

A faded background image of a forklift operator in a warehouse setting, with the forklift's mast and forks visible. The operator is wearing a hard hat and safety vest.

TEXAS FORKLIFT ACCIDENT GUIDE

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



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Unfortunately, forklift accidents are more common than you would think. They qualify as a workplace accident and the Occupational and Safety Health Administration, also known as OSHA, reports that there are high statistics of these accidents. There are nearly 35,000 serious injuries that are caused by forklifts every year. Fortunately, less than one percent of those accidents lead to fatality. If you have made your way to this page, you most likely have been hurt in a forklift accident. We want to extend our sympathy to you and offer a free consultation with our Texas forklift accident lawyer. After you read about your case, please get in contact with us. We will dedicate ourselves to getting you the best compensation award possible.

MOST COMMON TYPES OF FORKLIFT INJURIES

As you may already be aware, forklift accidents have the capability of causing serious accidents and there are many different kinds of injuries that may occur in this event. Each injury is different and needs to be brought to the attention of a medical professional. Even with treatment, you may experience pain and discomfort even years after your accident. The most common types of forklift injuries include:

- » Being crushed
- » Need for amputations
- » Broken bones and fractures
- » Degloving

There are varying causes for forklift injuries and they each pose their own hazards. It is often because people trust their machinery, and have no reason not to, that they get hurt. Accidents are always possible and it can be devastating when they happen. Here are the top reasons why and how people get hurt when there are forklifts involved. They include:

- » When a forklift is overturned. This typically happens when there is negligence operation of the forklift. If someone goes too fast, turns too quickly, or picks up a too-heavy load, the forklift can overturn. A crushing injury would often be seen in this type of forklift accident.
- » Accidents often happen when workers are required to be raised and unload on the forklift. Falling accidents happen when these scenarios go awry.
- » Forklifts, like any other moving and operated machine, can experience collisions. There are many factors as to why a forklift would clear and they all involve negligence to properly maintain the workplace. If a crash happens, a host of injuries can plague those of which it ails.

There are certain scenarios that make an accident more likely to happen. If there are badly kept surfaces, then there is a more likely chance of the forklift overturning. If the shelves are too high and the load is too heavy, and workers are required to unload that in an unsafe environment, people can get hurt. Negligence puts forklift operators at risk of injury.



IMPORTANT TECHNICAL ASPECTS TO A FORKLIFT ACCIDENT CASE

The usage of a forklift is strictly maintained by OSHA. These are very powerful machines and are supposed to be operated with great care. There are safety precautions and regulations which decide who is permitted to operate a forklift and why they will be allowed to do so. For example, you need to be at least 18 years old to operate a vehicle, and you need to be will trained and certified.

OSHA gives very detailed requirements and standard guidelines to who they allow to operate a forklift. There rules are very important. They exist to prevent injury. They have put in protection regulations to help those who could

potentially be hurt by a fall. These regulations include harnesses, guardrails, and protective equipment.

This is all very useful information for protection and safety. Unfortunately, with this wealth of knowledge, it is still difficult to avoid accidents. When you are hurt on a forklift, you do not always get workers' compensation. That is why it is so important to talk to an experienced Texas forklift accident lawyer to see how they can help you get the compensation you deserve through a personal injury case.

FREQUENTLY ASKED FORKLIFT ACCIDENT QUESTIONS

What Do I Do Following My Accident?

I had an individual that came in the other day who was involved in a forklift accident. One of the questions that they asked is what they should do. There are several things that must be done. The first thing is to report the accident to either your employer or to the job site where the accident happened.

The second thing is to seek immediate medical attention. This does not only mean going to the hospital, but it also means seeking a doctor's treatment after that. You're going to need to follow up with another medical provider to see if you have some sort of herniation or if you have burns that maybe the hospital didn't treat.

The third thing is to seek a lawyer that's experienced in forklift accidents who is going to be aware of the regulations that are applicable to the forklift driver or the company that employed the forklift driver. If you have any questions whatsoever, we are here to help.



How Do I Pick the Right Attorney?

When choosing a forklift injury attorney, there are four things you should ask. The first thing is whether or not that lawyer or that firm is a personal injury trial firm. That means all the cases they handle are exclusively personal injury claims. At Garcia & Ochoa, that's all we do. We dedicate ourselves to these kinds of cases.

The next thing you want to know is whether or not that lawyer is experienced and has had success in handling those cases. You can go one step further and ask them to show you the files that they've worked on. Again, we've had success with personal injury cases.

The other thing is you should ask is whether or not they're a trial lawyer. A trial lawyer means that they'll handle your case from beginning to end. In other words, they will go to court and fight for the case.

Lastly, are they a board-certified trial lawyer? In other words, are they recognized by the state as one of the top 3% of lawyers in their field? Again, if you have any other questions, please feel free to call and we'll be happy to answer them.

What Mistakes Should I Avoid Making?

The other day, we had a client come in that had been involved in a forklift accident who wanted to know what are some common mistakes that people make that might hurt their claim. Some of the common mistakes that we see when people are involved in forklift accidents are that they don't call the police. That is very important in order to make a documentation of the accident and to preserve evidence. Another mistake that we see is that they don't seek legal advice or select proper attorneys that specialize in forklift accidents, which is important because they can advocate in the best way possible for you.

Another mistake that we typically see is that people don't seek medical attention right away, which is very important to preserve your claims and your injuries. If you have any further questions or concerns, please feel free to contact us.

How Much is This Case Worth?

There are several questions that must be answered when determining the value of a forklift accident case. One of them is, what is the extent of the injuries? The second factor you need to look at is how and why the accident happened. Third is the amount of insurance that the defendant is going to carry.

There are certain regulations that apply to warehouses or workplaces where forklift accidents may happen. There are specific federal and state regulations that may apply to the forklift driver. You must look at all of that to determine what the value of the case is. You won't know the answer to that question until you get a lawyer who has experience and can investigate all the factors that happened to give you a better idea what the value of the case is.



How Is My Case Different?

I had a young man that came in the other day who was involved in a forklift accident. One of the questions he asked was how his forklift accident was different from other types of accidents. One of the ways that they're different is that there are specific regulations that apply to forklift drivers and the companies who train forklift drivers that's not going to be typical in most situations. The other way that forklift

accidents are different is that the injuries are typically to be a lot more serious because of the type of equipment involved.

How Long Will It Take to Settle?

The length of time it takes to resolve a forklift accident can be anywhere from 18 months to two years, or sometimes even a little longer. That's because of several factors. One factor is the court docket: how many cases does a judge have in front of you that are still waiting?

The other thing is how fair and reasonable an insurance company wants to be with you. It's within their control as far as if they could resolve the case early or

way down the road. They're the ones that hold the cards as far as if and when they're going to be fair.

The other thing that will also come into play is your healing process. We're not going to resolve a case until we're sure that you've reached maximum medical improvement. Then, at that point in time, we can look at everything you've gone through and all the harms and losses that you've suffered to put a value on your claim. We then take that to the insurance company and figure whether or not they're being fair with you, and what we're going to have to do to get that fairness for you.

Do I Need to Report My Injuries?

The other day, we had a client come in who had been involved in a serious forklift accident. He wanted to know should he have reported the injury to management. The answer is always yes — you should always report your accident to management.

Without reporting the incident, you will not have proper documentation of the accident and an official record of what happened. It's also good to preserve evidence of the accident. It will be very beneficial to your claim in the future. It's also extremely important that you contact an attorney right away.

Should I Speak to the Insurance Company?

The other day, we had a client who had recently been involved in a forklift accident and wanted to know if it would be a good idea to talk to the insurance companies that were contacting him.

Typically, it's not a good idea to talk to insurance companies. Why? Because they're not there to protect you. They are there to protect their insured. They're not going to do anything to help you. In fact, they might even use what you say against you in the future.

What we recommend is that you seek out an attorney who specializes in personal injury. Tell the insurance companies to contact your attorney directly.

CONTACT OUR OFFICE TODAY FOR A FREE CONSULTATION

If you have been seriously injured in a forklift accident due to someone else's negligence, you may be eligible for a personal injury case. You may be affected by your injuries for a very long time, potentially your whole life and you deserve compensation for this. We understand how hard this must be for you and we are willing and ready to take on your case. We are dedicated to helping victims of personal injury get the compensation that they deserve in the fullest amount. If you are ready to hire experienced and competent representation, please do not hesitate to call us today to get a free 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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