



TEXAS CONSTRUCTION ACCIDENT GUIDE

Legal Advocacy for Workplace Injuries

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Were you seriously hurt due to someone else's negligence on a construction site? You may be unable to return to work and provide for your family. Healing from these injuries should be your main priority, not dealing with insurance companies calling you and trying to get statements from you. Our San Antonio construction

accident lawyers are here to take over the legal aspect of your case so that you can focus on getting better.

CONSTRUCTION INJURIES IN SOUTH TEXAS

Construction sites must follow state and federal regulations to ensure that workers are safe from certain preventable injuries. When a subcontractor, general contractor, or worker violates these regulations, he or she may be liable for any injuries or wrongful death suffered by a worker. At Rush & Gransee, L.C., we have significant experience in the investigation of construction accidents on behalf of injured workers and their families.

If you or someone you love has suffered as a result of construction site defects or construction injuries, we will aggressively pursue maximum compensation for injuries or wrongful death. Contact us for more information about construction accidents and your rights.

Contractors and construction site owners must carefully inspect the property and working equipment and conditions to ensure the safety of individual workers. Our attorneys have extensive experience with the Occupational Health and Safety Administration (OSHA) regulations and will begin an immediate investigation of your case or claim to determine whether there was a violation in your case.

WE WILL PURSUE CASES INVOLVING:

- » Scaffolding accidents
- » Equipment defects or failures
- » Dangerous tools
- » Ladders, falling accidents
- » Vehicular injuries, dumping injuries
- » Collapse
- » Passersby



Residential and commercial construction sites are dangerous places for workers and visitors. For workers, there are numerous hazards. If an accident happens, it can be hard to determine who is at fault and what the victim or their family should do next. If you or someone you love was involved in a construction site accident, you need to schedule a free consultation with our San Antonio construction accident lawyers. At Rush & Gransee, we assess your circumstances and let you know whether you have a valid legal claim. We can educate you on your next steps and help you protect your legal rights. Don't wait to reach out to us. You only have two years to file your claim or it's lost forever.

THE MOST COMMON CAUSES OF TEXAS CONSTRUCTION ACCIDENTS

With the nature of constant activity, presence of machinery, the use of tools and equipment, and groups of workers, it's certainly easy to understand why there is a higher risk of injury than other worksites. The most common causes of Texas construction accidents are:

- » Human error of other workers

- » Machinery and tools that have gone without proper maintenance
- » Slip and fall accidents
- » Falling from ladders or other high spaces
- » Crushing injuries caused by material or equipment that is suddenly dropped or dropped in a way that is unsafe
- » Defective machinery or tools
- » Conditions that result in electrocution
- » Collapse of a structure
- » Vehicle accidents
- » Exposure to chemicals and toxic substances



SHOULD YOU ACCEPT A SETTLEMENT OFFERED FOR YOUR INJURIES?

Construction accidents can cause permanent and sometimes even deadly injuries. Like other types of personal injury accidents and worker's compensation accidents, you could be offered a settlement by the insurance company or your employer. If you were a visitor to the site, you could be offered a settlement by the insurance company or the contractor(s) on site at the time your injury occurred. Should you accept it?

It's tempting to accept a settlement offer. After all, you have expenses that you need to pay. You just want to get your life back to as close to normal as you can. Unfortunately, victims of these horrific accidents aren't always treated fairly. It's likely that you may not be offered what you need to pay for your current medical expenses related to your injuries, time off work, future medical care for your injury, and any temporary or permanent disability you may have experienced. In

the most devastating of circumstances, families may not be offered enough to cover all of the expenses plus burial or funeral expenses, loss of income, and loss of companionship.

Before you agree to accept a settlement, you should have our team of San Antonio construction accident lawyers review the offer to ensure that it is in your best interest. If it isn't, we can help you fight to get the money that you deserve for your injuries and suffering.

WHO IS RESPONSIBLE FOR YOUR INJURIES?

Construction site accidents often are complicated. Determining the party or parties who are responsible for your injuries can depend on many factors. Were you a visitor? Were you a worker? If you were a worker, were you a subcontractor? Were you an employee? Do you qualify for worker's compensation? Is it a matter of a defective product? Was the accident caused by another worker on the site? Were you provided with the proper safety equipment?

There are a lot of avenues that must be considered. While we are talking about a personal injury that relies on the concept of negligence, determining who is negligent can be complicated. There can even be more than one defendant.

Our San Antonio construction accident lawyers can help determine if you have an active claim and who may be responsible for your injuries as well as whether the proportionate responsibility law would also apply in your specific case.

LEARN ABOUT YOUR OPTIONS

If you're hurt on a construction site, call the San Antonio construction accident lawyers at Rush & Gransee as soon as you can. If someone your love one died as a result of a construction accident, call us. We want to try to help you put your life back together.

We handle personal injury claims against negligent contractors and property owners failing to provide a safe environment as well as claims against negligent manufacturers for injuries caused by defective or dangerous tools and equipment. Our attorneys are sympathetic to the very serious consequences that can be caused by construction site accidents, including permanent injuries, paralysis, even wrongful death. If you or someone you love has suffered as a result of dangerous conditions on a construction site or defective equipment, please contact us as soon as possible to preserve necessary evidence for your claim.

Contact Rush & Gransee, L.C., today for an initial consultation or case evaluation with an experienced San Antonio, Texas, lawyer. We are dedicated to protecting the rights of persons injured from construction site failures. Call now if you have suffered a scaffolding fall, ladder fall, or serious injury on a construction site.

FREQUENTLY ASKED QUESTIONS | TEXAS CONSTRUCTION ACCIDENT GUIDE

What Should I Do After Being Injured?

Here in Texas, we have a lot of construction sites and a lot of construction site accidents. The first thing you need to do is report to somebody what happened and get yourself medical attention immediately. There are many aspects to a construction site accident case. It might involve your employer, it might involve other people, or you might be an innocent bystander walking by a construction site who gets injured. The first thing you need on your side is an experienced team who knows how to investigate all avenues.

Should I Notify Management of Injury?

If you've been injured in a construction site accident, the first thing you need to do is tell your boss. Call your supervisor, tell them what happened, tell them



you're hurting and let them get you medical attention. Most companies have Workers' Compensation insurance and if you don't report, it can prejudice your rights and you might not get the compensation you deserve.

Do I Need a Construction Accident Lawyer?

Here in Texas, construction site accidents can be complicated. You need an experienced lawyer who understands both your Workers' Compensation rights, and your third-party rights against people that may have caused you injury. If your employer doesn't have Workers' Compensation insurance, you need to know that you have non-subscriber or individual rights against your employer. The only way to navigate those waters is to do so with someone who is experienced who understands the law and who's been doing this for a long time.

What Should I Know About Insurance Companies?

If you've been injured at a construction site, one of the things that may happen is the company may hire a lawyer to come talk with you or an insurance adjuster may want to come talk with you. If it's somebody from the Workers' Compensation insurance, you should have somebody on your side. Those insurance professionals are not your friend. They're trying to help the employer that's paying the premium. The company's lawyer is not your friend. They're there to protect the company. You should be cooperative, but you should be cooperative with somebody right by your side, taking care of you and your interests, not theirs.

How Do I Hire the Best Attorney?

What you need to do is research. You need to look at a firm. You need to see if they have a track record. Have they been around for six, or have they been around 30 years? You need to look at the experience of the individual lawyer that's going to handle your case. You need to know that they have handled complex cases. Do they understand how to handle cases when there are multiple responsible parties? An experienced lawyer is the difference between full compensation and less than full compensation. Give us a chance; come talk with us.

What Injuries Are Covered?

If you've suffered an on-the-job injury in Texas at a construction site, it doesn't matter what the injury is; it's covered. Every injury is treated differently, and the extent of each injury is treated differently. It doesn't matter what happened to you; you have an avenue for relief.

How Much Will My Case be Worth?

Anybody that tells you the value of your case on the first phone call, or within the first month, you ought to be running away from. Nobody knows the value of your case until you know the full extent of your injuries. Nobody can tell you the value of your case until you know you are going to miss a week's worth of work or you are going to be out of work for six months because you have to have surgery.

All of those things factor into what you deserve as full compensation, so the value of your case is full and fair compensation for every area of damage. You can only figure that out when you have an experienced team behind you who knows what to look for.

Should I Take an Early Construction Accident Settlement Offer?

When you are injured at construction sites, one of the things that happens very frequently is an insurance company will come in, make a quick offer, and put a release in front of you. People ask all the time, "I was injured here in Texas at the construction site and they've made me an offer. What should I do?" The first thing you should do is think; Why are they making a quick offer? Why do they want you to sign a piece of paper that says once you've cashed this check, your case is over? Nobody knows the extent of your injuries at that point. Nobody knows how long you're going to be out of work. Nobody knows the impact your family's going to have.

Can My Lost Wages Be Reimbursed?

If you've been injured in a construction site here in Texas, one of the biggest worries you probably have is how you are going to pay your bills and provide

for your family. If you can't work, you can't get paid. The first thing you need to know is if there's Workers' Compensation insurance available. One of the things that Workers' Comp provides for you is reimbursement of your lost wages. It's not full, but it's something so that you can at least pay your bills and take care of things while your claim is being handled. If your employer doesn't have Worker's Comp insurance, then you're entitled through the general system, the way everybody else would, to full compensation for every penny you're missing.

How Long is This Case Going to Take?

There's no easy answer for that. Construction site injuries can be very devastating and the case can be very complicated. It might take a little longer than normal. There's no way to say it's going to take a week, a month, six months, or a year. What we can tell you is we don't let the other side put unnecessary delay in front of us. We move quickly, and we try and get you to the endpoint the best and fastest way we can.

What Are the Statute of Limitations?

If you're employer has Workers' Compensation insurance, there are certain things that need to be done right away. Typically, within seven days, it needs to be reported. We tell people to report right away; don't wait at all. If you don't report the claim within seven days, your employer can dispute it and there are certain administrative guidelines that might affect your ability to receive full compensation.

If you're employer doesn't have Workers' Compensation insurance, then you might have what's called a non-subscriber claim. In other words, you can sue your employer directly if you get hurt on the job. Like most lawsuits, you have up to two years to bring those cases, but you need to report it early and you need an experienced team to investigate all of the facts and circumstances so that you can figure out where you can get your relief.

How Does Workers' Compensation Help Me?

If you're injured on the job and your employer carries Workers' Compensation insurance, that's your only avenue of relief. Texas protects employers in that instance. You can't sue them for their negligence; you can only recover Workers'

Compensation benefits, which includes getting your medical expenses taken care of, getting a portion of your wages taken care of, and when a determination is made about the extent of your injury there are various forms of relief, either getting payments for a period of time or lump sum payments. If you've been injured on the job and there's Workers' Compensation available, you need to act quickly.



Am I Entitled to More Than Workers' Compensation?

In a construction worksite injury case, if your employer has Workers' Compensation, you're absolutely entitled to go after it. If your employer doesn't have Workers' Compensation, you can sue your employer for their negligence. But that's not the only way to go. Construction sites are complicated areas. They've got third-parties all over the place.

Someone might have built a scaffold wrong. Someone might have provided a piece of equipment that wasn't maintained and failed, and caused you harm. There are many avenues of relief. There are many ways to go after all of the rightful compensation when you've been injured in a construction site here in Texas.

Can I Get Third-Party Construction Accident Claims?

We get a lot of calls from people after a construction site accident and they say, it wasn't my employer's fault. You can and should hold the person responsible. If there is another company on the job site, if there was a piece of equipment that was bought from some other entity on the job site, if you were harmed because some third-party caused the injury, it's not just your employer; it's not their fault necessarily. You need to find who the right person is, who all of the responsible parties are, and then you can receive your compensation fully.

What Benefits Am I Entitled To?

If you've been injured in a construction site accident in Texas, there are lots of avenues you can take for compensation. Workers' Compensation is one. That can provide immediate relief and get you medical attention and pay for some of your lost wages while you're hurt and unable to work. In a construction site accident, there are many other people that need to be looked at. Sometimes there are other companies involved. Sometimes a piece of equipment malfunctions. Sometimes it's simply defective. If you need help after a construction site accident, you need an experienced team that can look at all avenues to make sure that your compensation will be full and fair.

What Can I Recover For?

After a construction site injury, a lot of people wonder what they're allowed to recover. Certainly, your medical bills and lost wages will be recovered. That differs based on whether there's Workers' Compensation insurance or not. Sometimes there are limits to what you can recover. Sometimes you can recover fully for everything that's happened to you.

If there's a third-party at fault, you are absolutely entitled to full recovery. That includes your medical bills, things in the future that are going to cost you for medical bills, lost wages, and wage-earning capacity. What that means is, if because of this accident you can't do your job anymore, you're entitled to compensation for that. Maybe you can only do a job where you're going to make less money. You're entitled to the difference. Maybe you're injured so badly that you're not going to be able to work any further. You are losing wages for the rest of your life that you would've earned to support your family; you're entitled to that.

STRONG LEGAL REPRESENTATION FOR INJURED CONSTRUCTION WORKERS

If you have been hurt in a construction accident? Our San Antonio construction accident lawyers are here to help guide you through this difficult legal situation and get you the compensation that you deserve. Give our office a call today to learn how we can help you.



ABOUT THE AUTHOR

Robert Rush founded Rush & Gransee, L.C. in 1994. Mr. Rush started his legal career at a large, San Antonio based insurance defense firm. He was involved in representing doctors, product manufacturers, insurance companies and drivers of automobiles in cases involving catastrophic injuries.

Robert's current practice is primarily devoted to individuals who have been harmed by negligent drivers, doctors, and corporations. Robert and the firm have rightfully gained a reputation of fighting aggressively to obtain every available dollar to compensate the harms suffered by our clients. Unlike other firms that try to settle cases quickly for less money Rush & Gransee, L.C. has the reputation of pushing cases so that our client's recovery is maximized.

Robert L. Rush has been voted by his peers as one of San Antonio's Best Lawyers, every year from 2005-present in the annual legal poll published in the monthly magazine "Scene in SA". Mr. Rush is identified as one of San Antonio's best lawyers in Personal Inquiry and Malpractice Law.

Additionally, Mr. Rush has been recognized as a Texas SuperLawyer every year from 2010-present. He is also honored to be rated AV-Preeminent – Peer Rated for the Highest Level of Professional Excellence, as listed in Martindale-Hubble. Mr. Rush has been awarded the distinction of being listed in Best Lawyers, and

Best Law Firms – US News & World Report in 2016 and again in 2017. Mr. Rush is privileged to be a member of the American Board of Trial Advocates, and is Board Certified by the National Board of Trial Advocacy.

Our firm has represented clients and fought cases against wrongdoers involving medical malpractice, medical products liability, insurance disputes, brain injuries, automobile and 18-wheeler trucking wrecks. Mr. Rush has handled State and Federal cases across Texas and in Federal District Courts in several other States. Mr. Rush has developed a broad reaching network with other top attorneys across the United States and can assist clients no matter their locale.

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