



OKLAHOMA CAR ACCIDENT GUIDE

*Fighting For Your
Rightful Compensation*

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While you may still be in a lot of pain and figuring out how bad your injuries are, you're also probably worrying about how you are going to pay for the added expenses of your treatments on top of the lost wages you aren't getting because you're unable to go back to work. It is a lot to think about, but you don't have to go at this alone.

With the help of an attorney, you can manage these obstacles and get the compensation you deserve.

CAUSES OF CAR ACCIDENTS

In Oklahoma, accidents happen all the time. Oftentimes, they happen because someone isn't paying attention to what they are doing. Common causes of car accidents include:

- » Speeding
- » Reckless driving
- » Failure to yield
- » Not checking blind spots before lane changes
- » Drunk driving

If you were hit by a drunk driver, you may be able to seek punitive damages. Those damages will be awarded on top of what you get for your personal injury claim. Punitive damages can be awarded for cases where there was malice involved. For all other causes, you will be able to seek compensation for a car accident claim.

BEING AWARDED COMPENSATION

As mentioned, there are two types of compensation that you can be awarded; compensatory and punitive damages. The way you can ensure you have a good shot at getting these damages is to hire an Oklahoma car accident attorney.

In this state, you will have to prove that the other party was at fault, which is much easier to successfully accomplish with an attorney. If you try to go at this alone, you may be ruining your chances of getting compensation. If the insurance company tries to point their fingers at you and say the car accident was your fault, you could lose out on the ability to file.

In Oklahoma, if you are determined to be 50% or more at fault, you will not be able to file a claim. Oklahoma follows the rule of modified comparative negligence. That means that if you are a percent at fault (below 50) you can only recover that percentage of compensation. If you were determined to be 45% at fault, and you are awarded \$10,000, you are only going to get \$5,500. However, if you are determined to be 0% at fault, you will get the full amount that you were awarded. Having a good attorney represent you can mean all the difference. They will be able to fight the insurance company and keep them from pinning you with the blame. They don't want to give you what you deserve, so they're going to try to make you as at fault as possible. Your attorney will be able to stop them from doing that.

INJURIES FROM CAR ACCIDENTS

What your case is worth is based on how bad your injuries are. If you were so seriously hurt that your entire life changed, your case is going to be worth more than someone whose arm broke but can mostly return to their life as it was before. That is not to say the person who broke their arm should not file a claim; you would still be able to do so. The value of a car accident claim is simply going to increase with the severity of the injuries. Some reasons that will make your case more valuable include:

- » You need a lot of medical treatments
- » You have a lot of medical bills
- » You will not be able to return to work
- » You are missing out on time with your family
- » You need to switch jobs because your injury prevents you from doing what you used to do

- » You need a surgery
- » You need physical therapy

All of these things and more go into how we determine the value of your case. It is important that you keep record of anything you spend that you would not had to have spent if it were not for your car accident.

A mistake many people make after a car accident would be if they walked away from the scene of the accident, and did not take record of their injuries in any way. You can take photos of any obvious injury, and you can tell the police when they show up how badly you are hurt. Those are two ways to record injuries. For worse injuries, you should seek immediate medical care. If you don't need an ambulance, at least schedule a visit with your primary care physician or visit an Urgent Care center.

If you are in a hurry to go somewhere after the accident, let's say you have to get to work, and you don't seek any medical care or record your injuries in any way, you are going to have a hard time proving you need compensation. You really shouldn't wait more than a day or two to get to a doctor. Don't think that just because you're only just sore, you're not seriously injured. It may take some time for the adrenaline to wear off and then you'll feel that injury later on.



FREQUENTLY ASKED QUESTIONS | OKLAHOMA CAR ACCIDENT GUIDE

What Should I Do After a Car Accident?

There are pretty basic things that I think are true in every case. First thing you need to do is be calm and analyze the situation. I would suggest you take pictures of the accident area, including the cars. Make sure you got the names

of all the witnesses. Several times in the past, people say there's someone who saw the whole wreck, but forgot what their name was. Make sure you get names and numbers of everybody who's there to help you, give assistance, or witnessed the wreck.

The next thing I would probably recommend everyone do is call the police. A lot of times, people don't want their driving record being spotted or they don't want to be given a citation, so they try to talk someone into not calling the police. That's not a good idea. Call the police.

The next thing, and probably one of the most important things you need to do, is to get to a place where you can think and you can make some decisions about whether you want to see the doctor or not, or a physician. The ER room is available. There's a lot of Urgent Care facilities now. The big thing is, make sure you get checked over to make sure that you're okay, and that there's nothing serious. Oftentimes, all the true symptoms of your wreck won't surface for several days and maybe several weeks. Don't hesitate to go to the doctor. Don't hesitate to seek treatment.

One of the things that people always struggle with is, "When do I need a lawyer?" I would suggest you contact a lawyer immediately, at least for a consultation. If you think that the insurance company is going to work with you to your benefit, then you have another thing coming. They're in the business of paying as little as they can.

Wrecks are something that most people don't go through very often, and so to go through a wreck by yourself, not knowing anything about compensation is not the best decision. Knowledge of the law and your rights gives you power to make good decisions. If you don't have that information, then you're already a step behind the insurance company, because they know all your rights and they have all the information. If you don't seek counsel, you're going to have to rely on the insurance company and they do not have your best interest at heart.

How Do I Pick the Right Attorney?

One of the most important decisions a person who's been injured in an auto wreck needs to make is selecting an attorney. There are a lot of attorneys out

there. There are a lot of attorneys who want your business. There are a lot of attorneys that hold themselves as a competent attorney in personal injury wrecks; that's just not the case. When you select a personal injury attorney who you want to represent you, there are a couple things you need to look at. One, how much of their practice is dedicated to personal injury? Do they work regularly with personal injury cases? Do they go to trial? A lot of lawyers settle all their cases; they don't go to trial. Ask your attorney how and when the last time is they went to trial and what the result was.

Another issue is how competent they are in what they do. You can look at their reviews. You can ask for references from people that they've previously represented. The other issues that come out in personal injury cases is you need to ask them the length of the trial. The other question I think is important is, who's going to be handling your case? A lot of big firms will hand you off to an associate with very little experience and you'll wonder who really represents you in the case. In our firm, I will be representing any injury case personally, from start to finish.

The big thing is if you like your attorney. Do you connect with them? Are they a person who understands what it is to be an Oklahoman and the things that you have to deal with? When you're injured, your whole life is turned upside down and you need to make sure the attorney you select understands that and you feel comfortable with them.

You're the boss. You get to select your attorney, and you need to make that decision wisely. You might want to interview several attorneys before you make your decision; just don't select the one that you've talked to the very first time. Just because people spend a lot of money on TV doesn't mean they're the best attorney; that just means they spend more money advertising. Select the attorney you believe will represent you fairly and aggressively.

What Mistakes Can I Avoid After an Accident?

The first one that comes to mind is that people believe that they're not really that hurt, that their pain is going to go away quickly, they don't want to make a problem by making a claim and they don't want to cause the person that hit them trouble, and so they don't seek medical treatment. They try to be tough,

then in a few weeks, the problem manifests itself and it gets a lot worse. They go to a doctor and they make a claim, and they make statements to the doctor, and the insurance company will use that lack of seeking treatment in a timely fashion against you, saying, “Well, if you really would’ve been hurt, you would’ve sought treatment immediately.” Seek an evaluation immediately, even if you don’t think you’re really hurt that bad at the time. Get to a doctor, make a record, make a path that your attorney can follow someday if you do need to make a claim.

The second mistake that people make is they don’t tell their doctors everything. Make sure you tell your doctors your history. If you’ve hurt your back six years earlier and you hurt your back again in this wreck, that’s okay. Tell them. Don’t not disclose something because you think it’s going to hurt your case. Full disclosure is always the best. Not telling a doctor about a previous back injury might hurt your case, so be honest with your doctor and be honest with your attorney.

Another mistake people make is they don’t hire a lawyer soon enough. They think, “Well, I don’t want to hire a lawyer. Lawyers just get in the way. It’ll drag it out and we won’t be able to get this case settled quickly.” Odds are, you’re not going to sell your case quickly for adequate amount of money. The insurance company is not going to offer you an adequate, fair amount to begin with. Hire a lawyer so they can help you navigate through this. Don’t think that you can do it yourself; you can’t. There are just too many things to worry about.

Another mistake people make is that, when they get to the accident scene, right after the wreck, there are people there that come up, and people forget to collect evidence. Make sure you get the names, addresses, and phone numbers, of people that come to help you get out of the car. Get all that information because this is a transient world now. People move a lot. They relocate a lot. They travel a lot. Someone who sees the wreck might be from Memphis, Tennessee, and they’re leaving town that day. Don’t hesitate to ask people for their names and addresses. If you want to, just give them your cell phone or have them type in their name and cell phone number and save it as a contact. Get names of your witnesses, take pictures of the scene, and make sure you download those and save them.

Another mistake that people make in auto wrecks in Oklahoma is that often-times, they might be on the phone when the wreck happens. That's not totally a bad thing, especially if you have Bluetooth. Don't immediately try to delete stuff off your phone so the police won't see it; that's not going to work. Just be cognitive of your cell phone as evidence. Make sure you save your text messages from the time before and after the wreck. Make sure you keep a record of your phone records as well. That's becoming a bigger issue.

The other mistake people make in car wreck cases is they don't really take their injuries serious enough. If you don't take care of a minor injury, sometimes it can turn into a more serious injury. That's a problem because our main goal is to get you back into your normal day-to-day routine. The sooner you address your problem, the sooner you can get it fixed with medical treatment.

Should I Talk to the Insurance Companies?

Insurance companies will attempt to contact a person injured in a wreck by one of their insured. I think it's probably okay to give them your name, address, and phone number. They have that information anyway – it's on the accident report – but I wouldn't go into details about your injuries and the treatment you're receiving. They have a way of asking leading questions. They want to lead you into a path that says, "Oh, I'm not really hurt that bad," or "I'm not really hurt at all," or "My pain didn't start until a week after the wreck." They want to put you in a compromising situation so they can cause confusion to a potential jury.

I would recommend that you do not talk to the insurance company, other than just giving them the basic information and getting a claim number from them. I would contact an attorney, hire an attorney, and let them deal with the adjuster. An attorney knows all of your rights. An insurance adjuster knows all your rights too, and they want to manipulate the facts and manipulate the questions they ask you to minimize or limit the amount of money you may be able to claim someday.



What Damages Can I Recover?

In Oklahoma, there are several things you can make claims for in your car wreck case. You can make a claim for your medical expenses, your personal injuries, your pain and suffering, your future pain and suffering, or if it's a wrongful death, you can make a claim for the loss of a loved one. A lot of those are emotional and hard to put a value on, but you can make a claim for that. You can also make a claim for your vehicle, get your vehicle fixed and paid for. Normally, that happens earlier in the case. You can also make a claim for any type of future permanent impairment. If you can't return to the work you had previously done, that's a factor.

There are a lot of things you can make claims for. Some of them are easier to prove than others. If you're self-employed, it's tough to show what your lost wages are, as the fact that you sometimes don't always show you make more money in some years, and so it's hard to determine exactly what you make. If you work for somebody and you get a W2 every year, it's definitely easier to show how much you would have made.

The big things, though, that I think you need to make a claim for in personal injury cases, outside of wrongful death cases, are your pain and suffering, past and future; your medical expenses; and also you have an opportunity to help the community be safer by deterring this particular person who caused the injury from doing it again to somebody else. One of the things that I really stress is that we want to make our community safer. If someone violates a safety rule and causes injury, then that person needs to be deterred from doing that again. Distracted driving has become a problem and that's why we need to always look at those things. There's quite an array of items and damages you can claim in an auto wreck case.

Who Pays My Medical Bills?

If you are in a wreck and you are not at fault, the other person who is at fault will eventually pay for your medical bills. They might not do it right away because the insurance company controls the money and when it comes to you. Do not delay going to the doctor or getting medical treatment because you don't know who's going to pay for it. If you contact a lawyer and talk to them about the case,

they can tell you very quickly if there's going to be medical coverage for you to seek medical treatment.

Many physical therapists and chiropractors will wait until the case is settled before they ask for your medical bills, so they won't tell you every time you come in, "We can't see you anymore until you pay." Some doctors won't even see you if it's a car wreck case. If you contact an attorney, they'll be able to direct you to physicians that will be able to work with you and get your medical bills paid when the case is settled. Please seek medical treatment as soon as you feel you need it. Symptoms take time to manifest themselves, and if you think you're not getting better, get to a doctor immediately and contact a lawyer about helping you get your medical bills paid.



Are My Lost Wages Reimbursed?

Lost wages are something that people ask me about the very first time they see me. Most people who work every day, get paid by the hour, their paycheck is important to them. If you're injured and you can't work for two weeks, and then you have to go to a doctor, and you miss a half a day of work every week, it adds up quickly. What we do is we keep track of your hours that you are out of the office, and the time you take off to go to the doctor, and the mileage on your car that it takes to go to the doctor. You Just need to keep track of all your hours, and then we will multiply that by your wage and we'll make that as one of your claims. I do not believe that will be taxable when you get your settlement.

It's pretty simple if you're a wage-earner; it's a little more difficult if you're self-employed. You need to keep track of jobs you lost or opportunities you missed because you were unable to give estimates or go bid on a job. If you had to hire someone to do your work while you were gone, you can be reimbursed for the amount of money it took to pay someone to finish your jobs that you had.

What If I'm Hit by an Uninsured Driver?

There are a few situations in Oklahoma that cause a person who's been injured in a wreck some real problems. One of these areas is when there is no insurance

by the person who caused the wreck. Oklahoma is one of the nation-leaders in uninsured or underinsured motorists; that's not a good thing for people who need help. If a person is involved in a wreck with someone who has no insurance, they have a couple of options. They can make claims against their health insurance if they have health insurance. They can make a claim against their medical payments that they have. If they don't have any of those, then there's going to be a problem. Oftentimes, we can find a way to get you medical treatment and have these expenses paid for.

I would suggest that you evaluate your own personal car insurance, so when you're involved in a car wreck, you'll be covered if an uninsured or underinsured motorist hits you. If a person who hits you has the minimum insurance of \$25,000 but your medical bills are \$100,000, you have a problem because they're only going to have to pay \$25,000. That's why you need uninsured or underinsured motorist coverage. In Oklahoma, we can purchase this, and the coverage is not that expensive. I recommend that everyone has uninsured or underinsured motorist coverage.

Should I Take a Settlement Offer?

Insurance companies will contact someone who's been injured in a wreck and they will offer a small amount of money as a settlement to see if they can get the case to settle quickly. That is not in anyone's best interest. Many times, your symptoms don't manifest themselves for one, two, maybe even three weeks. Sometimes injuries will get worse over time. What you may believe is nothing more than a sore neck might turn into, six months later, having to have a serious operation. I have at least one client who had a whiplash injury. A year later she had to have a cervical fusion. They offered her very little money up front – she didn't take it – and by the time it was all over, she did very well on the case.

You have to understand that insurance companies have their best interest at heart. In Oklahoma, I call it the four D's of defense used by insurance companies: delay, deny, discourage, defeat. Do not be upset if they deny your claim. Do not be upset if it's a low amount of money. More often than not, people take their money because they don't know anything else to do. Don't worry about a low offer.

Seek an attorney. Help will come to you if you hire an attorney. If you try to do it on your own, you're at the mercy of the insurance company. Do not take the initial amount. Wait and make sure you completely understand your health status.

How Long Will My Case Take?

You may be wondering, how long do car wreck cases last if we have to file a lawsuit? That depends on a lot of things. The defense attorneys want the cases to last awhile; it's called litigation fatigue. What happens is that, when a plaintiff or someone who's injured in a wreck is seeking justice, seeking an appropriate amount of money for their injuries and their medical expenses, the insurance companies will drag the case out as long as they can by filing motions, delaying getting discovery to you, and doing everything they can to delay the case, in the hope that the person injured will get tired of waiting, will get tired of the system, and throw their hands up in the air and say, "I'll take anything they offer me now; I'm tired of this."

I recommend to people when we have to file a lawsuit to get money and compensation for your injuries, you have to be ready for the long haul. From the date of the wreck, it could take several years to get the case resolved. You have to do all the depositions and all the discovery, and take doctor's depositions, then you have to find the time when the court can have a trial. You have to look at all the attorney's schedules and the judges schedules, so it is a journey and you need to have the right lawyer with you in this journey that will be able to help explain your rights to you, and help keep the case moving quickly as possible. Don't expect this to be a quick fix if you have to file a lawsuit, because once you enter the legal world of litigation in Oklahoma, you lose control of the timing.

How Long Do I Have to File?

In Oklahoma, if you're injured in a car wreck, you have a two year statute of limitations. What that means is you have two years to bring your claim by filing a lawsuit. I believe you should never wait until the last minute to file your lawsuit. I think you should seek out legal representation immediately, so your lawyer can lead you through the maze and the gauntlet of a personal injury lawsuit case. Defense attorneys do not treat you nicely and they're not always

reasonable. You need to locate witnesses. You need to take pictures of the accident scene. You need to take pictures of your vehicles. You need to make sure you get good medical attention. Don't wait until the very last minute to file your claim or seek an attorney. The earlier you get an attorney involved, the earlier you can protect your witnesses, protect the evidence, and get a higher recovery.

How Much is My Case Worth?

It all depends on how seriously you're injured, how long it takes you to recover, how much work you missed, and what type of medical procedures need to occur. You can't really tell what your claim is worth until you get to a place where you feel comfortable with where you are physically, and emotionally. That takes months, if not years. A lot of times, too, your claim might be worth as much as there is insurance out there. It takes a while to figure out how much insurance is involved in the case.

It's not an easy question. I can't give you an answer up front. I can give you a range, possibly, but I hate to do that because you just don't know what your body is going to do in reacting to an injury and what is going to be discovered from the person who caused the wreck. Sometimes values of the case could go up because of the person who caused the wreck's behavior, their history, and their attitude at the scene was unsavory. Bottom line, in Oklahoma, it's not a decision I can make up front to tell you how much your claim is worth. It takes time to see how the case unfolds, the evidence unfolds, and how your injuries progress and how quickly you heal.

CONTACT OUR OKLAHOMA CAR ACCIDENT ATTORNEY

If you know you were seriously injured after a car accident and now you want legal representation, please call our Stillwater, Oklahoma car accident attorney James Murray today for a free consultation. You don't have to let the insurance companies bully you into a low ball settlement offer. Let Murray Law Firm fight for your rightful compensation.



ABOUT THE AUTHOR

When James Murray was 15 years old, he watched President Richard Nixon’s Watergate scandal unfold before him. The corruption displayed by the White House and in politics in general during that time inspired James to pursue law so that he could make a positive change and a real difference in the country. To reach his goal, he attended undergrad — and later, law school — at the University of Oklahoma. In 1985, James was admitted to the Oklahoma Bar Association and his career as an attorney began.

As a personal injury lawyer, Attorney Murray enjoys helping people. “It’s easily the most satisfying part of my job and it’s what drives me to come in to work every day. Those whom I help are real people with real problems, not walking ATMs that come in to my office to spit out money for my services and then leave. In personal injury, it’s important to remember that clients are more than just clients. I always make sure that I do.

“Through my cases, I can truly help the people who need it. For instance, when a car wreck killed the parents of two young children, our attorneys were able to settle the case on behalf of the now orphaned children for a figure in the mid-seven figures. No amount of money can bring those children their parents back. However, through the work we did, we were able to ensure that the children will be taken care of financially for the rest of their lives.

“When I’m not in the office, I spend time with my wife, who I love very much, and volunteer at my church. I also work extensively with the Boy Scouts of America because I truly believe in the importance of instilling great values in our nation’s young men. It’s no wonder that all six of my sons are Eagle Scouts. Between the six of them, I have 11 wonderful grandchildren, and I watch with pride as my sons pass those same values on to them.”

Education

- » JD - University of Oklahoma
- » BS - Oklahoma State University, double major in Accounting and Agriculture Economics

Professional Association & Membership

- » Oklahoma Bar Association

Community Involvement

- » 2000-2007 President of Oklahoma Assisted Technology - Non-Profit
- » Scoutmaster Troop 822 - current
- » Chairman of the BSA-LDS Oklahoma Encampment 1997 and 2007
- » Eagle Scout & Duty to God Award
- » Past President of Payne County Bar Association
- » Chairman of the Law Day Committee of the Payne County Bar Association

