

## After a Boating Tragedy, this is What You Need to Know

**After a boating tragedy: the focus should be on healing, not expenses**

A day on the water that turns tragic can bring anguish to surviving members after the loss of a loved one. There may be medical and funeral expenses that pile up when your focus should be on healing and surrounding yourself with family and friends.

That's why you need a personal injury attorney who will passionately and dutifully represent you. When you retain a board certified civil trial attorney who has your best interest at heart and with a passion for your rights, the only thing you need to focus on is your family in a time of tragedy.

There are certain things you need to know if tragedy should strike while out on a yacht. These things could help mitigate the stress should an accident resulting in serious bodily injury or death occur at the fault of another.

### **Negligence, in general**

If you become injured or a loved one passes away as a result of boating accident, you must be able to prove that the injury or death resulted from the negligence of someone else.

Unfortunately, the fact that you became injured or that a loved one died does not necessarily mean it was the fault of another person.

This is why you need a board certified civil trial attorney to passionately pursue your right to compensation—they can ensure that even though a loved one can't be brought back, that you get the compensation you deserve to settle any final expenses and reduce the stress your family is enduring.

There are people out there who may try to use your tragedy against you during the darkest time in your life, and claim you're not entitled to compensation. They may try to convince you that no one was negligent, but that may not be the case at all.

Does your attorney have the experience needed to take on a boating accident claim?

It's incredibly important to retain legal counsel that has experience in the area of boating accidents as they pertain to personal injury law. This is a very detailed subject and tricky legal issues can and do arise when a boating accident occurs.

Establishing negligence and liability in a boating-related accident is something only the best of the best civil trial attorneys are able to handle with the respect, experience, and attention you deserve.

### **Negligence in boating accident claims, in brief**

To paint a clearer picture of how a negligence claim in regard to a boating accident or death would unfold, let's identify the main areas of boating accident and death:

- The boat is hit by another boat; this could constitute recklessness or negligence, but it depends on the specific details of the individual case
- The boat encounters and hits a wave
- The boat hits a rock or land; the boat may hit a submerged object with little visibility

### **Your boat is hit by another boat, who's to blame?**

When two boats collide, the operators of each of the boats are under normal circumstances are both partly at-fault for the collision. This means the injured passengers on both vessels could have the ability to file a lawsuit against each other. This specific instance could pan out like a car accident case depending on the specific details that occurred at the time of the accident.

### **This is including but not limited to:**

- Was one or both of the operators under the influence of alcohol or drugs?
- Was one or both of the operators distracted at the time of the collision?
- Was one or both of the operators acting recklessly at the time of the collision (i.e.: horseplay, texting, partying with friends instead of focusing on operating the vessel?)

### **Hitting a wave, can anyone be considered negligent?**

A wave collision is a difficult claim to pursue simply because there was no other boat present to hold accountable for the collision. Pursuing a negligence claim in this instance would be dependent upon the circumstances explained above, and whether or not the boat operator was acting in a reckless or negligent manner at the time of the collision.

### **Hitting a wake could put passengers, vessel at risk for accident**

To expand on this, let's look at what's called hitting a "wake" in boating terms and briefly glean what that would mean under these circumstances.

When a boat hits a large wake, the sudden jarring of the boat can knock over or injure passengers. It can even send them overboard and out to sea, resulting in serious injury or death. Liability in regard to a wake accident is not the most simplified area of personal injury law.

State and federal laws governing boating require the boat's captain to maintain correct lookout for anything that may be considered hazardous in and around the water. If they fail to do so, they are putting the boat and its passengers at risk of injury or wrongful death.

### **Boating operator's liability in wake accidents are dependent upon several factors:**

- Visibility at the time of the accident
- The size of the wake itself
- The speed the boat was traveling at the time of the accident
- Boating traffic on the water
- Did the boat operator warn his or her passengers that they were approaching a wake?

- Was the person injured on a motorboat or a sailboat? This is an important distinction that needs to be made

### **Colliding with objects can leave passengers injured and operator at-fault**

On beautiful days in South Florida everyone wants to go out on a boat, enjoy the weather, and have a good time with family and friends. But even in the best weather and the clearest visibility, a vessel is at-risk for hitting a rock or a submerged object that the operator wasn't able to see. In poor weather conditions, there is always the risk of hitting a jetty or colliding with the coastline.

### **Liability when it comes to colliding with a fixed object depends on the individual circumstances**

If the operator has charted the area and is traveling cautiously, but still hits a rock or a jetty, he or she is most likely not going to be deemed negligent for the collision that occurs. However, if he or she is ignoring proper speed and hasn't charted the area or fails to use a GPS, then collides with any number of hazards, they will be held liable for the actions that caused their passengers to become injured or in the worst-case scenario, to have died. Safety equipment: it's the law!

Both state and federal boating safety regulations require even small crafts to have safety equipment aboard. These can include life vests for each passenger aboard, life rafts, navigation lights, whistles, fire extinguishers and flares. In the event of an accident, these items are the difference between life and death, as well as whether the operator was acting in a reasonable manner or negligently.

A boat operator found to have neglected the need for safety equipment on board the vessel at the time of an accident can and will be held responsible for any injuries or death that occurred as a result.

### **What are your rights? How are damages calculated?**

Similar to car accidents in personal injury law, if a boater acted in a reckless manner and caused you injury or a loved one died as a result, you are entitled to damages. Damages are calculated by determining the cost of your expenses: medical bills, lost wages, and in worst-case scenarios, funeral expenses for a loved one who lost their life.

### **Shaked Law Firm: compassion for the client, passion for your rights!**

If you've been injured or a loved one has passed away tragically as a result of someone else's boating negligence—Shaked Law Firm has experience in boating accidents and we will fight for your rights passionately to pursue the compensation you deserve.

Expenses after serious injury or the loss of a loved one can cause extreme stress under already tragic circumstances. If someone else's careless behavior caused you pain and suffering, or a loved one died as a result of their recklessness on the water, you need a board certified civil

trial attorney to navigate the complexities of a boating accident claim and obtain compensation on your behalf.

Shaked Law Firm is the best personal injury law firm in South Florida. Our board certified civil trial attorneys are focused on a client-above-all approach to each and every case and passion in pursuing your right to compensation for your boating-related wrongful death is what makes us better than the rest.

Our experienced board certified civil trial attorneys have obtained large settlements on behalf of our clients whose carefree day on the water ended in accident, serious bodily injury, or death. Contact us today to schedule your complimentary consultation. There's absolutely no obligation. The only thing you should be focusing on is healing, let our board-certified attorneys do the rest. Take the first step and call us: (877) 529-0080

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