



# OKLAHOMA PEDESTRIAN ACCIDENT GUIDE

*Protecting Walkers, Joggers,  
and Runners After a Serious Injury*

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If you have been hit by a car while you were walking or running, we first want to express how sorry we are that you have to suffer due to someone else's negligence. No one deserves to have their life turned in its head because a driver had to finish a text and didn't deign to look up to see you in the road. Here at Murray Law

Firm, we want you to feel supported in your quest to receive full and fair compensation for your damages.

## UNDERSTANDING PEDESTRIAN ACCIDENT CAUSES AND COMPENSATION

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When someone is found liable, they are determined to have caused the pedestrian accident and will have to provide your compensation. In these particular cases, there are two possible liable parties; the pedestrian or the driver. More often than not, it is the driver of the vehicle that hit you. More commonly, we find that the pedestrian is not at fault.

Most accidents of this nature occur in crosswalks. These are areas where one would expect to find someone crossing the road hoping not to get run over. In less common accidents, a pedestrian may be found at fault for the accident if they crossed the road somewhere other than a crosswalk, and they did not look to see if traffic was coming.

### *Causes*

Common reasons for pedestrian accidents include:

1. Cellphone use. This is either when the driver illegally using their cellphone to search the web, send a text, or watch a video, or if it is the pedestrian who did not look up from their phone to check for traffic before crossing the street.

2. Speeding. Sometimes a driver may have seen you too late before they run into you because they were going too fast and did not have time to put their brakes on. That accident would not be the fault of the pedestrian if they took all necessary precautions before crossing.
3. Running stop lights/ stop signs. When a driver fails to yield, stop, or wait for a green light, they may cause a pedestrian accident.
4. Failing to use a turn signal. If a driver is going to turn, but does not use their signal, you may have looked at that car coming down the road and thought it safe to cross the street because they were going to be going straight, but they end up hitting you.
5. Disregarding weather conditions. If it is a rainy day, and the driver is not adjusting their speed for the weather, they may hydroplane when they slam on their brakes and hit you because they were being negligent.

## *Compensation*

As you may have already gathered, these accidents are entirely avoidable. The only reason they happen is because someone was acting negligently. Our job as attorneys is to find out who is liable and how much of the accident they are liable for. The insurance adjuster's job is to determine that you are entirely at fault and should not receive compensation for this accident.

Oklahoma is a "shared fault" state, meaning that the insurance adjuster has to find you 50% or more at fault in order to keep you from receiving compensation. We will fight them on that. We want to make sure they do not take advantage of you.

What you should also know about shared fault is that you can receive compensation if you're at fault, it just needs to be less than 50%. The only downside of being found at fault from 1% - 49% is that you will have your award reduced by the percent you were found at fault for. Let's say you were found to be 10% at fault. If you are awarded \$100,000, you will have that reduced to \$90,000. That is why it is so very important that you have an attorney.



## DEALING WITH INSURANCE COMPANIES

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As previously mentioned, the insurance company wants to keep you from getting rightful compensation. Our mission is to protect you from their tactics. They will try to reach out to you after the accident. They know you're probably in bad condition and you may be getting pain medicine in the hospital, but they're not worried about what state of mind you're in. They only care that they can get a statement from you. In that statement, they're hoping you'll say something that they can use against you later on. If you answer the phone and are polite and say, "I'm good," when they ask, "How are you?" They're going to take that as in you are healthy and well and don't need compensation. Even if you were just getting out of surgery when you said that, they're going to try to use that against you. When they come calling, you should already have an attorney. You can give them your attorney's information and tell them that your attorney will be taking all communications.

In rare instances will the insurance companies offer you a fair settlement offer right off the bat. They may call you and ask you not to seek representation. They'll offer to give you a settlement if you don't hire an attorney. That's a trick you need to avoid. Don't play into that. Let your attorney help you decide if the first offer they come up with is fair. More often than not, it's a pittance.

## TAKING THE RIGHT STEPS

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Of course, the most important thing to do after an accident is get to a medical professional as soon as possible. You may be in bad condition and require an ambulance. Don't resist getting on the ambulance if you're in pain. This will be the best move you can make for yourself and your safety. If you are seriously injured, but not in critical condition, make sure you see a doctor shortly after the accident. You may not need the ambulance ride, but go to an Urgent Care

center to get your injuries looked at and documented. Having these injuries properly recorded will help us to make a full recovery in your claim.

Next, if you are able to, collect evidence from the scene of the crash. Take pictures of everything. Take a video of the scene in its entirety. Talk to witnesses and get their contact information. Get the contact information and insurance information from the driver who hit you as well. All of this will be crucial evidence in our claim.

Last, make sure you see an attorney as soon as possible. In Oklahoma, you have two years from the date of the accident to file your claim or settle your claim. I would highly advise that you do not wait out this statute of limitations. If you come to us with a week left, there's nothing we can do to help you. There are critical steps we as attorneys need to take in order to build a strong case for you. We need time to do so.

## FREQUENTLY ASKED QUESTIONS | OKLAHOMA PEDESTRIAN ACCIDENT GUIDE

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### *What do I do if I was hit by a car while walking?*

If you are a pedestrian and you are hit by a vehicle of any kind, the first thing you need to do is have someone call the police, and then you need to get your proper medical attention. The reason you need to do these first two things is one, you need to preserve the evidence. Obviously, law enforcement will show up, and they will get ahold of the vehicle that ran into you and get that information. More often than not, again, you're going to be on the bad side of this wreck because you're a pedestrian unprotected, and a car hits you and you probably don't see it, and so your injuries may be extensive. Those are the two things you really need to do. The last thing you need to do is you need to hire an attorney to help you deal with this and to do the investigation, preserve the evidence, preserve the witnesses, so you can have a successful claim against the driver who ran over you.



## *How do I know I have the right attorney?*

One of the things you need to do when you're a pedestrian and you're involved in a wreck is you need to hire an attorney quickly. The question is, how do I go about hiring the right attorney? You need to hire an attorney who has experience with pedestrian wrecks. You need to find an attorney you feel comfortable with, that understands you, that will talk to you and listen to you.

You need to hire a lawyer or an attorney that will help you through this journey, to get you the competent medical treatment you need, to help you get to the specialist you need, and do everything in their power to help you get your health back. It's not always easy to figure those things out, so you need to do your own research. You need to meet with several attorneys and you need to make a gut feeling what you think is the best for you and more often than not, your gut feeling is the right decision.

## *What mistakes should I avoid?*

The most common pedestrians make when they're in a wreck with a vehicle is one, either they don't seek treatment soon enough or they seek the wrong treatment, or they don't follow the doctor's advice and their treatment plan. My advice is to seek out medical treatment immediately from a competent physician. I want you to do exactly what the doctor asks you to do. If you don't, the insurance companies may use that as leveraging you, take out a settlement, or mediation or even a trial.

The second mistake pedestrians make is they don't hire attorneys soon enough to help them investigate the case, preserve the evidence, and to help them deal with the insurance company. Insurance companies look for reasons to help you believe you need to sell your case when you don't have to, so don't give the insurance any power over you. You do that by hiring an attorney, direct all phone calls and correspondence to your attorney, which will protect you from insurance companies trying to trick you into selling your case.



## *What is the difference between a car accident claim and a pedestrian accident claim?*

There's not a lot of difference. Pedestrians still have special duties. They need to be in crosswalks, but that, again, doesn't completely eliminate a claim if you're not in the crosswalk. There are specific traffic obligations, rules that a pedestrian must follow as well as a car, so if either side violates any safety rules, then there's going to have to be some type of accountability there. More often than not, the injuries of a pedestrian are more serious than injuries of an occupant of a vehicle.



### *What compensation can I get?*

If you were a pedestrian and you were injured by a vehicle, what types of damages and claims can you have? Well obviously, you can get your medical bills, your future and past medical bills. You can get pain and suffering, future and past. You can get your lost wages. You can get any type of compensation for permanent impairment or disability. You can get compensation for the loss of your hobbies, loss of enjoying your family. If you can't return to your same lifestyle

you had before, because of any physical deficiencies caused by this wreck, then you definitely can receive some type of consideration for those as well. To know all of the rights you have for your specific case, I would suggest you contact an attorney who has experience in pedestrian wrecks.

### *Who is the liable party for my accident?*

In a pedestrian vehicle claim, the fact pattern will dictate who was at fault or who is majority at fault. If a pedestrian's in a crosswalk and he has a go light or a little sign that says you can walk, he is clearly within his right to be able to walk across the street without being hit by a car, and there, clearly, the vehicle would be at fault. However, there are cases where pedestrians don't use crosswalks and it is fact- dependent on who might be responsible in those situations.

You need to hire an attorney who can investigate the case and determine if you crossed the street, and you're not in the crosswalk, and you're hit by a vehicle, are you partially responsible for the wreck or not? Again, it all depends on the facts. It depends on what the driver of the vehicle is doing, what the pedestrian is doing. Were they distracted? Were they listening to music on headsets? I would suggest that if you're in a wreck and you're a pedestrian, and the car hit you, and you're not in a crosswalk, I would suggest you contact an attorney immediately to do an investigation, so they can determine the type of claim you may have.

## *What if I was involved in a hit and run? Can I still get compensation?*

If you're a pedestrian and you're hit by a driver, and the driver drives away and doesn't stop, and no one sees him, you still have a claim. The problem is who to make your claim against. If you can never find the driver of the car that hit you, then you need to hire an attorney or an investigator to see if they can find this person by running ads in the paper or doing radio spots. You need to call the police and see if they can help you with their investigative techniques. They can look at cameras and various things in the neighborhood, see if they can see a vehicle leave at that particular time. Try to remember the information or detail or description of the vehicle; that will help in finding the vehicle that caused the wreck.

The other place you can get recovery is from your own insurance company. If you have some type of insurance coverage on your car, it might be available to make a recovery from, but that again is something depending on your policy, how it's written. You need to really seek legal counsel who people have experienced with dealing with pedestrian wrecks to determine that.

## *What if I was partially to blame for the accident?*

If you're involved in a pedestrian car wreck, and you're the pedestrian, and some of the fault is yours, the big question people always have for me is, "Can I still bring an action? Do I have any claim against the vehicle?" The answer is yes. As long as you're 50% or less at fault, then you can make a claim and receive compensation from the person involved in the wreck with you. It's a situation



where you need to hire an attorney to do investigation and preserve evidence so we can really present the evidence we need to a jury or an insurance adjuster at some point in time.

Another way I find really helpful is to show information, show pictures, show statements to a focus group, and have them help us determine what percent fault would be assigned to the pedestrian and what percent fault would be assigned to the vehicle.

## CONTACT OUR OFFICE TODAY

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If you know you need an experienced Oklahoma pedestrian accident attorney, please call our office today for a free consultation. We want to protect you from the tactics the insurance companies use, and we will fight tirelessly to get you the compensation you rightfully deserve.



### ABOUT THE AUTHOR

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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

