

# OKLAHOMA WRONGFUL DEATH GUIDE

*Steps to Take After  
Losing a Loved One*

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It is beyond devastating to lose someone you love due to the negligent acts of other people. We offer you our sincerest condolences. It's an unimaginable pain. While we know that no monetary amount can replace your loved one, we can help you find financial relief. Unexpectedly losing someone after an accident can put huge financial stress on your family, and that is what we can help you with.

At Murray Law Firm, we want to become a support system. Our Oklahoma wrongful death attorney James Murray has experience with getting families the compensation they deserve. If you are looking for a reliable attorney, please call our office today for a free consultation. You will be warmly welcomed and we are confident in our abilities to help you seek financial relief.

## STATUTE OF LIMITATIONS

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It is extremely important that you act in a timely manner. The insurance company knows that you are grieving. It is understandably difficult to manage a legal case such as this while you are grief-stricken. We understand the anguish you feel, but if you want to seek rightful compensation, you have to act within the statute of limitations, or time limits of the wrongful death rules. In Oklahoma, you have two years in which to file a claim or settle your case. While that may seem like a long time, it is not necessarily that long.

With any case, you need to do some prep work in order to successfully bring your claim. If you wait one year and 364 days to contact an attorney, it is going to be next to impossible to bring a claim. There are things we need to accomplish as a team before we can bring this claim. Therefore, talking to an attorney right away will make this easier on yourself and your attorney.

# SEEKING THE DAMAGES YOUR FAMILY DESERVES

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There are steps that need to happen before you can bring your claim. The first step is to find the right attorney. You don't want an attorney who you feel uncomfortable with or feel that you cannot communicate with. Most attorneys should offer a free consultation for wrongful death claims. Utilize this opportunity to interview attorneys. Sit down with them and ask them questions about their experience. See if they have had success with cases like this before and what awards they have helped people get. You should like your attorney because you will be working with them quite a bit.

The second step is determining who can actually bring the claim. In Oklahoma, you will be allowed to bring the claim for wrongful death if you are a personal representative of the passed loved one. This might have been declared in their plan for their estate. This person will represent the passed loved one as well as the family of the passed loved one. The most frequently appointed personal representatives are spouses, children, parents, and sometimes siblings. If there isn't a personal representative, the claim may be brought by a court-appointed personal representative. It will most likely (but not always) be a family member of the passed loved one.

## TYPES OF DAMAGES YOU CAN WIN

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If there was malicious misconduct involved in the wrongful death of your loved one, you may seek punitive damages. These damages exist to punish the defendant for their gross misconduct. In instances where your loved one passed away because the defendant was drunk driving, you will be able to seek punitive damages. The purpose of this is also to discourage the defendant as well as

others who may be inclined to behave in a dangerous way. No one should take part in acts that are so dangerous that they are a threat to someone else's life.

In every wrongful death claim, you can seek compensation for two types of damages: pain and suffering that your loved one underwent after the accident before they passed away, and the benefits that your loved one would have provided for your family including lost wages. It is really hard to come to terms with the fact that your loved one may have suffered before they passed away. It is an unfortunate part of wrongful death, but it does increase the value of your claim. This part of the compensation solely has to deal with how your loved one suffered. Then on top of that compensation, you can seek damages for your own suffering. You can be reimbursed for last expenses, grief, loss of companionship, and wages they would have provided.



## FREQUENTLY ASKED QUESTIONS | OKLAHOMA WRONGFUL DEATH GUIDE

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### *Do I have a wrongful death case?*

Wrongful death cases are probably the most emotional, heartfelt, and difficult to deal with. You have a loved one who has been taken away from you by no fault of their own. You'll never be able to see that person again. You'll never be able to celebrate holidays with them again, or birthdays with them.

These are very difficult cases. They're very sober case. What makes this case even worse is if their life was taken away by someone who violated the safety rules, or standard of care, or just didn't really care about anything but themselves. The most important thing you need to do is hire an attorney to help you investigate the case, figure out what happened, preserve the evidence, and help you navigate through this maze of curving, winding roads to determine what kind of wrongful death case you have.

## *How do I pick the right attorney?*

If you need to hire an attorney or lawyer in Oklahoma for a wrongful death case, I suggest you do some research. I suggest you inquire about any wrongful death cases they've handled and how significant they've been. How did the wrongful death case they've handled go? How did they compare to the one you may have? Was it a tractor-trailer case? Was it a malpractice case? Was it a slip and fall case? Was there a nursing home case? All those things are important for you to make a determination in making your decision.

You need to find a lawyer who understands your situation. It should be someone who you like, and feel comfortable talking about personal things with. You need to find a lawyer who's easily accessible. You don't want a lawyer who, when you make a phone call to them, you don't hear back for two weeks. You want to find a lawyer you can walk in, and make an appointment, and see at will.

Probably the most important thing is, you need to find a lawyer that will be your champion, who understands what your loss is. They'll do all in their power to make sure it's been righted and that you've been fully compensated. Maybe more importantly, help you send a message to this company, or nursing home, or whoever it is that you can't violate safety rules this way and hurt other people.

## *Who can file a wrongful death lawsuit?*

If you have a loved one who's died a wrongful death, then there are statutory laws on who can bring a claim. Obviously, if someone is married, then their spouse can bring the claim. If it's a minor child who passed, their parents can bring the claim. If it's an unmarried child, and an adult, the parents can bring the claim. We will find somebody that can be able to be the champion of this case.

There are issues when parents are divorced and they hire different attorneys. I wouldn't wait long to get these things resolved. It's better to be unified when you take on a case than to be divided and be divisive. I'd suggest you hire a lawyer, and the whole family come meet with them, and go over all your rights, and make sure that everybody's on the same page.

## *What damages are we entitled to?*

Wrongful death cases have a lot of damages that you can make a claim for. Obviously, if you have a loved one who's taken away from you, you have loss of companionship. These losses are really serious and emotional.

You can be compensated for the suffering that your loved one had to endure before passing away. You have a loss of their ability to take care of you and financially support you. If you're a widower, you have the loss of someone who was going to take care of you, and be your companion. Lost future earnings are also something that you can possibly collect for.

You also have burial expenses that can be compensated. Also, you have medical bills that were incurred by your loved one before they passed away. Then depending on the circumstances, there's punitive damages if the loss occurred due to reckless and intentional behavior of intent to cause harm.

I would suggest that you hire a lawyer early on. One, you may not be in good shape to deal with any of the issues because you just lost someone close to you. You need to hire a professional that can start to work immediately to preserve the evidence, protect the record, and do all they can to help you prepare to get a fair settlement or verdict.

## *How long do these cases last?*

It could be years depending on the circumstances of the incident that caused the death, depending on how many defendants there are, and how many attorneys are involved in the case. It depends on what jurisdiction you're in, how busy the court is. Insurance companies have a way of prolonging cases. They're hoping that the victims in a wrongful death case will get litigation fatigue and quit. Their mentality is to delay, deny, discourage, then defeat.



They do that regularly and it works more often than it ought to. It hurts me sometimes when my clients give up the fight when they're entitled to more. You need to find an attorney that will be vigilant in moving this case along as quickly as they can. If you have that, then these cases can take less time.

## *How much is our case worth?*

It's difficult to determine what a wrongful death case is worth. There are so many factors that are involved. For instance, if you have a 30-year marriage and your spouse has been taken away from you, that's different than if you had a one-year marriage. It also depends on how much money one spouse made, and how much the lost income will be for the rest of your life.

Also, it's the circumstances of the wreck or accident. Was it a painful situation? How much time did the person who passed away live? How much time were they conscious? Did they know what was happening to them? How many members of the family did they support? How many children did they have? Were they married? Were they single?

All these factors along with medical bills, which can be very expensive, all go into account. There's only really one group of people who will decide what your wrongful death case is worth; a jury. We have to prepare our case to help them understand what your losses are, what they can award damages for. Then we can help them come up with a value for us.

## CONTACT AN OKLAHOMA WRONGFUL DEATH ATTORNEY

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If you think you have a wrongful death claim, please call our Stillwater, Oklahoma wrongful death attorney James Murray today for a free consultation. He will provide caring and dedicated legal support. You don't have to suffer more than necessary. Call today to get the compensation that you and your family 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

