

Truck Accident Answer Book

From
Pritzker Olsen
Attorneys



What kind of compensation can I get in a truck accident case?

These will vary, depending on the facts and the applicable laws, but generally in truck accident cases you can recover money for things like:

- Medical expenses
- Lost wages
- Lost future earnings
- Pain and suffering (generally includes compensation for physical pain, emotional distress, disfigurement, disability and loss of quality of life)
- Other damages

If you are filing a suit because a loved one was killed in a commercial truck accident, you may also receive compensation for:

- Lost economic contributions
- Loss of care and companionship
- Funeral expenses
- Other damages

Five Things to Look For in a Truck Accident Lawyer

1. A lawyer who has successfully handled cases like yours.

Find a lawyer who has obtained compensation for people injured by a commercial truck and the families of people killed by a commercial truck.

2. A law firm with substantial resources.

Truck accident cases are expensive. If you hire a law firm that can't afford to pursue your case as needed, you won't be adequately compensated.

3. A lawyer who looks beyond the injury or wrongful death claim.

Your lawyer should make sure you get the best medical care and take care of all issues pertaining to the accident and the resulting injury or death, including filing social security forms and all other state and federal forms.

4. A lawyer who talks to you.

When you want to talk to your lawyer, he or she should take the time to talk to you.

5. A lawyer who listens to you.

This is critical. It is not possible to understand a client's needs, pain or loss without listening to the client and the client's family.

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Who can I sue if I was hit by a commercial truck?

The owner of the truck. When there is an accident involving a commercial truck or van, the owner of that truck or van (trucking company, waste management company, construction company, UPS, FedEx, etc.) is usually liable. Semi trucks generally have a cab and a trailer and sometimes different companies own each part. Both may be liable.

The owner of the freight. Attributing liability to the owner of the freight involves excellent legal skills.

The driver of the truck. The driver of the truck generally has little money, so it is critical for the truck accident lawyer to find as many companies as possible that may be held liable.

The employer of the driver. Employers are vicariously liable for any accidents caused by their employees while acting within the course and scope of their employment.

A parent company of the owner of the truck or employer of the driver. A good truck accident lawyer will analyze corporate documents to determine all of the parties that may be held liable.

The manufacturer of the truck, cab, trailer or any truck part. If there is a defect in the design or manufacture of any part of the truck, tractor-trailer cab or trailer, multiple manufacturers may be liable for injuries or death.

A third-party maintenance company. If a third-party company was responsible for maintaining any part of the truck, that company may be liable if your lawyer can prove that inadequate maintenance contributed to the accident.

The driver and owner of another vehicle. When truck accidents involve multiple vehicles, it may be possible to sue for damages under the auto liability policies of the drivers and owners of those vehicles. This may involve determining fault.

The manufacturer of another vehicle. Any time a defective vehicle or part of a vehicle (tire, air bag etc.) causes an accident or worsens the injuries, the manufacturer may be liable.

When is a truck driver “negligent”?

Truck drivers must operate their commercial trucks with the highest degree of care as required by law. Truck drivers are negligent if they do one or more of the following:

- Drive too fast—either faster than the speed limit or too fast for the conditions
- Fail to keep a careful lookout
- Fail to maintain proper control of their truck
- Drive while under the influence of drugs or alcohol
- Fail to stop, swerve, slacken speed, and/or maintain control of a truck when there is a reasonable likelihood of a collision with another vehicle
- Drive a commercial motor vehicle in violation of state and federal laws

What if I was hit by a drunk truck driver?

Even if the truck driver was not “drunk” under state law, the driver may have violated federal regulations governing interstate, commercial truck drivers. Under these regulations, “no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater” (49 CFR Part §382.201). Violation of this regulation is evidence of driver negligence.

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What is my truck accident case worth?

To determine the value of your case, our lawyers will look at many factors. First, we look at fault. Any percentage of fault (up to and including 50%) placed on you reduces the value of your case by that percentage. Another factor, and the one that's most important, is the severity of your injuries. Information about the severity of your injuries usually comes from your doctor in a medical report. Doctors usually wait at least a year after the accident to issue a final medical report.

Another important factor is how your injuries affect you. For example, a broken finger to most people is not that severe an injury. If you happen to be a concert pianist, however, a broken finger can be a terrible loss. Thus, it's important that we know a lot about you and how your injuries have impacted your life. Other factors include:

- The amount of your medical bills
- The amount of your wage loss
- Whether you have any scars
- What impact our injuries will have on your future earning capacity
- A host of other issues can affect the value of your case

What does it cost to hire a truck accident attorney?

You should not have to pay any money up front. Virtually all attorneys who practice personal injury law charge a percentage of the recovery, usually one third. If there's a recovery, the attorney gets paid out of that. If there's no recovery, most truck accident attorneys won't charge you at all. You don't have to pay any hourly charges or lump sums called "retainers." There's also the issue of costs. "Costs" are out of pocket expenses like the amount of money a hospital charges for duplicating your medical records, or the filing fee the courts charge for filing a claim. Most law firms (like ours) pay those costs. We're reimbursed for those costs when the case is settled.



After my case gets settled, can I go back for more if my injuries get worse?

It really takes two answers to respond to this question. Once you settle the case with an insurance company, you usually cannot go back for more. That's why it's so important to have an experienced lawyer representing you, one who knows your injury and what you can expect in the future.



“We can tell you what your rights are, and make sure the insurance company doesn't take advantage of you.”

When you're hurt in a truck accident, there are really two claims: the claim against the other person's insurance company and the claim against your no-fault insurance company for medical bills, wage loss, and other related losses. As we have seen, the bigger claim is against the other person's insurance company. A settlement of that claim is not a settlement of the no-fault claim, however. Even after settling the claim against the other person's insurance company, you still have a right to make claims against your no-fault company. That claim stays "open" until you use up the \$20,000 limit, even if it's years in the future.

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How are insurance companies involved after a commercial truck accident?

Multiple insurance companies may be involved after a commercial truck accident. Do not talk to them. Everything you say, even in a friendly conversation, can be used to limit your compensation. If you retain our law firm, we will communicate with insurance adjusters for you. Also, do not sign anything without an attorney reviewing it first. We cannot stress this enough.

What if an insurance company wants me to be examined by their doctor?

This is called an adverse examination. It's "adverse" because you have no say in selecting the doctor, the doctor is working for and paid by the insurance company, and the purpose of the exam is not to help you get better. Most importantly, the "adverse" doctor is most likely going to disagree with your treating doctor. The law and your policy require you to cooperate with your no-fault insurance company. This means if you refuse to go to the exam, the insurance company will be allowed to cut off your benefits. Unfortunately, even if you go to the exam, the doctor is likely to say what the insurance company wants to hear, and you'll probably be cut off anyway.

As you can see, this is a very important time in your case. Before you go to an adverse medical examination, talk to a car accident attorney at our law firm (1-888-377-8900). There are things that can be done. For example, the law requires the exam be conducted in the city where you reside. The law also requires the insurance company to pay all of your bills until you're notified of the results of the exam. Even if the insurance company cuts off your benefits on the basis of the doctor's report, you can appeal the decision and frequently get your benefits reinstated. If you've been notified that you are to attend an adverse exam, call us right away. We can explain your rights and help you before you lose your valuable benefits.



Fred Pritzker has more than 30 years of experience representing victims of truck, bus, car, motorcycle and bike accidents.

"I've represented thousands of people in injury and wrongful death cases. Clients want to be treated with dignity and respect. They want an experienced lawyer; someone to guide them through a difficult time. I think we do that about as well as it can be done."

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