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While in law school, Mr. Krivit was the Editor-In-Chief of the John Marshall Journal of Computer and Information Law. He received the Dean's Academic Scholarship and graduated cum laude.

As an associate at Bachus & Schanker, LLC, Mr. Krivit is excited about the opportunity to assist injured individuals in seeking and obtaining the justice they deserve. Mr. Krivit is licensed to practice in Colorado, Illinois, and Texas. He is a member of the Colorado Bar Association and the Colorado Trial Lawyers Association. When he is not advocating for his clients, Mr. Krivit enjoys ice hockey, guitar, live music and spending time in the mountains. He also likes photography and film making.

Bachus & Schanker would like to introduce one of its newest attorneys, David Krivit.

Mr. Krivit is an associate attorney at Bachus & Schanker, LLC. and brings a wide range of experience to the team. He has practiced in Commercial Litigation, Construction Defect, Contracts, Insurance Defense and Consumer Fraud. This experience gives him insight into the challenges of personal injury claims and car accidents.

Mr. Krivit was born in New York and completed his undergraduate education at the University of Vermont where he studied political science. Mr. Krivit then earned his Juris Doctorate from the John Marshall Law School in Chicago.

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Summer 2010

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Governor Signs Make Whole Bill New Law Protects Colorado Citizens

In May of this year, Colorado Governor Bill Ritter signed House Bill 10-1168, also known as the Make Whole bill, into law. The new bill takes a great stride in protecting consumers from the questionable practices of insurance companies.

Rep. Claire Levy (D-Boulder) and Sen. Pat Steadman (D-Denver) sponsored the bill. It was also made possible by help from the Colorado Trial Lawyers Association and Bachus & Schanker, LLC. Bachus & Schanker is proud to have played a part in this landmark bill on behalf of Colorado's citizens. Founding partners Kyle Bachus and Darin Schanker participated in the drafting process as well as the lobbying effort for the Make Whole Bill.

The bill went into effect on August 11, 2010 and protects accident victims from having to reimburse health insurance companies for medical costs before being fully compensated. The law applies only to victims who were not at fault and who were injured by the act or negligence of a third party.

The make whole doctrine requires that the injured party is fully compensated or "made whole" before the insurance company may seek subrogation or reimbursement. This comes as a long awaited change for Colorado. Thirty-six other states have already implemented the make whole doctrine in some form.

What is subrogation?

Subrogation is a loophole allowing insurance companies in Colorado to seek repayment for medical costs before the injury victim is compensated for all damages.



When an individual is involved in an accident with serious injuries, rarely are the initial medical bills the only costs. It is likely the victim will have incurred lost wages and possibly the ability to perform their work. They may also have future medical costs and legal fees to pay for.

By leveraging subrogation, insurance companies can force accident victims to repay the company for medical costs before the victim has received all necessary compensation.

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Reporting Back Injuries at Work

The human spine is an infinitely complex operating system. Bundles of nerves intertwine with soft tissues and bone, creating opportunities for serious repercussions with even the most minor back strains and sprains. The smallest back injuries must be taken very seriously. Not all damage will become immediately known and problems that seem insignificant at first can deteriorate in ways the employee did not foresee.

The spine is also fragile. It doesn't take much to force a disc out of place, leaving the employee unable to perform any physical tasks for weeks or even months. All of this points to one thing: injuries to the back at work should always be reported to the employer. Some employers are skeptical of back claims because the effects of them are not immediately visible. But as the saying goes, it's better to be safe than sorry. With back injuries that is especially true.

Back injuries at work must be reported to the employer in writing. This is a law that many workers are not aware of. In order to get workers' compensation benefits, the employer must be aware of the injury in most cases. Some employees assume that coworkers will be available to give statements to employers if there are questions about the back injury, but this shouldn't be relied upon.

Even if symptoms are minor in the early stages, they may become worse with time. Therefore, it is smart for employees to communicate fully and honestly with the employer about back injuries. Sometimes, back pain can resolve over time with proper physical therapy. Other times back injuries create lingering pain and require ongoing medical care.



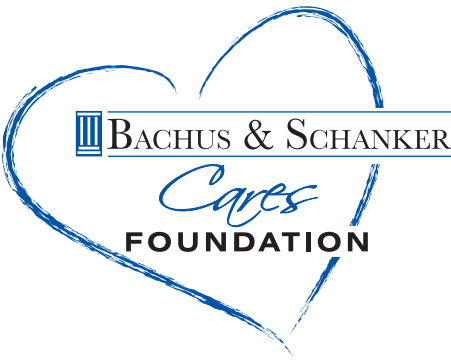
Employees should always abide by the safety rules of the company. Yet even when abiding by these rules, injuries to the lower, mid or upper spine can still occur unexpectedly. Some employers will be skeptical of a back injury if it's not reported immediately. This may lead to a delay in getting benefits, or worse, a denial of the claim altogether.

When in doubt, the best policy is to play it safe and report any injuries as soon as they happen so the claim is not denied. Doctors can diagnose injuries to the human spine that may be invisible to the naked eye. It is a mistake to assume that pain in the back will just resolve itself over time.

In order to seek effective medical treatment, and to properly navigate the Colorado workers' compensation system, pay close attention to the health of all the regions in your back, and report any injuries that you suffer while working.

If you or a loved one has suffered an injury at work, call the experienced worker's compensation attorneys at Bachus & Schanker for a FREE consultation: 866-382-0706.

Bachus & Schanker Cares Foundation Spotlight



Calendar of Upcoming Events

- August 26th: Art for Life in support of Project Angel Heart
- September 9th: Habitat for Humanity project build
- September 11th: Sponsoring John and Kathy Gleason in the Pikes Peak Challenge, a fundraiser for the Brain Injury Association of CO
- September 18th: Autumn Nights Vegas, benefiting the Traumatic Brain Injury Awareness and Services
- September 30th: Light the Night, promoting the Leukemia & Lymphoma Society

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sation. This could leave an individual responsible for a considerable amount of their additional expenses. The new bill simply reverses the order of payment. Now, only when the accident victim is fully compensated for all damages can the insurance company pursue subrogation.

Why was this change necessary?
Before the bill went into effect on August 11, insurance companies were permitted to seek subrogation or reimbursement for medical costs before an accident victim had been fully compensated for all expenses, including those outside the initial medical bills.

Essentially, damages beyond the initial medical costs were not being accounted for. An accident victim could be forced to repay the insurance company before having been compensated for loss of income, future loss of income, future medical expenses and legal fees.

Do I Need To Have My Insurance Policy Re-Written?
No. You do not need to have your insurance policy re-written. However, to void the insurance company's right to subrogation, your insurance company must be notified of any compensation you receive to cover additional damages.

While you are now entitled to be made whole, your rights will not be automatically enforced. If you receive compen-

sation for any damages, you must notify your insurance company within 30 days. If this notice is not given, the insurance company will still be able to pursue subrogation.

The notice must include the total amount you received, where you received it from, the coverage limits of any applicable insurance policy and the amount of any costs you incurred while obtaining the compensation.

For assistance in preparing this notice, please contact the offices of Bachus & Schanker. It is important that this notice be filed properly. Otherwise your insurance provider may still be able to subrogate funds you receive before you have been fully compensated for damages.

Contact Us For Help
Bachus & Schanker is proud to have supported this important step in protecting the rights of Colorado citizens and our firm is committed to the ongoing fight for the protection of individuals in our community.

If you or a loved one has been injured in an accident, please contact Bachus & Schanker, LLC. Our dedicated team of attorneys can help you evaluate your case and ensure the protection of your rights.

Call today for a FREE consultation: 866-382-0706.

If you've been injured by a drunk driver, call the attorneys at Bachus & Schanker, LLC for a

FREE CONSULTATION

866.382.0706

available 24 hours 7 days a week



Bachus & Schanker Supports Walk Like MADD

Bachus & Schanker was proud to support the 5th annual Walk Like MADD event held at Sloans Lake Park on August 7th. The 5K walk is MADD's largest fund raiser and a fun community-driven event.

This year's attendance was over 1,000 and the walk raised nearly \$96,000 for the organization.

Bachus & Schanker was well-represented at the walk, with many employees and their families in attendance. Mr. Kyle Bachus presented the award for the top law enforcement team.

"As MADD's 2010 Statewide Sponsor, we're honored to be able to support this outstanding organization," Mr Bachus said. "As a personal injury law firm, we've seen the devastating toll drunk driving accidents have on families, both physically and financially. We are proud to be a part of the solution."

Bachus & Schanker had a booth in the main tent and provided a water station to support walkers.

Drunk driving is a violent crime that is 100 percent preventable. More than 1,000 families lose a loved one to drunk driving each month. MADD fights to eliminate this needless crime, to provide victim support at no charge to families and to prevent underage drinking.

To learn more about MADD or to receive victim services at no charge, please visit madd.org or call 1-877-MADD-HELP.