
10 CRITICAL QUESTIONS

YOU NEED ANSWERED
BEFORE YOU SIGN ANYTHING
AFTER A TRUCK ACCIDENT

Keller & Keller

ACCIDENT AND WRONGFUL DEATH ATTORNEYS

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FIRST STEPS

SO, YOU'VE JUST BEEN IN A SEMI-TRUCK ACCIDENT. You are in pain. Your car is in disrepair. The insurance companies keep calling you. You are overwhelmed, frustrated, and not sure what the next step is. Our hope is that this guidebook can provide you with the answers to most of your questions and concerns. But, first comes first. Right after the accident happens, there are some important steps you need to take immediately.



- **Contact the Authorities** After a crash, your first step should always be to call 911. This is important for two reasons. First, calling 911 will ensure that an ambulance is sent to treat injured parties and transport them to the hospital. Even if there are no serious injuries, it is often helpful to have victims checked out by medics. Secondly, calling 911 and having the police come to the scene ensures that the accident will be appropriately documented. This documentation will become critically important because it will be an unbiased documentation of the accident.



- **Exchange Information** After calling 911, exchange information with the other drivers involved. The following information is important to exchange: name of driver, license plate number, driver's insurance company and policy numbers.



- **Photographs** Finally, if your injuries didn't require you to go to the hospital immediately, it is important to take some photographs. Photographs should be taken of all vehicles involved in the accident as well as of the scene of the accident. If there are any skid marks on the roadway or other property damage to trees, light poles or stationary objects, those objects should be photographed as well. If possible, take photographs before the vehicles are moved from the scene.



- **Contact the Insurance Company** After a car accident, you should contact your insurance company immediately to let them know about the accident. If you have the name of the other party's insurance company, contact them as well. Once the claim is open, the insurance company will likely ask you questions about the accident and about your injuries. Since the full extent of injuries are likely unknown at this early stage, we recommend that clients simply state that they are unsure at this point and will provide that information later.

Once you notify the insurance carriers, you will start receiving calls and letters from them requesting a variety of information. If you are handling the claim on your own, it may be necessary to provide the information. If you plan to hire an attorney, it is best to ask the attorney how to handle communication with the insurance carrier.



STATISTIC #1 "In the latest statistics from the FMCSA, there were approximately 327,000 police reported crashes involving large trucks."

CRITICAL QUESTION 1

Do I Need To Hire An Attorney?

It is always a good idea to consult with an attorney before making a decision on how to proceed in a semi-truck accident case. If you have been in a semi-truck accident, you are already at a disadvantage. Not only are you injured and in pain, but you are probably missing work and have a long recovery ahead. You want to make sure that the negligent truck driver and the trucking company pay you fully and fairly for your medical bills, lost wages, and pain and suffering. The trucking company likely has a team with years of experience handling the many accidents their drivers are involved in, so you should have the same advantage of having an experienced team behind you.

There is not a clear cut answer to when it is appropriate to hire an attorney. Often times, people only consult an attorney after they have tried to negotiate on their own and then find that the insurance company is being unfair, dragging their feet, or treating them poorly. Some people seek an attorney right away because they do not want to deal with the hassle of handling the claim on their own and need to focus their attention on their medical treatment. Most often, it is wise to consult with an attorney as soon as possible.

Here are a few things to consider when contemplating **whether to hire an attorney**

- ✓ Use caution when talking with an insurance claims adjuster
- ✓ Don't sign anything without talking to a lawyer first
- ✓ Don't accept less than what you deserve
- ✓ Early investigation in truck accident cases is critical
- ✓ Know the statute of limitations



“REMEMBER, it is neither the trucking company’s nor its insurance carrier’s job to pay you what your case is worth. Rather, it is their job to pay you the smallest amount possible.”

One of the reasons that Keller & Keller wants to provide injured persons with this informative trucking brochure is because even though every situation may not require legal representation, at Keller & Keller, we believe that everyone should at least have some basic facts at their disposal to help decide whether or not they need professional legal representation.

CRITICAL QUESTION 2

What Makes A Semi-Truck Case Different?

One factor that makes truck accidents different from other accidents is that semi-trucks often carry large insurance policies for hundreds of thousands of dollars, and for that reason, the insurance company will very aggressively defend these cases and do whatever they can to limit their liability.

Furthermore, a truck accident claim can be complicated because of the various federal truck regulations that apply to truck drivers and companies.

But, the clearest difference between a car accident and a semi-truck accident is that the impact can be much, much more severe solely based on the size and weight of a semi-truck (3,700 pounds of car vs. 80,000 pounds of truck). Because of this, it takes a semi a lot longer to stop than it does a car, especially if the truck is carrying a heavy load. This can become even more dangerous when a truck is on the highway and traveling at a high rate of speed.

WHY ARE SEMI-TRUCKS SO DANGEROUS?



AVERAGE WEIGHT:
3,700 LBS



Truck accidents can be caused by driver negligence, truck malfunction, negligent maintenance of the truck or a combination of these issues. Below is a list of problems that can result in serious truck accidents.

1. Jackknife Accidents Jackknifing is a term used to describe what happens when the back end or trailer portion of a truck swings around and creates a fold or an angle between the trailer and the front of a truck resulting in the cab of the truck facing in one direction and the trailer facing in a different direction. When a jackknife incident happens, the swinging of the trailer can easily catch nearby cars into its wake and cause them to be smashed between the cab and trailer. Causes of jackknife incidents can include brake failure, equipment failure and icy roadways.

CRITICAL QUESTION 2

What Makes A Semi-Truck Case Different?

- continued

2. Underride Accidents Trucks are much larger than other vehicles on the roadway. Underride accidents occur when a vehicle is unable to slow down or unable to avoid a truck moving into its path and end up pinned underneath the truck trailer. Underride accidents can also occur in combination with a jackknife accident. Fortunately, underride accidents are not common, but when they do happen, they can be fatal.

3. Unsecured Cargo Accidents A fully loaded semi truck can carry tens of thousands of pounds of cargo. If the cargo is not loaded and secured properly, there are two types of accidents that commonly result. First, if the cargo is unsecured, it can fall into the roadway. This can be very dangerous if the truck is carrying hazardous material. Another common accident caused by improperly loaded cargo is overturning. When a truck is attempting to make a turn, it may be thrown off balance by improperly loaded cargo in its trailer.



STATISTIC In 2012, the U.S. Government Accountability Office released a report stating that in 2010, there were 51,000 incidents on United States roadways that were attributed to unsecured cargo loads. These incidents caused 440 deaths and 10,000 injuries.

4. Truck Driver Negligence Truck drivers spend much of their life on the roadway. Truckers are often under pressure to make deadlines and drive for hours on end. There are many factors that can lead to driver error and negligence. Some of the most common circumstances include aggressive driving, drug or alcohol abuse, inexperience, criminal behavior, speeding, texting while driving, unsafe lane movements, and driver drowsiness. Any of these factors combined with driving an 80,000 pound vehicle can be deadly.



STATISTIC In the latest statistic data, it was reported that 3,906 large trucks were involved in fatal crashes and 73,000 in injury crashes in the last year.

5. Failure to Maintain the Truck Trucks are driven thousands of miles a week and because of this it is critical that they are regularly examined and maintained by a trained mechanic. Common problems that can result in serious accidents include brake failure, worn tires, defective truck equipment, improper reflectors, and worn out locks and load straps. Both the truck driver and the truck maintenance workers are responsible for ensuring that the truck and its components are in good working condition before the truck is driven anywhere.

6. Truck Employer Negligence Employers of truck drivers have a legal obligation to ensure that their driver's are qualified. This means that they have a duty to perform random testing, conduct background checks, and take measures to ensure that their drivers are properly trained and licensed. Federal and state regulations require that companies annually review each trucker's driving record which includes checking for any violations of traffic laws in the last 12 months.

CRITICAL QUESTION 3

Are There Regulations That Affect Liability In Truck Accidents?

Interstate trucking companies and truck drivers are regulated by the Federal Motor Carrier Safety Administration (FMCSA). The FMCSA regulates drivers of commercial motor vehicles including drivers of tractor trailers, 18 wheelers, hazardous material carriers, garbage trucks, dump trucks, and other types of heavy transportation. These regulations are put in place to make our roads safer and to prevent trucking accidents. When a truck driver or trucking company violates any of the regulations, they may be held liable for damages. Some of the issues covered by the FMCSA regulations are below:



- **Truck Driver Licensing and Training** The FMCSA requires that a driver of a commercial vehicle or semi must have a commercial driver's license (CDL). There are several rules and regulations regarding who is eligible to obtain a CDL and someone seeking to obtain a CDL will need to pass both a skills and a written test.

Aside from having an active CDL license, employers must also ensure that their drivers are well trained and may also require a good driving record, good eyesight, and past driving experience.



- **Fatigue and Truck Driver Hours of Service Rules** One of the most controversial issues in the trucking industry is fatigued drivers. Fatigue is a serious safety issue for truck drivers and those traveling on the road around them. Because of this issue, a new regulation took effect in July of 2013 mandating that the truck "hours of service" (HOS) must not exceed 11 hours after the trucker has spent 10 consecutive hours off duty and drivers cannot drive past the 14th hour after coming on duty following 10 consecutive hours off duty. Drivers cannot drive beyond 60 hours in seven days or 70 hours in eight days. A restart is allowed only after being off duty for at least 34 consecutive hours. Other portions of the regulation refer to sleeper berth provisions, drivers carrying passengers and mandatory break time. Even one penalty for violating the HOS can put a driver out of service.



STAT 34% of all fatal crashes involving large trucks occurred at night 6p-6a
66% of all fatal crashes involving large trucks occurred during daytime hours 6a-6p

CRITICAL QUESTION 3

Are There **Regulations** That Affect Liability In Truck Accidents?

- continued



- **Weight and Size Restrictions** The FMCSA has released regulations that restrict the weight and size of trucks for interstate traffic. The state regulates weight and size for trucks that travel only within that state. These regulations are important because many trucking companies often attempt to overload trucks so that they save money by packing as much cargo as possible into one load.



- **Post Accident Truck Driver Testing** When an accident occurs involving a tractor-trailer on a public road, the FMCSA requires that the truck driver submits to an alcohol and/or controlled substance test. It is the responsibility of the trucking company to make sure that the post-accident test is performed according to FMCSA's specifications.



- **Maintenance** The FMCSA has strict regulations as to the inspection, repair and maintenance of trucks. At all times trucks must be in proper and safe operating condition and proper records must be kept. If unsafe conditions are found with equipment, it must be recorded.



- **Texting and Driving Laws for Truckers** The FMCSA prohibits texting and driving. This law applies to both truck drivers and bus drivers carrying a CDL. The penalties for truck drivers who are caught texting while driving are harsh and can cost \$2,750 for the driver and up to \$11,000 for the employer.

The FMCSA Regulations are exhaustive and can be difficult to understand. If a truck driver and/or their company failed to comply with one or more of these regulations and the violation contributed to your injuries, an experienced attorney may be able to use the violations as a basis for your lawsuit. Hiring an attorney with experience in handling truck driving accidents and knowledge of trucking regulations is key to the successful outcome of your case.

CRITICAL QUESTION 4

Why Shouldn't I Settle My Case Directly With **The Insurance Company?**



Don't Take Their First Offer Don't be surprised if the insurance company tells you that you don't need an attorney. They will say that they will work with you to resolve your case fairly. The offer from the trucking company may sound appealing, and maybe even fair, at first. But, keep in mind it is neither the trucking company's nor its insurance carrier's job to pay you what your case is worth. Rather, it is their job to pay you the smallest amount possible.

Insurance companies will quickly offer to pay your first few medical bills or lost wages so that they can settle quickly and wash their hands of the incident. It is important to consider not only how you are feeling today, but how you will feel tomorrow, next week, next month, and maybe even for years to come. If you settle your case too early or sign anything from the trucking company, you may be signing away your right to full compensation should your injuries become worse or should you need more treatment.

Truck Accidents Are Complicated Because of the size of the trucking company and its financial resources, it is easy for the trucking company to get the upper hand. These companies have access to an experienced team of attorneys who are familiar with the rules and regulations governing truck drivers and it is their job to negotiate settlements everyday. They have years of experience investigating truck accidents and know how to compare the value of your case to actual jury verdicts and past settlements. *We feel that it is just as important for you, the injured party, to have a team of experienced lawyers on your side.*

GET WHAT YOU DESERVE

As an accident victim, you are entitled to the following:

- ✓ To have your damaged vehicle fixed or replaced if it was totaled
- ✓ To receive compensation for your medical bills
- ✓ To be compensated for your lost wages
- ✓ To be compensated for your pain and suffering
- ✓ To be compensated for future damages or permanent problems resulting from the accident



CRITICAL QUESTION 5

Why Is Investigation So Important At The Early Stages Of A Case?

It is critical that truck accident cases are investigated as soon as possible. Witnesses need to be interviewed before their memories fade and evidence needs preserved before it disappears. As soon as a truck driver is involved in an accident, his instruction is to call the company or main office. Immediately, the company's or their insurers investigation team is on the scene and preserving evidence that supports their driver's version of the accident.



- **The Scene** The scene of a truck accident is critically important for evidentiary purposes. Accident scenes can change quickly as debris is swept away and the roadways re-opened. The more quickly your attorney can get to the scene of the crash, the more likely they will be able to gather evidence to tell your story. The physical evidence at the scene should be photographed and documented. This evidence can include damage to both your vehicle and the semi, road layout and surface conditions, debris, fluid stains, obstructed traffic signs, skid marks, and lighting conditions.



- **Witnesses** Hopefully, the police officers that respond to the accident will speak to the witnesses and document their statements in the report. However, it can be pivotal for your attorney to speak to the witnesses as soon as possible after the accident when their memories are still fresh. Witnesses may have observed the truck driver's behavior prior to the accident, may have details about the weather or roadway conditions, and may even have heard statements made by the driver after the accident occurred.



- **Truck Data and Reports** Most modern trucks have an electronic device, similar to a black box, which records comprehensive data about significant events. However, this data can be erased if not preserved within a timely manner. Without an attorney, it may be impossible to get your hands on this data. Another way to collect evidence after a truck accident is through the truck driver's report or logbook. Drivers are required to keep track of how many hours they are on the road, including start times, stop times and deliveries.

What You Can Do If you are able, there are many ways that you can help to preserve evidence and get information at the scene.

- ✓ Get the truck driver's name, the name of the trucking company, and insurance company information
- ✓ If there are witnesses, get their contact information
- ✓ Take photographs of everything: both vehicles, the scene, road signs, skid marks, etc.
- ✓ Have someone photograph your injuries

CRITICAL QUESTION 5

Why Is Investigation So Important At The Early Stages Of A Case? - continued

The information you gather will become very important as your case progresses, but it is still important that you have an attorney who has the resources and personnel to thoroughly investigate your case. If necessary, the attorney will be able to hire accident reconstructionists and other experts, obtain recorded data and reports, and gain access to documents in the possession of the company.



DROWSY TRUCK DRIVER STATISTICS

- ✓ Studies have shown that being awake for a long period of time (18 hours) will leave a driver with the motor reflexes of someone who has a BAC level of 0.08%, putting them at equal risk of crashing.
- ✓ Commercial trucks account for a small percentage of registered vehicles on our roadways, yet account for an alarming number of passenger vehicle accidents that involve death. (According to a 1999 report by the NHTSA, large trucks accounted for 3% of the registered vehicles on our highways, however, they were responsible for 13% of passenger vehicle deaths.)
- ✓ Fatigue and drowsy driving is said to be a contributing factor in as many as 30-40% of all commercial truck accidents.
- ✓ A 1995 National Transportation Safety Board (NTSB) study found that of 107 heavy truck crashes, fatigue was a prominent factor in 75% of the run-off-the-road crashes, with 68% of long-haul drivers and 49% of short haul drivers suffering fatigue-related crashes.
- ✓ A commercial truck driver who skips mandated rest breaks and sleep, greatly increases the likelihood of their being involved in an accident due to drowsiness. Additionally, a truck driver's ability to gain proper restorative sleep is affected even if they try to "catch up" on sleep when they have a day off.
- ✓ Australian research and on-site investigations over the last several years have determined that, overall, one crash in every five among truck drivers is due to falling asleep at the wheel and that up to 30% of truck crash fatalities on rural roads are due to sleep deprivation.
- ✓ The risk of a crash effectively doubles from the eighth to the tenth hour of driving, and doubles again from the tenth to the eleventh hour of driving alone. (FMCSA, 2000).

CRITICAL QUESTION 6

How Long Do **Truck Accident Cases** Typically Take To Settle?

This is one of the most frequently asked questions individuals have after being involved in an accident. Insurance companies are notorious for rushing injured people to settle their claim as soon as possible, which is almost always to their advantage and to the disadvantage of the injured party. Quick settlements can negatively impact your recovery for ongoing pain and medical treatment.

Unfortunately, hiring a personal injury firm does not speed up the process of your personal injury claim. Once the insurance company is aware that you have hired an attorney, their tactics will change. They will drag their feet hoping you will become frustrated. The reason they do this is because they know that you're likely going to receive more money for your claim by hiring a lawyer.

Once you hire an attorney, the amount of time it takes to settle your injury claim will depend on the following factors:

LIABILITY INVESTIGATION



Liability Investigation

It is not uncommon for an insurance company to try and place a portion of fault on the victim even when they have zero liability. To ensure fault is properly assigned to the semi-truck driver and the trucking company, the insurance company and the plaintiff's law firm engage in a series of complex liability investigations.

In most instances, your attorney may place a physical hold on the semi-truck so that evidence does not disappear. This allows your attorney to take as much time as they need to appropriately investigate physical damage as well as look for signs of any possible defects related to the semi-truck.

A professional legal investigation can increase the amount of time it takes to settle a case, but it also unveils critical information that ultimately ensures a victim receives fair compensation for the injuries they sustained as well as their pain and suffering.

CRITICAL QUESTION 6

How Long Do **Truck Accident Cases** Typically Take To Settle?

- continued

INSURANCE POLICIES FOR SEMI-TRUCKS



Insurance Policies for Semi-Trucks

It's not uncommon for a semi-truck to carry insurance coverage in the amount of \$1 Million or more, and the aggressive tactics an insurance company will use to defend their driver and the trucking company is often a result of the substantial amount of coverage that exists on these policies.

In addition to the much higher policy limit requirements associated with semi coverage, there is also a very real possibility that multiple defendant policies exist. For instance, a semi-truck may have a \$1 Million policy that covers the truck as well as another \$1 Million that covers the trailer attached to the truck.

Because damages are often serious in these cases, your attorney will work to uncover every possible source of recovery. Properly investigating all the applicable policies for a semi-truck company can be more time-consuming than in other accidents.

YOUR INJURIES AND MEDICAL TREATMENT



Your Injuries and Medical Treatment

Often, the biggest factor associated with the amount of time it takes to settle a semi-truck accident case will be related to the extent of your injuries and type of medical treatment required to restore your health.

Personal injury cases are typically resolved once the victim has fully recovered, and because an accident with a semi-truck is more likely to cause traumatic injuries, the treatment and recovery period will often take much longer, increasing the length of time the case takes to settle.

It may be tempting to try and settle your claim while still treating or experiencing pain, but this is never advisable. Only after the doctors release a person from their care will a victim and/or their attorney have a clear picture of the total injuries, allowing them to then make a determination of what the semi-truck injury claim is worth.

CRITICAL QUESTION 6

How Long Do Truck Accident Cases Typically Take To Settle?

- continued

NEGOTIATIONS



Negotiations

Unless the case goes to trial, this is the final step in the settling of a semi-truck injury claim, and it can also be a common source of delay.

The amount of time negotiations take will largely depend on three factors:

1. Liability Findings If it's determined that you are partially at fault for the accident, this will negatively affect the overall value of your claim and may require additional time for your attorney to negotiate.

2. Summary of Medical Treatment Depending on the severity of your injuries, there may be an extensive amount of medical documentation for the insurance company to review.

3. Amount of Available Insurance If the victim is left with traumatic, life-altering injuries, or the case involves a wrongful death, the time it takes to negotiate may be minimized.

For example, each state has specific wrongful death laws that dictate how much a person's particular estate can be awarded, and in the event that a death occurs, the full amount under state law is often simply issued.

LITIGATION/TRIAL



Litigation/Trial

If the plaintiff and the insurance company cannot agree on a settlement, a lawsuit will need to be filed. It is important to keep in mind that there are state specific statutes of limitations require that lawsuits be filed by certain deadlines. If you do not settle your claim or file a lawsuit within the statutes of limitations, you will be forever barred from bringing your claim in court. An experienced personal injury attorney will be able to advise you of these important deadlines.

CRITICAL QUESTION 7

How Much Is My **Truck Accident Case** Worth?

The answer to this question is very involved and relies on many different factors. Because you were hit by a semi-truck, it is possible that one or more “commercial policies” exist for the defendant and the trucking company. Insurance policies that insure semi-trucks are mandated by the Federal Motor Carrier Safety Administration (FMCSA), and they don’t follow the same rules as policies required for passenger vehicles and often require that semi-trucks carry much larger minimum policies than passenger vehicles.

What determines the value of my semi-truck accident claim? There are several factors taken into consideration when coming up with a total value for your semi-truck case, including the following:

- ✓ Total amount of your medical bills
- ✓ Lost wages
- ✓ Severity of your injuries
- ✓ Pain and suffering

While your accident may include more or less factors than those listed here, it is important to realize that no one can give you an actual dollar amount until your claim has been fully investigated.

No two semi-accident claims have the same value If a friend or family member tells you what they think your case is worth based on a personal experience they had with a semi-accident, make sure you take what they are saying with a grain of salt. Even though they are trying to help, experienced attorneys will tell you that no matter how similar two semi-truck accidents appear to be, their values are always different. Even if there are factual similarities, it is highly unlikely that any two injured parties will undergo the same type of medical treatment for even the same injuries, respond to treatment in the same way, or experience the same types of aggravation and frustration in the days and months following the accident.

Someone told me I should ask for 3 times my medical bills. Is this a good idea? We've received a number of calls from semi-accident victims who have been told that three times their medical bills is a fair or good settlement.

While it's true you might receive three times your medical bills, it's also possible that you'll receive more or less, and the amount will ultimately depend on your attorney's ability to effectively build your case based on your total injuries, wage loss, medical bills, and pain and suffering.

Ultimately, a semi-accident victim should never base the value of their claim on any type of formula.

CRITICAL QUESTION 7

How Much Is My Truck Accident Case Worth?

- continued

What is a “semi-truck policy limits demand”? Accidents that are extremely severe may leave a client with broken bones, the need for surgery, permanent hardware, an extended hospital stay, or cause death. In these instances our attorney may demand the entire amount of the insurance policy carried by the trucking company.

Your attorney will immediately notify the insurance company for the semi-truck of their representation. Next, they should demand that the insurance company send a certified declarations (DEC) sheet that outlines the specific coverage for their insured.

Once a copy of the DEC sheet is received, your attorney should be able to tell you how much money is available, but it will still be difficult to determine the total amount of your recovery, as other factors will undoubtedly be present.

With regard to insurance policies, it is strongly suggested that you always have an experienced accident attorney research, obtain, and review all the applicable policies for the company that owns the semi-truck.

CHECK THE STRENGTH OF YOUR SEMI-TRUCK ACCIDENT CASE

Check the boxes that apply to you to see how strong your case is

- Police report places all or some of the fault on semi-truck driver.*
- You have injuries that require(d) medical treatment.*
- There is a witness who supports your version of the accident.*
- There are one or more insurance policies to pursue.*
- You lost wages as a result of the accident.*
- The vehicle you were riding in suffered visible damage.*
- You can document pain and suffering as a result of the accident.*
- You have access to an AV-rated attorney.*



The 'strength meter' is not intended to be a substitute for legal advice, nor should it be used as such. The 'strength meter' is for advertising purposes only and is meant to give visitors an indication of potential case factors. Your individual case will have unique factors and should be evaluated on its own merits by a qualified attorney.

CRITICAL QUESTION 8

Should I Give An Oral Or Recorded Statement?

After the accident, it is important to contact your own insurance company and notify them. Soon after the accident, the insurance company for the trucking company will likely contact you and ask for you to describe the accident and the circumstances surrounding it.

Even though you should be cooperative with the insurance companies, remember that both your insurance company and the truck driver's insurance company are businesses, and as a business, they will look out for their own interests before yours.

Never give a recorded or written statement about the accident to your insurance company, the trucking company representative, the company's insurer, or its lawyer until after you have talked to your own attorney. What can seem like an innocent remark at the time can later be twisted by the insurance company and used against you during settlement negotiations.

Be polite when a representative calls, but firmly state that you do not wish to give a recorded or written statement about your case without your lawyer present. You will however, need to give some information so that the claims process can begin. Do not lie or exaggerate about the accident. The insurance adjuster will ask a lot of questions that can sometimes be confusing. Having the facts written down can be helpful. If you do not know the answer to a question, can't recall, or the answer is undetermined, simply state that you cannot answer that question at the time.



"REMEMBER!

Do not sign anything without speaking to an attorney first."

CRITICAL QUESTION 9

What If The Police Report Places Me Partially At Fault?

Before we answer your question about "partial" fault, please remember that a police report is NOT always the final word. There are instances where officers make honest mistakes, or we locate evidence and witnesses that contradict the story on your police report. Even if you are placed entirely at fault, it's still a smart idea to contact a lawyer to have them examine the facts and circumstances of your particular case.

Every state has different laws regarding theories of negligence. Some states have adopted a comparative negligence approach, while others states take a contributory negligence approach. Comparative negligence means that each party's negligence for a given injury is weighed in determining damages. Therefore, you may have the right to be paid a settlement in the event that it is provided you are not more than 50% at fault for the accident. However, the value of your claim is reduced by the degree of fault placed on you. In a contributory negligence state, the plaintiff is barred from recovering if he or she acted negligently and contributed to the accident at all. It is important to ask your lawyer what law applies in your state so that you know your rights.

LIABILITY FACTORS CAN AFFECT THE VALUE OF YOUR CASE

Don't let the insurance company blame you!



80% FAULT ▼



In some states, if the semi-truck driver is 80% at fault and you are 20% at fault, your settlement amount would be reduced by 20%. (Always consult with an attorney about your state's negligence laws).



100% FAULT ▼



Our goal is to place 100% fault on the truck driver to ensure you receive the maximum amount of compensation for your case.

CLIENT TESTIMONIALS

WE'VE HELPED OVER **10,000** PEOPLE GET THEIR LIFE BACK.
HERE ARE JUST TWO.



“At every juncture of the process... everyone involved, were more than thorough. I never had any questions. It was just matter of fact, straight to the point, and taken care of.”

JILL S.

“ They stick with the whole process and inform you every day if something happens. It went real smooth and I couldn't ask for anything better.”

MIKE D.



FINAL WORDS

With offices in St. Joseph, MI ☐ Granger, IN ☐ Terre Haute, IN ☐
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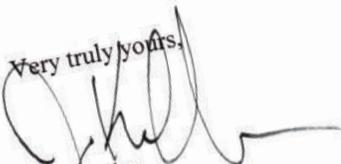
To Our Clients,

Re: Final Thoughts

Thank you for taking the time to read this informative guide to truck accidents. Our team created this guide to help you understand the many aspects of semi-truck accidents and to help you get the information you need to obtain the best result in your truck accident case. Our hope is that you can use this guide to alleviate many of the concerns you may have with the process and to help you make informed decisions about how to proceed.

Since 1936, thousands of clients have asked us to represent them for a variety of cases, including semi-truck accidents. Keller & Keller is an experienced and powerful law firm that has never feared big trucking companies. Our team has concluded multi-million dollar truck cases to successful verdict and settlement. We have years of experience, multiple awards, and a record of success when it comes to semi accident cases. Please keep in mind that this handbook is not intended to answer all of your questions or to act as a replacement for competent legal counsel. Every semi-truck accident is different and has unique legal and factual issues that are best answered by an experienced personal injury attorney.

We hope you find this guide useful. Please feel free to contact us at no cost if you have further questions about your case or about anything in this guide.

Very truly yours,

Jim Keller

- ☐—Attorneys Licensed in Florida(☉), Illinois(◇), Indiana(*), Kentucky(□), Michigan(†), and New Mexico(#)—☐
- George S. Keller (1911 - 2002)
 - S. Jack Keller**
 - James R. Keller**
 - Randall Juergensen**
 - Joseph Sukup^{☉*}
 - Andy Ray[#]
 - Michael G. Duran[#]
 - Ryan Johnson[☉]
 - Joseph Wambach[#]
 - Chris J. Supik[#]
 - Brian G. Grayson[#]
 - Timothy E. Burns[#]
 - Daniel Armstrong[†]
 - Jameson Young^{*}
 - Matthew W. Parker[†]
 - Tom Browder^{*}
 - Amy M. Davis^{*}
 - Nick Lavella^{*}
 - Megan A. Resch[☉]
 - Aaron W. Williams^{*}

This handbook is not legal advice. If you have legal questions, please consult a local personal injury attorney.