



TEXAS CAR ACCIDENT GUIDE

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



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When we get in our car, we seldom think about the hazards of driving. Most of the time, our drives are uneventful, with an occasional near-hit because someone is acting foolishly. We often complain of the person who cut us off or blew a red light and almost hit you. If you have found your way to this page, it is most likely that you did not get so lucky and that person did hit you. When you are seriously injured in a car accident, you may be eligible for a free consultation. Our Texas car accident attorney is here to help guide you through your legal case step by step. We will make the legal aspect of your case our responsibility so that you can focus on your health and wellbeing. We understand how frustrating it can be to have medical bills and lost wages from an accident that could have been avoided and we want to fight for your right to full and fair compensation. After you read about your case, please do not hesitate to call our office to set up a free consultation.

TEXAS STATUTE OF LIMITATIONS

In Texas, you have two years exactly from the date of your accident to bring your claim or settle it in civil court. Two years in terms of setting up a successful case is not necessarily a long time. You should never wait to contact an attorney. If you are cutting it close to the deadline, you may not be able to bring your case. It takes time to build a good, strong case. There is evidence that needs protecting and there are witnesses who need to be interviewed. If you miss this statute of limitations, then you will have no ability to bring your claim any longer.

HOW TEXAS COMPENSATION LAW WORKS

Texas law for compensation allows for you to collect compensation even if you have partial fault in causing the accident. The only way to be barred from receiving compensation is if you are found to be more than 50 percent at fault

for the accident. If you have been found 50 percent or less at fault for your accident, then you will have a reduced compensation award. For instance, if you were 20% at fault for causing the accident, and you have been rewarded \$100,000 in damages and injuries, then you will be able to collect \$80,000. It is our duty to get you the most compensation possible by defending your role in the accident and keep them from blaming it on you.



FIRST STEPS FOR A SUCCESSFUL CAR ACCIDENT CASE

If you want to have a successful car accident case, you need to make yourself the priority. Your health is the most important factor. Right after the accident, you need to seek medical attention as soon as you can. If you wait to see a doctor, you will be at risk of worsening your condition. It is important that you take care of yourself right away because not only will you get the treatment you need right away, but if you don't, the insurance company will use this as an excuse to reduce the amount of compensation that they owe you or they will try to claim that your injuries came from something that came after the car accident which would absolve them from giving you compensation.

An equally important step is to collect evidence from the scene. The best way to do this is by taking photos of the scene exactly as it is when the accident happened. You should take photos of the cars involved from many angles, tire marks on the road, a picture of the whole scene, and your noticeable physical injuries. You should also talk to any witnesses and get their contact information. Lastly, you need to get the insurance contact information from the other driver(s) involved in the accident.

MOST COMMON TYPES OF CAR ACCIDENT INJURIES

Car accidents, as you probably already know, can cause serious injuries as well as serious damage. If you tend to these car accident injuries, you will be on the mend right away. The most common types of car accident injuries include:

- » Broken and fractured bones
- » Head, back, or neck injuries
- » Concussions and contusions
- » Internal organ damage
- » Paralysis
- » Cuts and lacerations

Again, your health is the most important factor to this car accident case and seeking medical attention is the most important step to making your case a successful one.

FREQUENTLY ASKED CAR ACCIDENT QUESTIONS

How Do I Pick the Right Attorney?

If you have been injured in a car accident, you will probably want to know how to get the best lawyer possible for your case. There are four things that you should ask any lawyer that you're considering hiring. First is whether or not they are a personal injury lawyer. A personal injury lawyer only handles personal injury cases. They don't handle bankruptcies, wills, or divorces.



The other thing is whether or not they've had success handling car wrecks. Don't be afraid to ask them to show you the cases they've handled and the successes they've had. The other thing is if they are a trial lawyer. That means that they've handled the cases from the beginning to the end and are going to have judgments that they've obtained in court from a jury. Ask them to show you those judgments.

Lastly, you'll want to know if they are board-certified. If they are, then you know you're getting the best. This means they have been recognized by the state as having expertise in their area of practice. Only 3% of all the lawyers in the state are board-certified personal injury trial lawyers. With those four questions, I think that will give you a good basis for which to make the best decision. If you have any other questions, please do not hesitate to call.

What Mistakes Should I Avoid Making?

Some of the common mistakes people make when they've been involved in a car accident is that they don't call the police. This is very important in order to have documentation of your accident and have a record on file which we can use later. Another mistake that we commonly see is that people don't seek legal advice from attorneys who specialize in personal injury cases or who are experienced in trial. The more experienced attorney that you have in trial, the better that your claim will be pushed. Insurance companies typically know the reputations of trial lawyers. They'll come to the table with better offers and better suggestions, knowing that there is a risk that you will go to trial.

Another mistake we typically see is that people who are injured don't seek medical attention right away, which can be really damaging to your claim. It's important that you go to the doctor and get your injuries treated. If there are any other questions that you have, we're always here to help. Feel free to call us.

What Do I Do After the Accident?

I had a young man come in the other day who was involved in an automobile accident and wanted to know what he should do. There are several things that must be done. The first thing that must be done is to notify the local government

agency, whether that be the police, Department of Public Safety, or the local sheriff's office.

The second thing that must be done is to seek immediate medical attention. This not only involves going to the hospital but also seeking additional medical help from your personal medical provider. This is important because when you typically go to the hospital, they're looking at life and death situations. At the end of the hospital visit, they will tell you to go see another doctor. It's important that you follow up to make sure you see that other doctor because there may be injuries that have gone untreated at the hospital and they can properly examine that.

The last thing is it's important to hire a lawyer who is experienced in handling automobile accidents because then they can make sure everything that needs to be done is done. For example, was an investigation done? There may need to be measurements taken at the scene of the accident. An expert may need to be hired to determine the speed of the other vehicle or the speed of your vehicle. An experienced lawyer can help with all of this. If you have any questions, please contact us.



How Much is My Case Worth?

I had a client who came in last week that was involved in a car accident and wanted to know how to determine the value of her claim. There are several factors that you must look at. First of all, what are the extent of your injuries? Was your arm hurt? Was your back hurt? Was your neck hurt? How is it going to affect you in the future?

The second thing is how and why did the accident happen? For example, was the driver drinking and driving? Was the driver texting on their phone? Was the driver distracted by a dog in the car? All of these are important factors in determining what the value is.

Additionally, you must look at the amount of insurance that the defendant driver had. All these factors go into determining the value of your case. If you have any questions whatsoever, we are here to help. Please call us.

How Long Will This Case Take?

The length of time that it would take to resolve an auto accident case is typically about a year-and-a-half. However, we have to look at what kind of auto accident it was. Was it a minor accident? Do we have one that's very severe with a lot of injuries? Then we have to see how long it takes you to recover and how much it costs.

We also must look at if the insurance company is being fair with their offers. If they're not fair, we've got to file a lawsuit. This brings the court's calendar and their timeline for cases into the equation.

Once that's all been calculated, then we have a better feel and understanding of how long it might take. If you have any questions with regards to your auto accident and how long it may take, please feel free to call us. We'll be happy to discuss it with you.

Do I Get My Lost Wages Reimbursed?

If you have been injured in a car accident and are unable to work, you will want to know how your lost wages will be reimbursed. There are several things that need to be looked at. Under Texas law, this is considered loss of earning capacity. What we need to look at is the amount of money you were earning before. We look at tax returns, W-2s, and any statements from your employer about the amount that you've earned.

For example, if a woman who was a stay-at-home mother is injured in a car wreck, can she recover lost wages? She was a stay-at-home mom only because she recently had a baby, but she was planning on going to work. Just because she wasn't working at the time when the accident happened doesn't mean she will not have a claim for future loss of earning capacity.

In this situation, we would look at prior tax returns, her previous job, and how much money she was making. All of this gets considered. An experienced

lawyer can make sure that you gather all the evidence and documentation you need to support your claim for lost wages.

Should I Talk to the Insurance Company?

The other day, we had a client come in who had been in a car accident and wanted to know if he should speak to the insurance companies that have been calling him. Our advice is to never talk to them. Insurance companies are not there to protect you. They're only looking to protect the individual that is insured to them.

If you do make a statement, it will be recorded and will be used against you later on in the future, which will be damaging to your claim. What we recommend you do is seek legal advice and find an attorney who specializes in personal injury claims. You can then tell the insurance company to contact your lawyer directly. If you have any other questions or concerns, please feel free to contact us.

What If the Car Who Hit Me Was Uninsured?

The other day, we had a client come in who had been involved in a car accident. At the crash site, they found out that the other party didn't have insurance. They were worried and they wanted to know if they can still make a claim for the damages and injuries they suffered.

The answer is yes, but it depends. It depends on whether you've purchased UM/ UIM insurance, which stands for Underinsured or Uninsured Insurance. We always recommend that when you're selecting insurance policies, you go the extra mile and purchase it.

This policy will protect you in a situation like this. We also recommend that you find an attorney who specializes in personal injury cases to better advocate for your rights. If you have any other questions or any other concerns, please feel free to contact us because we're always here to help.

CONTACT OUR TEXAS CAR ACCIDENT ATTORNEY TODAY

If you are looking for dedicated, experienced, and capable representation, then please call our Texas car accident attorney today to get the compensation you deserve. We will support you through the entire process and ensure that you have the best chance of getting the most possible compensation.

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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