

LEGAL VIEWS

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New Year Car Insurance Review

By: *Melissa Winthers, Esq., Fleishman & Shapiro P.C.*

As the New Year begins, I try to get my house in order. You may do the same by reviewing your insurance coverages. Therefore, I thought it might be helpful to discuss the different aspects of car insurance coverage. Please feel free to pass this article along to your friends and family.

We all want to make sure that we are protected financially in case of an accident. Often when I ask people after a crash what their insurance limits are, they tell me that they have "full coverage" for accidents. In reviewing their policies, I have found that what this usually means is they have collision coverage to pay for vehicle damage or comprehensive coverage for things like hail damage or a break-in. But that coverage doesn't protect you if you are injured.

The first kind of injury coverage in a car insurance policy is med pay coverage. It pays your medical bills regardless of whether you were at fault for a crash or whether someone else was at fault. It covers your passengers too. While med pay in the amount of \$5,000 is now

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mandatory unless it is waived in writing, mandatory med pay does not apply to motorcycles. Med pay is very important to cover gaps in health insurance or allow you to pay providers that do not participate in your network. Med pay is obviously even more important if you don't have any health insurance. One trip to the Emergency Room, and your med pay is gone. You can purchase med pay in an amount up to \$100,000 through certain

insurers. Others only sell med pay up to \$10,000. Do your homework as the amount of med pay coverage being sold differs greatly between insurers.

The next kind of coverage in a car insurance policy is liability coverage. This is often referred to by your insurance company as BI coverage. This protects you if you cause an accident and someone else is injured. If you have assets that you want to protect, you should also consider purchasing an umbrella policy. Umbrella coverage provides coverage above your liability limits. I recently checked with one insurer which offered a million dollar umbrella policy for under \$200 a year. A few insurers' umbrella policies include uninsured/underinsured protection, but many do not. If you are interested in purchasing

an umbrella that also covers UM/UIM make sure this is reflected specifically in the policy.

The last, and arguably the most important coverage you can buy is uninsured/underinsured motorist coverage. **Never**

U coverage is critically important. It is cheap compared to other coverages and it is the only way to protect you and your family if you suffer catastrophic injuries.

reject it. This insurance protects you if you are injured by a driver who either

(continued on back)

*Ideas * News * Resolutions*

Craig Fleishman and **Steven A. Shapiro** were able to reach resolution of a matter involving a bicycle pedestrian crash that occurred on the Cherry Creek bike path. The resulting moderate traumatic brain injury was devastating to the individual as well as her family. The matter resolved two weeks prior to trial for a significant confidential amount. Pre-trial resolution of the matter was essential as the stress on the family would have been extremely difficult to endure.

Melissa J. Winthers recently resolved an auto collision case involving a young family whose vehicle was struck by an out-of-control driver on an icy road. The collision resulted in significant shoulder and elbow injuries to the husband requiring surgery. The case settled prior to trial in the six figures.

Melissa J. Winthers resolved a case where our client was involved in two auto collisions and suffered

serious neck injuries as a result. The cases were resolved in the six figures for the maximum recoverable insurance policy limits.

Melissa J. Winthers recently resolved a case where our client was injured in a deck collapse, resulting in severe shoulder injuries and work limitations. After the deck collapsed, the defendant completely destroyed the deck, which prevented us from being able to inspect it. This resulted in complicated spoliation issues in the case. The case was resolved prior to trial for \$300,000.

Marlo J. Greer resolved a medical malpractice case against a local hospital absent the need for trial. The hospital left a sponge in a senior citizen's abdomen during a medical procedure. Despite the obvious negligence, settlement overtures were initially refused and trial was imminent. The amount of settlement was significant and confidential.

F&S Focus: Our New Offices



Fleishman & Shapiro moved into its new office space on September 26, 2011. Our new office is conveniently located at I-25 and Colorado Boulevard. Our new address is 2000 South Colorado Boulevard, Tower One, Suite 9000, Denver, Colorado 80222. Our phone and fax lines remain the same.

Our new office has 11,082 square feet, with nineteen attorney and paralegal offices and staff work stations. We also have four private conference rooms and two kitchens. There are five parking levels next to the office with free 2-hour visitor parking for your convenience. There are also bus and light rail stops directly adjacent to the building. Within walking distance are many local eateries and restaurants, including Dave & Buster's.

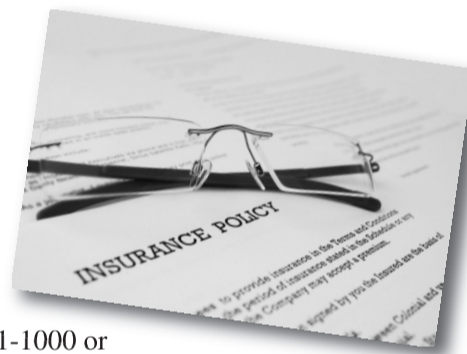
We will be hosting an open house on May 17, 2012 from 6:00 p.m. to 8:00 p.m. Please feel free to visit us at our new location!

Car Insurance Review *(continued from front)*

doesn't have any insurance or doesn't have enough insurance. Buy as much U coverage as you can possibly afford. Because the state only requires at-fault drivers to have coverage in the amount of \$25,000, U coverage is critically important. It is cheap compared to other coverages and it is the only way to protect you and your family if you suffer catastrophic injuries. I recommend that all my clients, regardless of their financial situation, buy at least \$250,000 in UM/UIM coverage as the price difference between a minimum policy and a substantial policy is very little.

If you have any questions about your insurance policy or what it covers, please feel free to contact Melissa J.

Winthers at 303-861-1000 or mwinthers@colorado-law.net.



FLEISHMAN & SHAPIRO ON THE MOVE

- On October 12, 2011, **Steve Shapiro** presented "The Legal Complications of Mild Traumatic Brain Injuries" at the Brain Injury Alliance of Colorado's 29th Annual Conference. Steve addressed the gamut of issues encountered when making a case for a brain injury survivor, including neuropsychological testing, Daubert and imaging issues, prior functioning history, and financial compensation.

- On November 10, 2011, **Craig Fleishman** presented "Ethical Issues and Pitfalls Concerning Business Transactions With Clients" at Lorman Education Services' Legal Ethics in Colorado continuing legal education seminar. Craig also participated with other panel members in a panel discussion regarding common ethical issues faced by Colorado attorneys.

- On January 9, 2012, **Steve Shapiro** participated in the debate "Dispelling Myths Related to Brain Injury Litigation and Admissibility," at Craig Hospital's Brain Injury Summit in Beaver Creek. Steve educated the audience about the challenges and prejudice individuals with brain injuries face due to lack of information related to the injury, illustrated the many ways brain injuries present, and described the difficulties

litigators must overcome to successfully represent brain injured clients and assist in getting them the care they require.

- **Craig Fleishman** was recently elected a National Commissioner of the Anti-Defamation League.

- On February 12, 2012, the Anti-Defamation League, Mountain States Region, hosted its 2012 Civil Rights Awards Reception at the History Colorado Center. The ADL Civil Rights Award was presented to Hon. Wilma Webb and Bobbie Towbin. **Craig Fleishman** is an ADL Civil Rights Committee Co-Chair.

- On September 22, 2011, **Philip Kay** presented "Class Action Law Update" at the *2011 Tort Law Update* continuing legal education seminar of the Colorado Bar Association.

- **Craig Fleishman** was elected Chair of the Nominating Committee of the Colorado Neurological Institute. The Nominating Committee is responsible for reviewing applications of prospective CNI members and nominating existing CNI members to board leadership.