



TEXAS

MOTORCYCLE

ACCIDENT

GUIDE

*What To Do If You're Seriously
Injured In A Motorcycle
Accident*

Chavez Law Firm
EL PASO'S PERSONAL INJURY LAW FIRM



If you have been involved in a motorcycle accident, the injuries you have sustained have likely negatively affected your life. You deserve to be fully compensated for your injuries and damages. Our El Paso motorcycle accident lawyer can stand up to the liable party's insurance company to get you the compensation that you deserve. After you read about your motorcycle accident case, please call our office to set up your free, initial consultation.

How Compensation Works for a Motorcycle Accident in El Paso

You can be compensated for a number of things. They include:

- Past and future lost wages
- Past and future medical bills
- Pain and suffering

If you have had fairly significant injuries that required a lot of treatment and from which you may never fully recover, your case will be valued higher. Your compensation award is essentially based on how much this accident has affected your life. How you carry on with your daily life and what you are able to do has a big impact on how much compensation you can get.

When determining how much compensation you are getting, there may be insurance negotiations about your role in causing the accident. If you are found to be at fault for the accident, it will affect how much compensation you get.

Texas follows the rules of modified comparative negligence, which means that you can be compensation for your damages even if you have been deemed partially responsible for causing the accident.

Modified Comparative Negligence:

- Injured parties with 0% fault collect a full compensation award
- Injured parties with 1% - 50% fault collect a reduced compensation award
- Injured parties with more than 50% fault cannot collect a compensation award

If you fall in the range of 1% - 50% fault, your award will be reduced to reflect your role in causing the accident. For example, if someone was speeding 5mph over the limit and went through a green light, then got hit

by someone blowing that red light, they still might bear some responsibility. Let's say that they were deemed 10% at fault and their compensation award was for \$100,000. They would be able to collect \$90,000 of that award when their percentage of fault was factored in.

Avoid Making a Case-Ruining Mistake

Shortly after your motorcycle accident, do not be surprised if you receive a lot of phone calls from the liable party's insurance company trying to get ahold of you. They have a job to do, and that involves trying to reduce what they owe you. If they get you to give them a recorded statement, they may be able to reduce your claim.

If you say one wrong thing to them during a recorded statement, they will use that against you either to reduce your compensation or to throw out your case altogether. The way to avoid that happening to you, while also providing the insurance company with information, is to have your lawyer take over communication with them. A lawyer will make sure that the insurance company does not have the opportunity to ruin your case. You will be fully protected if you have your lawyer take those calls and handle that statement for you.

Another mistake you can make in a motorcycle accident case is waiting too long to get in contact with an El Paso motorcycle accident lawyer. Texas has a two-year statute of limitations, which means you need to have filed your claim within that time limit in order to get compensation. If you are late for that deadline, you cannot receive compensation no matter how injured you are.

Even if you approach an El Paso motorcycle accident lawyer with a couple weeks left before your deadline, they may not be able to help you. The negative consequences of waiting to bring your claim include:

- Your witnesses may have disappeared or forgotten important details
- Your evidence may go missing
- You may not have enough time to build a strong case

The sooner that you get to a lawyer about your case, the better off you will be.

Frequently Asked Motorcycle Accident Questions

How Do I Choose a Motorcycle Accident Attorney?

Clients who have been in motorcycle accidents, incurred hundreds and thousands of dollars in medical expenses, and even been in a coma often contact us for advice on how to proceed with a case. The most important

thing that a person can do when they're in a situation like this is look for and find a lawyer with trial experience and experience in this area of the law.

Our team at the Chavez Law Firm has this type of experience. We know how to guide our clients through the maze of medical treatment that they need after suffering such serious injuries, and we know how sensitive you can feel after a traumatic incident. If you have questions for yourself or for your love ones who have been involved in a serious motorcycle crash due to the negligence of someone else, please give us a call. We are more than happy to answer any questions you have in this regard.

What Are Common Mistakes After a Motorcycle Accident?

Some of the most serious mistakes we see in the aftermath of serious motorcycle crashes are not seeking medical attention immediately. The other mistake that they make is talking to the insurance adjuster for the negligent driver or the negligent company without first talking to an experienced trial lawyer.

Insurance companies are not in the business of paying out claims to injured people; they're in the business of making money for their shareholders and paying out as little as they can. Talking to an insurance adjuster before you find and hire an experienced trial lawyer in this area of the law could be detrimental to your case.

We here at the Chavez Law Firm are experienced trial lawyers, and we have the skill to guide you through the process so that you get what you need and deserve. If you have questions about the process or anything related to either your or your loved one's motorcycle crash, please give us a call. We're more than happy and able to answer your questions.

How Do You Determine Fault in a Motorcycle Accident?

The way an experienced trial lawyer determines fault in a motorcycle crash is by looking at everybody involved. We want to make sure we look at the fault of the other drivers involved in the motorcycle car crash. We need to determine to what degree they are at fault, and we also have to get a complete picture of how the motorcyclist and to what degree the motorcyclist may have been at fault. In this way, we can have a true, complete and full picture of what occurred.

We know, as experienced trial lawyers and as lawyers in this area of the law, what questions to ask, what experts to contact and retain to execute a crash reconstruction. If you have questions about this process, please give us a call. We are ready and willing to answer all your questions that you might have on behalf of yourself or on behalf of your loved ones.



How Do You Determine the Value of a Motorcycle Accident Claim?

One of the questions that I am often asked by my clients who have been injured in serious motorcycle crashes is how to determine the value of a case. One of the factors we look at is the seriousness of the negligent driver's conduct. For example, if the driver was driving drunk, that is obviously a factor we look at. If the driver was not paying attention to where they were driving and crashed into the back of

my client's motorcycle and caused serious injuries, that is another factor that we look at.

We also factor in the medical expenses incurred as a result of the other driver's negligence. The medical expenses are also helpful in determining any physical pain and suffering that my clients have suffered, and also what is the emotional trauma that my client has suffered as a result of the driver's negligence.

These are all factors that the Chavez Law Firm addresses in preparing our evidence for trial. If you have any questions about this part of your serious motorcycle crash case, please give us a call. Here at the Chavez Law Firm, we are experienced in this area of the law and have the experienced trial lawyers you need to answer questions about your case.

What Are the Differences Between Motorcycle Accident Claims and Car Crash Claims?

Motorcycle crash cases are different from car crash cases for a couple of reasons. First and foremost is that the injuries in motorcycle crash cases are normally catastrophic and more often can include brain damage or paralysis. Motorcycle cases often involve a good deal of blaming the motorcyclist, even if he or she was not at fault.

We're very sensitive to these types of issues, and at the Chavez Law Firm we know to ask the right questions. We are happy to answer any questions that you might have in this regard, either for yourself or for your loved ones. Please give us a call.

Should I Be Giving a Recorded Statement After a Motorcycle Accident?

One of the first questions we ask clients is if they have given a statement to the insurance adjuster or the representative for the driver. It is never a good idea to give a recorded statement to the insurance company's adjuster or the driver's representative's adjuster. The reason is that their interest in taking a statement is not to get at the truth; it is to try to get their driver out of the mess that they've put themselves in by being a

negligent driver. We know this at the Chavez Law Firm, and we know how to guide our clients through this process.

If you have, unfortunately, found yourself in this sort of situation, give us a call. We are more than happy to answer any and all questions you have in this regard.

Can There Be Injury Claims for Motorcycle Passengers?

Sometimes we have clients who have been injured because they were a passenger in a crash involving a motorcycle. In those circumstances, it is important to look for the insurance company who is covering not only the other vehicles involved in the crash with the motorcyclist, but you also look at the insurance company for the driver or the rider of the motorcycle.

We at the Chavez Law Firm know to do that, and we can guide you through the process. If you or a loved one who may have been injured as a passenger in a motorcycle crash, please give us a call.

What Do You Do for Motorcycle Accident with Minor Injuries?

Occasionally, we hear from clients who have been involved in motorcycle crashes where they believe that the injuries were minor. The first thing we need to determine is whether or not that's actually the case. Oftentimes, people who have traumatic brain injuries don't know it, and they don't know that they have suffered a traumatic brain injury until sometimes even months later.

If you have any questions about whether or not you have suffered minor injuries in a motorcycle/car crash or if you have any doubt about that, please give the Chavez Law Firm a call. We will be more than happy and willing to answer any question you have in this regard.

What Are the Steps to Take After a Motorcycle Accident?

If you or one of your loved ones have been seriously injured in a motorcycle wreck or crash, one of the first things you need to do is seek medical attention immediately. Second of all, you need to find and hire a lawyer experienced in this area of the law with significant trial experience. The reason being is that this area of the law is unlike other car crash cases. For example, a motorcyclist is often severely injured and can have quadriplegia, paraplegia. They can be paralyzed; they can have brain injuries; they can have loss of their arms, legs, feet or hands.

We are sensitive to these types of injuries. We here at the Chavez Law Firm have the experience you need, and we are very willing and very able to answer any question you have in this regard. Please give us a call.

What is the Timeline for a Motorcycle Accident Injury Case?

Oftentimes, when clients have been seriously injured in motorcycle crashes, they ask how long it will take to resolve their case. First, it depends on how long and how much medical treatment clients are getting as a result of the serious injuries that they've suffered. The longer it takes for them to go through medical treatment, the longer it takes to resolve the case. Only once we have a clear picture of what their medical expenses are can we then determine what is full and fair compensation for their injuries.

The second thing that is a big factor is whether or not the insurance company for the negligent driver or the negligent trucking company is negotiating in good faith. The fact of the matter is that every case that goes to trial is because the insurance company or the trucking company or the corporation are not negotiating in good faith and are not willing to provide full and fair compensation for clients.

We at the Chavez Law Firm know that these are the two biggest factors, and we are prepared to deal with it. Our experience has been that when we prepare fully for a trial, our clients get the most compensation. If you have questions about your case in this regard, please give us a call. We are more than happy to answer your questions.

Call Our El Paso Motorcycle Accident Lawyer Today

If you have been seriously injured in a motorcycle accident, please do not hesitate to reach out to Chavez Law Firm. Our El Paso motorcycle accident lawyer is here to help you get the best results possible. You deserve to get compensation to cover your injuries and damages. Please call today and we will set up your free, initial consultation.

About the Authors

At Chavez Law Firm, community safety is our passion. Each El Paso lawyer with the firm works to uphold the laws and community safety rules that have been put in place for everyone's protection. Individuals who break the law or act against safety regulations should not get away with causing physical or emotional harm to others. Our lawyers readily take on cases of all kinds, build them up, and present strong arguments in order to maximize each client's compensation.

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