

TEXAS PERSONAL INJURY GUIDE

*Steps to Take After a
Serious Accident*

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Getting hurt can turn your entire world upside down. Car accidents, truck accidents, motorcycle accidents, and slip and falls can cause you to rack up tons of unexpected medical expenses. You could miss time from work. You could be temporary or permanently disabled. Maybe you can work in the future, but you can't go back

to the occupation you had before the accident. Some families lose their father, husband, mother, wife, or parent due to one of these accidents. Their unexpected death can result in less or no income for the family, unexpected medical and final expenses, and the loss of a relationship.

Regardless of whether the accident caused serious injuries or death, accident victims should not be responsible for their time off work or medical bills. Our team of San Antonio personal injury lawyers helps victims and their families protect and assert their legal rights and make sure that the insurance company treats them fairly.

PERSONAL INJURY IN SOUTH TEXAS

“Personal injury” is a catch-all term. It encompasses injuries caused to someone's body or even their property. A car accident is one of the most common personal injury claims in south Texas. All personal injury accidents, regardless of their type, have certain things that must be proven. That's because determining whether you're entitled to financial compensation from the accident is based on a legal concept known as negligence. This means that:

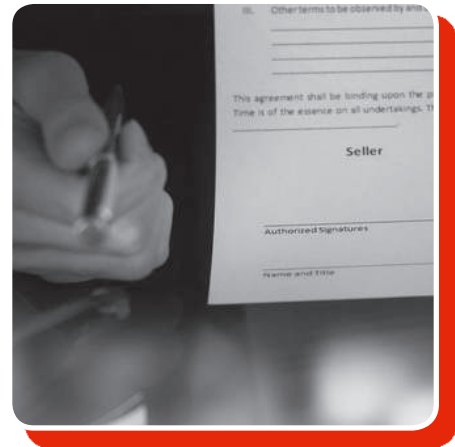
1. One person has a legal duty to another person to do something or to not do something. For example, drivers have a legal duty to have a valid driver's license, follow the laws of the road, and to not drive when they are under the influence of drugs or alcohol. Of course, there are other legal duties that drivers have.

2. Someone breaches their legal duty. Speeding, running a stop light or stop sign, distracted driving, and driving while under the influence are all examples of breaching a legal duty.
3. That breach of duty causes an actual issue for another person. If someone runs a red light or stop sign and they don't get in a car accident, they're still breaking the law and breaching their legal duty. However, they haven't caused an accident that affected another person. So, if someone ran a red light or stop sign and hit another vehicle or person, the driver caused an issue.
4. There must be actual property damage or physical or mental injury that resulted from the accident. This could be damage to another vehicle, a fence, a mailbox, or other piece of physical property. It can also include physical injuries and even mental injuries that came about because of the accident.

DO NOT TRUST THE INSURANCE COMPANY

It's normal to think that you can trust the insurance company to pay your medical expenses, replace or repair the damage to your personal property, and to help you get as close to the position you were in before the accident happened. After all, that's supposed to be why we have insurance.

Yet, insurance companies won't necessarily treat you fairly. They may try to delay paying you, not pay you what your claim is actually worth, or even just cover the actual costs for medical expenses and property damage. As for-profit businesses, they want to make as much money as they can. One way they do that is by trying to pay out as little as possible.



In fact, the claims adjuster assigned to your claim may not have any specialized experience for their job. They likely don't have any medical experience or a background in law. They're given a certain set of rules to follow and an amount that they're allowed to offer. Their job is to try and get you to settle for as little as possible. Even serious claims are often mishandled or denied for payment.

Our San Antonio personal injury lawyers can help you by dealing with the insurance company on your behalf. You'll still have the power to accept or reject any offer made. A lawyer will tell you what will happen if you accept the settlement and sign the agreement. They will also tell you whether they believe that you're being treated as you should or if you should be paid more.

Don't ever sign a settlement agreement from an insurance company without first having an attorney review it. If you sign it, you could lose your right to future medical help for your injuries. You will not be able to sue the defendant or the insurance company, either. All you will get is whatever the agreement states. And that may not be fair to you or even pay for all of the expenses you have that resulted from the accident.

At Rush & Gransee, L.C., we have a different definition of "successful" representation. Rather than handling a large volume of cases, we tend to take on serious accidents or complex cases in which our legal experience and resources truly matter. Our clients know we will do everything that can be done to maximize their recovery. They know they can always talk with the lawyer handling their case. They know we are looking out for their best interests, not what is quick and easy for us.

If you were injured by another person's negligence or the conduct of a company or its employees, call us at 210-223-9200 for a free consultation.

Our legal team has obtained noteworthy results in a wide range of personal injury cases, including:

- » Premises liability, from slip-and-fall hazards to vicious dogs
- » Defective products, including dangerous drugs and medical devices
- » Car, truck and motorcycle accidents

- » Construction site accidents such as falls from heights
- » Oil field accidents, including pipeline explosions
- » Nursing home neglect and abuse
- » Sexual abuse or exploitation by those in positions of trust

We excel in cases involving serious or catastrophic injury such as severe burns or electric shock injury, cervical and spinal cord injuries, amputations, crush injuries and traumatic brain injury. Because we develop relationships with clients and their family members, we are able to portray the physical, financial and emotional hardships in concrete and compelling terms to a jury or insurance company.



FREQUENTLY ASKED PERSONAL INJURY QUESTIONS

What Should I Do After I'm Seriously Injured?

If you've been seriously injured in Texas, go to the emergency room, call EMS, or call your doctor. Take care of yourself first because you don't know the extent of your injuries unless you're a doctor. The fact is, you might think you're okay but tomorrow you're going to wake up and all of a sudden have pains that you never had before. You now have things you're worried about that you never had to worry about before. The only way to take care of that is to get yourself looked at by somebody who knows what they're doing.

The only way to make sure that you get full compensation for what happened to you is to hire a law firm that knows what they're doing. We will worry about all the legal hurdles; we'll jump over them for you. We'll take care of you.

Do I Need a Lawyer?

The honest truth is not always, but you need to know when that is the case. If you've been seriously injured, have medical bills piling up, are missing time from work, you're probably going to need a lawyer. You need to worry about things like how am I going to pay my bills? What am I going to do if I can't go to work for another two weeks? How am I going to get my car fixed?

Let's be upfront about this: if you're not hurt, and the insurance company says they'll fix your property damage, you probably don't need a lawyer. Our firm is here. Our experience will be put to work for you when you know you need a lawyer.

Do I Have to Talk with the Insurance Companies?

If an insurance company calls you after you're injured, especially if it's the other person's insurance, be very careful what you say. The fact of the matter is, they can only record you if they ask you, but be very careful. I always tell people not to give them a statement. You need somebody there sitting with you who can hear the questions, make sure they're appropriate questions and make sure that the information they want to get from you is information they're allowed to have.

Insurance companies hire adjusters that are trained to ask questions to which there's no good answer. They record it and type it up, and they use it against you. Don't get caught in that trap. Before you talk to the other person's insurance company, make sure you have someone experienced by your side.

If your insurance company wants to talk to you, you need to cooperate with them. They're the ones that are trying to help you get your property fixed and take care of those basic things. If the other person's insurance calls you, I wouldn't talk to them; not unless you have a San Antonio lawyer ready to go.

How Much is My Case Worth?

There's no easy answer for that. What you are entitled to is every penny that that careless act has caused you.

You've got medical bills. You got time missed from work. You can count those bills and add them up. It impacts what you can and can't do with your family. It impacts how you can and can't interact with people. Sometimes these injuries make it so that you can never work again. You need to calculate how much you're going to be missing out on for the rest of your work life. It's impacting every aspect, and the only way to know what the true value of your compensation is, is to have a team behind you that looks at every aspect of your life, everything that's been changed, and every dollar that you deserve.

Should I Take the First Settlement Offer?

Here in Texas, one of the things that frequently happens is the insurance company will call. They will try to make a quick offer to you. Why are they doing that? Because they want you to sign on the dotted line and have your claim ended. They're not looking to give you full compensation. They're not looking to protect you. All they're doing is looking to protect themselves. If you accept a first offer and you cash that check, your case is over and there's nothing an attorney can do for you.



How Long Will My Case Take?

They don't take longer than they need to. When you look for an attorney to represent you, you need the experience of someone who knows how to push the claim, who knows how to not let them delay, because it's your life that's in the balance. You're the one with the bills. You're the one with an uncertain future, so we move these cases along for you.

How Long Do I Have to File a Claim?

If you've been injured, you need to take quick action. There are Texas laws that protect cities and that protect governments. Some of them say if you don't put a notice in 90 days, your case is over; some are 180 days. If it is not involving a municipality, you're going to have two years to bring your claim or it will be rejected by the insurance company.

What Type of Compensation Can I Get?

You need an experienced attorney who understands all the injuries and damages you're entitled to recover for. You've got medical bills piling up. You're probably missing time from work. All of those things are immediate concerns. But you've also got concerns about how much longer you are going to need medical care. How much rehabilitation are you going to need in the future? Is this going to affect your family? An experienced attorney can help you recover every element of damage and help you receive full and fair compensation.

Can My Lost Wages Be Reimbursed?

If you've been injured 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. If you're hurt on the job, 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. If your injuries did not happen at work, you can file a claim against the negligent party's insurance to reimburse you for your lost wages.

How Long Will My Case Take?

The most common question we get is about the length of time that it takes to conclude a case. That doesn't matter where you're at in Texas; the law is the same. It takes a while. It's not a quick fix. You can't make good decisions if you're making them with insufficient information. Your case is going to take long enough to know what the full extent of your injury is. How long are you going to need medical care? How is this going to affect you tomorrow? How is this going to affect you six months from now? Once your doctors can tell you that, and you have an understanding of how this is going to impact your life, then an experienced lawyer can tell you what a reasonable value of your case is.

CALL OUR OFFICE FOR A FREE CONSULTATION

If you have any questions about your personal injury claim, or you need to seek strong legal representation, please call our office today. If you are looking for a San Antonio personal injury lawyer, please set up a free consultation with our attorneys today.



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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