

# Frequently Asked Questions

## Answers From Our Colorado and Wyoming Injury Lawyers

If you have been injured in a serious accident or if you have lost a family member in an accident, you probably have questions about what to do next and what your options might be. Our [Colorado and Wyoming injury lawyers](#) have compiled a list of answers frequently asked questions about personal injury and personal injury lawsuits.

### Question: What should I do if I have been in an accident?

Answer: It is important that you take the following steps when involved in a [motor vehicle accident](#):

1. Stop your vehicle immediately after impact;
2. Render First Aid to those in need;
3. Protect yourself and others from further harm;
4. Call a police officer and obtaining a written report;
5. Gather information and write it down at the scene, including date, time, location, witness names and phone numbers, a description of the events and all insurance company and policy information. Take pictures of the accident scene as well as your injuries and treatment.

To assist you in gathering accident information [Metier Law Firm, LLC](#) offers a FREE MOTOR VEHICLE APP for your I-phone or Smartphone. It allows you to record the facts and location of the accident, take photographs of the scene and even make a voice recording of the witnesses and opposing party. This invaluable tool will remind you of all the things you need to do when you are involved in a [motor vehicle accident](#). Click here to download this App;

6. When talking about the accident be factual about your statements but make no admissions of fault;
7. If you think you are injured in an accident, it is important that you receive immediate medical attention by calling the appropriate medical response team (usually 911) or going to the Emergency Room.

### Question: What is a personal injury?

Answer: A personal injury (sometimes referred to as bodily injury) is any physical or mental injury to a person as a result of someone's negligence or harmful act. Personal injuries can occur in a wide variety of ways. These are some of the most common events and injuries handled by [Metier Law Firm, LLC](#):

#### Accidents:

Auto collisions

[Trucking collisions](#)

[Motorcycle collisions](#)

[Insurance Bad Faith Claims](#)  
[Unsafe Products](#)  
Unsafe Equipment  
[Oil field & Industry Accidents](#)

Injuries:

[Traumatic Brain Injuries](#)  
[Spinal Cord Injuries](#)  
[Serious Burns](#)  
Amputations  
[Nursing Home Abuse & Neglect](#)  
[Wrongful Death](#)

**Question: How do I know if I have a personal injury claim?**

Answer: To have a personal injury claim, you must be able to prove that you have been injured, either physically and/or [emotionally](#), by someone else (the defendant) under a negligence, strict liability or intentional misconduct theory. In some cases, it may be necessary for you to show that the other party is more at fault for the injury than you were.

**Question: Will I need a lawyer?**

Answer: It is important that you consult with a competent legal professional as soon as possible to see if you have a valid claim for personal injury. Insurance companies have trained and experienced employees whose goal it is to pay nothing or as little as possible to resolve your claim. You should have someone with experience on your side. A lawyer will analyze your case, let you know your rights and explain the case process, what to expect from the insurance company and how to assess your damages. There are many types of personal injuries, and the cause of an injury is not always clear. [Metier Law Firm, LLC](#) has extensive experience in handling serious personal injury cases all the way through trial. We can help you determine whether you have a valid claim and, if so, who is responsible and what compensation is available for you. This allows you to concentrate on getting your health and family back in order. An Initial consultation to discuss your claim is free of charge.

**Question: How soon after my injury should I see a lawyer?**

Answer: Within a few days of your injury, you should seek the assistance of a qualified lawyer. This is important for several reasons. Accidents often require prompt investigation to determine liability and preserve evidence. This includes photographs of the scene and vehicles involved, witness statements etc. The opposing party's insurance company will usually investigate the accident and you should have someone on your side reviewing the facts and maintaining the evidence. Also, most state laws impose certain time limits on personal injury actions and a lawyer can explain the limitations applicable to the facts of your case. It is important to remember that if your claim is not filed by the limitations deadline then you may not be able to recover damages for the injuries you sustained.

**Question: How do I decide which lawyer to hire?**

Answer: When deciding which lawyer to help you pursue a personal injury claim, you should look for one with a good reputation in the legal community who is experienced in handling serious personal injury cases and trials. These lawyers are often listed in “The Best Lawyers in America” or the “Martindale-Hubbell Bar Register of Preeminent Lawyers”. A lawyer cannot pay to be listed in these references. Rather, judges and other lawyers in the community rate the lawyer’s skills and abilities in the field of legal expertise. Generally, the reputation of these lawyers works to their clients’ advantage in settling cases fairly and quickly. Moreover, they usually have the resources to properly investigate and develop your claim, thereby maximizing your recovery. [Tom Metier](#) meets all of these qualifications as he is a Board Certified Civil Trial Advocate by the National Board of Trial Advocacy, is listed as a Colorado Super Lawyer, is named to the Best Lawyers in America and has received a Martindale Hubbell AV rating from his peers, the highest rating available.

**Question: Why should I bring a personal injury claim?**

Answer: If you are injured through the fault of someone else, the law entitles you to compensation for your injuries and damages. This compensation is available not only for the expenses and damages you have already incurred, but for the losses you will sustain in the future. This compensation is meant to protect you against changes in family situations, so that your future is secure. You may also be able to prevent a similar injury from happening to someone else.

**Question: Do I still have a claim if my medical bills were paid by insurance?**

Answer: Often the medical bills you incur as a result of an accident are only a part of your total damages. For example, you may be entitled to recover lost earning capacity, future medical expenses and pain and suffering. In most cases, you are entitled to compensation for your total damages including your medical bills regardless of whether or not they have been paid by insurance. However, your health insurance company may have a contractual right to reimbursement for the medical bills it has paid which are related to your accident. This is called “subrogation”. A lawyer can determine the remedies available to you under the State Laws as well as the language of your insurance contract. To protect your rights it is important that you seek the advice of a lawyer before you make a personal injury claim for medical bills that have been paid by a health insurance company.

**Question: How long do I have to make a claim for personal injuries?**

Answer: Every state has set certain time limits on personal injury claims, called “statutes of limitations,” that govern the period during which you must file a personal injury lawsuit. For example, if the statute of limitations on a personal injury action is two years from the date of the accident then the injured party must file a lawsuit against the responsible party within two years or be forever barred from collecting compensation. The statutes of limitation differ from state to state and are usually dependent on the kinds of claims involved. In general, the statute

of limitations for personal injury cases is from one to four years, and the time begins from the time of the accident. There are many exceptions and an experienced lawyer can help you with them. The sooner you get legal representation and counsel, the better.

**Question: What financial compensation can I recover?**

Answer: Personal injury victims are entitled to recover money damages for the expenses and damages they incur as a result of another's negligence or harmful act. This depends on several factors including your physical and mental pain and suffering, economic hardship or financial loss, decreased earning potential and physical impairment, including disfigurement. The type and extent of your personal injury will determine if you are eligible for compensatory (actual) damages, and punitive damages (i.e., money taken from the wrongdoer to punish him or her and deter similar conduct in the future). These damages may include the following.

- Medical bills, both past and future
- Lost wages, including overtime and vacation days/sick days
- Pain and suffering
- Physical disability
- Disfigurement
- Permanent scars
- Emotional trauma
- Mental anguish
- Loss of enjoyment
- Loss of love and affection
- Embarrassment
- Mental disability
- Property damage
- Out of pocket expenses (transportation charges, house cleaning, grass cutting and others)

If the injury has caused death, the surviving spouse and dependent children may have a claim against the wrongdoer for their economic loss and loss of society and companionship. The spouse and children may also have a claim for funeral and medical expenses and for any pain and suffering the deceased experienced prior to death.

**Question: How much is my case worth?**

Answer: Because every accident and injury is different, there is no formula for determining the exact value of your personal injury claim. The value is dependent on many factors such as (1) the severity and permanency of your injuries; (2) the degree of "pain and suffering"; (3) the amount of past and future lost wages; (4) the liability of the wrongdoer (5) the medical expenses you incurred and (6) whether the case is to be tried or settled. A monetary value can only be determined after a complete investigation into all aspects of the case. Even then, the value can fluctuate depending on the developments during the course of litigation. [Tom](#)

[Metier](#) has over 29 years of experience handling serious personal injury cases from the early investigation stages through trial. This wealth of knowledge provides him with the tools needed to properly evaluate your case and assist you in your decision to settle your claim or pursue a jury trial.

**Question: Should I sue or not?**

Answer: Not all personal injury claims should be taken to trial, even when you deserve to receive money for your damages and injuries. In addition to the severity of your injury, several factors should be considered including the level of fault of the wrongdoer, your own liability for the injury, and the ability of the wrongdoer to pay for the claim. The level of insurance available to satisfy your damages is a critical factor in determining whether or not to pursue your claim. Suing a wrongdoer who is uninsured and has limited assets may cost more to pursue than you will recover.

**Question: What if I am contacted by an insurance company?**

Answer: Before discussing your injury with an insurance company, it is in your best interest to consult with a qualified attorney. The insurance adjuster is hired to settle the matter for the lowest possible expense to the company and is not looking out for your best interest. Any statements you give might be incomplete or taken out of context and be harmful to your claim at a later date. Additionally, you should avoid signing any settlement documents until you speak with a qualified attorney because they may adversely affect your right to pursue your claim.

**Question: What if the person who caused my car accident has no auto insurance?**

Answer: An uninsured driver does not have any automobile accident insurance, while an under-insured driver simply does not carry enough automobile accident insurance to pay for injuries or damages caused by an accident. Most state laws require a vehicle owner to carry a minimum amount of insurance to cover injuries and damages caused by the driver's negligence. Often times this minimum amount is insufficient to satisfy the total amount of damages you sustain. Additionally, many uninsured drivers do not have enough personal assets to reimburse an injured person even with a successful lawsuit. This makes recovering a [motor vehicle accident](#) settlement or judgment from an uninsured driver almost impossible.

If you are involved in a [motor vehicle accident](#), and the person who caused the accident has no vehicle insurance or does not carry enough vehicle accident insurance to pay for your injuries and damages, your uninsured motorist coverage on your automobile policy should cover your damages. The terms of your insurance contract will determine the level of uninsured coverage you carry and when it will apply. You should check with your individual vehicle accident insurance company to make sure you will be covered in the event an uninsured driver injures you.

Uninsured motorist insurance should cover you, your passengers and all family members who reside in your household. Your uninsured motorist coverage may also apply to any passengers in your car and any other people driving your car

with your permission. Uninsured motorist vehicle coverage can also apply whenever anyone, who is covered by the policy, is injured by a driver who is uninsured or under-insured, even if you are a bicyclist or a pedestrian.

You may find out that your own insurance company can be very difficult to deal with as they seek to pay you as little as possible for your claim. For this reason, it is important to consult with an experienced attorney when you are involved in a [motor vehicle accident](#) that involves an uninsured or under-insured driver.

**Question: Will there be a legal fee to evaluate my claim?**

Answer: No. An attorney at [Metier Law Firm, LLC](#) will meet with you to discuss your injury free of charge.

**Question: How does Metier Law Firm, LLC get paid for services?**

Answer: [Metier Law Firm, LLC](#) handles personal injury claims on a contingent fee basis. This means that the legal fee is a percentage of the amount recovered, and there is no fee due unless and until money is actually collected for you.

**Question: What does contingency fee mean?**

Answer: A contingency fee arrangement is one in which the law firm receives payment based on a percentage of your recovery. An attorney may invest hundreds of hours and many thousands of dollars in costs. The attorney's fees and costs would be out of reach for most people who are injured, especially if they are not working due to the injury. This arrangement exists so that anyone can afford to hire a lawyer for a personal injury case.

**Question: What about expenses?**

Answer: There are many expenses involved in pursuing a personal injury claim such as costs of medical records, court costs and expert witness fees. Once [Metier Law Firm, LLC](#) has evaluated your claim and determined it to be well founded, we will discuss your individual financial circumstances with you. In most cases, the law firm advances expenses to be reimbursed at the end of the case.

**Question: I received a letter from my health insurance stating they are seeking subrogation. What does that mean?**

Answer: If your health insurance carrier pays for your medical treatment, they often have a contractual right of subrogation. This means that they have the right to be reimbursed for the money that they spent on your medical bills. However, this is not always the case. There may be exclusions or other Federal or State laws that reduce, eliminate or nullify the amount your Health Insurance Company is seeking to recover. It is important that you seek the advice of a qualified attorney before agreeing to pay a claimed subrogation.

**Question: How do I prove what my injuries are?**

Answer: Your injuries are best documented through the medical records authored by the medical providers who diagnose and treat you. Each time you seek medical treatment the provider documents your injuries and the recommended course of treatment. You should consistently obtain medical treatment as needed to heal

quickly and provide evidence of the injuries that were suffered.

**Question: If I have a personal injury claim, do I have to go to court?**

Answer: Most personal injury cases are settled out of court between opposing lawyers or by the insurance company claims adjuster. In many cases the parties agree that it is in their best interest to avoid the time and expense associated with a lawsuit. Just because a lawsuit is filed, it does not mean that a case will have to go to trial. However, if it does go to trial, you will almost always have to appear in Court so that your testimony can be heard by the judge and jury. Typically, the judge will require a case to go to a settlement conference, called a mediation, whereby the parties attempt to resolve the case on their own terms before being called to trial.

**Question: Will I have to go to court?**

Answer: The majority of personal injury cases settle for reasonable compensation before they are presented to a jury. However, some cases must be tried before a jury. Those cases often involve questions of liability or whether the accident caused a particular injury. Because of the many factors involved, it is difficult to predict whether your particular case is one that will be settled or one that must be decided by a jury. That decision will be made by you after all options are presented to you by your attorney.

**Question: Will bringing a personal injury claim hurt the person I am suing?**

Answer: Most personal injury claims are defended by insurance company lawyers and paid by the liability insurance company. For this reason, the person or corporation you sue will not have to pay any money out-of-pocket. Also, your personal injury claim is a civil case, not a criminal case, and the defendant will not go to jail because of the claim.

**Question: How long will it take to settle my claim?**

Answer: The circumstances of each case control the time it takes to settle the claim. The more complex the case, the longer it may take to resolve. Many cases can take anywhere from three to 18 months to settle depending on its complexity, the Court's docket and the availability of evidence. Some cases can take between one and three years to complete.

If you or a loved one has suffered a serious injury in an accident, or if you have lost a family member in an accident, please [contact](#) our Wyoming and Colorado accident attorneys today for a free consultation.