

TEXAS BOATING ACCIDENT GUIDE

*What To Do If You're Seriously Injured
In A Boating Accident*



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In nice weather, it is not uncommon to find yourself on the water. Boating can be a very great way to spend your time, but not always. If you have found your way to this page, you most likely have been seriously injured in a boating accident. We want to express our sympathy and let you know that we are here to guide you through your boating accident case. You are most likely suffering from having a ton of medical bills and lost wages from being unable to return to work. A boating accident case, if won, would be able to recover those damages and injuries and we will work hard to get you the best possible result.

TYPES OF BOATING ACCIDENT INJURIES

Boating accidents can cause some serious injuries and often, even a minor collision can cause major damage because most of the time, there is a limited amount of safety procedures. For example, most of the time you are not going to be wearing a seatbelt like you would in a car. The most common boating accident injuries include:

- » Broken and fractured bones
- » Cracked ribs
- » Head, neck, and back injuries
- » Concussions and contusions
- » Scarring and disfigurement
- » Nerve damage
- » Spinal cord injury
- » Paralysis

If you have been seriously injured in a boating accident, the most important thing that you should do is get your injuries tended to immediately. You should never wait to see if they pain goes away. Odds are you won't feel the full extent of the injuries until the following day, and at that point, you will most likely

regret waiting. Our suggestion is to get medical attention immediately. If you do not, two things are bound to happen. One, you could make your injuries worse. Two, the insurance company will look at that gap in treatment and try to reduce or eliminate the amount of compensation they owe you by saying you weren't badly injured enough to receive immediate medical care or that your injuries came from something else.

DO NOT TALK TO THE LIABLE PARTY'S INSURANCE COMPANY

The very worst thing you can do for yourself after your accident is agreeing to give the liable party's insurance company a recorded statement. They will call you shortly after your accident and at that point, they will be looking to back you into a corner and get you to say something that would ruin your case. You have no legal obligation to give them any statement of any kind. We suggest letting your attorney take over communication for you. Our Texas boating accident attorney knows how to talk to them and give them essential information without putting you in a position to have your compensation reduced or eliminated.

TEXAS STATUTE OF LIMITATIONS

Starting from the date of the accident, you will have exactly two years to bring your claim or settle it in civil court. If you are late for this deadline, you will be barred from receiving any compensation. Two years may seem like a long time, but the time flies by quickly and building a strong case cannot happen in one day. We need time to collect and protect your evidence, as well as talk to your witnesses before they forget the fine details of your case. The best thing to do here is hire an attorney as soon as possible so everything that is time sensitive does not become a stressful situation.

HOW COMPENSATION WORKS

Texas law for compensation states that you can receive compensation even if you are partially responsible for causing the accident. Now, for a boating

accident, it is unlikely that you could have caused the accident if you were a passenger on the boat. If you were operating the boat when you got hurt, then it would be more likely that the laws of comparative negligence apply to you. If you are found by the insurance company to be more than 50 percent at fault for the accident, then you would be barred from compensation, but if you are 50 percent or less at fault for the accident, then you will be able to receive compensation but it will be reduced by the amount of fault you bear. For example, a \$10,000 compensation reward would turn into \$9,000 if you were 10 percent at fault.

FREQUENTLY ASKED BOATING ACCIDENT QUESTIONS

How Do I Find the Right Attorney?

If you are injured in a boat accident, there are four things that you should consider in selecting the best lawyer to handle that case. One is whether or not the lawyer specializes in personal injury. In other words, the lawyer handles nothing but personal injury trial work. They don't handle wills, divorces, or bankruptcies; they only handle personal injury cases.

Second thing is if they are trial lawyers. A trial lawyer will handle the case from beginning to end. This means that they will go to trial and try to obtain a verdict for you and your family from a judge or a jury.

Next, that they have had success in this area of law, and they should be able to show you and talk to you about their successes. Finally, that they are Board-certified by the state in this area of law. In other words, they have specialized knowledge and expertise in this area because only 3% of the personal injury lawyers in Texas have that certification.



What Mistakes Should I Avoid Making?

We had a client call in who had been injured in a boating accident who asked us what are some common mistakes that people make after being involved or injured in a boating accident.

Some of the typical mistakes that we see people make after being involved or injured in a boating accident is that they don't report it. Reporting is essential to your claim in order to have documentation and a record of what happened. Another mistake that we typically see is that people don't seek medical attention right away. That can be damaging to your case later on and it's also damaging to your health, which is why we strongly recommend you get your injuries checked out.

Another mistake that we typically see, which is a big one, is that people don't seek legal advice right away, and that they don't select attorneys who specialize in boating accidents or personal injury, which is essential because they're better equipped to handle your claims and better equipped to fight for your rights. It's also important because when insurance companies get involved and come to the table, they know the reputation of trial attorneys and so they will come to the table with better offers, knowing that there is a risk that these attorneys are willing to take the case to trial.

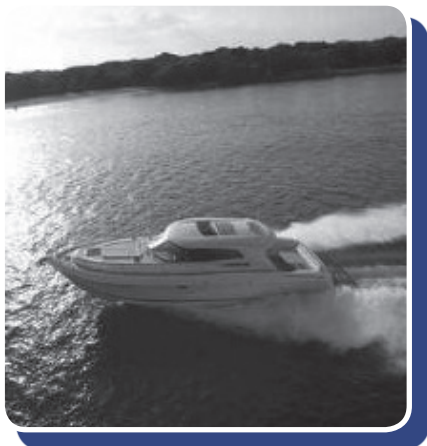
What Are My Recoverable Damages?

There are several things that can be recovered in a boating accident as far as the types of damages. One of the types of damages you can recover is for pain and suffering. These could also be mental anguish damages. There could also be lost earning damages or lost wage damages, depending on if they weren't able to work or are unable to work in the future. You're also entitled to any medical expenses that have been incurred in the past and any future medical expenses that are going to be incurred in the future as a result of the accident.

Should I Talk to the Insurance Company?

After being injured in a boating accident, you may receive calls from an insurance company asking for you to give a recorded statement about the accident. You may be wondering if you should take this call. Our answer to that is no,

don't answer insurance companies and don't make any statements to them. They're not there for your protection or your benefit. In fact, they might even use what you say against you in the future. Our suggestion to you is that you contact an attorney specializing in personal injury right away and you tell these insurance companies to call your attorney and speak to them directly.



What Do I Do After My Accident?

There are several things that need to be done after a boating accident to make sure you have a strong personal injury claim. First, you need to notify the local government agency. This may be the police department or the coastguard, depending on where it happened. That is why it's important that you hire a lawyer who's experienced in boating accidents to make sure that the proper entity gets notified.

The second thing that's important about hiring an experienced lawyer in boating accidents is that they can make sure a proper investigation is done. It's not only important that a proper investigation be done but it needs to be done timely. There may need to be experts that get hired to examine the area where the boating accident happened and what type of boats were involved. There may need to be measurements taken. There may be other departments of the government that need to get involved. An experienced lawyer can help you with all this. If you have any questions, we are here to help you.

How Much Is My Case Worth?

There are several things that we need to look at when determining the value of a boat accident claim. We need to figure out how the accident happened and on what body of water because there are going to be different regulations that apply.

The second thing we're going to look at is what type of boat was involved in the accident. Was there a defect with the boat that they were in? Was there any kind of recall in the type of boat they were in or with respect to the boat that hit them? Was it a fishing boat? Was it a commercial boat? Was it a boat owned by the U.S. Government? All these are factors that need to be looked at.

The last thing we're going to look at is the amount of insurance that's involved. A lot of this depends on what type of boating accident we are talking about. Did they get hit by some sort of vessel that's owned by the government? Did it involve a small fishing boat?

All these factors are going to determine the value of the case. It's important to have an experienced lawyer who's familiar with the regulations that apply to boating accidents. If you have any questions whatsoever, we're here to help.

How Long Will This Case Take?

A boating accident in the State of Texas takes a fair amount of time to resolve. There are a lot of safety rules that have been in place for years that must be followed by all people who use boats. You're going to want to hire investigators to go out there and look at what safety rules apply, how long had they been enforced, who is supposed to enforce them and why were they violated, and determining if there was alcohol involved. This is all going to take time, especially if there is a serious injury. If there was no serious injury, then the case may resolve pretty quickly.

How Long Do We Have to Settle the Case?

The other day, we had a client come in who had been involved in a serious boating accident and they wanted to know how long they have to file a lawsuit. There is a two-year statute of limitations, which means that your injury claim has to be filed — if it is going to go to court — within two years. However, we recommend that you don't worry about that. We want you to seek medical attention right away, to contact law enforcement to make a claim, and to seek legal advice immediately from an attorney who specializes in personal injury. That way, they can preserve evidence and take all the documentation that's needed in order to better fight for you.

CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

If you have been seriously injured in a boating accident, and you need dedicated and experienced representation, please call our Texas boating accident attorney right away to set up a free case evaluation where we will go over the details of your case and what your legal options are. We will do everything possible to get you the best chance at full and fair compensation. You are a priority and we will be sure to treat as such.

ABOUT THE AUTHORS

Garcia & Ochoa, LLP is a dynamic law firm with an ever-evolving quest for excellence, yet our focus is not myopic in any way. We passionately share our knowledge in a proactive, thorough and open manner. We always make time to help our clients & colleagues and never too busy for your questions, comments or concerns.

Over the course of the past three decades, we have successfully handled a wide variety of cases against companies and individuals in Texas and across the nation.



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