

VIRGINIA TRUCK ACCIDENT GUIDE

*Commercial Vehicles, 18-Wheelers,
Semi-Trucks, and Big Rig Crashes*

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After a truck accident, you may be struggling with severe injuries and emotional distress, and you may even be unsure of who to trust. A Virginia truck accident lawyer can help you protect your rights and fight for the rightful compensation you deserve.

Your life can change in an instant after an accident involving a commercial truck. Unfortunately, this type of accident is all too common. Nearly 500,000 truck accidents occur per year according to the Bureau of Transportation Statistics, including 4,000 fatalities per year.

For victims, a truck accident is one of the most potentially life-threatening types of accidents you can experience. A 40-ton commercial truck can destroy a sedan, and seriously injure the driver or passenger. Sadly, these accidents are often caused by driver error, unsafe driving, or intoxication by the at-fault truck operator.

Were you or a loved one injured in a truck accident in Virginia? Our Virginia truck accident lawyers want to help.

After an accident, you may be entitled to compensation for your injuries, medical bills, and emotional distress. Our team will fight insurance companies and the trucking company's attorneys to help you receive fair compensation for your injuries. In your time of need, you want someone you can trust to protect your rights. A Virginia truck accident lawyer is a powerful asset in your corner.

**CALL NOW FOR A FREE CASE
EVALUATION TO LEARN MORE
ABOUT YOUR RIGHTS.**

How a Virginia Truck Accident Lawyer Helps

You might be wondering: Do I need to hire a lawyer? Even if you don't intend to file a lawsuit, the short answer is yes. A qualified truck accident lawyer can

help you build a strong case, fight against unfair and undervalued settlement or compensation offers, and ensure your rights and case are protected.

After hiring an experienced attorney, your lawyer will work hard to establish the cause of the accident and determine who was at-fault. Our process includes many steps like:

- » Reconstructing the accident scene
- » Collecting “black box” data from the trucking company
- » Collecting evidence and police reports
- » Investigating the trucking company’s FMCSR violations
- » Determining if traffic safety laws were violated
- » Filing a claim and lawsuit on your behalf

The majority of trucking companies in the U.S. are protected by million-dollar insurance policies and aggressive legal departments. You need a partner in your corner who will push back against aggressive behavior and fight to protect your rights.

DETERMINING WHO IS AT-FAULT

A Virginia truck accident lawyer will help you prove the unsafe conditions that caused your accident. That requires trucking accident investigation experience, as well as a deep understanding of the laws and regulations that govern truck drivers and operators in Virginia.



The trucking is heavily regulated. These regulations are put in place to protect other drivers from unsafe conditions. When these laws are violated, the at-fault party can be held liable for damages and compensation. Some of the most common causes of truck accidents include:

- » Tired, overworked drivers
- » Impaired driving, DUI
- » Improper vehicle maintenance
- » Inadequate driver training
- » Traffic safety violations, e.g. unsafe lane changes

The best Virginia truck accident attorneys thoroughly investigate your accident to prove who was negligent. This helps you build a strong case.

SHOULD I TALK WITH INSURANCE INVESTIGATORS?

In the aftermath of an accident, you may feel compelled to contact your insurer, as well as the trucking company's insurer. We strongly recommend that you contact a Virginia truck accident lawyer first.

Insurance companies – even your own – are most concerned with the bottom line. They often ignore, delay or deny your right to fair compensation. In fact, many insurance investigators are aggressive and may bully you to accept a compensation offer you don't feel comfortable with.

Similarly, you may hear from the trucking company's attorneys. Most commercial truck operators are defended by high-powered lawyers that will fight tooth and nail to pay as little as possible. You are not legally required to talk with insurers or attorneys. In fact, it may hurt your case to do so.

When you hire a truck accident lawyer, your attorney handles all of these negotiations and discussions with other lawyers and insurers. Your focus should be on your recovery – not dealing with this aggressive behavior. That's why it's important to contact a qualified lawyer as soon as possible after an accident.



TYPES OF COMPENSATION FOR TRUCK ACCIDENT VICTIMS

A truck accident can have many life-altering consequences. Financially, you may be struggling to pay for medical bills. Lost wages from time spent away from work can make covering basic living expenses a challenge.

You may be without a reliable mode of transportation if your vehicle was damaged in the accident. Physically, you may be struggling with immense pain, disability, and rehabilitation costs. Many victims experience emotional distress as a result of the accident. You're legally entitled to compensation for your injuries. There are two types of compensation you may qualify for:

Compensatory damages. So-called compensatory damages help repay victims for financial and non-financial costs. This type of compensation can help you recover funds for:

- » Medical bills, on-going treatment costs
- » Loss of wages or loss of earning capacity
- » Loss of a normal life
- » Pain and suffering
- » Emotional distress
- » Rehabilitation costs
- » Disability and disfigurement

Punitive damages. If your accident was caused by gross negligence or malice, you may be entitled to punitive damages. This type of compensation is a financial punishment for the at-fault party, and it is awarded on top of any compensatory claims you file. Punitive damages are awarded by a jury if your case goes to trial.

WHAT TO DO IF YOU WERE INVOLVED IN A TRUCK ACCIDENT

Immediately following an accident, you may be in shock, in immense physical pain, and unsure of what to do or who to trust. First and foremost, your focus should be on the safety of you and your passengers. Follow these steps if involved in an accident:



- » **Seek Medical Attention** – Protect the safety of yourself and your passengers. If you're able to, call 911. If you cannot, this will be the responsibility of a witness or other involved party. If the accident scene is in harm's way, seek a safe location within visible distance of the scene.
- » **Talk with Investigators** – Even if you weren't injured, you still should call 911 and file a police report. Failing to file a report can make your case more difficult. When police investigators arrive, provide them with as many details as possible about your accident. DO NOT admit fault, though. Admitting fault – even if you did so incorrectly – can damage your case.
- » **Collect Evidence at the Scene** – If you are able to, you should compile evidence of the accident and witness contact information. Take photos and video of the accident scene. Record any injuries that you have, as well as damage to your vehicle. Collect the names and phone numbers of any witnesses at the scene.
- » **Avoid Talking with Insurers** – You may hear from insurance adjusters in the days following your accident. You should contact an attorney prior to talking with any of these people. If you do talk with an insurance company, *do not admit fault*. You are not legally required to talk with insurers; we

recommend letting a qualified attorney handle any of these discussions.

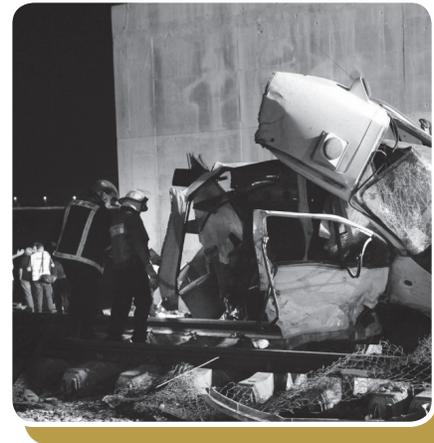
- » **Seek Legal Advice** – After an accident, you'll likely be in shock, unsure of who to trust, and unsure of your legal options. Contacting an attorney as soon as possible can help you protect your rights and your case. If you're able to, you can contact an attorney from the scene of your accident.

FREQUENTLY ASKED TRUCK ACCIDENT QUESTIONS

What Should I Do After a Truck Accident?

When people come to see me about being involved in a commercial truck accident in Virginia, the most important thing that I tell them is to choose an attorney who has specific experience in commercial truck accident investigation and to choose an attorney as soon after the crash as possible. All commercial trucks are now required by federal law to carry special black boxes that record a variety of data. Everything from the operator's history of accelerations and decelerations to unusual cornering and a whole variety of information that could make all the difference in proving whether that truck driver was operating unsafely at the time of your crash. The only way to retrieve that data is to act quickly.

It's often overwritten if it's not preserved in a timely manner. Many commercial trucking companies will do everything possible to try to hide that information. The longer that time goes by after the crash, the more likely it is that information will be destroyed. It's crucial to developing the evidence you need to win a case against a commercial trucking operator after your crash.



What Mistakes Should I Avoid?

The most common accident mistakes that we see is when people do not retain counsel early, don't get proper medical attention, and don't thoroughly investigating the accident scene after the crash. In each of those cases, the common thread is not having legal counsel to give you good advice in your recovery process. It's always important to have your own legal consultant to help you whether it be to retain field investigators, to identify black box information, get tire measurements on the street, or other gouge marks from the collision that could aid in showing how the crash occurred. Secondly, it's important to get legal counsel because commercial trucking accidents usually involve far more severe injuries because of the forces of impact being so much greater between a huge commercial truck and a small private automobile. In those types of severe injury cases, you need legal counsel to help you find the medical care you require that will aid in your recovery.

How Do I Pick the Right Attorney for Me?

People often want to know how to find the best attorney to help with a commercial trucking accident case in Virginia. The answer is quite simple, but the process you have to follow can be difficult. There are a whole slew of attorneys in Virginia who handle ordinary car crash cases who are not thoroughly trained in how to investigate a commercial trucking accident case. You must locate an attorney who has that specific experience in commercial trucking accidents to help you in your case in Virginia.

Are Truck Accident Claims the Same as Car Accident Claims?

There can be a lot of differences because number one, surprising to most people, the average juror in Virginia assumes that commercial truck drivers are decent people and consummate professionals. As a result, they tend to get the benefit of the doubt as to who was at fault in causing the crash. The only way to rebut that assumption is to provide detailed evidence of exactly how the crash occurred. In those cases, it's very important to preserve the evidence as quickly as possible of the debris and the measurements of skid marks at the crash scene in a Virginia commercial truck accident case.

Should I Talk to the Truck's Insurance Company?

I'm often asked by people who come to see me following a commercial trucking accident whether it's okay to speak with the insurance company or a legal representative of the trucking company. My first inclination is to tell people not to talk to the insurance companies until you hire your own attorney. You need to be carefully advised on how to respond to questions after a commercial trucking accident. There's no rush for you to provide information to the trucking company after your commercial trucking crash in Virginia. You can wait until after your injuries are resolved; hopefully sooner rather than later. The more serious the injuries, the less need there is for you to provide your own statement to the commercial trucking company representatives and allow your attorney to make a presentation of what your injuries have been.



Should I Take a Settlement Offer?

Not long ago, I was approached by a client in a commercial trucking accident case in Virginia where an initial offer had been made for settlement of the case some two weeks after the crash occurred. In that case, I told my client, "It's a really big mistake to accept an offer this early in your case." The primary reason for that can often be that injuries have not been fully resolved or even diagnosed as of that short time after a crash. The second concern is not knowing at that stage who was actually at fault and what the evidence will show. The third important thing to remember is that the recovery process of getting better from the injuries that you had in that kind of crash involving a commercial truck have not had time to completely resolve. For all of those reasons, accepting an early settlement is usually a mistake in a Virginia commercial trucking accident case. Instead, it's better to wait and see how your injuries have resolved before accepting any offers in that type of case.

How Long Do I Have to File a Claim?

Occasionally, I receive a call from a client who would like to retain our firm to help them with a commercial trucking crash in Virginia. Those all too often happen a year or two after the crash occurs. In Virginia, the time in which you must file a lawsuit to preserve your claim for a commercial trucking accident is two years. As a result, people often come out of the woodwork and try to get an attorney very late in the game when they know that two-year deadline is approaching. In my estimation, that's often a very dangerous tactic to wait that long to see an attorney for your commercial trucking accident in Virginia.

So much about your case depends on a careful evaluation of the scene of the crash and preserving the evidence of what happened and the physical evidence at the crash site immediately after the crash. Oftentimes, tire marks evaporate from weather conditions changing on the road or simply the traffic volume on a highway. There can be devastating consequences to the merits of your case by not retaining an attorney early on. By all means, if you have the ability to do so, retain a lawyer immediately after your Virginia commercial trucking accident case.

How Much is My Case Worth?

It's certainly true in Virginia that, like every other state subject to the Interstate Commerce Commission insurance rules, insurance limits are far higher for commercial trucks than most other vehicles. That does not mean automatically that the value of the case is immediately higher. Instead, we have to look at what the injuries were. Oftentimes, in Virginia commercial truck accident cases, the injuries are far more severe because the truck is so much heavier and has much more force in a collision that can cause injuries far more severe than an ordinary car collision. You have to wait for all of the injuries to be resolved and diagnosed before you can arrive at a fair value for that type of case.

How Long Will My Case Take?

I often tell my clients who have that type of question that it depends on how quickly you're able to recover from your injuries in that type of case. Don't be worried that months have gone on before you've been able to resolve the case.

Instead, focus on what it is going to take to feel better by following the doctor's instructions during your recovery process. Once that process is completed, we can wrap your case up in a relatively short period of time. To rush the recovery process means that you will also probably have a less successful recovery from your injuries. By giving time to complete the recovery process in the medical care, you will actually help resolve the case more quickly.

CALL NOW FOR A FREE CASE EVALUATION

For motorists, there are few experiences more terrifying than a truck accident. If you've been involved in an accident, we want to help. Contact our legal team today for a free, no-obligation case evaluation. Our Virginia truck accident lawyers will ask you about your case and help you create a legal plan of action. Call now!



ABOUT THE AUTHOR

Michael R. Strong has handled complex auto accident, trucking accident, and products liability claims for over 38 years. He has achieved many six-figure settlements and verdicts for his clients involving highway accidents, products liability claims, and medical malpractice claims.

A true litigator, Michael Strong is licensed to practice law in Virginia, Maryland, and the District of Columbia. He has been licensed to practice law since 1980. Mr. Strong earned his law degree from the University of Dayton School of Law. He handles cases involving personal injury and business litigation, including catastrophic injuries, serious accidents, business contracts, business transactions, and more. As a dedicated advocate, he is well-known for his client-focused representation. He has secured favorable results for many of his cases and is passionate about serving his clients.

Mr. Strong is the author of several articles involving personal injury recovery advice, development of sources of insurance coverage in complex accident cases, and creative solutions for compromise of medical provider and subrogation liens. He is also a Number One Best Seller on Amazon.com on Insurance Issues.

