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*Photo above: Firm partner Evan Banker, March 2017.*

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## TRUST THE REAL EXPERTS

Jim Chalat talks about skier and snowboarder safety and what to do when the worst occurs.

The injury rate for recreational skiers and snowboarders is approximately 1.37 per 1,000 skier/snowboarder visits. In Colorado, this translates to about 25,000 injuries, from minor to severe, each ski season. Snowboarders and skiers suffer different types of injuries, but their statistical likelihood of an injury is equivalent. Despite common misconceptions, snowboarders are neither more dangerous nor more likely to be injured than skiers.

About 5% of all skiing injuries are due to collisions. The uphill or overtaking skier (or rider) has the primary duty to avoid the skier who is downhill. When entering or crossing a trail, a skier must yield to skiers already on the trail. Skiers must maintain a lookout and ski in control and within their ability. And, what should be obvious, do NOT drink alcohol or smoke pot and ski. Following these rules would prevent most skier collision injuries and in severe cases, deaths.

The Colorado Ski Safety Act requires all parties to a collision to stay at the scene and give their name and current address to ski patrol. We recommend that you never ski or ride alone. It's important to carry your cell phone and a trail map so you can call for help and provide your location on the mountain. If there is an accident, stay calm. Keep the injured person warm and don't move them. At a large ski area on a busy holiday weekend, it can take time to get help.

The Ski Act also provides that an injured skier can sue for damages if he or she is hurt by an out-of-control skier. Skiing is not a contact sport.

A good case study is that of Jim S., of Illinois.

It was President's Day weekend 2017. Clear skies. Good snow. Big crowds at Breckenridge.

For years, Jim had been an Epic pass holder. He began skiing as a teenager. He was in excellent condition—sixty-three years old, six-feet tall, 175 lbs. On the third day of his trip, he met up with Mike, a friend of his from Illinois. Mike was wearing a Go-Pro camera. At about 11:30, they were in the lift-line for the Colorado Super Chair. Jim was wearing black ski pants, a blue parka and a black helmet.

Meanwhile, a 39-year old snowboarder from Texas named "J.P." was close by in the lift-line for the Rocky Mountain Super

Chair. J.P. identified himself as an expert snowboarder. He started his morning with a mimosa.

After Jim and Mike got off their chair, they pushed off down Columbine. Mike clicked RECORD on his Go-Pro. In the video, you can see as Mike and Jim skied on Columbine past several SLOW SKIING signs. They crossed under the Rocky Mountain Super Chair probably just moments after J.P. had unloaded and turned down Columbine himself. 200 yards further down Columbine, just as it comes to the top of Duke's run, Mike's Go-Pro video shows J.P. come into view, riding much faster than any other rider on Columbine and passing Mike.



The video then shows J.P., as he quickly overtakes Jim S., and crashes into him from uphill.

Jim fell hard on his left side, severely fracturing his left hip and shoulder. He clutched at his hip in pain, as Mike's Go-Pro video continued its recording. Ski patrol evacuated Jim off the mountain and he was transported to the hospital for emergency hip surgery (with hardware). Two days later, his shoulder was surgically repaired. Jim's medical expenses were nearly a quarter million dollars and he lost over a hundred thousand dollars

of income as he recovered. His doctors told him his hip and shoulder would never work the same again. Jim hired our law firm to get compensation for his injuries. After discovery and before trial, Jim S. accepted a policy limits \$1,500,000 settlement. It was paid by J.P.'s homeowner's insurance that he carried on his house in the Dallas suburbs. The at-fault skier's homeowner's insurance typically covers cases like these.

Jim doesn't ski anymore. He walks with a limp and his left shoulder doesn't work as well as it did pre-accident. But, Jim doesn't let his injuries keep him down. He puts his energy into charitable projects, including, Concern Worldwide US; and of course he spends a lot of time with his family.

Ski and ride safely this season. If you need more information, go to SKILAW.COM, or call our team directly at 303.861.1042.

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