

# TRUCK ACCIDENT

M A G A Z I N E



November 2012



## Have You Been In A Truck Crash?

- WHAT TO DO, WHEN AND HOW TO DO IT
- WHERE TO LOOK FOR HELP
- WHY YOU NEED TO ACT PROMPTLY
- REBUILDING YOUR LIFE AFTER A TRUCK CRASH
- FREE INFO FROM TOP PLAINTIFF TRUCKING LAWYERS
- FREE INFO FROM TOP EXPERTS IN TRUCKING

*Free info 24 hours a day - 7 days a week*



# Help... when you need it.

# AFTER THE CRASH - HOW AND WHY YOU MUST IMMEDIATELY START REBUILDING YOUR LIFE



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As the jury returns with their verdict, your mind flashes back to the tragic truck-car collision that brought you and your family to this courtroom today. You recall the scream from your wife that “the truck is not going to stop” and those few seconds before the crash that changed the lives of you and your family forever. Now as you wait for the justice that your day in court promises, you hear the Foreman of the Jury state: “Your Honor, we find for the Defendants.” How could this happen? How did the justice system fail you and your family?

To answer these questions, you have to go back to the moment of impact when the 18-wheeler crashed into your family car.

As you revisit the scene in your mind, your immediate reaction was the obvious one: total attention to the safety and well-being of your family and yourself. Your immediate concern was medical care, potentially in life or death circumstances. Over

the next several hours, days, weeks and months, the focus of your life was medical care, treatment and rehabilitation. You had no time to think of mounting medical bills, lost wages, or the long-term physical, emotional and financial consequences that were imposed on your family by the negligence of this 18-wheeler driver. As you focused on survival and the medical rebuilding of your bodies, there was no opportunity to consider the long term consequences and the steps that need to be taken to rebuild your lives and protect your future.


This is a precise scenario which the trucking industry used to gain a huge advantage in their efforts to avoid responsibility for the devastation visited upon your family by their negligence. To understand why the defendants prevailed in court we should compare your conduct immediately after the collision with the conduct of the 18-wheeler driver.

By training, the first call of the 18-wheeler driver was not to 911 but rather to the company dispatcher, who immediately activated the trucking company’s crash team, deploying them to the accident scene, while the police accident investigation was in progress. The defense crash team is generally comprised of a professional truck wreck investigator, an accident reconstruction specialist, a professional photographer/videographer, and, if needed, an expert in the on board technology in use on this particular truck. A trucking company lawyer and a risk manager from their insurance company are often present at the scene also.

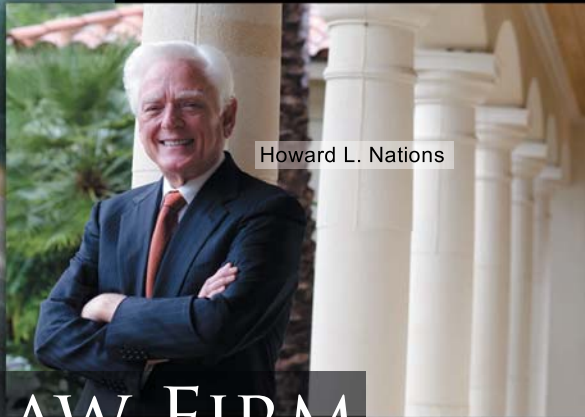
The mission of the defense crash team was to gather evidence that would defeat your claim at trial. Their salaries, raises, bonuses and rehires for future cases depend on their success in conducting an investigation that will avoid any responsibility on the part of the trucking company and their insurance carrier for the damages suffered by families such as yours. They focused on collecting and creating evidence that would exonerate the truck driver and prove that the entire tragedy was your fault or an act of God or any other option that would allow them to escape without paying for the damages which their driver caused.

Access to the crash site immediately after the collision created a huge advantage to the defense crash team in gathering evidence to exonerate their driver and in losing, altering or destroying evidence that indicated his negligence. Evidence such as the contents of the driving compartment, unaltered driver’s logbooks, unbiased statements of witnesses, crucial photographic evidence of skid marks, debris and property damage is often lost to the injured family and rests solely in the custody of the professional evidentiary experts on the defense crash team who work crash sites for a living.

As a result of your understandable preoccupation with the severe consequences of the accident, your family did not hire a lawyer until several weeks after the tragic events. This was influenced by the claims representative of the trucking company who contacted your family directly and led you to believe that they would “take care of everything”



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for the family. This was a shameless tactic on the part of the defendant to keep the injured parties away from a plaintiff's lawyer as long as possible, while their defense team of professionals continued to solidify their defenses in an effort to insure a victory in court.

Generally, the longer they can keep a plaintiff from hiring a lawyer, the stronger the defense case becomes. In this case, delayed access to the evidence put your lawyer so far behind the evidentiary curve that he was never able to catch up, particularly since the defense crash team gave significant information to the investigating police officer at the scene, and obtained written statements, which the crash team drafted, signed by every eyewitness.

This is a scenario that plays out at far too many truck-car crashes each year with the result that the defense escapes liability for the

tragedy which they caused. Another pitfall for your family was hiring an attorney who is unfamiliar with the many specific nuances of prosecuting an 18-wheeler case. It is a highly specialized field with its own rules and regulations and requires highly specialized lawyers, expert witnesses and investigators.

While it is understandably very difficult for injured plaintiffs to turn their attention from crucial medical treatment long enough to hire a trial lawyer who specializes in trucking litigation, it is critical, in order to protect your family's rights, to have your lawyer working on your case against the trucking company at the earliest possible moment. Immediate investigation, discovery and preservation of evidence by the plaintiff's attorney and his expert team is the best way to offset the defense crash team's on-the-scene evidentiary advantage. A qualified Plaintiff's trucking

attorney, upon being hired, will immediately activate their expert team, consisting of an accident reconstruction specialist, investigator, photographer/videographer and on-board technology expert in order to discover, create and preserve evidence that may determine the outcome of a trial in favor of the injured family.

While it is understandable to consider medical issues first, it is essential to remember that while your doctors are rebuilding your bodies, your lawyer needs to be brought into your case immediately in order to help you and your family begin to rebuild your lives. Since the selection of a trial lawyer who is highly skilled in all of the many nuances of trucking litigation is so critically important, please see the separate article in this issue of Truck Accident Magazine on how to choose a truck litigation lawyer.