



OKLAHOMA MOTORCYCLE ACCIDENT GUIDE

*Protecting Your Legal Rights
After a Serious Injury*

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The moments after your motorcycle accident were probably blurred by shock. This is a scary situation and no one who hasn't gone through it knows how you feel. At Murray Law Firm, we want to say that we are so sorry that this happened to you. You might be in great pain, possibly in the hospital recovering from surgery, and

looking how your life may forever be changed. We don't want to you have to deal with the insurance companies by yourself. They will try to do everything in their power to keep you from getting the compensation you deserve. Our Oklahoma motorcycle accident attorney James Murray is here to help you in this difficult time.

GETTING THE RIGHT ATTORNEY ON YOUR CASE

The right attorney for you will be an experienced Oklahoma motorcycle accident attorney. You want someone who has handled these cases before and knows what they're doing. If you feel confident that who you are going to hire is competent, it will make for a better situation. You don't want to go with someone who you think seems inexperienced and unsure. They probably aren't going to be the right fit for you.

Being able to get along with the attorney also has a great deal to do with picking the right person. You are going to be working with your attorney for some time and if you feel that you can only tolerate them or that you even dislike them, that is going to be an all-around unpleasant situation. You should like the attorney who you hire. If you feel like they are ignoring your calls, or shirking you off onto a layperson in their office, you need to find a new attorney to hire.

Lastly, the right attorney will be dedicated to your case. If they are willing to go all the way to trial, they are going to be able to get you more compensation than someone who wants to get you a lower settlement so that they can just run you

through the mill. The insurance companies know which attorney is going to be prepared for trial and which ones are going to cave and take a settlement.

COMMON MOTORCYCLE ACCIDENT INJURIES

In motorcycle accidents, you are at risk for a lot of serious injuries due to the fact that you are not protected by the metal framework of a vehicle. While many people are biased against motorcyclist, it is entirely unfair. They will say that, simply because you ride a motorcycle, you are knowingly putting yourself at a risk for injury. It is unreasonable bias that you and your attorney may have to put up with, especially if your case goes to trial and you have to face a jury of people who have this bias. That is why you want an attorney with a lot of experience.

Some common motorcycle injuries include:

- » Broken bones
- » Road burn
- » Internal bleeding
- » Concussion
- » Neck and spine injury
- » Death

If your loved one passed away from a motorcycle accident, you may be able to file a wrongful death case and you should contact an attorney as soon as possible.

MOTORCYCLE ACCIDENT COMPENSATION

If you are seeking compensation, you should know that the insurance companies do not want to give you the compensation that you deserve. They probably want to keep you from getting compensation altogether. They will do that by

trying to pin the blame on you. Your attorney should be ready to push back and fight to lessen your fault.

If you are determined to be at fault for 50% or more, then you will not be able to get compensation. Therefore, you need to truly trust your attorney's abilities to protect your rights. You will be able to get compensation for your claim if you are found to be 49% or less at fault. The way it works is this: If you are 10% at fault, you will be barred from getting that 10% of the claim awards. For example, if you get \$20,000 for your claim, you can get 90% of that, or \$18,000. This is called modified comparative negligence.

The value of your claim is determined by the severity of your injuries and how long you will be suffering from them. If you cannot return to work, need surgery, have to have physical therapy, etc. all of that will be included while we determine your case value.

FREQUENTLY ASKED QUESTIONS | STILLWATER MOTORCYCLE ACCIDENT GUIDE



What if I'm hurt in a motorcycle accident?

If you're involved in a motorcycle injury wreck and you're the driver of the motorcycle, the first thing you need to worry about is your health. Make sure you're checked out. Make sure you get to a doctor. Make sure you follow the doctor's orders. Make sure you do everything in your power to take care of your injuries and to deal with them. Our goal is to get you back where you were before the wreck.

The second thing you need to do is hire legal representation who's experienced in motorcycle wrecks. These wrecks usually are pretty tough on motorcyclists. Motorcyclists have nothing to protect them and so when they're in a wreck, they're injured pretty seriously. You need to have an investigator investigate the scene, and investigate the other driver. You need to take pictures. You need to preserve witness and get their contact information. More often than not, motorcycle drivers have other things to worry about after a wreck, and that's why you need to hire a competent, experienced attorney in Oklahoma to help you.

How do I choose the right attorney?

How do you select an attorney to deal with a motorcycle injury case? Well, you need to find an attorney who is experienced in dealing with motorcycle wrecks. You need to find an attorney who understands how important it is to have good healthcare providers and get you to those healthcare providers. You need to find an attorney that understands that you're going to be laid up for a while and you can't work, and he has to have some compassion for you. You have to find an attorney who will hire an investigator and work hard for you, do focus groups and make sure that he does everything in his power to frame this case in a way that maximizes your recovery. As you look for attorneys, ask them how many motorcycle wreck cases they've handled, ask them how many jury trials they've handled, and you need to select the one that has the experience you need and the one that you feel the best about.

What mistakes can I avoid?

Some of the most common mistakes I see motorcycle drivers make when they're involved in an injury wreck is, first, they do not get to the doctor soon enough or quick enough. They don't do what the doctor asks them to do. They don't follow the treatment plan the doctors give them. Many times, these injuries are serious and you need to follow the doctor's plan. First of all, if you don't follow the doctor's plan or recommendations, the insurance company will use that against you when you go for a settlement. Make sure the information you give the medical provider is accurate. Make sure you give them a full history. Don't try to keep from them that you've been in wrecks before and you've been injured before; that's okay. Truth is always the best policy. I would say, and the

summary of this one is, get to the doctor, do what they ask you to do, and be totally honest with your doctor.

The second mistake clients make is that they don't hire a lawyer soon enough, and so motorcycle drivers don't have the critical information and evidence they need when they try to settle their case or go to trial. If you hire an attorney early on, they have investigators; they can contact all the witnesses, and get statements. They can also preserve their contact information. They are able to take pictures at the scene; they can take pictures of the vehicles. If there are people that have been lost, that saw the wreck, they can find these people and bring them back into the case. Bottom line is to get an attorney hired as soon as you can so you don't lose any evidence, and you get all the treatments you need, and you can have a successful outcome on your case.

What should I know about motorcycle accident claims?

The differences between a motorcycle injury case and an automobile injury case in Oklahoma are really pretty simple. I think the biggest difference is, more often than not, the injuries sustained by the motorcycle driver is more serious, more substantial, and has a higher rating of being permanent. Motorcycle drivers have no protection, they are out there, so the biggest thing is that you need to hire an attorney to help you get the medical attention you need to deal with your severe injuries.

How do I get compensation?

If you're in a motorcycle wreck in Oklahoma and you were injured, you're entitled to your medical expenses, your future and past medical expenses, past and future pain and suffering, any compensation for permanent disability, and permanent impairment. You're entitled to loss of your ability to live life, to enjoy your passions, to enjoy your hobbies, and to enjoy your family. These cases are usually pretty difficult when there's serious injuries, so you need to hire a lawyer so he can advise you as to all the possible avenues of recovery and the damages you can ask for.

Should I talk to the insurance company?

I've been asked more than once, "What do I do when the insurance company calls me and asks for a statement?" Well, the first thing you need to know is don't give them the statement. The second thing you need to do is hire a lawyer and refer the insurance adjuster or the insurance company to your attorney. As soon as you tell the insurance company you have an attorney, they will not ever call you back. You don't want to run the risk of saying something or giving them a statement that will jeopardize your ability to a full, fair, and equitable settlement.

If you think the insurance company is your friend, you're sadly mistaken. You have to understand; their job is to pay you as little as possible to resolve the claim. I would suggest you hire an experienced injury attorney to handle all your calls and all your correspondence with the insurance company.



What if I wasn't wearing a helmet?

Another common question I receive with motorcycle wrecks is, "I wasn't wearing a helmet. Does that make me at fault if I sustained a brain injury?" My response to that is a jury is going to hear the evidence. The jury understands motorcycles; they understand helmets. It's going to be whether or not the driver of the motorcycle contributed to this injury because he didn't have

a helmet on. That's a question of fact for the jury. You're not barred for bringing a lawsuit just because you didn't have your helmet on. I would suspect that we would have to have a focus group determine, given the facts of your case, what a jury thinks about whether you had a helmet on or you didn't have a helmet on. Don't wait to hire an attorney. We need to get to a focus group early on to see what eight or nine people think about your case.

What if a hazardous road caused my injury?

If you're involved in a motorcycle wreck and you believe part of it is due to a poorly maintained road, either city or county road, do you have a claim? I believe you do have a claim, but it takes a lot of work to get there. You need to hire a lawyer quickly to investigate how many wrecks were in that same area, maybe that same corner, maybe that same exact place where there was a defective roadway. The county or the city have responsibilities to maintain the roads. You need to hire a lawyer to investigate this, to determine if the city had notice, if the county had notice of a dangerous roadway. How many wrecks have occurred there, and how many injuries occurred at this same location? You do have a claim, but it's not going to come easy. You're going to have to do a lot of background work, a lot of leg work, and you have to hire the right attorney to do the investigation to determine what type of claim you may have.

What if I was run off the road?

If you're forced off a roadway by a reckless and negligent driver of a vehicle, you do have a claim against them. The biggest problem we have is that many times you can't find the person who forced you off the road because you were being safety-conscious by making proper maneuvers to avoid the collision, and it leads you to be in a tough situation off the road. You do have a claim. Again, hire an attorney as soon as you can so they can attempt to find witnesses who saw the event and identify the person who caused you and forced you off the road. Hopefully, we can find those people and we can have a fair and equitable settlement.

What if I was just the passenger in a crash?

If you're in a motorcycle injury wreck, and you were a passenger on the back of the driver of the motorcycle, you have a claim, not only against the car or vehicle that might have helped this accident happen or ran into you, but you also might have a claim against the driver of the motorcycle, if they were driving the motorcycle in a reckless or negligent matter. These are difficult cases. Sometimes the people you're riding with are close friends or family, and so I would suggest you hire an attorney as soon as you can to be able to help you

understand your rights and be able to make the right decision on how to handle the claim against multiple parties.

CONTACT OUR OKLAHOMA MOTORCYCLE ACCIDENT ATTORNEY TODAY

Attorney James Murray will be there for you through your whole legal process. If you want our dedicated support, please call our Stillwater office today for a free consultation. You don't have to settle for a low settlement offer, let us take your case as far as it needs to go to get you the compensation you deserve.



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

