

CALIFORNIA PERSONAL INJURY GUIDE

*Steps to Take After a
Serious Accident in Ventura*

CRAIG MURPHY



Few events in life are as devastating and unexpected as a sudden accident resulting in personal injuries. If victims are fortunate enough to survive the accident, they are frequently left critically injured with monstrous medical bills and crippling disabilities that render them unable to work, pay their bills, or support their family.

A serious accident can leave an otherwise economically secure person broke.

To attempt to recoup their losses and damages, the injured party is suddenly thrust into a confusing and imposing legal system where they find themselves pitted against greedy and disingenuous insurance companies hellbent on denying them the due compensation that their injuries and families deserve. The injury litigation arena is a hostile place that will chew-up and spit out an unrepresented injured party before they even hit the courthouse steps. Both the settlement and trial process are replete with hoops, traps, obstacles, and technicalities that the insurance companies exploit with the intent of denying the injured party's claim.

If you find yourself in this position, you need to immediately retain an experienced Ventura personal injury attorney to level the playing field and fight for you. Craig Murphy is a dedicated accident attorney who has been protecting the rights and interests of personal injury victims in the Ventura, California area for over two decades. Our firm name is synonymous with excellence and we have consistently obtained tremendous settlements and outstanding jury awards for clients with our cutting-edge, proprietary legal tactics and methodologies that keep the big insurance companies constantly on their heels. We turn the tables and put the power back in your hands. At our office, you are not just another case-file. The post-accident wellbeing of you and your family always comes first. When you meet with us, you will find empathetic and determined attorneys who devote our practice to getting you the maximum compensation that you deserve for your injuries and losses.

Some of the most common types of cases we handle include automobile, truck, motorcycle, and bus accidents. We handle premises liability cases too. Premises liability actions occur when a person is injured on the property of another due to

hazardous conditions that the property owner knew or reasonably should have known presented a danger to its guests. A common premises liability action may occur when someone slips and falls on a slick surface at a store or restaurant. We also protect the rights of people injured as a result of medical error or malpractice in actions against nursing homes, hospitals, doctors, nurses, and other medical staff members. We have a stellar track record of getting high dollar settlements in this arena too. We also handle injuries resulting from dog bites, product liability, assaults, chemical and toxic exposure, mold exposure, asbestos, workplace accidents, construction site accidents, and virtually any other type of injuries that arises through the negligent conduct of another.

Below you will find a general overview of pertinent California laws that may have an impact or bearing upon your personal injury case:

CALIFORNIA'S STATUTE OF LIMITATIONS

A statute of limitations is simply a time deadline that a person has after their accident within which they must file their case in court. Different states have different filing periods. Should a person attempt to pursue their personal injury claim after the time period has expired, their case will be time-barred, meaning they are forever prevented from receiving compensation for their injuries. In most accident cases in California, a personal injury victim has a two-year statute of limitations in which to file their case. However, if the at-fault party is the state of California, a town, city, municipality, or governmental entity, the statute of limitations is generally only 6 months.

Although these time periods may sound fairly long to the uninitiated, they are actually very short time periods in the legal world. In many instances an injured party may take up to a year or more just to complete medical treatment for their injuries. It is of utmost importance for an injured party to retain an experienced Ventura personal injury attorney as soon as possible, so as to protect their rights and assure that they do not let the statute of limitations run out on their case.

CALIFORNIA'S PURE COMPARATIVE FAULT LAW

In many accident cases, the at-fault party attempts to defend their negligent conduct by pointing the finger back at the injured party, alleging that the injured party too is partially responsible for the accident. This is known as a shared fault issue. Different states address shared fault issues in various ways. California is known as a “pure comparative fault state,” which means that even if the injured party is deemed to be partially at fault for the accident, they can still recover compensation for their injuries and losses. However, the amount of compensation that the injured party may recover is reduced by their percentage of fault. For example, if a jury awarded an injury victim \$100,000 in compensation, but determined that he was 30% responsible for the accident, the injured party’s recovery would be limited to \$70,000, as the total award would be reduced by \$30,000 to account for his 30% share of the fault. While this issue is commonly raised at trial, it is also routinely broached by the insurance company during the course of settlement negotiations in attempt to limit the amount of settlement proceeds they ultimately pay out on the claim. An injured party should contact an experienced Ventura personal injury lawyer to determine how California’s pure comparative fault law could impact their settlement negotiations or jury award.



CALIFORNIA'S CAPS/LIMITS ON PERSONAL INJURY AWARDS

California has no caps or limits on the amount of economic damages an injured party may recover, but does limit the amount of non-economic damages that an uninsured driver or victim of a medical malpractice case may recover for their injuries.

Specifically, State law prohibits uninsured drivers from collecting non-economic damages for their injuries, even in cases where the other driver is completely at fault for the accident. However, in cases where the at-fault driver is convicted of driving under the influence after the accident, the uninsured driver may then recover non-economic damages. California's Medical Injury Compensation Reform Act limits the amount of non-economic damage in a medical malpractice action that an injured party may recover to \$250,000.

A knowledgeable and experienced Ventura injury attorney can assist you in itemizing all of your losses and damages to be sure that your case settles for the maximum possible value that you deserve for your injuries and harms.



FREQUENTLY ASKED PERSONAL INJURY QUESTIONS

What Do I Do After a Car Accident?

If you or a loved one, or a family member, has been seriously injured, you need to know what steps you should take to protect yourself and to protect your family. Unfortunately, when people are thrown into a situation like this, they're often overwhelmed and confused by all of the stuff that you have to deal with. You've got all of your everyday obligations and all of a sudden, thrown on top of that, you're hospitalized. You may have surgeries, doctor's appointments, and bills piling up, and everything else. You're overwhelmed. What should you do?

The first thing and the primary concern that you should have is to make sure that you are doing what your doctors order and what you need to do medically to get as better as you can, as quickly as you can. Follow your doctor's orders, take all the medications, go to all your appointments. Do what is necessary so that you can get back to normal.

In addition to that, what you need to do if you've had surgeries, or there's hospitalizations, or you have to have prosthetics or casts, or anything like that is take pictures; document things, because this is all going to be evidence of everything that you've had to go through as a result of someone being negligent. The other thing is, if you have been seriously injured or it's a wrongful death situation, contact a skilled and experienced trial attorney here in Ventura early on.

In these major cases, typically the insurance companies will put these into litigation because first of all, they want to make sure that they have a full investigation of what happened, and they don't want to pay out large sums of money until they know that that is appropriate. That means that you will need a trial lawyer to come in and file the lawsuit, and do everything that's necessary to legally and properly build your case. Even more fundamental than that is, you need a lawyer who deals with insurance companies every day and can take that off of your plate because your primary concern has to be for you to get better and to take care of your family. You can't do that when you've got all of these issues going on and then you have to deal with an insurance adjuster.

Here's what you need to know about the insurance adjuster; they're not looking out for you. Their job is to protect the insurance company. They have years of experience, they have lots of training, and you're not on equal footing with them. You've never been through anything like this before. What you do is even up the playing field. You get a skilled attorney who will take that off of your plate, so that you can concentrate on getting better.

Who Pays my Medical Bills?

If you have medical bills piling up after you've been seriously injured, you may be wondering, "Who's going to pay all of this money that I'm having to pay out of my pocket for co-pays and medical supplies, and things like that?" Those are very serious concerns that many people have. Ultimately, the insurance company for the person that caused your injuries, here in Ventura County, is going to be responsible to pay those, but they don't pay you back as soon as you incur those expenses. If you go to the doctor and have to pay a co-pay, you can't just send that bill to that insurance company and get paid back. They will not pay you any money until you're ready to settle your whole entire claim.

If the insurance company paid you as you went along, you would not be stressed or strapped financially. The insurance company for the other driver is not on your side. What they want to do is reduce how much they have to pay you. One of the ways that they can get you to settle your case for pennies on the dollar right away is wait until you are hurting financially, and you just need to get whatever you can get from them.

How Do I Choose an Attorney?

If you have been injured and have significant injuries, how do you go about picking the best attorney? Most of the time, most people have never had to deal with an attorney before, and they really don't know what the best way to pick the best attorney for their case would be. These are legitimate questions because the lawyer that you choose is one of the most important decisions that you will make about your case.

The insurance companies keep track of all of the lawyers. They will know who's a trial lawyer and who's not; who has the ability to bring a claim and build a case and who doesn't. If you get an attorney they've never heard of before, that doesn't practice in personal injury on a regular basis, they're going to know that and that is going to affect their valuation of your claim. There are two things you need to do in order to pick the best Ventura attorney for your case.

Number one, ask the attorney, "What is your level of skill and experience in dealing with these kinds of cases? What is your track record?" Make them tell you and show you that they have a proven track record of success. The next important thing that you need to do is make sure that this attorney is going to be responsive to you, and that you can have a close, working, professional relationship on your case. Your case could take a number of months or a number of years to resolve, and if you don't have a close, working relationship with that attorney, or the confidence and trust in that attorney, then there's a problem.

The only way that you can do that is call and interview a number of attorneys. Find out what firms require you to talk to an intake person and that you don't get to talk to the attorney. Find out what attorney will spend the time and give you the information and answer your questions so that you're comfortable and confident going forward. Once you have called a number of firms and talked to

a number of people, you will know who you feel best about. You will know who will have your best interests at heart and who will be your best attorney, as long as they have the skill and experience that is required.

Can I Sue a City or Municipality?

What happens if you have been injured because you, for example, tripped and fell due to a cracked sidewalk or a defective curb or crashed your bike due to poor road conditions? Can you sue the city or the county? It is quite possible, but it is going to take an investigation.

Number one, we have to figure out what the extent of the defect was. Let's suppose that it's very apparent that there is a significant defect in the sidewalk or the curb. That is critically important. The next thing we have to determine is whether the city had any notice, or they should have been on notice of that defect. It really depends on whether someone has pointed it out to them, or whether that defect has existed for such a length of time that, in the exercise of regular and ordinary care, they should have spotted it and they should have come and taken care of it.

Obviously, this is going to take some degree of investigation. It is critical that the evidence surrounding the defect be preserved as close in time to your fall as it can be. You should not delay in contacting an attorney. If you have been injured and you believe that the city or county is responsible, you need to call an attorney right away. Not only do you have to gather the evidence, but the time frame for bringing a claim against a governmental entity, here in California, is very short. There are very specific requirements and you cannot delay, or you could lose your right to be compensated for your injuries and damages.

What Damages Can I Recover?

If you've been seriously injured, you're going to want to know what injuries and damages you are entitled to receive compensation for. You are entitled to any damages that have occurred to your accident. You're going to be entitled to any property damage. In addition to that, you're entitled to compensation for all of your personal injuries. What those personal injuries include are your medical expenses, out-of-pocket expenses, any type of co-pays or prescriptions or anything else that you have had to pay for.

In addition, if you have lost time from work and you have suffered a wage loss, you are entitled to the repayment of all of your lost wages and compensation that you would get from work. If you've had to use up vacation time, you are entitled to get repaid for that vacation time. In addition, you're entitled to pain, suffering, disability, and disfigurement. If your injuries are so significant and so severe that you are going to have pain, disability into the future, or that you're going to require medical care and attention into the future, you're entitled to get compensated for that also.

The only way to make sure that you get compensation for all of the areas and all of the levels of damages that you have suffered, is to hire an attorney who deals with these cases on a regular basis.

How Does Insurance Investigation Work?

If you've been involved in a personal injury claim, it's not going to be long before the insurance company adjuster is calling you on the phone. They're going to want to get a recorded statement from you. Don't give them a recorded statement under any circumstances.



Oftentimes, they are going to be calling you when you're still in the hospital, in pain and under medication. That is no time to be giving a recorded statement to an insurance company whose interests are to protect themselves and pay you as little as possible. In addition, they're going to call you at a time where you're completely unprepared. They're going to try and catch you off base. All you want to do is give them the information so that you can get compensated. You want to be honest, you want to be helpful, but that is not what their interests are. Their interests are to protect their money, not you, and you're not prepared.

Not only that, but the insurance company adjusters and the insurance company lawyers have years of training and experience in dealing with these types of things, and you don't. You are not on an equal playing field with them. You're at a severe disadvantage. Do not, under any circumstances, give them a recorded

statement. Before you talk to the other driver's insurance company, contact me. I will tell you what you need to know to be prepared to give that recorded statement. I will answer all of your questions, and I will tell you how we can help you and what you can do to help yourself with these types of claims.

Will My Case Go to Trial?

People who have been seriously injured here in Ventura County often want to know if their case will go to trial.

If your case involves very severe injuries to multiple parties and there are numerous insurance companies that are involved and numerous lawyers, that means that most likely your case will have to go into litigation. You will have to file a lawsuit. You will have to have a skilled and experienced trial attorney in your corner and working on your case. If you have an attorney who is fully vested in your case, knows you on a personal basis, knows the full extent of your injuries and damages, and how this has affected you and your family, they will properly prepare your case.

When the insurance companies know that your case is fully prepared and that you have a real trial lawyer on your side that is willing, ready and able to take your case to trial, most likely it will settle, but there are a small percentage of these types of claims that do go to trial. The only way that you can make sure that you are fully protected, whether or not it goes to trial, is by hiring a skilled and experienced trial lawyer early on. Someone who knows exactly what they need to do to build your case and get it so that you are in fact ready, willing and able to go to trial when the time comes. When it does, the insurance company will come to the table.

Retaining a Ventura Personal Injury Attorney

When you or a loved one has suffered personal injuries due to the fault of another, you need top-notch legal representation right away.

Craig Murphy is an experienced and diligent Ventura personal injury attorney here to make sure that you get the best possible case outcome you deserve. We will guide you through the process and relentlessly fight for your interests

every step of the way. With so much riding on the outcome of your case, you cannot afford to leave it to chance. Do what thousands of other satisfied injured parties in the Ventura area have done, and let us go to work for you!

Call today for a free consultation so that we can begin work on your case right away. There are no out-of-pocket expenses or costs to you as we work on a contingency fee and only get paid when we win your case. When you have been injured due to the fault of another and the financial wellbeing of you and your family is on the line, you can trust us to help right your wrong.



ABOUT THE AUTHOR

Craig has been licensed to practice law in California since 1990. From the beginning of his legal career in California, Craig has been a trial lawyer. He was in court the first day after being sworn in to practice law in California and has continually litigated court cases since that day.

Craig is a Board Certified Personal Injury Specialist by the State Bar of California and the California Justice Association. Craig has gone to trial and obtained jury verdicts in virtually all types of personal injury cases, including complex spinal cord injuries, car crashes, slip and falls, uninsured/underinsured first party practices, medical malpractice, and property owner liability.

Before devoting his career to exclusively representing injury victims, Craig represented doctors in medical malpractice cases, and major Ventura hotel/casinos in premises liability cases. He represented insureds on behalf of Allstate Insurance Company, Farmers Insurance Company, State Farm Insurance Company, Progressive Insurance Company, Geico Insurance Company, Hertz Rent-A-Car Company, and Avis Rent-A-Car Company. Craig has taken his insider's knowledge and now exclusively represents seriously injured people and their families against the major insurance companies and corporations who are responsible for his clients' injuries.

Craig was born and raised in Lima, Ohio. He earned a Bachelor of Science degree in communication at Ohio University. Craig attended law school at Ohio Northern University where he was awarded Dean's scholarship. During law school, Craig earned a number of American Jurisprudence awards for academic excellence. He earned the student-attorney of the year award during his third year of law school as a practicing student lawyer. Craig was an editor of the law review and graduated with distinction. Due to his academic achievements, Craig was admitted into the honorary Willis Society at Ohio Northern University.

Craig is committed to his family, church, and the legal community. Craig has been a church Elder and volunteers as a Sunday school teacher. He is a member of the prestigious Million Dollar Advocates Forum, an honor bestowed on less than 1% of all attorneys. The American Trial Lawyers Association has named him as one of the top 100 trial lawyers in California. Other lawyers recognize Craig as a leader in the legal community and elected him to serve as one of the Board of Governors of the California Trial Lawyers Association and the California Justice Association. He served as a Judge Pro-Tem for the Eighth Judicial District Court short trial program and as a District Court appointed arbitrator.

Craig's practice is dedicated to the protection of injury victims and their families. He prides himself on the level of personal service that he gives to his clients. Craig is committed to pursuing justice one case at a time. If a full and fair settlement cannot be obtained, Craig has the experience, skill, and conviction of character to take his clients' cases to trial.

