

TIME SENSITIVE INFORMATION



“I was absolutely devastated after my son and daughter-in-law died, and I was in no condition to determine exactly what I was supposed to do next. Trying to act rationally when the world had - all of a sudden - become irrational was impossible. I am so thankful that I found out about the Truck Safety Coalition. An organization of people who know exactly what you’re going through, people who know what to do after these tragedies - it’s invaluable.”

- Jane Mathis, whose son and daughter-in-law were killed in a truck crash.



After tragedy strikes, you are grief-stricken and disoriented.

At the same time, you are inundated with information and required to take care of medical treatment and expenses, funeral arrangements and more. Below are some pieces of advice and steps you need to consider as soon as possible. If something is unclear, if you would like more information about a particular topic, or if you would just like someone to talk to about any of this, do not hesitate to contact the *Truck Safety Coalition* at (888)353-4572 or info@trucksafety.org. We are always available to help you through these difficult times and to address any questions you may have.

If you or others were injured, make certain that you seek the appropriate diagnostic medical treatment immediately. You should seek medical attention even if you feel that you are not seriously injured. Injuries may be internal and often manifest themselves at a later date.

Do Not Sign Anything

Enlist the assistance of someone knowledgeable to give you objective advice prior to signing anything. Never allow anyone to pressure you into signing something. Also, refrain from speaking about the incident with the trucking company, its insurance company, or its investigators.

When speaking to the trucking and/or insurance companies, avoid making a statement of any kind, even if you are told it will be “off the record.” Also, do not downplay your injuries or damages. The bottom line is that companies often use highly questionable negotiation tactics designed to take advantage of you and your loved ones. When they contact you, you have the right to say, “thank you for calling, but I am not prepared to discuss this matter at this time and would prefer that you communicate with me by mail.”

Contact the Investigating Authority

Make sure your attorney or trusted friend contacts the investigating officer and asks if the state commercial vehicle enforcement team is investigating the crash and whether anyone has examined the driver’s log books or the truck itself for violations. Obtain a copy of the police report and look for any discrepancies between the report and your understanding of the crash.

Ask the investigating authority and/or the prosecuting attorney’s office if there is a victim’s advocate office or a victim assistance program. If so, obtain the necessary contact information. It’s their job to keep you informed about the status of any criminal charges and provide other services you may need.

Collect & Preserve Evidence

After a truck crash, it is critical to preserve evidence at the scene that may shed light on what happened. Trucking companies have accident investigators that are on call and dispatched to the scene of the crash as soon as the trucking company learns that there has been a collision. If possible, and in order to best protect your interests, collect contact information of any witnesses that were present at the scene, take or hire a professional to take photographs of the area and vehicles, and record the facts of the collision in as much detail as possible. If you are unable to do this immediately, make sure you have someone do it for you.

You need to make sure that the trucking company preserves the truck that was involved in the crash. Consider sending them a “spoliation letter”. This letter informs the company that it needs to make sure that all potential evidence is preserved. This needs to be done as soon as possible so that essential evidence is not lost or destroyed. There is frequently data in the truck engine “computer” that is easily lost or destroyed if affirmative steps to preserve it are not taken. This may be particularly true if the data would be helpful to you.

Trucking companies are only required to keep some important documents, such as the driver’s log, for a limited time. If pertinent documents and data are lost, protecting your rights can become extremely difficult, if not impossible. For this reason, do not sell or otherwise dispose of the vehicle involved in the crash.

Hire a professional to photograph / document the crash scene. The photographer should take multiple rolls of film of the crash location, the crashed vehicles, several approaches to the scene and of the victim(s). The photographer should plan on taking three times as many photographs as the he/she thinks are necessary; take shots from multiple angles and locations, and try to take the pictures at the same general time of day as the time of the collision.

The photographer should take photos of critical points from the “four corners” surrounding the scene. This will create a sufficient angle with each set of photos to allow a professional to reconstruct actual distances, should that information be needed in the future.



The photographer needs to remember to capture skid marks and “impending skid marks.” During the breaking process the tire begins to leave an imprint on the roadway before skidding. These marks are impending skid marks and can fade away within days after a collision. Laying a yardstick or ruler next to impending skid marks when taking the photographs can help in calculating distances. If a ruler is not available, a dollar bill can serve as a substitute, as it has a known size and can be used as a scale.



Hire an Attorney with Truck Crash Experience

The best way to protect your interests after a crash is to seek the aid of a good attorney with significant experience in truck crash cases and trucking law to help you and your loved ones. Unfortunately, while attorneys who work for trucking companies have extensive truck crash experience, not very many plaintiffs' attorneys have this same level of expertise in protecting the rights of truck crash victims.

Truck crashes involve a different set of laws and regulations than other automobile crashes. An experienced truck crash attorney will be acquainted with the federal laws that govern the operation of tractor-trailers, and with the trucking industry as a whole. He/she will be able to review the facts of your case to determine if a company's negligence contributed to the accident.

Considerations in Choosing an Attorney:

- How many wrongful death and personal injury cases involving trucks has the attorney handled?
- Is the attorney going to have the crash investigated immediately once retained?
- Does the attorney have immediate access to the best expert witnesses on truck crash issues?
- Can the attorney provide examples of when she/he has proven the police investigation to be incorrect/incomplete?
- Is the attorney intimately familiar with the regulations applicable to truck companies and drivers?
- Is the attorney considered an authority on truck crash cases by other lawyers and the truck safety community?
- Has she/he written articles or given speeches on truck safety and truck crash cases?
- What has the attorney done to help change the problems in the trucking industry?
- Is the attorney willing to provide you with references?



Families are not prepared for the devastation of a truck crash, and very few know how to locate the best attorney for the case. Unfortunately, too many people call the lawyer who handled their friend's divorce, their parent's estate, or their sister's car accident. Lawyers who do not regularly handle truck crashes tend to treat these cases as they would a simple automobile crash case, and fail to take the necessary steps to prepare the case adequately. Do not hesitate to expand your search for a lawyer beyond your city or even beyond your state. Use, but beware of the internet. Many lawyers hire "web optimizer" companies who put content on their websites about truck crashes when the lawyers have little truck crash experience. Truck companies are prepared and have very experienced truck crash lawyers on an "approved list" ready to go. You need to hire a lawyer who will level the playing field for you. The choice of an attorney to represent you is probably the most important decision you will make at this point. If you need help with this, call the *Truck Safety Coalition*.

Things to Ask Your Attorney and/or the Truck Safety Coalition:

- How are truck crash cases different from other personal injury cases?
- Approximately how long do these cases usually last?
- What can I expect in the weeks / months ahead?
- What is wrong with the trucking industry? What are you doing to address the problems?
- Should I hire an accident reconstructionist?
- Can you help me locate a good grief counselor?

Relevant Timelines

Every state has statutes of limitations and procedural requirements that place deadlines on when you can file a lawsuit. Statutes of limitations differ from state to state and depend upon the nature of the claim. Some claims require notice to be given to the person or entity at fault within 60 to 90 days or the claim may be lost. Under the Federal Motor Carrier Safety Regulations, interstate motor carriers must systematically inspect, repair and maintain all motor vehicles subject to their control, and their drivers must keep logs regarding their working hours. They must maintain a record of inspection, repairs and maintenance indicating their date and nature. Regrettably, these records must be maintained only for a limited time. Additionally, every motor carrier driver must prepare a written inspection report on the truck he/she operated that day. The report must identify any defect or deficiency the driver has discovered or learned about which would affect the safety of the vehicle's operation or result in its mechanical breakdown. But, the company must only maintain the original inspection report and certification of repairs for three months.



Motor carriers are also required to maintain a driver qualification file for every driver. The file must include, among other things, the truck driver's application for employment, information regarding a driver's driving record, the medical doctor's certificate of the driver's physical qualification to drive a commercial motor vehicle, and a list of violations of motor vehicle laws. Some of these items may be removed from the file at various times. Simply put, in many cases the trucking company's own records may provide the most important clues and evidence you need to protect your rights. You want to obtain these records before they are discarded or destroyed.

There is no requirement for trucking companies to maintain ECM data (the truck's engine computer information) or other location or communication data generated by satellite communication devices, and it is especially important to request, in writing, that the company preserve this, and other information, as soon as possible.

"I initially contacted my home town attorney and he said he could handle my truck crash case. The reality is that he was simply not qualified to look after my family's interests and I never felt confident that he was sincere in my pursuit of justice over my husband's death. I'm so glad I finally contacted The Truck Safety Coalition, but please do not wait like I did."

- Nikki Hensley,
whose husband was killed in
a truck crash

Questions?

Contact the Truck Safety Coalition
(703)294-6404 | info@trucksafety.org



Jeannie, Desiree, & Amber Ferguson



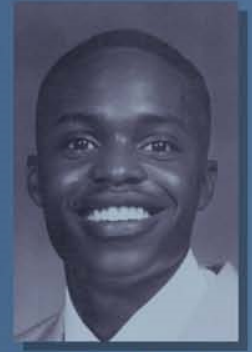
Walter L. Berry Jr.



Jill Suzanne Brandis



Dustin S. Boesch



Michael L. Banner

In Memory of our Loved Ones WE HONOR THEIR LIVES



William Badger



Nancy L. Benoit



Farrell VanHorn & Tammy Boron



Chelsea Marie Burden



Quentin Bales



Al P. Chounard



Sidney Cardinale



Duane Domer



Channing Quinichett



Janelle Ann Marie Durk

Working Together We Can Save Lives



Carla Sapsford



Sylvia Rhinehart-Phillips



Marvin Guy Petty



Tim Lyon



Andrew Saar & Issiah Hanson