

OKLAHOMA TRUCK ACCIDENT GUIDE

*Protecting Your Rights After
a Tractor Trailer Crash*

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If you have been terribly injured in a truck accident which occurred in Oklahoma, we are very sorry to hear that. Many people who suffer serious injuries are often overwhelmed and frustrated. You may be wondering, *“What do I do now? Who should I talk to and when? If I hire an attorney to represent me, when will my case be over? How will I pay my bills if I can’t work?”* The list of questions go on.

TRUCK ACCIDENTS CAN BE VERY COMPLICATED CASES

Due to their great size, weight and speed, accidents involving trucks, tractor trailers and 18-wheelers can cause death or catastrophic personal injuries which require significant medical treatment.

Truck accident cases can be extremely complicated. Make sure you protect your legal rights by hiring the best Oklahoma truck accident attorney you can find so that you may receive the amount of money you rightfully deserve.

HIRE YOUR TRUCK ACCIDENT ATTORNEY AS SOON AS POSSIBLE

First, it is very important to hire an Oklahoma truck accident attorney as soon as possible. As noted below, the filing deadlines to protect your potential insurance benefits and lawsuit award should be dealt with immediately by you and your attorney.

Many truck accidents occur due to truck drivers who allow themselves to be distracted, speeding trucks, overloaded trucks and/or overtired truck drivers, among other causes. Trucking companies can be very difficult to deal with after a truck accident. Many companies will not answer their phones or even give you the truck number or truck driver name involved in your accident. Hiring a

strongly experienced truck accident attorney can help your case by immediately conducting a thorough investigation as well as obtaining the truck company's accident, repair, maintenance, and driver records.

OKLAHOMA IS A TRADITIONAL "FAULT" STATE FOR TRUCK ACCIDENTS

In Oklahoma, if you are injured in a truck accident, your options to recover a damage award are governed by its accident "fault" rules.

This means that if you are injured in a truck accident, the defendant (truck driver, truck company and/or other vehicle drivers) who caused the accident is at "fault" and responsible, through their insurance company, to pay for the following types of damages you may have suffered: lost wages, damage to your vehicle, medical bills, pain and suffering, scarring and disfigurement, disability, emotional distress, and loss of consortium.

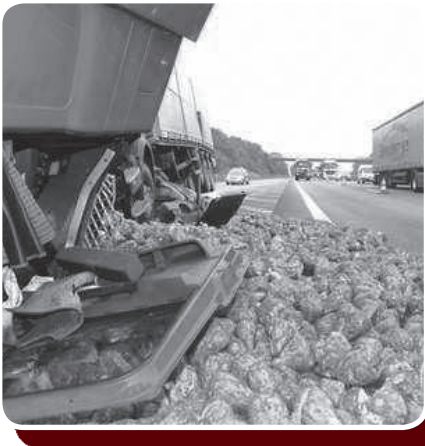
In Oklahoma, you can file an insurance claim with your own insurance company or file a claim with the defendant's insurance company. You may also file a lawsuit in court. Insurance benefit filing deadlines are short and require immediate action. Ask your attorney to help you file all necessary paperwork on time.

If you choose to sue the defendant in court for your truck accident, you and your attorney need to prove that the defendant you are suing owed you a duty of care, that they failed to perform this duty of care either by their action or failure to act while driving either their personal truck or their company's/employer's truck, that this defendant caused the accident, that they are therefore responsible for your injuries and that your injuries resulted in money or other types of damages. If both the truck driver and the trucking company are at fault, you may sue both in court.

However, truck accident cases are complicated. For example, although a truck driver may have hit you, another driver may have caused the truck driver to swerve into your path. Road conditions and weather also have to be taken into account, as does your own portion of fault in causing the accident, if any.

GETTING COMPENSATION EVEN IF YOU PARTIALLY CAUSED THE ACCIDENT

It should be noted that, in Oklahoma, if you are found to be partially responsible for your truck accident, then your awarded damages will be reduced according to your percentage of fault. However, if you are found to be 50% or more responsible for the accident, you will not be entitled to receive any amount of damages.



IMPORTANCE OF HIRING AN OKLAHOMA TRUCK ACCIDENT ATTORNEY AS SOON AS POSSIBLE

It is very important to hire a truck accident attorney as soon as possible. In Oklahoma, most truck accident cases must be sued against the defendant or defendants who caused the accident within 2 years from the date of the accident. This 2-year period is called the “statute of limitations.” If you fail to sue your case with the court within the 2-year period, your case will be thrown out and you will be unable to obtain either a fair settlement or damage award at trial.

Please note that, if you are injured in a truck accident while you are driving your vehicle in your capacity as a worker or employee, you may need to file a worker’s/workman’s compensation claim to protect your rights. Ask your attorney.

Another reason to hire an attorney right away is that memories, witnesses, and evidence of your truck accident case will tend to fade away over time. Prompt

investigation of the facts by your attorney will help make sure your truck accident case's evidence is protected for your benefit.

FINDING THE RIGHT ATTORNEY FOR YOUR TRUCK ACCIDENT CASE



Be sure to ask friends, business contacts, and family for referrals to attorneys who have strong trial experience in truck accident cases. Do not hire an attorney who is merely a general practitioner or handles cases in several different areas of the law. You need an attorney who specializes in Oklahoma truck accident cases.

In addition, while interviewing possible attorneys to represent you, ask them how many trials they have personally handled in truck accident cases. The insurance company will be much more willing to make reasonable settlement offers to settle your truck accident case if they know your attorney is an experienced Oklahoma trial attorney in these types of cases. When you interview possible attorneys, be sure to ask whether you will be regularly dealing with them directly, or their junior associate, paralegal, or nurse.

Most truck accident attorneys will expect to be paid roughly 1/3rd of any legal recovery you may receive, whether through settlement or trial award. However, you do not have to pay any money out of pocket to hire a truck accident attorney to represent you. It is the attorney who pays all of your case's expenses and out of pocket costs up front, such as filing fees and office expenses as well as the hiring of expert witnesses to prove fault, and/or the amount of your damages.

It is important to respond quickly to any questions or requests for information that your attorney sends to you. The faster you respond, the faster they can move your truck accident case along. However, if you feel that your attorney

does not return your calls, e-mails, or texts quickly, you should consider changing attorneys.

IMPORTANCE OF SEEKING MEDICAL ATTENTION

If you have suffered a serious personal injury as a result of your truck accident, seek medical attention immediately. Some injuries, pain, and limitations are not immediately noticeable and may take time to develop. You may not even be aware that you have suffered an injury immediately after your truck accident. Your attorney may recommend a doctor to you so that all of your injuries will be properly documented and treated.

The longer you wait to seek medical attention, the harder it may be for your attorney to relate your injuries to your truck accident and therefore prove your case.

THE INSURANCE COMPANIES AREN'T YOUR FRIENDS

If you are contacted by a representative of an insurance company, do not respond. The insurance company is not on your side. They want to pay you as little as possible for your truck accident. After you hire your truck accident attorney, ask your attorney to respond to the insurance company.

If either your insurance company or the defendant's insurance company makes an early settlement offer to you in order to settle your truck accident case, you should understand that the offer will be low and nowhere near the amount you could possibly receive through a later settlement or trial.

Beware – accepting an early settlement offer will prevent you from proceeding with your truck accident lawsuit against the responsible defendant or defendants. Insurance companies usually make much higher settlement offers once a truck accident case approaches its trial date, especially if your attorney is

known to have a good deal of Oklahoma truck accident trial experience. The insurance companies will know the names of attorneys that go to trial.

Remember, truck companies, their insurance companies and their attorneys are focused on only one thing – paying you as little as possible for your accident. And that’s not right. That’s why we will do everything we possibly can to make sure you receive a fair damage award.

Although the legal process is slow, we will do our best to push the insurance companies to move faster and will do everything in our power to make your case take as little time as possible.

FREQUENTLY ASKED QUESTIONS | OKLAHOMA TRUCK ACCIDENT GUIDE

What should I do after a truck accident?

When you’re injured in a tractor trailer wreck, there are several things you need to think about doing. The first thing we worry about is our client’s health. We make sure our client gets to the doctors they need. We make sure our doctors are competent in these areas. We make sure our client gets a specialist if they need it. We make sure that the doctors get the therapy and they find doctors that will work with them with their business schedule. We make sure that our clients have everything they need to get their health back because, at the end of the day, this is all about our clients’ health and getting them back to where they were before the wreck. No amount of money we can bring them will change their health. In today’s world, being able to enjoy your life is the most important thing.

Once we have our client situated, then we turn ourselves to investigating the case. The reason it’s so important to get right on these cases is because there’s



so much evidence out there. The tractor trailer trucks have a lot of electronic equipment. They have devices there that tell you how fast they were going, when they were signaling, when they were braking, and how hard they were braking. They'll have electronic logs that tell you how long the driver has been driving, and how many times he's taken a rest when he needs to. It'll help us understand how many of the safety rules the tractor trailer driver either broke or obeyed. It'll help us determine how many of the safety rules the trucking company obeyed or disobeyed. It's really important we investigate it. We hire investigators to go out, and take pictures of the scene. We hire accident reconstructionists to look at all the topics involved with that to make a mathematical inquiry of the speed and the various things that they do to come up with their opinion in what caused the wreck.

We hire tractor trailer safety experts who determine how this wreck might have occurred. Did it occur due to a violation of safety rules that have been laid out in the Federal Motor Safety Carrier Regulations? These regulations have been set out to keep the public safe. These are important things that have to happen. Tractor trailer companies are all over the country. They send tractor trailers all over the country, so you have to make sure you get ahold of all the witnesses. You keep their names, addresses, or emails. You have to safeguard this evidence. You have to make sure that in a year, when you want to find somebody, you have the proper contact information to call them. I've had several instances where I got a case late and I couldn't find the witnesses; that hurts your claim. The only person who benefits from delaying starting the investigation and getting after a tractor trailer injury case is the tractor trailer company and the insurance company. It doesn't benefit the injured person at all. Make sure you hire a lawyer, so we can start on the steps to a successful recovery for you in a tractor trailer injury case.

What steps should I take after I'm hurt in an accident?

When someone is injured in a tractor trailer wreck, you need to do a couple of things really quickly. First thing is you need to get medical treatment. You need to get to a doctor to be checked out. A lot of times, you'll have serious injuries and you might be hospitalized. Don't be in a hurry to get out. Don't be impatient.

Follow the doctor's orders. If he tells you that you need to rest, rest. If he tells you that you need more tests, take the tests. If he tells you that you need to go to therapy, do that. You need to listen to the professionals when you're involved in these wrecks because you could be permanently injured and impaired if you don't take care of business and do what your doctor tells you to do. If you don't even think you're hurt, still go to a doctor and make sure you're not. Do a thorough evaluation.

The second thing you need to do is you need to hire an experienced, seasoned tractor trailer attorney. This is important because tractor trailers are very technical cases. You need to preserve the evidence on this tractor trailer rig. They have devices there that record the speed, determine if the signal light was on, and determine how long they were stationary. They have electronic logs that tell you how long this driver's been driving without a wreck, and also how long he's been driving without a rest. Tractor trailer drivers have to rest so many hours a day. It tells you if they've been driving recklessly or if they've been making sudden turns, if their brakes aren't working. These are all things that you need to preserve. You preserve those by hiring an experienced lawyer who deals with tractor trailer wrecks; that's important.

The other thing you have to realize is that you have to preserve the evidence, that's what your experienced Oklahoma tractor trailer attorney does. They send letters and things to the tractor trailer company saying to preserve this evidence. We need to make sure we know where the witnesses are. We need to make sure where the driver goes. We need to make sure that the witnesses that were at the scene that maybe saw it are identified. If you don't preserve that evidence, it's lost. Many times, I've not been able to find witnesses because the evidence wasn't retrieved early on in the case, and it really hurt the value of our case.

Make sure that you don't try to do it alone. Make sure you don't fall into the trap that the insurance companies and the trucking companies want you to do. You might think, "Oh, they're going to be fair with me. I'm going to wait for the first offer and see what it is." If you wait to do that without an attorney, you've already let the insurance company and the tractor trailer company win. Get somebody who can help you make informed decisions. That's what lawyers do. They help you make informed decisions. They give you all the information

you need to make a good decision. They'll make you their recommendation; it's your choice to follow it or not.

How do I pick the best attorney?

When a person's been involved in a tractor trailer injury case, and is looking for an attorney or trying to find one, that person should be looking for someone who is experienced in handling tractor trailer injury cases, whether it's a tractor trailer injury case in the city limits or a tractor trailer injury case on the interstate. These cases are technical and you need to make sure your attorney understands all the work involved. They have to have a track record. They have to have handled them and been successful with them. They have to be able to locate experts that will facilitate a full and fair recovery for you. You can't have somebody who has never handled tractor trailer injury cases before doing this case. You don't want them cutting their teeth on your case; you want them to be experienced and know exactly what to do and when to do it. Just make sure that you investigate each attorney you talk to and make sure they're experienced at tractor trailer injury cases.

Should I talk to the insurance company?

In tractor trailer injury cases, I do not recommend that you talk to the trucking company, the trucking company's attorney, or the trucking company's insurance adjuster. They are not your friends; they're not trying to really help you. They're trying to pay the least amount possible. There are so many things that go into these cases that you need to hire a lawyer or an attorney immediately so you don't have to worry about those issues.

What mistakes should I avoid?

One of the biggest mistakes that you should avoid after you're in an injury wreck with a tractor trailer is trying to go it alone. Hire a lawyer immediately. The tractor trailer cases are complicated. There's a lot of federal regulations and federal laws that must be followed that take a professional and experienced tractor trailer injury attorney to figure those out. Evidence can be lost. You need to get to the scene to make sure that you take pictures, over and above what any law enforcement pictures will be taken. You have to preserve the evidence.

The biggest problem I see is waiting to see what the insurance company offers before hiring a lawyer. That is exactly what they want you to do, and that's why you shouldn't do it. Hire a lawyer immediately who's experienced in tractor trailer accident cases.



How much is my case worth?

One of the questions that people ask me often, especially new clients, is, "How much is my tractor trailer injury claim worth?" It's just not that easy to figure that out. You can't just give a value, because you don't know what the case is about yet. Sometimes it will take up to a year to get everything you need to properly evaluate a tractor trailer injury case. Why? Because you have to get information about the truck driver. You have to get information about the trucking company.

You have to get information about any truck leasing company. You have to get information about how the truck was maintained. This doesn't come voluntarily by the trucking company or the trucking company's insurance company. You have to bring an action and you have to go get that information.

What type of recovery you get on your truck injury case also depends on your injuries. Sometimes it might take a year or two years for us to determine your injuries and how severe they are or if they're permanent. When people ask what their case is worth, I always tell them, "Look, I can't tell you right now exactly what your claim is worth, but I can promise you we'll do all we can to get you a fair, full, and equitable recovery for your case."

What is the difference between a truck and a car accident?

I've been asked many times what the difference is between a tractor trailer injury case and an automobile wreck case is. They have a lot of the similar types of issues, but the tractor trailer injury case is more complicated. The tractor trailer driver is a professional driver. He has a lot more safety rules he has to obey. The tractor trailer insurance company has their own set of lawyers. The rules and laws about tractor trailer companies and their insurance companies

are different in the tractor trailer injury case than an automobile wreck case, so you have another one or two attorneys involved.

You have to understand, also, that if a tractor trailer ever runs into a car or a pickup, the tractor trailer's always going to win. They're going to win because they weigh 30 times more than the average truck or trailer on the road. Make sure that you understand the injuries are more severe, there's a lot more insurance, there are more attorneys involved, and so it's a lot more complicated and detailed. You don't have to worry about that if you hire a lawyer early on in this case. They can help you navigate through this and answer all your questions.

Who is the liable party?

What makes the tractor trailer injury cases so unique and extremely technical is that there are many people that need to be in the lawsuit, if one is filed. You have the tractor trailer driver, the trucking company, or the owner of the truck. In today's world, many trucks are leased from companies to other companies so that people can have more trucks when they don't have the capital to buy anymore trucks. You really don't know all the people involved in a case at first glance. You have to really dig deep. You have to drill for gold. You need to find out who's really involved in this.

In the laws of Oklahoma, you can even sue the trucking company's insurance company. In automobile wreck cases, you can't sue the insurance company, but when you have a commercial policy, with a tractor trailer company, you can bring in your insurance company. As you can imagine, you're going to have three or four defense attorneys involved, and you have one plaintiff lawyer involved, so you need to hire an attorney up front and quickly so he can prepare for all this litigation that's coming. You have to be able to preserve the evidence. You have to be able to make sure you find all the right parties. You have to do your investigation. If you have any doubts at all, this is a complicated case, you need to hire an experienced, seasoned tractor trailer injury attorney to handle this.

Should I take a settlement offer?

I've had clients ask me, "How long should I take before I hire a lawyer?" or, "How long should I wait to hire a lawyer after I'm involved with a tractor trailer

injury case?” My response is always the same: immediately; not three months, not twelve months, and definitely not until the insurance company makes their first offer. Insurance companies always say, “Before you hire a lawyer, will you let me make a first offer? Will you promise me you won’t hire a lawyer until I make my first offer to you? I think we can get this case settled.” That’s exactly the mistake you don’t want to make. The insurance company and the adjuster are not your friends; they’re looking out for number one. They don’t want to pay you a fair settlement.

Hire a lawyer who’s experienced with tractor trailer cases to help you navigate all the twists and turns of a very difficult tractor trailer injury case. Tractor trailer injury cases are complicated because the drivers are held to a higher standard, they have things they have to do, and sometimes it takes a lot of work to find out all the violations of the safety rules tractor trailer drivers make.

How long do I have to file a claim?

In Oklahoma, you have two years to bring your claim and to preserve it. It’s called a two year statute of limitations. Don’t wait two years. Hire a lawyer early on. Help them prepare your case in a way that will give you a fair, fighting chance to get you an equitable claim. Recoveries are difficult with tractor trailer cases, so they need all the information and evidence they can find. Don’t wait; hire a lawyer immediately.

CONTACT US TODAY FOR A FREE CONSULTATION

If you need a strong and dedicated Oklahoma truck accident attorney, please call us today for a free initial consultation.



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

