

TEXAS CONSTRUCTION ACCIDENT GUIDE

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



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Construction sites are, by nature, a hazardous place to work in. There are rules and safety regulations for a very good reason. There is scaffolding, raw materials, heavy machinery, and other hazards that make these safety regulations necessary. If someone acts negligently or carelessly, there can be catastrophic repercussions. Likewise, if there is a defective tool on the premises or faulty scaffolding, that can yield terrible results as well. If you are here reading this page, odds are you have been seriously injured in a construction accident. We urge you to get in contact with an attorney right away to see if you have a legitimate construction accident claim. We offer free consultations to go over the details of your case with our Texas construction accident attorney and we will let you know what your rights to compensation are. After you read a little about your case, please give our office a call right away.

TEXAS STATUTE OF LIMITATIONS

Texas permits that, if you are to file a construction accident claim, it needs to be done within two years from the date of your accident. While at first, that may seem like quite a long time, we assure you that it goes quickly in the legal world. A strong case takes time to build and we encourage you to give your attorney as much time as you can. Calling an attorney as soon as possible is an easy way to improve your chances of getting full compensation from the liable party's insurance company.

HOW CONSTRUCTION ACCIDENT COMPENSATION WORKS

Texas is unique to many states in the country as they do not require employers to carry worker's compensation. If you are hurt on a construction site, in most states, you would default to worker's compensation which covers your past and future medical bills, lost wages, and pain and suffering. That is the easiest path to recovering for your injuries and damages, but it is not always

available. When this is the case, you would pursue a third-party construction accident claim which would be brought against whomever was responsible for your injuries. With this type of claim, you would need to prove negligence and prove that your injuries were caused by this found negligence. With a third-party or worker's compensation claim, you have to always prove your injuries in order to be eligible for compensation. That's done through medical records.



FIRST STEPS FOR A SUCCESSFUL CONSTRUCTION ACCIDENT CASE

As mentioned, medical records are needed to prove your injuries. Often, your injuries tell a story and act as evidence to prove that there was negligence on the construction site. We do not have this evidence if you do not seek medical attention. Being in pain is never normal and if you are in pain after your incident, we encourage you to seek immediate medical attention to get treatment for your injuries. Not only will you be ensuring that your injuries are getting treated and not getting any worse, but you will also be protected that evidence. If the insurance company looks at your medical records and notices that you did not seek medical attention for quite some time, they will think that you were either injured at a later time, not involving their insured or that your injuries aren't bad enough to need immediate treatment, therefore not requiring compensation from them. For these reasons, always get to the doctor, emergency room, or urgent care facility as soon as you can.

We talked a little bit about evidence and the importance of it for proving negligence. This leads us to the actual scene of events. If you are whisked away on an ambulance, you can have a coworker or attorney do this step for you. You need to collect evidence. This will most likely include filing an accident report, but you also want to collect some evidence personally as well. That includes photos of the cause of the accident, whether it be broken scaffolding, exposed wires, or a heavy object that fell and broke your bone. Whatever it was that

harmed you, get photos of it as well as the scene surrounding the event. These photos will give us clues as to how your accident happened and who is liable for your injuries.

FREQUENTLY ASKED CONSTRUCTION ACCIDENT QUESTIONS



What Do I Do After My Accident?

I had a young man that came in the other day who was involved in a horrible construction accident and wanted to know what he should do. There are several things that must be done, one of which is to make sure you notify the employer. You must also notify the general contractor, or the person who's in charge of the job site.

Also, there are federal regulations that apply to construction accident areas. OSHA may be involved. OSHA stands for Occupation Safety Health Administration. The accident may need to be reported to them. Sometimes on a job site, OSHA isn't contacted.

If you hire an experienced lawyer, which is also important, they can help guide you through this process to make sure that OSHA and all proper authorities are contacted. An experienced lawyer can also help you do additional investigation. There may be evidence and equipment that needs to be preserved and examined. There may need to be videos of the job site that need to be obtained. All of this could disappear very quickly without the help of an experienced attorney. If you have any questions, we are here to help.

How Do I Pick the Right Attorney?

The other day, we received a call concerning a very serious, life-altering construction accident that happened in Dallas. They wanted to know how to hire the best lawyer for their injury claim. When making this decision, there are four things that you should ask.

The first thing that you should ask is if the lawyer you're talking to is a personal injury trial lawyer. That means that the lawyer handles nothing but personal injury trial cases — not divorces, bankruptcies, or family law. The other thing is if the lawyer has had success in handling these kinds of cases. They should be able to show or talk to you about their cases and the results they have obtained.

The third thing is to make sure they are a trial lawyer. A trial lawyer will go to court and stand before a judge and jury to fight for your case. Finally, you'll want to know if they are a board-certified trial lawyer. This means that the state has recognized them as being a lawyer who is knowledgeable in that area of law. Only the top 3% of the lawyers in the state have that certification.

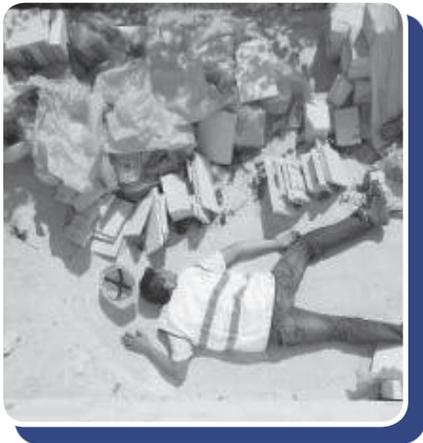
Those are the four main things that you should always ask. If you have any other questions that you feel that you may have, please feel free to call our office.

What Mistakes Should I Avoid?

The other day, we had someone call who had been injured while working on a construction site. They asked us what are the common mistakes that people who have been injured on construction sites make and how they can be avoided.

Some of the common mistakes that we see people make is that they don't report their injury to their employer. They don't make a claim, call 9-1-1, or report it to the law enforcement so that an investigation can be done. Doing so will make sure documentation is done and evidence is preserved. Another mistake that we see is that people don't seek medical attention right away after they've been injured. This is very important to do not only for your own benefit and your safety, but also for your claim.

Another mistake that we typically see is that people don't seek legal advice right away. They don't hire attorneys who specialize in these types of accidents. The more specialized your attorney, the stronger your claim. Insurance companies will feel pressure from an experienced attorney knowing the risk that they might be able to take the case to trial. If you have any questions or concerns, please feel free to contact us. We're always here to help.



How Much is My Case Worth?

There are several factors that we must look at when determining the value of your construction accident claim. It's not an easy answer, but the factors are, first and foremost, what are the extent of your injuries? How badly were you hurt? This goes to what parts of your body were injured. Was it your back? Was it your neck? Did you suffer some sort of traumatic brain injury?

The second thing that's very important is how and why did the accident happen. We need to figure out what steps went into place that allowed this accident to happen. In that, we need to see if the construction company or the construction manager had been involved in other prior accidents. For example, if they've had a prior situation that was very similar to your accident, then it greatly affects the value of the case.

Another thing to look at are the specific regulations that apply in the construction industry. For example, the Occupation Safety and Health Administration (OSHA) has specific regulations that apply to job sites. We must look at every single regulation that could have been violated.

This is why it's important to get a lawyer who is experienced in construction accidents. They can do an investigation to determine what applicable regulations there were and which ones were violated. From there, we can determine the value of the case.

Lastly, we want to know how much insurance the construction company has. When you look at the totality of all these factors, the lawyer can advise you on

what the value of your case is. If you have any questions, we are here to help. Please call us.

Should I Talk to the Insurance Company?

The other day, we had a client come in who had been seriously injured after suffering a construction site injury. He wanted to know if he should speak to the insurance companies that have been calling him.

We recommend that you do not talk to insurance companies because they're not there for your benefit. They're only looking to protect themselves. Typically, if you make a statement to them, it will be recorded and used against you later on, which can be very damaging to your case.

What we recommend you do is hire an attorney who specializes in personal injury and construction accident claims. You can then tell these insurance companies to contact your attorney directly. If you have any other questions or concerns, please feel free to contact us. We're always here to help.

CALL OUR OFFICE FOR A FREE CASE EVALUATION

If you have been involved in a serious construction accident, you need to focus on getting better and recovering from your injuries. Our Texas construction accident attorney will take care of all of the legal aspects of your case so that you don't have to worry about it. We would be more than happy to take your call and set up a free consultation with our dedicated and experienced attorney. If you want to see the best possible result, then please do not hesitate to contact our office today.

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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