

OKLAHOMA BUS ACCIDENT GUIDE

*Protecting Your Rights
After a Serious Injury*

JAMES V. MURRAY





Whether you were a passenger on a bus or a motorist involved in a bus collision, if you have been injured in a bus accident, you know that it is a major life-altering event. Bus accidents are particularly dangerous because bus passengers are generally unrestrained, which puts them at a high risk for serious bodily injury.

Bus accidents frequently involve children aboard school buses. They also commonly include private bus lines and buses involved in public transportation. Injuries from bus accidents do not just involve bus passengers, they commonly also involve pedestrians and other motorists as well.

Following a bus accident, the injured party is immediately confronted with numerous questions, concerns, and issues that quickly accumulate. Questions and concerns involving medical treatment, property damage, health insurance, and lost wages are just a few of many that are likely to follow.

Given these mounting preoccupations, it is important that you retain an experienced Oklahoma bus injury attorney to navigate you through the process to ensure the best possible outcome of your case.

WHAT TO DO AFTER A BUS ACCIDENT

Immediately following a bus accident, the insurance carrier begins preparing their case, as it is their job to keep you from the company money. Whether you like it or not, your case begins at the scene of the accident and you must take steps to protect yourself.

At the scene of the accident, you should attempt to get the names and contact information of any witnesses to the accident. Do not make any statements regarding fault to the adverse driver or responsible party as your words may be twisted by the bus company later down the road. When possible, take photographs of the accident scene, including pictures of the vehicles and pictures of

the general area surrounding the accident, along with pictures of your injuries as well. In many cases, it is simply not possible to do these things, depending upon the nature and degree of your injuries at the scene.

Do not decline medical attention at the scene. You should immediately get checked out at an Emergency Room the day of the wreck regardless of whether you think you are seriously injured or not. People often do not experience some of the symptoms from their injuries until days after the wreck, but diagnostics such as x-rays, CT scans, and MRIs may detect them right away. An ER visit ensures that you don't miss any injuries that you may not feel as a result of being many in a state of "shock" after a wreck. It also helps document any symptoms and complaints you experienced following the bus wreck so that you may be referred to proper specialists who can assist you with your treatment and healing.

If you wait to go to the ER, you open the door for the adverse insurance company to attribute your injuries to some other event apart from the bus collision.

Finally, do not speak with representatives from the bus companies at any point!

RETAIN AN EXPERIENCED BUS ACCIDENT LAWYER IMMEDIATELY

Retaining an experienced Oklahoma bus accident lawyer to represent you will shield you from all of the potential pitfalls and trappings that may befall you as you proceed with your case. A skilled bus accident attorney will likely have experience with the bus companies' attorneys and representatives and be familiar with their tactics, as they attempt to dismiss your claim.

Your attorney will immediately acquire a copy of the accident report, interview witnesses, and notify bus company's agents that you are represented, and are making a claim for personal injuries. This prevents the bus company's agents from contacting you outside the presence of counsel and assures that all settlement negotiations are conducted through your attorney. All too often, claim adjusters for the bus company act sympathetic and caring to the unrepresented party to gain their trust in order to take advantage of that trust when it's time to

settle the case. They frequently make early, low-ball settlement offers to entice the injured party to take a pittance of what their case is truly worth, even before they have adequately healed from their injuries or have a clear picture of their total lost wages and loss of earning capacity.

Retaining a skilled bus accident attorney will prevent all of the bus company's tactics. An attorney focused on bus injuries knows their tricks and will balance the scales in your favor. They will ensure that all of your lost wages and past and future medical bills are accurately accounted for, along with any other damages and harms you suffered. Your attorney will get the maximum value for your case, and will cost you nothing out of pocket as that attorney will work for you on a contingency fee basis. That means you don't pay them unless they win your case.



COMMON MEDICAL DEFENSES RAISED BY BUS COMPANIES

In order to prevail in an injury case against the bus company, an injured party must show that the injuries and resulting need for medical treatment, was caused by the bus accident. In defending the case, representatives for the big bus companies always

attempt to show that the medical treatment received was due to some other cause than the bus accident. Two of the most common ways bus companies mount this defense are by exploiting "gaps" in medical treatment and through pre-existing injuries or conditions. If these two issues are not properly dealt with by an injured party, they can be case killers.

Gaps in medical treatment occur when injured parties wait too long to seek medical treatment. When an injured party declines emergency medical care immediately following the accident, but later seeks care several days or weeks later, a gap between the date of the accident and the date of the first medical treatment is created. Representatives of the big bus companies are very

mindful of this timeline and will attempt to persuade the Court that the injuries being treated on that later date came from some other subsequent cause or source and not from bus accident. They are often successful with this approach.

Therefore, it is absolutely imperative for a party to a bus accident to seek medical treatment immediately after the accident. By their nature, certain injuries commonly seen in bus accidents can have later manifestations, meaning that many of the symptoms do not pop-up until days after the accident. This is very common in spinal injuries to the back and neck, and is also seen in cases involving internal injuries and nerve injuries as well. An Emergency Room medical record from the date of the accident will document the fact that a party was in a bus accident and will also detail what physically occurred to the injured party's body in the accident. An immediate ER visit on the day of the accident will protect that injured party from bus company representatives raising a "treatment gap" defense.

Pre-existing injury defenses are most commonly seen when people experience pain and injuries from the bus accident in body parts that had been previously injured. Bus companies nearly always attempt to dismiss new injuries as mere reoccurrences of old injuries that were not the result of the bus accident. If an injured party re-injures that body part, it is important that they communicate to the doctor that they were pain-free or symptom-free from the old injury prior to the accident, and that the current symptoms represent new pain or advanced pain levels and stem strictly from the bus accident. If communicated properly, this should help shield the injured party from a preexisting injury defense.

To avoid these two traps and other medical pitfalls, it is important to retain an experienced bus accident injury attorney as soon as possible. An experienced attorney will help steer you through these medical issues and all others that are sure to arise in nearly every case.

WHAT IF I AM PARTIALLY AT FAULT FOR THE ACCIDENT?

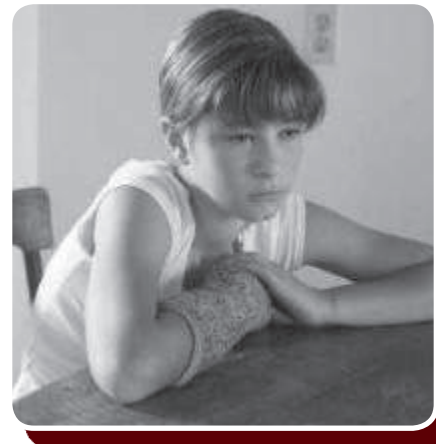
A common question asked by people in bus accidents is “If I was partially at fault for the accident can I still prevail in my case?” The good news is that under Oklahoma’s comparative fault law, even if a person is deemed to be partially responsible for the accident, that party may still be awarded a recovery for their injuries, so long as they are not deemed to be 50% or more at fault.

However, under Oklahoma’s comparative fault law, a party’s total monetary award is reduced in proportion to his or her share of the fault. For example, if a person who was deemed to be 20% at fault received an award of a hundred-thousand dollars, the share they would receive would be eighty-thousand dollars.

MONETARY DAMAGES

Should an injured party prevail on their bus accident case, Oklahoma law permits a party to recover economic damages such as reimbursement for past medical bills, lost wages, out-of-pocket costs, and the costs of future medical treatment and surgeries deemed necessary by a medical expert. Oklahoma law also permits an injured party to recover non-economic damages as well which include mental anguish, pain and suffering, and awards for permanent disfigurement. However, under Oklahoma law an injured party’s non-economic damages are generally capped at \$350,000.00.

It is important to hire a skilled and experienced bus accident attorney immediately, as they will ensure you maximize your recovery by tracking and itemizing all of your medical bills, mileage, lost wages, and out of pocket expenses, along with any other costs you incurred as a result of the bus accident.



FREQUENTLY ASKED QUESTIONS | OKLAHOMA BUS ACCIDENT GUIDE



What should I know about bus accident claims?

When you're involved in a bus accident wreck, you need to know a couple of things as to why this wreck with a bus is different than with a car wreck. The major difference is the fact that the school bus is owned by a school. The school bus is governed by the Governmental Tort Claim Act in Oklahoma and as a result, there is a shorter statute of limitations of one year, and you need to put the school district on notice immediately. You need to hire a lawyer as soon as you can who's experienced in dealing with school districts and the Governmental Tort Claim Act to protect all your rights.

What are common causes of bus accidents?

Common causes in bus accidents in Oklahoma usually go to about two or three places. One, you have a driver that's not qualified to drive a school bus; two, you have individuals not paying attention and obeying the safety rules and then has a problem with the school bus; and three, it's a combination of both. You have a bus driver who may be distracted; you have a driver who's distracted and then a wreck occurs. Most school bus wrecks are preventable if everyone obeys the safety rules and if you have a qualified bus driver. If your child is in a school bus wreck, the most important thing you can do is contact an injury attorney immediately so they can help explain to you your rights. There are a few different rules when you're dealing with the school bus: the liability rules and the notice rules.

How do I pick the right attorney?

When you have a situation when you or a loved one's been injured on a school bus, you need to hire an attorney immediately. The question is, how do I choose

a lawyer or an attorney in Oklahoma to represent me involving a situation with a school bus? Obviously, you need to do your due diligence. You need to search, you need to read backgrounds, you need to find someone who's experienced with wrecks, and more importantly, someone who has dealt with school bus wrecks.

I think that you have to feel comfortable with this attorney. You have to find an attorney that you will trust in helping you navigate through this. Don't wait long because the statute of limitations on a school bus is a year, and you need to make sure you give notice to the government entities involved. If in doubt, just get to an attorney as soon as you can.

What mistakes can I avoid?

When you have a child who is injured on a school bus, whether it's in a wreck, whether it's in an altercation with another student, or whether it's due to some type of negligence or an intentional act of the bus driver, you need to do something about it, and that's the biggest problem. I think the mistakes parents make is that they don't do anything – “Oh, it's not that big of a deal,” or “I think my child's okay.” What you don't understand is this could be a pattern with the school bus driver. He could be causing these problems on a routine basis.

It could be a major injury. It could be a major problem for you or your friends, or your family, so I believe what you should always do is you should notify the school district if there's an incident on the bus that happens and your child's injured. I think you should always make an incident report or file a claim with the school district to protect not only yourself, but if it ever happens again, there will be actions taken against the school bus driver and you may prevent a loss of life, maybe, by taking these actions early on.

How do I start a school bus injury claim?

If you have a child who is on a school bus and there is an injury caused by an automobile running into a school bus, or a school bus running into an automobile, or even if the school bus runs into a truck or another school bus, you have to investigate the case. You have the possibility of an action against the school bus driver for not being safe and not following safety rules, and you have also

a cause of action and can sue the other party that caused the wreck or ran into the school bus. You have to investigate these things quickly to make sure you know all the players who are involved, and you need to make sure you understand the evidence, preserve the evidence, and prepare for presenting your case to the insurance company, or even presenting yourself in a jury trial.



Can I get compensation for a school bus injury?

If you're involved in school bus injury, or you have a loved one who is, you can recover essentially the same damages you can in a normal wreck case. You can get your medical bills. You can get future and past medical bills. You can get future and past pain and suffering. You can get compensation if you're injured in such a way you can never do what you love to do so much

before the wreck. If you played football and now you can't play football, you receive compensation for that. If you have any permanent impairment or temporary impairment, you can receive coverage for that. It's basically the same types of recovery in damage you receive from a bus wreck as it is an automobile wreck.

Who is liable in a school bus accident?

When either yourself or loved one has been injured on a school bus, you need to determine the liable party. If the bus driver causes the wreck, then the school bus driver and the school is liable. Sometimes there could be other people, third-parties involved, other insurance companies and various issues, but it's a pretty slippery slope too. It's not all that clear cut for the average person. I would just suggest you hire an attorney that has experience with this type of injury as soon as you can.

How long do I have to file a claim against a school bus?

If your child or loved one was injured on a school bus in Oklahoma, you're governed by the Governmental Tort Claim Act statute of limitation, which is one

year. You have to give notice before you can file a lawsuit. So many days has to pass to have the school district make a response to you. You have to give them a chance, first, to review the claim before you file it. Again, it's kind of a unique statute and it's not easily understood by the average citizen of Oklahoma, so I would suggest contacting an attorney as soon as you can and put this in their hands to handle it so you don't miss any of your rights.

CONTACT OUR OKLAHOMA BUS ACCIDENT LAWYER TODAY

If you were injured as a result of a bus accident, do not hesitate to contact an experienced Oklahoma bus accident lawyer immediately to ensure the best possible outcome of your case. Navigating the nuances of the law can be tricky and fraught with traps for the inexperienced and unwary. That is why it is vital that you contact our office today.



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

