

# NEVADA PERSONAL INJURY GUIDE

*Steps to Take After a  
Serious Accident*

CRAIG MURPHY



If you have been injured in an accident due to the fault of another, you undoubtedly have a myriad of medical, financial, and personal concerns that you are unexpectedly confronted with that demands immediate attention. Determining how you are going to pay your medical bills, which doctor to see, and how you will support your

family while off of work are just a few of the issues you must address. It can be highly stressful, overwhelming, and downright scary!

Figuring out how you will be justly compensated for your injuries and other losses, however, does not have to be one of your concerns. Selecting the right attorney can make all of the difference in the world. At our office, we are fulltime Las Vegas personal injury and accident attorneys with decades of experiencing helping people just like yourself. We have a proven track record of getting high dollar settlements and jury awards for our clients as we help them piece their post-accident lives back together. We are knowledgeable and relentless attorneys who are here for you every step of the way.

We have helped clients who were injured in car accidents, motorcycle accidents, truck accident, and boating accidents. We handle medical malpractice cases, premises liability cases –such as slip and falls, cases involving on the job injuries– along with any other case involving injuries sustained due to the fault of another.

We are trusting attorneys who will address all of your concerns. We are ruthless in our quest to recover compensation for all of your injuries, harms, and losses, so that you are made whole again.

## HOW MUCH TIME DO I HAVE TO FILE A LAWSUIT?

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Nevada has a two-year statute of limitations that generally applies to the filing of all personal injury lawsuits. Their means that you typically have a two-year

period after the date of your accident to file your case in court. If you file your lawsuit after that two-year period the court will dismiss your case.

Although two years may sound like a long time, in the legal world, two years is next to nothing! In many cases it takes our clients well over a year alone just to complete their medical treatment and heal from their injuries. Waiting until the last minute to pursue your case is always a bad idea. Often times, there is a significant amount of investigative work that must be done prior to settling your case or filing a lawsuit, and delay will only work against you as physical evidence and witnesses to the accident have a way of disappearing and vanishing the longer you wait.

It is of the utmost importance that you retain an experienced Las Vegas injury attorney as soon as possible so that nothing is left to chance. Getting an early jump on your case allows our office to guide you through your medical treatment and do all of the necessary and vital early investigation work to put you in the best all-around position to get the most favorable settlement or trial outcome that you deserve.

## BURDEN OF PROOF, COMPARATIVE FAULT, AND DAMAGES

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In order to prevail in a personal injury case, the injured party must prove that the at-fault party breached a duty of care with a negligent act or omission that was the proximate cause of the other party's injuries and losses.

For example, take the case of a motor vehicle accident where the at-fault party crossed the center line and hit another driver causing injury, all because they were texting and driving. It is beyond dispute that all drivers on the road owe other drivers a duty of care to follow the rules of the road in order to protect their safety; thus there clearly exists a duty of care here. The negligent act that



breached the duty of care was the decision to text and drive, as texting and driving is distracting and presents obvious highway safety hazards. But for the at-fault driver's decision to text and drive, they would not have crossed the center line and struck and injured the other driver. Therefore, the at-fault driver's breach of the duty of care not to text and drive can be deemed to be the proximate cause of the other party's injuries.

Not all cases are as cut and dry as the foregoing example and sometimes issues arise when the injured party is partially at fault for causing the accident. In such situations, Nevada's "modified comparative fault" law still permits an injured party to recover their damages, so long as their share of fault was deemed 49% or less. But, the amount that the injured party may recover is then reduced according to their percentage of fault.

For example, let's imagine the injured driver above was speeding when their car was struck by the texting driver and a jury determined that the injured driver was 10% at fault and the texting driver was 90% at fault. Under Nevada's "modified comparative fault" law, the injured driver could still recover compensation for their injuries, but it would be reduced by their percentage at fault. If a jury awarded them \$100,000, it would be reduced by 10%, for their share of the fault and they would thereby be entitled to recover \$90,000.

Meeting the burden of proof is different in every single accident case, as the facts and circumstances of each case vary. Many cases have multiple at-fault parties, which can even further muddy the waters. As experienced Las Vegas injury attorneys, we are skilled at analyzing the unique facts and circumstances of your case to help identify all of the at-fault parties and their respective portions of contributory fault to ensure you receive the maximum compensation you deserve for your injuries.



## WHAT CATEGORIES OF DAMAGES CAN I RECOVER?

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Nevada permits a party to recover both economic damages and noneconomic damages for their injuries. Economic damages refer to categories of damages and losses that are quantifiable by an exact dollar amount. Examples of such include: medical expenses (past and future), loss of past earning capacity, loss of future earning capacity, costs associated with any lost or damaged property, out of pocket expenses and losses, and loss of household services. There is no cap or limitation on the amount of economic damages one can recover so long as they are deemed to be the direct cause of the accident and injuries.

Noneconomic damages, on the other hand, refer to categories of damages that are not easily quantified by an exact dollar amount. Examples of such are: pain and suffering (past and future), mental anguish (past and present), permanent disability or impairment, scarring and disfigurement, and loss of consortium. There are generally no caps or limitations to these categories of damages in Nevada either, unless your injuries stem from medical malpractice. In medical malpractice cases, noneconomic damages are capped at \$350,000.

Calculating and itemizing all of your economic and noneconomic damages can be quite the difficult task. We are well versed in putting together thorough and complete itemizations of all of our client's damages and losses. We often utilize a network of experts such as economists, vocational experts, and life care planners in order to be certain that every one of your losses is accurately accounted for to maximize your recovery.

# FREQUENTLY ASKED QUESTIONS | NEVADA PERSONAL INJURY GUIDE

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## *What Should I Do After an Accident?*



In Nevada, the steps that you need to take after an accident are what I would call multifaceted. The first thing that I tell everybody, no matter what, is you have to take care of yourself. The first thing that you have to do is get the medical treatment that your doctor suggests. Follow all of their instructions, do what you're told, go to all of your appointments and make sure that you get all of the treatment that is required for you to get better and to get back to the way that you were.

The other steps that you need to do following an injury is, make sure that you call the police investigate the crash. If you have injuries, go with the EMTs and go to the hospital. Get checked out because your injuries could be more severe than you even know. The other things that you need to do is make sure that you know the name of witnesses, take photographs of scene. Take lots of pictures. It's kind of strange that we all have phones with cameras on them and we'll take tons of selfies, but when it comes to an accident, we'll get one or two pictures that don't really show anything. Take a ton of pictures and take video. Make sure that you get all of the information. Here is something that is critically important: do not lose your temper. Keep calm and cooperate with the police. Do what you need to do. Get the witnesses' information. If you're hurt so bad that you can't do any of that, the police will do the investigation.

Once you get past your medical care and treatment, you can think about dealing with the insurance company. When it comes to your personal injury claim, here's what you need to tell the insurance adjuster when they call you and want to take a recorded statement. Tell them you're not ready to do a recorded statement. Never give a recorded statement unless you've talked to an attorney. If

they press you for it, tell them that you're going to talk to an attorney and the attorney will get in contact with them.

If they're asking you about the facts of the accident or how you're feeling, they will ask you in a manner which will benefit them and not you. Before you talk to them, talk to an attorney. That's my best advice. If you are going to talk to them, tell them that if you've been injured. If you have injuries, tell them that you're going and getting medical treatment and once your medical treatment is concluded, you will be in further contact with them. They have years of experience and years of training on how to ask questions to get you to say things in a manner that they can twist and use against you.

## *What Are the Statute of Limitations for a Personal Injury?*

Typically, you have up to two years to file a lawsuit. This is a personal injury type of claim, and typically you will have two years from the date that you were hit and injured on your bike to settle your case or to file a lawsuit. If within that two-year period of time you do not settle your claim or file the lawsuit, you will then lose the ability to file a lawsuit or get any type of compensation.

## *How Should I Choose a Personal Injury Attorney?*

If you've been injured, how do you choose the right or best attorney for your case? In Las Vegas and in Nevada, the hotels and casinos are going to fight these cases tooth and nail. Walmart fights them all. Grocery stores fight them all. Why do they do that? Because they can always argue that you were partially at fault. If they can convince a jury that you are more at fault than they were, you get nothing, but in any event, they can argue that some percentage of fault is yours and they can reduce what they have to pay.

They know that if they avoid you and deny, and delay, and aggravate you, a certain percentage of people will just go away. But you were seriously injured. You have a legitimate claim and you need to hire an attorney because that is the only way that you're going to get fully and fairly compensated for your injuries and damages. How do you pick an attorney that you know is the right and the best attorney for your case?

Number one, you need an attorney who handles these kinds of cases on a regular basis. You need an attorney who is a real trial lawyer because the unfortunate truth of the situation is more than likely a lawsuit is going to be required, and your attorney is going to have to go out there and build your case for you, so you need someone with experience. You need someone whose experience is very fact-specific for these kinds of cases.

For many years, I represented hotels, casinos, grocery stores in injury cases. I know what it takes for them to win their cases. The burden of proof is on you, the injured person. These are very hard cases, and the defense knows it. If you don't have an attorney that knows exactly what must be proven in these kinds of cases, regardless of how badly you've been injured, you're not going to win. You have to ask the attorney, what is your experience in dealing with slip and fall cases? Make them give you specifics, and then find out if they're board certified. If you don't have a board certified personal injury specialist and trial lawyer working on your case, then the insurance companies, the casinos, grocery stores, the risk management departments, are going to pay you pennies on a dollar. Get someone who has the skill and experience to deal with these cases, and you have to make sure they have a track record.

## *How Do I Determine the Value of My Claim?*

Ever since the economy crashed back in the early 2000s, and what we went through in Las Vegas when the economy crashed, the insurance companies didn't get more fair with people. They knew people were hurting for money, so they substantially reduced the amount of money that they offered to people to settle their cases because they knew they needed cash and couldn't hang out until they got all of their treatment; they needed money right away. Instead of stepping up to the plate and treating them fairly, the insurance companies drastically reduced what they would pay, and they've never increased it back up.

Now, oftentimes, they will not even offer you the amount of your medical bills. Imagine that. You have been in a crash, and there's no question about liability. You have x amount of dollars in medical bills, and they come back and won't even offer what those medical bills are. How is that fair? What are you going to do? The only thing you can do in a situation like that is call an attorney. Get



some help. We hear about frivolous lawsuits all the time. You never hear about the frivolous actions of the insurance companies, but it happens every day.

## CONTACT OUR OFFICE TODAY

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So much is on the line when you suffer personal injuries as a result of another's negligence. When your physical health and financial well-being are in jeopardy, you need experienced injury attorneys that you can trust.

Set your financial worries aside and let us take the lead. We are caring and experienced full-time injury lawyers dedicated to fighting hard for you and your family. All too often, big insurance carriers take advantage of injured parties, short-changing and denying them the monetary compensation that they are owed. Don't let the insurance carriers take advantage of you. Protect yourself and allow us to ruthlessly fight to get you all of the compensation you deserve! We work on a contingency fee basis so there are absolutely no costs or out of pocket expenses to you. We only get paid when we win. Call today for a free consultation and let us take up your fight!



## ABOUT THE AUTHOR

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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.

