports

- undertaking a thorough, expert investigation of the accident scene and any equipment or tools involved
- interviewing all witnesses and police officers involved in the accident
- consulting experts in medicine, economics, accident reconstruction, life-care planning, and vocational rehabilitation
- preparing thorough, accurate, and persuasive settlement demands
- handling all necessary aspects of litigation
- advising you on the fairness of settlement offers considering your needs, current and future. As all of our attorneys are very experienced in dealing with insurance companies' claims adjustors, we are able to effectively negotiate settlements well above what our clients would be able to negotiate on their own
- meeting with you on a regular basis to prepare for recorded statements, mediations, depositions, and trial
- extensively preparing you, all witnesses, and any relevant evidence for trial
- going to trial thoroughly prepared to obtain the best possible outcome for you

WHAT WILL IT COST TO RETAIN AN ATTORNEY?

Nothing. We will charge nothing up front and will wait until a settlement or verdict is reached to collect our fees and costs. We'll review the fee agreement in great detail and answer all of your questions regarding fees and costs. We make sure that you have a complete, thorough understanding of all the financial details, and we put them in writing. In the event no recovery is made, we do not charge for our services.

**Did You Know?**

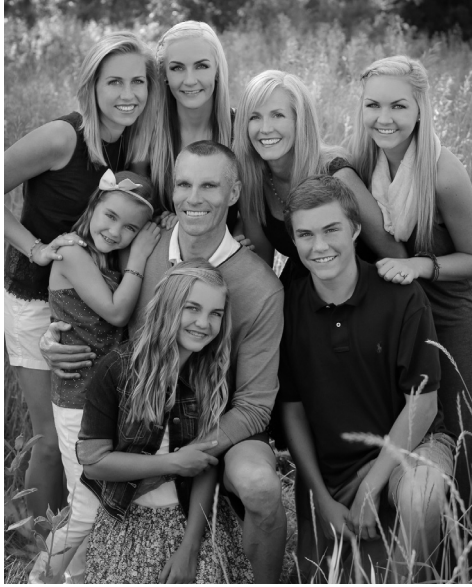
Even after victims of personal injuries recover from their immediate medical problems (a broken leg heals, for instance), problems may crop up later. Someone with a broken leg might discover that he hasn't regained full use of his leg and needs physical therapy. VanMeveren Law Group will get expert medical advice so you'll know if you might face future complications and have that factored in negotiations or a lawsuit.

CONTACT ME

I hope this book has helped you as you consider your situation as a victim or as a loved one of a victim of personal injury or wrongful death. I also hope I've sufficiently stressed the complexity of personal injury cases and the importance of retaining an experienced lawyer who is proactive and diligent and has your best interests at heart.

The fact that I can't stress enough is that insurance companies are in the business of paying out less money than they take in—not offering you a fair, just settlement. They continually try to minimize claims and argue that what you'll spend on a lawyer will exceed what you can expect as a settlement.

As a former insurance defense attorney, I'm used to these tactics; I know how the insurance industry operates and the deception it can try to pull on unsuspecting claimants. We're able to spot "lowball" offers based on our broad experience in the field of personal injury, and we're willing to engage in tough negotiations and go to court with the skill, preparation, and tenacity necessary to get you the results—and the justice—you deserve.



THE VANMEVEREN FAMILY



ABOUT THE AUTHOR

MR. VANMEVEREN obtained his undergraduate degree from the University of Wyoming and his Juris Doctorate from the University of South Dakota. He served on the Colorado Supreme Court's standing committee on the Rules of Professional Conduct. While in law school, he was a two-year member of the Client Counseling and Negotiations Board, where he competed in several national counseling and negotiations events. He recently completed a six-year term on the Eighth Judicial District's Nominating Commission, which is responsible for the selection of Larimer County District Court Judges.

For the past fifteen years, Mr. VanMeveren has volunteered his time with both Larimer County Pro Bono Intake Services, and he currently serves as a speaker and legal aid for the county's Domestic Relations Program as well as being a regular speaker at local high schools and civic organizations. Mr. VanMeveren also serves as a representative on the county's Bench-Bar Committee aimed at improving professionalism and ethics between attorneys and judges.

When not busy with his law practice, Mr. VanMeveren enjoys spending time with his family, working in his community, and is actively involved in his church. He and his wife of twenty-six years are the proud parents of six children.

He worked for over five years as a volunteer board member and chief legal counsel for the Boys and Girls Clubs of Larimer County. He continues to serve as legal counsel and as an honorary board member for the Boys and Girls Clubs of Larimer County. He also enjoys volunteering at local running events and coaching basketball and track at area middle schools and high schools. He acted as race director for the Lory Trail Duathlon, a fundraiser for local children's organizations.

Mr. VanMeveren is also an avid trail runner, cyclist, skier, triathlete, and supporter of local health and fitness events. He ran the Boston Marathon and was a primary sponsor and served for twelve years as legal counsel for the Colorado Marathon, the largest marathon in Northern Colorado.

He remains very active in the local health and fitness community, volunteering his time and providing free legal counsel to local race directors and health clubs. VanMeveren Law Group also continues to sponsor numerous local charity runs and triathlons.

Mr. VanMeveren has completed over twenty-five marathons, sixteen Ironman Triathlons, numerous Ultra Marathons, Xterra races, adventure races, and bicycle races. He is a five-time Ironman World Championship Qualifier, a five-time Half Ironman World Championship Qualifier, and a six-time USA Triathlon All American. He was named an Ironman All-World Athlete in 2013, 2014 and 2015.

APPENDIX: SETTLEMENTS AND JUDGMENTS

Results matter in all legal matters, and they're particularly important in personal injury cases. The outcome will affect you and your loved ones today and for years to come. There is no reason that you should have to forego your dreams of college for your children, weddings, vacations, and a comfortable retirement because of the negligent actions of others.

Naturally, no attorney can guarantee the outcome of your case. That disclaimer on investment literature that reads, "Past results are no guarantee of future performance" is there for a good reason. Nonetheless, when you deal with a firm such as ours with a solid track record it can point to, you'll know you're dealing with a firm that the courts—as well as insurance companies and *their* attorneys—respect.

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RECENT SETTLEMENTS AND JUDGMENTS AT VANMEVEREN LAW GROUP

\$100,000	Sideswipe collision
\$175,000	Single-vehicle collision
\$205,000	Rear-end collision
\$110,000	Snowboarding collision
\$65,000	Sideswipe collision
\$125,000	Premises liability
\$126,000	Recreational equipment failure
\$77,000	Golf course trip and fall
\$45,000	Truck vs. bike collision
\$250,000	Medical incident
\$85,000	Premises liability
\$31,500	Scooter collision
\$200,000	Single-vehicle crash
\$105,000	Rear-end collision
\$1.4 million	Head-on collision, mountain roads
\$750,000	Wrongful death, dump truck crash
\$626,000	Rear-end collision, traumatic brain injury
\$461,295	Rear-end collision, spine and shoulder injuries

\$440,292	Left-turn collision, spinal fracture
\$409,386	Single-vehicle rollover, traumatic brain injury
\$336, 747	Rear-end collision, traumatic brain injury, spinal injury
\$470,804	Motorcycle accident, pelvic fracture
\$297, 507	Farm equipment, product liability, amputation
\$260,565	Rear-end collision, traumatic brain injury
\$284, 997	T-bone collision, wrongful death, car vs. motorcycle
\$200,000	ATV rollover
\$200,000	Truck vs. bicycle crash, fractured pelvis
\$95,000	Bicycle crash, product liability
\$425,000	Premises liability
\$249,988	Car vs. pedestrian incident
\$256,640	Semi vs. motor vehicle incident
\$264,000	Bicycle vs. auto sideswipe collision
\$148,200	Trucking collision
\$159,984	Rear-end crash
\$139,995	Motorcycle incident
\$75,000	Car vs. Motorcycle collision
\$139,995	Rear-end collision
\$138,921	Rear-end collision

\$250,000	Rear-end collision, traumatic brain injury
\$116,220	Rear-end collision
\$75,000	Asphalt equipment, product liability
\$119,577	Motorcycle incident
\$90,966	Motorcycle crash
\$184,500	Trucking rollover incident
\$500,000	Landscaping truck and trailer collision
\$120,000	Motor scooter crash
\$130,000	Left-turn intersection collision
\$100,000	Rear-end collision
\$69,000	Premises liability
\$141,000	Shooting incident
\$90,000	Trip-and-fall incident
\$100,000	Left-turn collision
\$100,000	Dog vs. bicyclist attack
\$37,353	Auto vs. Bike crash
\$92,000	Rear-end crash
\$135,000	Hotel premises liability
\$220,000	Grocery store slip and fall
\$91,000	Interstate rear-end collision
\$423,000	Icy roads highway sideswipe crash
\$125,000	Motorcycle sideswipe collision

\$108,000	Improper lane change
\$100,000	Sideswipe crash
\$35,000	Apartment complex dangerous condition
\$380,000	Head-on intersection collision
\$225,000	Parking lot incident
\$600,000	Single-vehicle rollover
\$285,000	Dog bite incident
\$100,000	Failure to yield crash
\$100,000	Improper turn crash
\$75,000	Golf course dangerous condition
\$500,000	Dangerous work environment

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WA

YOUR PERSONAL INJURY CASE



ATTORNEY BRYAN S. VANMEVEREN has over twenty years of serious injury litigation experience handling personal injuries for victims, not the insurance companies, businesses, or corporation they insure.

Mr. VanMeveren knows firsthand how personal injuries can devastate the lives of victims and their families as well. He's worked with many clients to recover compensation for all the damages they have suffered.

Bryan and the experienced, knowledgeable attorneys and staff of VanMeveren Law Group can show you the way out of the legal, physical, emotional, and financial impacts following a serious injury caused by another's negligence and can help you regain your dignity.

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