



TEXAS

MOTORCYCLE ACCIDENT GUIDE

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



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If you have made your way to this page, you probably have been hurt in a motorcycle accident. If this is the case, we want to express our sympathy. Being injured in a motorcycle accident can turn your life upside down. Motorcycles do not offer the best protection from impact and the injuries tend to be worse than an average auto accident, often ending in fatality. You may be drowning in medical bills, be unable to go back to work, and lose enjoyment of some of your daily life. That is why we encourage you to seek a personal injury claim to get the compensation you deserve. Our Texas motorcycle accident attorney is here to help guide you through this case from beginning to end. You are a priority to us and we want to make sure that your rights to full and fair compensation are protected. After you read a bit about your case, please give our office a call to set up a free case evaluation.

TEXAS MOTORCYCLE ACCIDENT STATUTE OF LIMITATIONS

In Texas, you have two years from the date of your motorcycle accident to bring your claim to civil court. This is a hard deadline that you must abide by. If you are late, you will be barred from receiving compensation. We urge you to get to an attorney right away. The sooner you start your case, the more time you have to build a strong case. We will do everything in our power to get you the best possible result and the sooner you can call us, the sooner we can protect your evidence, and talk to your witnesses.

MOST COMMON MOTORCYCLE ACCIDENT INJURIES

As mentioned, motorcycle accidents have the potential to cause severe damages and injuries. These vehicles are harder to stop, have more blind spots, and are exponentially heavier than cars. We often see very severe and often

permanent injuries from people who have been involved in a car accident. The most common motorcycle accident injuries include:

- » broken bones and fractured bones
- » traumatic brain injury, concussion, or contusions
- » spinal cord injury
- » head, neck, or back injuries
- » internal organ damage
- » road burn
- » scarring and disfigurement
- » paralysis

Generally speaking, if you are more severely injured, you will be able to receive more compensation. In order to set yourself up to get this compensation, you need to start treatment on your injuries right away. Odds are these injuries are going to be very painful and hard to ignore, but you should never be tempted to try to shake off these suspected injuries. What may seem like a minor pain that doesn't need treatment may turn into something serious that requires surgery and physical therapy. You should never risk worsening your condition. Also, you should never wait to see a doctor because this gap in treatment will be a reason for the motorcycle's insurance company to reduce the amount of compensation they owe you or throw out your case altogether. They will try to say that you weren't badly injured enough to need compensation or that your injuries were caused by something after your motorcycle accident.

IMPORTANT FIRST STEPS AFTER YOUR ACCIDENT

At the scene of the accident, there are a few things you should do right away. First, if you're not taken away on an ambulance, you should take photos of the area and your injuries. This might include photos of both vehicles, tire marks on the road, and the debris left scattered around. You will want to get all contact information from the witnesses of the accident as their testimony can be

very helpful for you when you pursue your case. You should also seek out the contact and insurance information from any and all vehicles involved in your accident. Do not leave the scene without this. You may have the police arrive on the scene to get a full report of the accident. We can get a copy of this report later on to help us out with your case. Lastly, this is something you should avoid doing. Never say to anyone that you are at fault for the accident. Avoid saying it was your fault because even if you think it was your fault in the moment, it might turn out to not be your fault at all. If anyone has on record that you owned up to causing the accident, even if you really didn't, then you could be hurting your case.

FREQUENTLY ASKED MOTORCYCLE ACCIDENT QUESTIONS

What Do I Do After My Accident?

I had a young man that came in yesterday who was involved in a horrible motorcycle accident. One of the questions he asked is what he should do. The first thing is to make sure that this accident got reported either to the local police department, the Texas Department of Public Safety, or the sheriff's office, depending on where the accident happened.

It's also important to seek immediate medical attention. That means going to the local hospital so you can get examined and triaged. At the end of your hospital visit, you also need to follow up with your local medical doctor. This is important because, many times, you may have injuries that aren't clearly visible right away, but your local medical provider will be able to do the necessary examinations to determine this.



It's also important that you hire a lawyer who's experienced in motorcycle accidents because there are different things that are going to need to be examined. For example, if you were wearing a helmet, there may be issues with the helmet. There may be issues with the motorcycle that you were driving.

How Do I Find the Right Attorney?

If you have been injured in a motorcycle accident and are looking for the best attorney to handle your injury claim, there are four questions that you should ask when making this decision. The first question is if they are personal injury trial lawyers. The attorney for your motorcycle accident claim should not be handling divorces, bankruptcies, and criminal cases as well.

Second, are they trial lawyers? At Garcia & Ochoa, we are lawyers that take cases and fight until the end. In other words, we go to court. We go to court in front of judge and jury. We litigate that case to get a verdict.

The next thing that you should ask that lawyer is about their successes. That lawyer should be able to talk to you about their past cases and show you their previous results.

Lastly, you should ask the lawyer if they are board-certified. This means they have been bestowed the highest honor by the state of Texas and has specialized knowledge and experience in handling those cases. Only 3% of the lawyers in this state are recognized as board-certified in personal injury trial law.

What Mistakes Should I Be Avoiding?

Some of the common mistakes we see when people have been involved in a motorcycle accident is that they don't call the police for whatever reason. This can be very damaging because then there's no official documentation of the accident and no investigation conducted. Evidence will not be preserved, which will hurt your case.

Another mistake that we typically see is people not getting the contact information of any witnesses that may have seen the accident. That can be a detriment because we sometimes need witness testimony to help your case.

Another mistake that we typically see is that people don't seek legal advice right away. They don't contact attorneys who specialize in personal injury and motorcycle accidents. Contacting attorneys who specialize in motorcycle accidents and trial is very important because they have better techniques and skills, and they can help fight for your rights more efficiently.



How Much is This Case Worth?

When determining the value of your motorcycle accident claim, the first thing that you're going to look at is the extent of the injuries. Since you're on a motorcycle and you don't have the typical protections of being in a car, the chances are that the injuries are going to be significant. We need to determine what the full extent of the injuries are.

The second thing that we're going to look at is how and why did this motorcycle accident happen. Now, this is a complicated issue to look at. One of the things that we're going to determine is, for instance, if the motorcycle driver was wearing a helmet. Were they wearing gloves? Were they wearing a leather jacket that may have prevented their injuries?

We also need to determine who the person was that hit them. Was it a car or a commercial truck? Should they have been able to see the motorcycle driver? Were their headlights on? Did the accident happen during the day or during the night?

You can see that this is a complex question. It's important that you get somebody who's experienced with motorcycle accidents to help determine this. The last thing that's going to go into the value of the case is the amount of insurance that the defendant has. If you have any questions whatsoever, we are here to help.

How Is This Case Different?

I had a young man come in the other day who was involved in a horrible motorcycle accident. One of the questions that came up at the beginning of the initial interview was how this accident is different than automobile accidents. They

are very different considering that you're not going to have the typical protection in a motorcycle as you would in an automobile. The potential for a much more serious injury or death is much higher.

It's also different in the sense that there are things that need to be examined on a motorcycle. For instance, the type of helmet or safety equipment that was used, or if there was an issue with the motorcycle. All of this can be handled by an experienced lawyer who regularly handles motorcycle accidents.

Should I Take a Settlement Offer?

The other day we had a client call who had been involved in a serious motorcycle accident. He was worried because he was the passenger. He wanted to know if he could still recover compensation for his injuries and damages.

If you're a passenger in a motorcycle, you still have a claim just as if you were the driver of the vehicle. In fact, you might even have a claim against the person who was driving, so you have double the ability to recover. You can have a claim against the person who hit you and a claim against your driver if they did anything incorrect.

How Long Will This Case Take?

A motorcycle accident case in the state of Texas generally will take anywhere from a year to 18 months to settle. Again, it varies on how badly you were hurt and how quickly you heal. Also, is the insurance company going to be reasonable and compensate you fairly?

If they won't compensate you fairly, then we have to file suit. If we file suit, then it's dependent upon the court's docket. In other words, how many cases are in front of us right now on the court's calendar? There are often cases that have been in existence on the court's system for two years.

Should I Talk to the Insurance Company?

The other day, we had a client come in who had been involved in a serious motorcycle accident. He had insurance companies calling him left and right. He wanted to know if he should answer these calls and make a statement.

Our answer is no. Insurance companies are not there to aid you; insurance companies are there to protect their insured. Typically, when you make a statement to them, they will record it. If it's damaging, they will use it against you, which will significantly harm your claim.

What we recommend you do is seek legal advice right away and tell the insurance companies to contact your attorney directly.

CALL OUR TEXAS MOTORCYCLE ACCIDENT ATTORNEY TODAY

If you have been seriously hurt in a motorcycle accident, please do not hesitate to give our office a call to set up a free case evaluation with our skilled, experienced, and dedicated Texas motorcycle accident attorney. You are our priority and we will treat you as such because you are not just a case number. Your injuries and damages are important to us. We are going to do everything we can to get you the best possible results. Please call us today and learn how we can help you.

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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