

TEXAS BICYCLE ACCIDENT GUIDE

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



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Bicycle rides are great for a lot of things. You can get exercise, you can get from point A to point B without paying for gas, and it can simply just be an enjoyable thing. It abruptly loses its appeal when you are involved in a serious accident. These accidents are unfortunately common and we see clients frequently who are

seeking compensation from the liable party's insurance company. We dedicate our practice to helping victims such as yourself get the best possible result. We take the weight of the legal side of your accident off of your shoulders so that you can focus primarily on getting healthy. After you read a little bit about your case, then please call our Jacksonville bicycle accident attorneys at Edwards & Ragatz to set up your free case evaluation.

HOW BICYCLE ACCIDENT COMPENSATION WORKS

Florida follows the rules of pure comparative negligence which has to do with shared fault in an accident. If for some reason you are deemed to be at fault, know that you are allowed to collect your compensation award if you are 0-99% at fault for your accident. If you are 100% at fault, then you would be barred from receiving compensation. If you are less than 100% at fault, you will have your award reduce to account for that fault. For example, if you have been awarded \$100,000 for your injuries and damages, but you have also been deemed 20% liable for the accident for something you did wrong, then you would be able to collect \$80,000.

FIRST STEPS AFTER YOUR BICYCLE ACCIDENT

Right after your accident, there is one thing that is more important than anything else, and that is your health. You want to prioritize yourself and your well being over anything else. There will be other things to do on the scene, but if you are physically unable to, it is best advised for you to get on the ambulance

and be taken to the emergency room. There is no benefit to waiting to get medical attention. You have a huge chance of worsening your injuries if you are not getting it treated. You also run the risk of having the insurance company claim you are not badly enough injured to receive compensation because you waited to get your treatment. They also might try to throw out your case by claiming that your injuries came from something after your bicycle accident.

TYPES OF BICYCLE ACCIDENT INJURIES

There are many different types of bicycle accident injuries and all of them have the potential to turn your life upside down. You may be suffering these injuries for a brief period of time and have no trouble healing, or you will be spending decades trying to fully recover. Generally speaking, the worse your injuries are, the more compensation you get. Specifically, the amount of compensation you get breaks down into factors such as treatment needed, length of recovery, future medical needs, and how the injuries have affected your life. The more severe types of bicycle accident injuries include:

- » Amputation
- » Traumatic brain injury
- » Nerve damage
- » Paralysis

The most common injuries include:

- » Broken bones or fractures
- » Road rash
- » Concussion or contusion
- » Hand injuries
- » Dislocations

TALKING TO THE LIABLE PARTY'S INSURANCE COMPANY

The very worst thing you can do for your bicycle accident case would be taking a call from the liable party's insurance company and giving them a recorded statement. You have no legal obligation to answer questions from the insurance company of the person who caused your accident. They will call you shortly after your accident and try to convince you to give them a recorded statement in which they will ask you questions that will back you into a corner and force you to answer in ways that would negatively affect your case. We highly suggest not answering their calls. As your team of Jacksonville bicycle accident attorneys, we will take over the job of talking to the insurance company for you so that you can avoid saying the wrong thing.

FREQUENTLY ASKED BICYCLE ACCIDENT QUESTIONS

How Do I Find the Right Attorney?

A potential client called me wanting to know the most important things when trying to effectively select an attorney for a bicycle accident claim, and some of the things that she should look out for, not only at our firm but if she decided to call other firms. I told her one of the most important things for her to ask is who handles your case – do you have the same people that handle your case from start to finish?

What sets us apart from other firms is from the time you walk in and retain us as your attorneys, you have the same attorneys that work on your case from start to finish. That effectively creates a relationship where we can effectively negotiate the value of your case with the other side. We have created the



relationships so we know how the injuries have affected you at work, at home, with your family, and how it has really turned your life upside down. If you have multiple attorneys, it doesn't go off as good with the other side as far as being able to effectively negotiate.

Some of the other things to look at are we have in-house nurses here at our firm that are able to read your medical records, differentiate the type of injuries you have, and potentially see where your treatment might go in the future. We have really good relationships with a lot of physicians here in town, where we're able to sit down with them and get a better idea of what your type of injuries are and what type of treatment you need in the future.

How Is My Case Different Than a Car Accident?

The other day we had a client call in and he was in a very significant bicycle accident. He wanted to know how his accident differed from a car accident. The first thing that I told him right off the bat is his case was different because he was more significantly injured, and that's because he did not have the benefit of a car to protect him. The next thing that I told him is that, oftentimes, bicyclists think that they're at fault for the accident even when they're not. The reason they feel that way is society has created a stigma where if a bicyclist is riding in the roadway, they think that person must be at fault if there is an accident. That is not the case.

There are laws in the state of Florida that protect bicyclists and pedestrians. There are different laws for motor vehicle traffic. You, as a bicyclist, have the right to enjoy the roadways of the state of Florida if you are following the statutes, and most bicyclists are, so that is the primary difference. You do not have to feel like you're at fault. There are ways to get around that, and oftentimes you're not at fault. It takes an attorney who knows the statutes and can navigate these bicyclist cases all the way through trial if needed.

How Much is My Case Worth?

One of my clients called me the other day after a bicycle accident injury. He had gotten hit by a car on his way to school, and he asked me, "What is the value of my case?" I told him that some of the tools we use in valuing the case is the extent of your injuries and what type of injuries you have. Also, we look at the

actual impact of the accident and what type of pain and suffering occurred as a result.

Another big factor we look at is how much your medical bills are – from the past to what you’re being treated for right now, and also your potential future medical bills. We get those numbers from the physician that you’re treating with. Once we have a better knowledge of all of those type of components, we’re able to put a value and, ultimately, talk with our client to agree on a number. We then negotiate off of that with the other sides to potentially settle your case or go to trial.



How Long Will This Case Take?

I had one of my clients, who was hit by a car while riding a bike, call me the other day asking how long it was going to take until we would start talking about paying her medical bills and getting some type of compensation for her pain and suffering. As I told her, it depends on the full extent of her injuries.

A lot of times, early after an accident, we don’t know the full extent of the injuries. We highly encourage our clients to focus on treatment, focus on complying with doctor’s requests, and to get as much treatment as possible and as much treatment as needed until we have our clients at a place that’s called maximum medical improvement, where you are as improved as you’re going to get from treatment. That is our cue to start negotiating with the other side on a value of your case to see if we can potentially settle it or if we have to go to trial.

What If I’m Partially at Fault?

The other day I had a client call who was in a very significant bicycle accident, and their question to me was, “I think I might have been partially responsible for the accident. Do I still have a claim?” Once we got into the facts, the answer was a definitive yes. You can still have a claim even if you’re partially at-fault. The very nature of the word partially means someone else is at fault too. You can absolutely maintain a claim for that.

What I found out is people who think that they are partly responsible for their injury or for their accident, oftentimes, when you dig into the facts, that's not the case. That person might not be aware of a statute or a rule of law that actually made them in the right. If somebody calls in and wants to know if they have a claim because they're partially at fault, the thing I tell them is you have to get an attorney and let that attorney analyze the facts. More often than not, you will have a claim even if you think you're at fault.

What if a Pothole Caused My Accident?

The other day I had a client call in wanting to know if he had a claim. His scenario was he was riding his bike down a city road, hit a pothole, and got significantly injured. I told him, "Absolutely, you have a claim!" It was a city road, and you can sue the city because they were responsible for maintaining the pothole. I said the most important thing you have to do in that kind of scenario is get medical treatment to make sure that you're okay.

Once you get that medical treatment, you have to contact an attorney because you have to preserve the evidence that's at the scene. This includes pictures of the pothole. If the city knows that somebody got injured after they fell into a pothole, the city's going to immediately go back and try to fill that pothole. You need to get pictures before the evidence is lost or destroyed and, absolutely, you would have a claim in that case.

CONTACT OUR FLORIDA BICYCLE ACCIDENT ATTORNEY TODAY

When you are severely injured on your bicycle, do not hesitate to call our Florida bicycle accident attorney for a free case evaluation. We will go over the details of your case to determine what is the best step for you to take legally to get the most possible compensation for your injuries and damages. We are dedicated, experienced, and eager to take on this case for you. Please call us today and we will get working for you right away.

PREPARED BY Garcia & Ochoa

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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