

---

THE

---

# BABCOCK

---

L A W F I R M L L C

---

## Colorado

# Car Accident Guide

Obtaining Justice for Injuries or  
Damages Sustained in an Auto Collision



2616 W. Alamo Avenue • Littleton, CO 80120  
Phone (303) 683-5033 • Fax (303) 558-4269

### *Disclaimer*

This guide is not intended to serve as a replacement for legal counsel or representation. The Babcock Law Firm, LLC, a Denver-based car accident and personal injury firm, represents injured parties across Colorado. This guide was developed by our firm to serve as a complimentary guide and educational resource for site visitors and prospective clients.

Copyright ©2013, Colorado Car Accident Guide. All rights reserved. This eBook is copyrighted material owned by The Babcock Law Firm and is protected under international copyright laws. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means—electronic, mechanical, photocopying, recording, or otherwise—without the copyright holder’s express written permission. However, brief quotations embodied in critical reviews and personal studies are permitted. Unauthorized use may result in legal action. For permissions, contact: <https://www.injurylawcolorado.com/contact/>

## Car Accident Checklist

If you are involved in an auto crash, follow these critical post-accident steps:

- ✓ **Remain calm.** Check to see if you, the other driver, or any passengers are injured.
- ✓ **Call the police.** Request an ambulance if someone is injured.
- ✓ **Take pictures** of the accident scene and all vehicles involved.
- ✓ **Write down** the names, numbers and addresses of eyewitnesses.
- ✓ **Complete a police report** and write down the report number from the investigating officer.
- ✓ **Do not admit fault** or make statements about who caused the accident.
- ✓ **Gather all necessary information** by filling out the following form:

### Accident Information

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

Weather/Road Conditions: \_\_\_\_\_

\_\_\_\_\_

Investigating Officer: \_\_\_\_\_

\_\_\_\_\_

Police Report #: \_\_\_\_\_

Your Car Occupants: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Brief Description of Accident:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Other Driver & Vehicle

Driver Name: \_\_\_\_\_

\_\_\_\_\_

License #: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

\_\_\_\_\_

License Plate #: \_\_\_\_\_

\_\_\_\_\_

Year/Make/Model: \_\_\_\_\_

\_\_\_\_\_

Vehicle ID # (VIN): \_\_\_\_\_

\_\_\_\_\_

Insurance Co.: \_\_\_\_\_

Policy #: \_\_\_\_\_

### Witnesses & Sketch

Witness Name: \_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Witness Name: \_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Accident Sketch:

# Table of Contents

## Preface - What You Absolutely Must Know before Getting behind the Wheel

Introduction.....	5
What to Do Following a Car Accident – A Timeline .....	6
<b>Getting Into an Accident with an Uninsured or Underinsured Driver .....</b>	<b>8</b>

## Part I - Getting Into an Auto Accident

Introduction.....	9
Common Auto Collisions and Their Causes.....	10
Common Car Accident Injuries – When Should I See a Doctor? .....	12
Auto Accident Lawsuits – How can I collect damages from a car crash? .....	14

## Part II - Collecting Damages from a Car Accident

Introduction.....	15
Compensatory vs. Punitive Damages.....	16
How To Deal With Your Insurance Company After an Accident .....	18
3 Ways to Prove Fault in a Car Accident .....	20
Collecting Compensation from a Government Institution .....	21
Statute of Limitations.....	22
Choosing a Car Accident Attorney .....	23
About Babcock Car Accident Lawyers.....	25



## Preface

### What You Absolutely Must Know before Getting behind the Wheel

Nobody plans on getting into a car accident. Unfortunately these things just happen, striking without warning, potentially changing the future of anyone involved. But even though collisions are unpredictable, they never happen without cause.

Sometimes automobile accidents are simply the result of machine error, like a tire blowout, poor weather conditions, or some other unforeseeable circumstance, but more often than not, human error and negligence lies at the core of why a crash occurs.

In this e-book you will find answers to some of the most pressing questions about car accidents, including prevention, litigation, and compensation from damages and injuries arising from another driver's negligence.

First, though, let's address two important topics you need to know about before you get behind the wheel: **what to do in the event of a collision and getting into an accident with an uninsured motorist.**



## What to Do Following a Car Accident

The seconds, minutes, and even days after a car accident can be a blur. Perhaps you're still in shock or maybe injured, but in moments like this it can be difficult to think clearly. However, the actions you take or don't take after a crash can have life-long ramifications for you and those involved, potentially resulting in longer recovery periods, difficulty filing an insurance claim, and even a grueling legal battle.

In some cases, you can protect yourself from these preventable struggles by knowing what to do in the moments following a car accident.

### After an auto accident: the first minutes

You've just been hit by another vehicle. You are still shaken up, and having difficulty recalling what your next move should be. What do you do?

First, **assess your injuries**. In addition to obvious abrasions and cuts, check for signs of whiplash and other neck trauma, stiffness, muscle spasms, and dizziness. Once you have evaluated your own health condition, check your passengers for injuries, as well as the other driver and the occupants in their vehicle.

If someone is injured, make sure they get medical attention immediately. This will help to minimize the long-term impact of their injuries and ensure that both parties' insurance companies will get the necessary documentation.

Next, **report the incident** to the proper authorities. Call the police immediately, and cooperate with the investigating officer by assisting him/her in filling out the official police report. You will then be instructed on how to proceed.

Finally, before you leave the scene of the accident, **take pictures** of your car and the other vehicles involved. Also, write down the **names and contact information of eyewitnesses**. (Tip: print out the car accident checklist and keep it in your glove box.) If you don't have a camera on hand, use your cell phone or ask a witness to take pictures and send them to you. The more visual evidence you have of the car accident, the stronger your case will be if you decide to file a claim.

### What to do over the next few days

After you have been treated for injuries by a doctor, begin corresponding with your auto insurance company. Although dealing with an insurance company differs based on the type and scope of injuries sustained in the accident, it is important that you **never give any formal statements until you have assessed your insurance policy coverage**. If you do, insurers may use your words against you to deny the claim.

In accidents resulting in serious injury or death, it is recommended that you contact a car accident attorney before talking with an insurance adjuster. The more severe the accident, the higher the medical bills, which means insurers have a greater interest in either denying your claim outright or drastically reducing the payout. More than likely, you will need the assistance of a lawyer to recover full financial losses.

Throughout this period, you will also want to be sure to keep accurate files of important documents relating to the accident—insurance correspondence, receipts, doctor’s notes, mechanic’s assessment, etc. This information will be important should you decide to file a claim against the at-fault driver.

## The weeks following your Colorado car accident

As you meet with your doctor for treatment checkups, talk with them about your prognosis. If they say your injury will require costly long-term care like physical therapy or surgery, ask to get the facts of your injury put into writing and let them know if you plan on pursuing an accident claim so they can submit the proper documentation.

Also, stay in contact with your insurance company. If they offer insufficient compensation, or you suspect they are attempting to pay you less than what your policy states, **contact Denver car accident lawyer R. Mack Babcock to schedule a no-cost consultation.** We’ll take care of the rest.



## Getting Into an Accident with an Uninsured or Underinsured Driver

Under Colorado law, all vehicle owners are required to carry adequate auto insurance, but because many drivers are unwilling (or unable) to pay for sufficient coverage, they continue to drive uninsured or underinsured, putting everyone else at risk.

However, even if you get into an accident with an uninsured or underinsured driver, you can still pursue other legal outlets to receive compensation. Should you be involved in a car crash with a driver who is uninsured or underinsured, do the following:

- Obtain the driver's contact information, as well as any insurance information they do have, and give it to your insurer;
- If your insurance company requires a signed statement from the uninsured driver saying they have no insurance (as some do), be sure to obtain it before you leave the scene of the accident.

***Submit the above information, along with a statement, to your car insurance provider. If the at-fault driver is underinsured, their carrier will compensate up to his/her policy limits, and you can file a claim with your insurer for the remaining balance.***

If your insurance provider or the other driver's carrier refuses to provide reasonable compensation for the accident without cause, talk to an attorney to see if you are being taken advantage of, and if so, how to proceed.





## Part I

### Getting Into an Auto Accident

Learn about the common causes of motor vehicle collisions and crash-related injuries to help you to become a safer and more prepared driver

Chances are, if you haven't already been in a car accident before, you will at some point in your life. By car insurance industry estimates, you will file a collision claim every 18 years—a sobering statistic that is just one of many.

According to the [National Highway Traffic Safety Administration](#), someone dies in a motor vehicle crash in the U.S. every 16 minutes, and every 60 seconds there are approximately 250 car accident-related injuries that require medical attention. If someone is fortunate enough to walk away from an accident unharmed, there is still property damage to deal with.

While these statistics may not be comforting, learning about the risks and responsibilities associated with getting behind the wheel is a much more prudent way of preparing for the inevitable than ignoring the issue and getting caught off-guard.



## Common Auto Collisions and Their Causes

Sometimes you just might be in the wrong place at the wrong time. A car accident can happen to anyone, which is why it is wise to be prepared just in case. However, most collisions are preventable, and could have been avoided if a driver had operated their vehicle with intelligence, attentiveness, and sobriety, rather than driving aggressively and recklessly.

### Distracted Driving

Distraction is by far the most common cause of serious car crashes. Now more than ever before, teen drivers, in particular, are tempted to spend less time looking up at the road, and more time glancing down at their smartphones, GPS systems, mp3 players, and other devices. But distracted driving is not only limited to teens and technology. Distraction-related accidents are attributed to a number of bad driving habits that adults succumb to as well, such as eating and drinking, talking to passengers, looking at maps, grooming, etc.

### Drunk Driving

DUI accidents continue to be a serious problem in this country. The annual cost of crashes caused by **drunk driving** is estimated to be a staggering 10,000 lives and \$37 billion. To be charged with a DUI offense, drivers must have a blood-alcohol content (BAC) level greater than 0.08%. Under Colorado law, inhibited drivers can also be charged with DWAI, or driving while ability impaired, which apply to drivers with a BAC level higher than 0.05%, but lower than 0.08%.

### Aggressive or Reckless Driving

Driving recklessly incorporates a wide range of irresponsible behavior when behind the wheel, including drowsy driving, speeding, and failure to obey traffic signs and signals. Road rage is another main contributor to reckless driving since drivers with quick tempers often let their emotions determine their speed. If you find yourself driving aggressively, just remember: it's hard to remain a wreck-less driver if you are a reckless driver.

### Truck Accidents

Even though truck-related crashes only make up about 3% of all injury-causing accidents, they are usually much more serious than collisions between cars. Not only do victims of a truck accident typically suffer more severe injuries, but they also have to legally confront the driver, the trucking company, *and* their insurance company to receive fair compensation.

## Motorcycle Accidents

Since motorcyclists are so exposed on their bike, and harder to see on the road, motorcycle accidents are 34 times more likely to end in a fatality than regular car-on-car collisions. Also, when filing a justified injury claim, bikers often encounter a bias that can negatively affect liability in a case by casting the motorcyclist in an unfair light and shifting a disproportionate amount of blame for the accident onto them.

## Hit & Run Accidents

Leaving the scene of an accident is a cowardly act. Victims of hit and run crashes are left feeling helpless, anxious, and afraid once they get over the shock of what has happened to them. Fortunately, there are protective legal measures in place to ensure that victims of hit and run accidents still receive compensation for medical bills.

## Poor Weather and Road Conditions

When the weather goes south, the likelihood of a car accident increases drastically. In fact, studies suggest that poor highway design and road conditions are a factor in **more than half** of all fatal car crashes in America. Reduced visibility from rain, snow, and fog, slippery roads, potholes, shoulder drop-offs, isolated ice patches, and the conduct of other drivers can all contribute to a collision if a driver isn't careful.



## Common Car Accident Injuries – When Should I See a Doctor?

Injuries from a car, truck, or motorcycle accident can differ greatly in terms of severity and length of recovery. Collisions that cause only minor injuries such as slight scratches, bruises, or soreness do not typically require medical attention. Although there are minor injuries, there is no such thing as a “minor” accident. Some of the most severe injuries can occur from seemingly “minor” collisions.

No matter how minor a collision seems, always visit your doctor immediately to make sure you have no injuries.

### Whiplash and Neck Injuries

Spine, back, and neck injuries caused by whiplash are one of the most common and serious types of accident injury. Whiplash occurs when a car jolts forward or stops upon impact, but your body does not, creating the dangerous whipping motion. The straining of soft tissue in your neck and back can result in severe pain, loss of movement, and in some cases even permanent paralysis.

Low-speed, low-impact rear-end collisions have the highest risk for causing severe neck injuries because it catches people off-guard. While most whiplash injuries heal after a couple weeks, some people develop chronic neck and back pain that requires long-term treatment.

### Traumatic Brain Damage

Even a minor impact to the head can cause severe brain damage with life-long consequences. It is crucial to tell the paramedics responding to an accident if you believe you hit your head, so that they can look for signs of a concussion or swelling. Sometimes the injured individual does not feel any effect or symptoms of head trauma until some time has passed—a period known as the “lucid interval.” Immediate medical treatment is vital in all head injury cases.

### Lacerations (Cuts)

Both minor and serious cuts are a frequent occurrence in car accidents, caused by broken glass, torn metal or other objects flying around inside a vehicle. Most lacerations heal on their own and require only a few stitches; however, deep cuts can result in significant blood loss and surgery.

## Broken Bones

When an impact is forceful enough to break bones, victims of the collision must seek medical attention immediately. In general, a doctor will treat the injury with a cast, but more severe breaks or compound fractures may require surgery to correct. Following the removal of the cast, victims may also have to go through physical therapy to regain full range of motion.

## Internal Injuries

Damage to internal organs is one of the most dangerous types of car accident injuries because they are not always obvious right away. Internal injuries can happen when a collision forces your body into an object, such as the steering wheel, or if you are hit by flying debris.

## Wrongful Death

Without question, the worst scenario in a car accident is a fatality. While every preventable death is unfortunate, “wrongful death” is a legal term which specifically refers to when a person is killed due to the negligence or misbehavior of another person—for instance, from drunk, reckless, or distracted driving.

A victim’s surviving family members—such as their spouse, child, or parent—must initiate the legal action, and they generally seek compensation for funeral costs, medical bills, loss of support, potential inheritance, and education expenses for children, if applicable.



## Auto Accident Lawsuits – How can I collect damages from a car crash?

Now that you know the most common causes and injuries of car accidents, you can be better prepared in looking out for dangers on the road and hopefully steer clear of a future collision. But what if you've already gotten in a wreck and are now trying to determine if you have a valid personal injury case, as well as how to file a claim and win your lawsuit?

For answers to these questions and more, continue onto **Part II: Collecting Damages from a Car Accident** to learn about the litigation process—from establishing fault and recoverable damages, to choosing a car accident attorney.

If you have any additional questions regarding car crash litigation, or you are ready to [schedule a free case consultation](#) with an **experienced Denver auto accident attorney**, contact the Babcock Law Firm today.



## Part II

### Collecting Damages from a Car Accident

Learn about which damages and injuries you can receive compensation for and how the litigation process works in a successful claim

Obtaining compensation for injuries or damage sustained in car accident should be a straightforward process—at least you would think. An accident occurs, you file a claim with your insurance company, they provide coverage as defined by your policy, and your insurance provider is repaid by the negligent driver’s insurer once fault is determined.

However, sometimes this process doesn’t go as smoothly as it should. In cases where fault is difficult to determine, or when a driver disagrees that they caused part or all of the accident, getting the full amount of damages you are entitled to may take legal action.

The exact procedure for receiving compensation in car accident lawsuits varies case by case. For one, not all damages are equal in car accident cases. They are broken down into two main categories: compensatory and punitive. Understanding which one applies to your case can go a long way in successfully collecting compensation for a car accident.



## Compensatory vs. Punitive Damages

If you or a close relative are hurt in an auto collision, you may have to file a personal injury claim against the at-fault driver. If your claim is successful, the negligent driver will be required to provide you with financial compensation, called “damages.”

**Compensatory damages**, also known as “actual” damages, refer to payments that replace what the victim lost in the accident and nothing more. This can include:

- Medical expenses
- Lost wages
- Present and future pain and suffering
- Repair or replacement of damaged property
- And other monetary losses...

The goal of compensatory damages is solely to get you back to where you were before the accident.

The second type of financial compensation is **punitive damages**, which some plaintiffs may qualify to receive in addition to compensatory damages. Punitive awards are intended to punish the defendant for negligence, and/or to deter them from doing similar misdeeds in the future.

An action that is seen as more than just simple negligence, but rather a willful, reckless or malicious act, may be grounds for punitive compensation. Some case examples that may qualify for punitive damages include:

- Driver incompetence
- Excessive speeding
- Intentional violation of traffic or safety laws
- Drinking and driving
- Knowledge that a vehicle’s poor condition could cause an accident

Punitive damage goes beyond a plaintiff’s basic right to receive compensation to get them back to where they were before the accident. However, they are only applicable in specific cases where the defendant’s conduct was such that the damage caused is over and above compensatory awards.



## Special vs. General (Compensatory) Damages

Compensatory damages are further categorized as either general or special. **Special damages** refer to economic losses, such as doctors' bills and having to take time off work to recover. These monetary damages can include past, present, and future losses.

**General damages** are injuries which are non-economic in nature, yet caused the plaintiff harm and thus are deserving of monetary compensation. Examples include: emotional pain and suffering, loss of companionship (in the event of a fatality), disfigurement, loss of mental or physical ability, and loss of reputation.

## Comparative Fault

In certain states, such as Colorado, the legal system operates under the law of comparative fault or negligence, meaning you can only be compensated for the percentage that the judge or jury determines you to be not at-fault. For instance, if you are 25% responsible for a car crash, then you can only file for 75% of the total damages.

Colorado goes a step further by using a modified comparative fault system set at the 50% bar. Under this standard, you can only recover damages for a car accident if you are less than 50% responsible for the collision, and your damages will be reduced according to your degree of fault.



# How to Deal With Your Insurance Company After an Accident

If you've been involved in a car accident, you may be thinking: *It's a good thing I have car insurance, for times like this.* This is perhaps why people are surprised when accessing the benefits covered under their policy proves to be difficult—at a time when they need help most.

Following a car accident, there are number of steps you can take to help make your claim go smoother, and several things you should know before dealing with your insurance company.

## 1. Calling your insurance company

As soon as you get home from an accident you should call your insurance company to inform them of the incident. If you were seriously injured, seek out medical attention first, but be sure to not delay too long in contacting your insurance company.

Before you make the call, however, gather all of your insurance documents and review your policy, paying particular attention to the Declarations Page (what is covered under your policy) and the “Exclusions” section (what is not covered). Do not consent to give an official statement to your insurer until you fully understand your coverage.

Once you have a solid grasp of your policy, you are ready to speak to your insurer. Typically, you will be assigned an insurance claim representative. When talking to the representative, it is crucial to take down notes like:

- The phone number you dialed
- Their full name
- Their job title or position at the insurance company
- Their supervisor's name
- Accident details you provided
- Summary of what they told you

Save yourself the headache later and write down this information, rather than trying to commit it all to memory.

## 2. Provide your insurer with all details and evidence from the accident

During the statement, you will need to give the details of the accident to your insurance representative, including the name of the other driver, the type of car he/she was driving, who was at fault, the nature of

damage to your vehicle, a copy of the ticket issued, visual documentation if possible (i.e. photos of the accident scene) and other pertinent information.

### 3. Examine other policies you hold

You may be able to make an insurance claim under another policy you hold, so also be sure to review any homeowner policies, “umbrella” policies, and coverage through credit cards.

### 4. Record all expenses relating to your car accident insurance claim

Sometimes settling an insurance claim can be a long, drawn out process, and the expenses can add up. Keep track of all related costs, from the time of the accident until you receive your settlement from the insurance company. Apart from the damage to your car and/or property, these expenses may include expenditures relating to:

- *Returning to normal life* – Expenses incurred from alternative transportation and other services, such as an independent estimation of damages
- *Recovering from accident injuries* – Not only the cost of your medical care and supplies, but also the financial outlay of family members if they have to travel to care for you or miss work
- *Pursuing your claim* – Lawyer fees, travel costs, and missed time at work to settle your case.

We recommend keeping a detailed log of expenses in a notebook and attaching all receipts. This way, you will know that no items are forgotten.

### 5. Settling your insurance claim

Finally, your insurer will provide you with an appraisal of your losses based on the repair or replacement estimate from their adjustor or contractor. The amount they estimate will likely be on the low side, so keep in mind that you do not have to accept it right away.

Remember that it is in an insurance company’s best financial interests to offer you the least amount of compensation possible. Even if you are going through financial hardship, never accept a premature or inadequate settlement without first talking to a car accident lawyer.

A car accident is devastating as it is, and having to fight with your insurance company over your policy coverage is the last thing you need. If you believe you are being treated unfairly, [submit your car accident details online](#) to The Babcock Law Firm for a free screening of your case.

## 3 Ways to Prove Fault in an Auto Accident

Determining fault in a car accident case is essential to deciding who should be compensated for damages and how much. Especially in Colorado, where comparative fault is practiced, understanding how to prove liability in an auto collision will make negotiating your claim with an insurer or winning your case much easier.

Here are 3 basic guidelines you can use to determine fault in a car accident:

### 1. “No Doubt” Liability

Sometimes proving fault in a car accident is common sense. Apart from rare exceptions, insurance companies will not argue about who was at fault in collisions that are considered “No Doubt.” These include:

**a) Rear-end collisions.** If you are hit from behind, you will almost always not be held liable. Exceptions include having one or both rear brake lights out at night, or failing to do everything possible to remove your car from the roadway if you break down.

**b) Left-turn accidents.** In virtually every accident involving a car going straight and another vehicle making a left turn, the driver making the left turn is fully responsible for the collision. The only exception is if the car traveling straight was excessively speeding or ran a red light.

### 2. Police Reports

You may be able to prove fault in a car accident case by obtaining a copy of the official police report filed by the law enforcement officer who responded to the accident. Look for any mention of a traffic law violation or careless driving in regards to the other driver. This is good evidence that they were responsible for the accident.

### 3. State and Local Traffic Laws

When preparing for a case, car accident attorneys do extensive research on traffic laws in the state, county, and city where the collision occurred to see if the other driver violated any local ordinances. You can find an outline of [Colorado’s driving regulations](#) online.

## Collecting Compensation from a Government Institution

While car accident liability in Colorado is fairly straightforward once you have a thorough understanding of state and local laws, collision cases involving a government institution are not as simple. Unlike standard Colorado collision law, drivers employed by the government have limited liability coverage, as determined by the [Colorado Government Immunity Act](#) (CGIA).

The CGIA imposes several limitations and restrictions on citizens seeking to sue government drivers in regards to what they can sue for and how much they can collect. These restrictions are:

- The statute of limitations—or the amount of time a person has to file an accident claim before it “expires”—for cases involving a government institution is 180 days, as opposed to 3 years for car accidents involving private individuals
- A single individual cannot collect more than \$350,000 in damages, and punitive awards are not allowed in government driver cases
- Citizens cannot file a lawsuit against a government entity immediately, but must wait 90 days or until the agency denies your claim—whichever comes first

### What about the federal government?

The process for collecting accident compensation from federal government employees is almost identical to suing state and local entities, but with different timelines. For these cases, a claimant has up to 2 years after the incident to file a claim with the appropriate agency. If they deny your claim, you have 6 months to file a lawsuit.



## Why You Shouldn't Delay Your Claim – Statute of Limitations

From the moment a car accident occurs, there is a ticking clock on how long a plaintiff has to file a claim before their opportunity to collect damages runs out. This time period is known as the “statute of limitations,” and once it has passed, the injured person or persons lose their right to seek compensation.

The statute of limitations is different for each state and depends on the type of personal injury claim being made. **For car accidents in Colorado, plaintiffs have 3 years to file a claim from the time of the incident.**

There are few [exceptions to the statute of limitations](#)—one being the “discovery rule,” which states that in certain cases where a person cannot reasonably know the cause of an injury until long-after the incident, that injured person may file a suit within a certain period of time from when the injury was first discovered.

Other exceptions are when circumstances outside the claimant’s control prevent a case from progressing, such as:

- A victim is not mentally competent
- Defendant’s bankruptcy
- Victim was a minor when injury occurred

However, just because you have 3 years to file a car accident claim in Colorado doesn’t mean you should wait that long to talk to an attorney. As time passes, injuries from a collision heal, valuable documents can be misplaced, and important details about the incident are forgotten.

Delaying your claim without cause can also get your case thrown out, which is why it’s crucial to take legal action as soon as possible. Begin by consulting with an attorney that specializes in litigating car accident cases in the region where the incident occurred. A skilled lawyer will be able to inform you of your rights and limitations to filing a lawsuit, and get your case started if you are ready to proceed.

## Choosing a Car Accident Attorney

Once you have decided to hire an attorney, the next step becomes choosing the right one. The final result of your lawsuit can be drastically different depending on who you appoint to work on your case, which is why it is important to spend some time researching to find the best legal representative to handle your claim.

Begin by compiling a list of attorneys in your area who focus specifically on car accident cases. There are all kinds of lawyers with various fields of expertise, from criminal defense to bankruptcy. Firms that deal specifically with auto accident cases will have greater knowledge of the laws and strategies that apply to your case.

Next, narrow down the list by looking for experience and a record of success in cases similar to yours. If an attorney has won several car accident lawsuits that are like yours, that's a good indication that they will be able to skillfully manage your case.

You also want to find out if they have skill in taking claims in front of a judge. Even if you are hoping to settle your claim outside of court, it's wise to hire an attorney with a good reputation as a trial lawyer, just in case you need to go to trial after all to receive reasonable compensation. Also, insurance companies tend to offer higher settlement offers to avoid going to court if an attorney is known as being a skilled trial lawyer.

Another valuable factor to consider is a law firm's involvement in organizations that display their commitment to seeking justice in personal injury and car accident claims. For starters, look to see if the lawyer belongs to your state's [Trial Lawyers Association](#).

Lastly, preparing your case for trial also means understanding the costs of litigation. You can do this by asking whether the lawyer charges a contingency fee or hourly rate. While most car accident attorneys charge a contingency fee—meaning they get a portion of your settlement or award if successful—you should never assume this to be true.

Once you have gathered all of this information and narrowed down your list to a select few firms, schedule a consultation with the attorney you are considering so that you can discuss your case with them in person.

### Questions to Ask an Attorney at the Consultation

Here is a sample of questions to ask an attorney at the first consultation to get started:

### Background and Experience

- How long have you practiced personal injury law?
- How many cases do you settle? How many go to trial?
- Have you handled cases similar to mine?

### Case Assessment

- What kind of financial settlement or award can I realistically expect to receive?
- Is it likely that we would have to go to trial?
- How long do you expect my case to take?

### Legal Style and Philosophy

- What is your approach to practicing law, specifically car accident cases?
- How do you handle your clients? Will you ask me to make decisions or tell me what to do?

### Case Management

- Will you personally manage my case, or will another attorney handle it?
- Who will be my day-to-day contact?
- Will you provide progress reports? How frequently? What will be included in them?

### Legal Fees

- Do you charge a contingency fee or hourly rate? If it's a contingency fee, what percentage of the award or settlement do you get?
- If we don't receive a settlement or award, will I have to pay you any money?
- Can you provide an example of how much I would take home after attorney fees and expenses?

After your initial meeting, take a few minutes to write down your observations about the consultation and your impressions of the lawyer. What memorable things did the attorney say? What did you like and dislike? Do you feel comfortable with the attorney? You should refer back to these notes when deciding which attorney to hire.



## Colorado Car, Truck, and Motorcycle Accident Attorneys

If you are looking for personalized and dedicated representation of your Colorado auto accident claim, we invite you to consider the **Babcock Law Firm**.

R. Mack Babcock, founder of the top-rated car accident firm in Colorado, belongs to several legal associations, including the Colorado and Denver Bar Associations, Colorado Trial Lawyers Association, and has been included in the Super Lawyers' Rising Stars list for four consecutive years. His dedication for helping car accident victims receive fair compensation, coupled with years of experience in winning cases both in and out of court, makes Mack and his support staff a highly-skilled and unbeatable legal team.

Babcock's car accident attorneys consider it their sincere duty to represent victims of car crashes, truck accidents, and motorcycle collisions in and around **Denver, Boulder, Aurora, Broomfield, Louisville, Lafayette, Golden, Thornton, Westminster, and other cities throughout Colorado**. If your claim falls within our practice area and you are seeking expert legal representation, don't hesitate to [schedule a free consultation](#).

During our in-depth consultation, you will [learn how representation works](#), be provided with a thorough assessment of your case, and advised on how to proceed. Begin your path to collecting damages from your auto accident today!



### The Babcock Law Firm

2616 W. Alamo Avenue • Littleton, CO 80120  
Phone (303) 683-5033 • Fax (303) 558-4269