



OKLAHOMA CONSTRUCTION ACCIDENT GUIDE

*Protecting Your Rights
After a Work Injury*

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According to the Bureau of Labor Statistics, nearly seven million people in the United States work in the construction industry. Even though construction workers represent only 4% of the total U.S. workforce, the most recent statistics indicate that the construction sector accounts for 21% of all work-related fatalities

each year. One in ten construction workers are injured on the job annually, and over the course of their career, a construction worker has a one in two hundred chance of dying as a result of a work-related injury.

These are staggering statistics. Of course anyone who has ever observed a busy construction site for even the slightest amount of time can immediately see the numerous dangers and hazards it presents. Construction sites can be loud, hectic places with large numbers of bustling people all performing different hazardous tasks simultaneously. Whether workers are scaling buildings to lay bricks, placing shingles on high windy rooftops, or operating bulldozers, jackhammers, and welding torches on the ground, they can't escape the fact that a construction site is a dangerous place. Although construction companies are supposed to take all possible steps to ensure worksite safety, even the most safety conscience employee is at risk of sustaining a serious, if not fatal, injury as a result of negligence and error on the worksite.

CONSTRUCTION ACCIDENT INJURIES

When construction accidents happen, they often result in serious injuries that have a devastating financial impact on the injured worker and their family. If you are fortunate enough to survive a construction accident, you may be left with permanent and severe injuries that affect your ability to earn a livelihood. When you suffer injuries on a construction site, you need to hire a trusted and experienced Oklahoma construction injury attorney.

We are experienced accident attorneys dedicated to helping people who have been injured in construction accidents. Regardless of whether you were injured while working on the site or whether you suffered an injury as a mere bystander, we are here to fight for you every step of the way. We have been successfully assisting people injured in the construction sector for decades. We regularly tackle construction accident cases involving falls from rooftops, ladders, scaffolding, and other unstable surfaces. We assist people with repetitive stress injuries in their wrists, elbows, shoulders, and knees. We handle back, neck and head injuries, including concussions and traumatic brain injury cases. We represent people who suffered electrocutions, burns, hearing loss, and vision loss, as well as people who acquired lung conditions from asbestosis or have occupational asthma from the construction site. There's no construction injury we can't handle.

WORKERS' COMPENSATION BENEFITS

If you were injured while working on a construction job site in Oklahoma, you may be entitled to workers' compensation benefits. Workers' compensation benefits include lifetime medical treatment for any injuries caused by an on the job accident. They also include temporary disability benefits payable while you are off work healing from your injuries. Workers' compensation provides benefits and compensation for wrongful deaths, and permanent disabilities where the workers are left permanently impaired as a result of their injuries. Workers' compensation benefits are generally available to an injured employee without regard to fault, meaning that the worker need not show that their employer was in any way negligent; the employee only need show that their injuries arose out of the course and scope of their employment.

As a practical matter, employers and workers' compensation insurance companies regularly attempt to short-change and deny workers their compensation in an effort to save company money. Oklahoma law has strict timetables for initiating workers' compensation claims. An employee must generally provide their employer proper notice of their injuries within 30 days of the occurrence of the accident and then depending on the nature of the injury, has between one

and two years to initiate their claim for workers' compensation benefits. If you were injured on the job at a construction site, don't let the worker's compensation insurance carrier jerk you around. Let us level the playing field so that you may recover substantially all of the workers' compensation benefits you are entitled to under the law.

AVENUES FOR COMPENSATION

Pursuing workers' compensation benefits is only one option that may be available for obtaining a monetary recovery for your construction site injuries. It is not necessarily the sole option. Workers' compensation benefits are only available to "employees." Many construction site workers are in fact "independent contractors." If you are deemed an "independent contractor," rather than an "employee," workers' compensation may not be an option at all, which means that you may have to pursue a personal injury lawsuit against the at-fault parties to get compensation for your injuries. For example, if you are an independent contractor and you were injured as a result of getting hit by a dump truck on a construction site, you would not be able to collect workers' compensation benefits, you would have to file a personal injury lawsuit against the driver or owner of the dump truck. In this setting, you would seek to recover monetary damages including, but not limited to, the cost of past and future medical bills, lost wages past and future, and pain and suffering as well. In order to prevail, the law requires that you prove that the opposing party's negligent conduct was the direct cause of your injuries. Oklahoma law provides a two-year statute of limitations for the filing of personal injury lawsuits.

Certain employees may have the option of pursuing a third party negligence case against the at-fault party in addition to pursuing workers' compensation benefits. These types of cases are typically only available when an employee's injury was the fault of another party. For example, if you are an employee who was injured while operating a bulldozer that malfunctioned, you may have both



a workers' compensation claim against your employer as well as a third party personal injury claim against the manufacturer of the defective bulldozer.

No two cases are the same. A thorough and meticulous investigation of the circumstances surrounding your accident and your employment relationship, along with the employment relationships of all other parties on the job site is necessary to determine how one must proceed in order to obtain the maximum amount of compensation for their injuries.



FREQUENTLY ASKED QUESTIONS | OKLAHOMA CONSTRUCTION ACCIDENT GUIDE

How do I choose a construction accident lawyer?

When you're involved in a construction injury case, one of the questions you have to ask yourself very quickly is, how do I choose the lawyer to represent me in this case and help me get a fair and full settlement with the insurance company? Well, that's a good question. You have to look for one. You have to find an attorney that has experience in trials in construction accidents. You have to find an attorney who has experience handling injury cases. You need to find an attorney who is not afraid to take on the insurance company and is willing to put in the time and effort to do that. You need to find an attorney who will help you and prepare you for your deposition so there's no surprises. You need to find an attorney that will make sure you have no surprises.

You need to find an attorney who does focus groups, who will be able to tell you what the average juror will say about your case. There are a lot of lawyers who say they have experience, but a lot of lawyers just want your case to settle. Make sure you hire a lawyer who will handle your case and not pass it off to

an associate. Make sure the attorney you hire is a person who genuinely cares about you and understands your situation because if you can't work, you don't make any money, and cases can take a while. You need to hire a lawyer you feel comfortable with.

What mistakes can I avoid?

The common mistakes I have found that people make when they're injured in a construction case are that they seem to believe everybody that tells them they're going to take care of them. They believe their employer; they believe their sub-contractor. They believe their insurance adjuster – "Oh, don't worry. We'll take care of your medical bills," or "Don't worry, we're going to compensate you for your lost wages." More often than not, they don't, and two months down the road you're sitting there with a bunch of bills because you haven't been able to work and a bunch of medical bills haven't been paid.

Seek an attorney immediately. They can help you navigate through this very difficult time. They'll give you your rights. They'll give you information. They'll give you power. The only good decision is a well-informed decision. A poor decision is when you make it with no knowledge other than what's been told for you by insurance companies.

The second problem I see in construction cases in mistakes people make is that they don't follow doctor's orders. Doctors ask you to stay off of your feet, don't use your arm, stay in bed for a week, and what happens is people think they know more than the doctors and they go back to work too early, and then the problem makes itself more difficult to deal with and it's worse than it was when you first had it. Follow your doctor's orders. If you don't, the insurance companies will use that against you when you try to settle your claim.

The other most common mistake is that people just don't believe they're hurt and they keep working despite the fact they have pain. They work, they think it's going to go away, and it doesn't go away. Spend the two or three hundred dollars to be checked out immediately after an injury on the job or in construction to make sure you're not hurt, to make sure you've done all you can to detect and diagnose any problem you may have. The best advice I can give you is to contact an attorney who's experienced in this area, so they can help navigate

you, get you the right doctors that will see you, the doctors that will give you good reports, so you'll know what you can and can't do.

Should I report my injury to my supervisor?

One question I receive all the time is, "Should I tell my boss I've been injured on the job?" The answer is yes. Fill out a detailed accident claim, and if he doesn't give you a sheet of paper, insist that he give you one. Again, a lot of times, if there's no piece of paper filed with somebody about your reported injury, then insurance companies will make that look like you just made the whole injury up. If you wait a week to fill out the incident report, that's not good either. Immediately tell your boss, immediately fill out a form, and make sure you keep a copy of that form. Ask for a copy if you aren't given one. If they don't have a copy machine, take a picture with your phone. Keep a copy of the incident report. Sometimes they're altered, so definitely tell your boss and definitely fill out an incident or injury report.

What benefits am I entitled to?

In construction injury cases, there are a lot of benefits you can receive. You can get the same benefits you would in a car wreck case. You can get your medical bills paid. You get lost wages. You get permanent impairment. You can get future and past pain and suffering. A lot of times, workers' comp is involved. Workers' comp is a good system, but it's not a complete system and it's not going to make you whole.

If you're injured by a third-party on the work job, then that's a good thing for you as far as getting more money. You can bring actions against a third-party for the same injuries. You'll have to reimburse workers' comp for some of the money they paid out, but you will probably be better off if you have a third-party to bring an action against. An example of this: if you're in a company truck and you're hit by another company's truck with a driver, you'll have a claim not only for workers' comp, but also against that third-party construction company or third-party sub-contractor who hit you.

It's very technical. It's kind of confusing to most people. That's why you need to seek a lawyer out as soon as you can, so they can help navigate you through this. It's not difficult for an attorney to help you get a full recovery.

Can I get workers' compensation?

The workers' compensation system in Oklahoma has gone through some changes in the last several years. It's a more difficult system to be fully compensated. It still provides medical treatment. It'll still provide lost wages. It'll still provide permanent impairment. It'll still supply total permanently impairment. It's not a perfect system. It doesn't compensate you as well as it used to, but it's all we have, and for a lot of people, it turned out to be a good thing. Workers' compensation is there to help workers who are injured on the job to be able to get medical treatment and receive a fair wage for the time they're off while they're seeking medical treatment. It is a system that you definitely need to hire a lawyer for. Because it's not something the average person can do on their own.

How do I get compensation?

If you're injured in a construction case and it's serious, you're entitled to receive damages. You're entitled to receive past and future medical expenses. You're entitled to past and future pain and suffering. You're able to recover for any permanent impairment or disability and even a temporary disability. You're entitled to the loss of your passion. If you like to go backpacking and all of a sudden now you can't walk again for more than 30 feet, then that's a damage you need to be compensated for. If you can't enjoy your family, if you can't enjoy the life as you knew it before this serious injury, then you'll be able to recover for that.

The best thing to do is contact an attorney and determine what your injuries are. You need to keep track of the things that you're unable to do now that you could do before, because those will help you in determining what all your damages will be that you can be compensated for.

What should my first steps be?

There is a lot of construction in Oklahoma right now. We're kind of in a boom area, and so there's a lot of construction workers, and sub-contractors working throughout the state. There are occasions where you have many sub-contractors on the job at one time and they don't always pay attention to what they're doing, and sometimes one sub-contractor can hurt another sub-contractor.

They could hurt them with dropping something on someone. They could cause something to give way and they fall. They could drop something from scaffolding and hit somebody on the head. There are a lot of ways things can happen.

What do you do if you're on a construction site and you're injured? You have a workers' comp claim, but you also have a claim against that third-party, another sub-contractor, for negligence and not conducting their business in a prudent and ordinary fashion. If they violate the safety rules that are on the job site and in the profession, then you have a claim against them. Seek an attorney to determine if there is a claim. They are not always clear cut; there are a lot of nuances that go into a construction injury case in Oklahoma.

Can I sue my boss or my employer?

Generally, the answer is no, not in Oklahoma. The reason this is, is that workers' compensation has been put in place to compensate an employee for any injury they receive on the job. Injuries on the job could occur from many things. They could occur from defective equipment. They can occur because of third-parties, other construction workers, or other employees. You may have a claim against these other people, depending on the facts and situation, depending on what happened, and if the equipment was defective in some way. As a general rule in Oklahoma, you cannot bring an action against your employer if you're injured on the job or in a construction case.

How long is this case going to take?

After you've been involved in a construction injury case in Oklahoma, you have two years to bring your claim. What that means is you either have to have it settled or you have to file your lawsuit before two years or you're barred from bringing any actions against the person who caused your injuries. Hire a lawyer early because construction cases are very detail-oriented; they're technical because of all the construction aspects of it.

The problem is, a construction scene is ever-changing. If you don't get pictures and you don't interview witnesses right after the injury, then you might lose that evidence forever. Don't wait. When you're seriously injured at a construction site, get to a lawyer quickly so pictures can be taken, witnesses can be located, and we can preserve that evidence.

CONTACT OUR OFFICE TODAY

Whether you are an employee, an independent contractor, or a mere bystander, if you are injured in an accident on construction site, call us today for a free consultation. We are full time injury attorneys skilled in investigating the facts and circumstances surrounding your construction site accident to determine who may be at fault and what legal actions are necessary to fully compensate you for all of your injuries.

We have an excellent track record of obtaining high dollar settlements and jury verdicts for our clients in the toughest of cases. Our goal is to get you the best possible legal outcome, while simultaneously taking the stress and anxiety out of the process so that you are free to heal from your injuries. We work on a contingency fee basis so there are no costs or out of pocket expenses to you. We look forward to the opportunity of representing you in your construction site accident case. Call 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

