



TEXAS PEDESTRIAN ACCIDENT GUIDE

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



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We know the age-old rules for walking across the street. You look both ways, and then step into the cross walk. It's something we've known since we were small. Unfortunately, there are times when there are people on the road who are not doing their job of paying atten-

tion. When this happens, there are often catastrophic accidents. If you have found your way to this page, you have probably been seriously injured in an accident involving a motor vehicle while you were walking. This is called a pedestrian accident case and you may be eligible for compensation. After you read about your case, please do not hesitate to call us to set up a free consultation. We will go over the details of your case, explain the process, and let you know what your legal options are.

TEXAS STATUTE OF LIMITATIONS

In order to get compensation, you need to bring your case or settle it in civil court and you need to do that within the given amount of time. This time limit is called the statute of limitations. In Texas, you have two years from the date of the accident to bring your claim or settle it in civil court. If you are late for the deadline and try to bring your claim, you will be barred from receiving compensation. We encourage you to call an attorney right away. You may need to prioritize your medical attention, but as soon as you are able to, you should call an attorney. It is important that you give your attorney as much time as possible so that they are not time crunched while building a strong case for you.

HOW PEDESTRIAN ACCIDENT COMPENSATION WORKS

When you are seeking compensation, you should be aware of the shared fault laws in Texas. You will be able to bring your case if you have some shared fault. You will be barred from receiving compensation if you are more than 50 percent at fault for the accident. If you are 50 percent or less at fault, then your award will be reduced. For example, if you were to have been hit while walking

across the street, but you were talking on the phone, you may be given some fault. If you were to be awarded \$100,000 for damages and injuries and were 10 percent at fault, then your award will be reduced to \$90,000. We do our very best to make sure that you get the fullest and fairest compensation award. To avoid getting a reduced award, you should never take a call from the liable party's insurance company. Let your attorney take over that communication so that they can ensure your rights are protected.

FIRST STEPS FOR A SUCCESSFUL CASE

To have a successful pedestrian accident case, the most important thing you can do is seek immediate medical attention. After an accident, if you are in pain, it only makes sense to go to a doctor and figure out what is wrong and what treatment you need. If you do not do this, say you think that the pain will go away and that it's nothing serious, then you run the risk of worsening your condition. You also are putting yourself on thin ice with the liable party's insurance company. They will look at your gap in treatment and try to use it against you. They might say that your injuries came from something else that happened after your pedestrian accident or that you could not have been injured badly if you could wait to seek medical attention. Because of this, we always urge clients to get treated as soon as possible.

Another important step to take for a successful case is collecting vital pieces of evidence. If you were taken away on an ambulance, you can call on a friend, family member, or attorney to do this for you. At the scene, you need to take photos of everything that could be important. That includes the vehicle that hit you, your injuries, tire marks, debris, and general shot of the scene. The more photos there are, the easier it will be to figure out what exactly happened. You also need to get the insurance information from the driver who hit you as well as contact information from any witnesses to the accident. All of this will be useful to you when starting the pedestrian accident case.

FREQUENTLY ASKED PEDESTRIAN ACCIDENT QUESTIONS



What Do I Do After My Accident?

One of the things that need to be done after a pedestrian accident is you need to make sure that this injury gets reported either to the local police department, DPS, or sheriff's office, depending on where the accident happened. The second thing is it's important to seek immediate medical attention. This not only means going to the local hospital right away but also seeking help from your personal doctor. It's important that you follow up with your personal doctor because you may have injuries that were untreated at the hospital.

It's also important that you hire a lawyer who's experienced in these type of accidents because there may need to be additional investigation. For example, there may be cameras from local stores in the area where the accident happened that are going to get erased if they're not obtained right away. There may need to be a subpoena to get this documentation, or an investigator that needs to be hired to obtain the surveillance video. There also may be evidence at the scene that only an experienced lawyer will know how to preserve.

How Do I Find the Right Attorney?

There are four things you should consider when hiring a pedestrian accident attorney to handle your case. The first thing to look at is if they are a personal injury lawyer. They only handle personal injury cases, not divorces, bankruptcies, or criminal defense.

Second, they should be a trial lawyer. This means that the lawyer will go to court with you and fight to get a verdict when the insurance company is not

being fair. The personal injury trial lawyer should also be board-certified. This means that they have been recognized by the state as having specialized knowledge and expertise in their area of law. Only 3% of the lawyers in this state have board-certification in personal injury. Lastly, they should be able to talk to you about the successes and the results they've had in handling those types of cases.

What Mistakes Can I Avoid?

One of the common mistakes that we see people make after they've been struck by a vehicle is that they don't report the accident. Reporting is essential to your claim, not only for official documentation, but also so police can make sure that there's a preservation of evidence on record that we can use later.

Another mistake we typically see is that if there are any witnesses to the accident, their names and contact information are not taken down. The more witness testimony that we have, the better we can advocate for your claim. Another mistake that we typically see is that people don't contact attorneys right away. It's very important to select an attorney who specializes in personal injury and pedestrian accident cases.

Last, people often don't seek medical attention right away for whatever reason, which can be very damaging to your claim and your health.

What If I'm Involved in a Hit and Run?

The other day, we had a client call who had been injured in a hit-and-run and wanted to know if there was any way they could file a claim and seek compensation.

An experienced pedestrian accident attorney can check surrounding businesses or stores for videos to figure out who hit you. It's also very important that you try to take a picture of the license plate or vehicle that was involved in the incident, if possible, in order to track them down and file a claim against them. You also need to call 9-1-1 immediately after the incident in order to have documentation and proof of the incident.



How Much Is My Case Worth?

There are several factors that we need to look at when determining the value of your pedestrian accident claim. One of the factors is the extent of the injuries and which part of your body is hurt. We will look at the impact this has on your daily life, as well as your ability to work. All of that gets factored in.

The second thing is how and why did the accident happen. This is a complex issue to examine. One of the things that we're going to look at is what time of day the accident took place. Other determining factors include where the pedestrian was walking — were they in a crosswalk? The sidewalk? The middle of the road? — and the amount of traffic at the scene of the accident.

Also, was the driver that was involved distracted in any way? They could have been on their phone or talking to children in the backseat. All of these are factors that go into determining the value of the case.

The last thing we're going to look at is the amount of insurance that was involved. For example, if it was an 18-wheeler, the value of the insurance is going to be significantly higher as opposed to a teenager driver who was in a car. These are all factors that an experienced lawyer can look at for you to determine the value of your case.

How Is My Case Different?

I had a young man come in the other day who was involved in a pedestrian accident. He wanted to know how this accident is different than any other type of accident. One of the ways that they're different is the injuries are going to be much more severe. You don't have a car to protect you.

They're also very different because the jury may automatically blame the pedestrian for not being careful. That's why it's important to hire lawyer experienced in handling these types of cases to make sure that your rights are properly protected. An experienced attorney will make sure that any investigation that needs to be done gets done, and not only done but done immediately.

How Long Will This Case Take?

A pedestrian injury claim in Texas, on average, can take up to 18 months to settle. However, it depends on the severity of the injury and how quickly you heal. If the insurance company is willing to offer a fair settlement, the case may resolve in under a year. If they're not willing to be reasonable with their offers, then we would have to file suit. We'll also have to see how fast the court can give us a trial date.

Those are the factors that are involved. Every personal injury case has those factors that need to be dealt with.

CONTACT OUR PEDESTRIAN ACCIDENT ATTORNEY TODAY

If you have been seriously injured and are looking for dedicated, experienced, and adequate representation, please do not hesitate to call our Texas pedestrian accident attorney today to set up a free case evaluation. You are a priority to us and we will work tirelessly to get you the best possible result. You deserve full and fair compensation for your injuries and we know how to get that for you. We are eager to take your call and set up your consultation.

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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