

Trucking Accident Arizona

An Essential Recovery & Compensation Guide

Things you should know
about trucking accidents



Provided as a public service by

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Table of Contents

INTRODUCTION	3
CAUSES OF TRUCKING ACCIDENTS	4
TRUCKING COMPANY EARLY RESPONDER TEAMS.....	4
LEVEL THE PLAYING FIELD	4
INVESTIGATING THE ACCIDENT	5
PRESERVING CRITICAL EVIDENCE.....	5
FEDERAL MOTOR CARRIER SAFETY REGULATIONS (FMCSR)	6
RECONSTRUCTION AND OTHER EXPERTS	6
COMPENSATION FOR TRUCKING ACCIDENT VICTIMS	7
RETAIN A TRUCKING ACCIDENT ATTORNEY EARLY.....	7
HOW TO CHOOSE A TRUCKING ACCIDENT ATTORNEY	8
ALEX & ASSOCIATES, TRUCKING ACCIDENT LAWYERS.....	8
FOUNDING AND MANAGEMENT PARTNER PROFILE	9
QUESTIONS?.....	10

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INTRODUCTION

According to the United States Department of Transportation (USDOT), out of 500,000 tractor trailer accidents each year, over 5,000 are fatal. A tractor trailer can weigh more than 80,000 pounds and be up to 75 feet in length.

A tractor trailer that collides with a passenger vehicle, motorcyclist or pedestrian is likely to result in serious bodily injury or death. Tractor trailer accidents are often catastrophic and far more complex than typical collisions involving automobiles.

A victim of a serious semi-trailer accident should retain a trial lawyer. And it is **essential** that the trial lawyer is highly **experienced** in trucking accident cases.

Unfortunately, a typical red-car-blue-car personal injury attorney may not have the unique skills, knowledge and resources required to effectively handle a complex trucking accident case. Another factor is that the court jurisdiction for many trucking accidents is Federal District Court, a venue which many attorneys seldom, if ever, practice. The tragic result is an unskilled lawyer may settle their client's case for far less than full and complete compensation. This *under-representation* may leave their client and bereaving family with few financial resources to sustain a quality of life.

Alex & Associates genuinely feels the difference between a life of charity and a life of financial dignity is the quality of legal representation. In trucking accident cases, it is about your attorney's skills and experience in representing trucking accident victims, and their use of advanced trial techniques. It is essential that your trial attorney have a track record of proven trucking accident case results.

We are pleased to provide this no-nonsense eBook to help you better understand the complicated trucking accident claim and legal process. This eBook has information on how to hire a qualified attorney, why you want to be represented by a skilled trucking "trial attorney" and not a "settlement attorney," and the kinds of questions you should ask before retaining an attorney.

This eBook, not matter how helpful, is certainly not a substitute for a trial-proven trucking accident law firm. Alex & Associates is available to handle 18-wheeler and tractor trailer accidents claims for clients throughout Arizona, California, New Mexico, Utah, Nevada, and Texas from our offices in the Phoenix-Scottsdale metropolitan area. We are happy to assist out-of-state clients with claims that occurred in Arizona. If you would like to arrange a **free consultation** with a tractor trailer accident attorney please contact our firm at 602-971-1775.

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CAUSES OF TRUCKING ACCIDENTS

Many trucking accidents are caused by driver speeding, inattention, fatigue (drowsy or asleep), influence of alcohol or drugs (street or prescription), and faulty equipment.



Common cases of trucking accidents include:

- **Drug use** is a most common cause of accident (26% of the crashes) affecting truck driver reaction time.
- **Over-the-counter medications** cause 18% of the crashes.
- **Speeding** is a common cause in 23% of accidents. An 80,000-pound truck becomes more deadly with each mile of increased speed.
- **Unfamiliarity with Area being travelled** is the cause of 22% of the accidents because driver does not know the roads or highways.
- **Illegal driving maneuvers** cause 9% of the accidents. Maneuvers like failing to use a turn signal.
- **Distracted driving** causes about 8% of the crashes (roadwork or accidents).

TRUCKING COMPANY EARLY RESPONDER TEAMS

Medium and large sized trucking companies may have early responder teams. This means that the trucking company quickly dispatches a team of experts to the accident scene. In one fatality case in which we are involved, within 30 seconds of a fatal accident, the trucking company's co-driver was on his cell phone contacting risk management at the home office. Within 30 minutes the trucking company's lawyer was at the scene, and within 45 minutes the trucking company's field investigator was at the scene. *While the victims were bleeding and dying, the trucking company was already preparing its defense.*

LEVEL THE PLAYING FIELD

By retaining a highly skilled trucking accident lawyer early, you help level the playing field. In catastrophic trucking accident cases, YOUR attorney, and his assembled team of experts, will match the expertise of the trucking company. Your attorney will begin marshaling together all the necessary facts and evidence: physical and electronic data, witness statements, trucking documents including

driver's log books, log audits, trip receipts, fuel receipts, weigh tickets, etc., to begin constructing a strong case against the trucking company.

INVESTIGATING THE ACCIDENT

Investigation of the accident is critical to the outcome of your case. You cannot rely only on the police investigation. Although state police agencies or local police conduct an investigation to the best of their ability and resources, these resources vary depending on training, experience, equipment, man power and many other variables.

Additionally, the investigating officers have to contend with many factors at the accident scene such as injured victims, traffic control, confusion at the site, conflicting stories, motorist safety, preserving evidence (marking and measuring physical evidence) and clearing debris. These agencies deserve a lot of credit for the on-scene services they provide. Nevertheless, due the chaos, extraordinary demands and time limitations their investigations may not be flawless or complete.

Your attorney and his investigating team will pick up the investigation where the police officer's leave off by:

- Visiting the accident scene: Your attorney and truck accident reconstructionist should visit the accident scene, documenting physical evidence, witness marks and other information to assist in reconstructing the accident.
- Inspecting and photographing the tractor trailer and other vehicles involved in the accident so a qualified trucking expert can determine whether there were any truck defects, "out of service" violations, or federal safety violations.
- Recording witness statements shortly after the accident while the events are fresh in their mind.
- Interviewing the investigating police officers as they often see and hear more information than they can include in their official police accident report.

PRESERVING CRITICAL EVIDENCE

It is important that a letter be sent early on to the trucking company to preserve critical physical evidence, electronic and paper data. Our law firm sends a certified letter to the trucking company requiring the company to preserve critical evidence. This letter requests over 25 items of evidence to be preserved, including:

- Duty status logs of the truck driver
- Black box data
- Fuel receipts
- Weight scale receipts
- Delivery gate receipts
- Bills of lading
- Satellite position devices (GPS)
- Dispatch records and logs

Trucking companies have record retention policies that enable them to routinely delete or dispose of critical evidence. This evidence will be lost unless the trucking company receives a timely letter -- *putting them on notice that all critical evidence is to be preserved.*

FEDERAL MOTOR CARRIER SAFETY REGULATIONS (FMCSR)

These Federal regulations apply to interstate motor carriers with vehicles having a gross vehicle weight rating (GVWR) or combination GVWR of 10,001 pounds or more, and passenger vehicles transporting 16 or more passengers (including the driver), or any size vehicle carrying placarded hazardous materials. There are exceptions which are beyond the intention of this eBook.

Lawyers pursuing a claim for bodily injury or wrongful death against a trucking company should know the Federal Motor Carrier Safety Regulations (FMCSR). Your attorney should have a working knowledge of the FMCSR standards and guidelines governing trucking companies and their drivers.

Many lawyers unfamiliar with the FMCSR will prepare a usual settlement letter, or file a standard negligent personal injury lawsuit. In so doing, these attorneys may fail or limit their client's ability to establish breaches of FMCSR regulatory requirements. These FMCSR requirements apply not only to the driver but also to the motor carrier.

The term "motor carrier" includes (1) a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. (2) An employer firm that is primarily engaged in providing commercial motor freight or long distance trucking or transfer services. (49CFR390)

For our purposes, we collectively refer to all these entities governed by the FMCSR as a "trucking company." The intention of the FMCSR is to reduce or prevent truck and bus accidents, fatalities, and injuries by requiring drivers to have a single commercial motor vehicle driver's license and by disqualifying drivers who operate commercial motor vehicles in an unsafe manner. Further, the FMCSR places obligations on the trucking company to properly hire, qualify, train, monitor, supervise and direct the driver.

In order to obtain a fair and just compensation, your attorney must have a "good" working knowledge of the FMCSR regulations and their applicability to a specific set of facts.

RECONSTRUCTION AND OTHER EXPERTS

In instances where accidents are caused by fatigued truck drivers, your attorney should be familiar with 49 C.F.R. § 392.3 which governs on-duty and driving times, among other things. The purpose of the regulations is to ensure that no driver shall operate a commercial motor vehicle while the driver's ability or alertness is so impaired or likely to become impaired as to make it unsafe for him to begin or to continue to operate the motor vehicle. If your attorney suspects driver fatigue, a log book expert and likely a human factors expert is critical to proving the case against the trucking company.

Trucking companies often have in-house attorneys or retain outside law firms with attorneys that handle only trucking accident cases. The trucking company's attorneys are often lawyers who are dedicated to protecting the interests of the trucking company and/or its insurance company.

In order to level the playing field, it is important that you retain a highly skilled and qualified trucking accident trial lawyer with connections to the very best experts in the field.

COMPENSATION FOR TRUCKING ACCIDENT VICTIMS

Victims of a trucking accident are entitled to compensation for their injuries (often severe), medical expenses (often in the tens of thousands of dollars), lost wages, past and future (including lost earning capacity), pain and suffering (past and future) and permanent physical impairment and/or disfigurement. The victim's harms and losses may change the quality of life forever and result in medical expenses and lost earnings over the course of a lifetime.

An experienced truck accident attorney often will hire a life care planner and an economist to establish the economic harm over the expected life of an accident victim. These experts can lay the foundation for a full and complete settlement or jury award.

If the trucking accident results in a fatality, Arizona's wrongful death statute governs who can bring a claim, commonly referred to as "statutory beneficiaries". The measure of damages for each statutory beneficiary tends to be complex requiring careful analysis. If the decedent was the primary (or secondary) source financial support to a claimant, a CPA and an economist are able to establish current and future economic losses, including such things as loss of household services.

RETAIN A TRUCKING ACCIDENT ATTORNEY EARLY

For the reasons discussed above, it is important to retain a qualified lawyer as quickly as possible after a trucking accident. If you're totally incapacitated by the accident, family members can step in and help. Immediately after an accident, you or family members should be exploring legal options.

A delay of months (or even several weeks) may weaken key elements of your case. For example, skid marks, debris, and vegetation at the scene may change or fade over time. Also, the trucking company may not preserve critical electronic and paper evidence unless put on notice by your attorney. Accident witnesses may move, their memories may fade or they become reluctant to get involved.

Every state has statute of limitation laws that limit the time you have in which to file a lawsuit. Statutes of limitations vary from state to state based on a factors, including the state in which the accident occurred, whether the claim involves a governmental entity, whether the injured party is a minor, and other matters. In Arizona there are notice of claim requirements for bringing a claim against a governmental entity, and shortened statutes of limitations for bringing a lawsuit.

This eBook is not intended to give advice or address the statutes of limitations applicable to your situation. Rather, our only purpose is to inform you of the existence statutes of limitations and certain laws that limit your ability to bring a claim, and to encourage you to promptly speak to an attorney on all issues about your accident.

HOW TO CHOOSE A TRUCKING ACCIDENT ATTORNEY

Choosing the right attorney may be the most important decision you make involving your case. We suggest that you consider the following:

- Are you comfortable with the lawyer: does he/she have the combination of empathy, energy and knowledge in the area of trucking accidents needed to be your advocate?
- Does the attorney conduct the interview professional and are you confident that your attorney will command the respect of the trucking company, its lawyers, and the courts?
- Ask the attorney about their trucking accident case results, including large settlements, awards and jury verdicts.
- Request client references that you may contact.
- Ask to see the attorney's trucking accident library and resources.
- Review your attorney's credentials:
 - how long has the attorney been in practice
 - has the lawyer worked on other cases similar to yours
 - to what prestigious organizations does the lawyer belong?
- Speak specifically about your case.
 - Does the attorney have a command of the facts as they apply to the law?
 - Is the attorney a good communicator?
 - Is the attorney able to answer your questions by speaking from experience?
 - Does the attorney give you a feeling of confidence?
- Discuss attorney fees and costs. Is your attorney willing to expend resources on investigation, experts, and discovery to help ensure a good outcome for your case?
- Have an open discussion the attorney's trial techniques, use of digital trial exhibits, animation and other high impact strategies. Ask to see his/her trial resource library.
- Ask the attorney about your responsibilities and his responsibilities in creating a good working relationship.

ALEX & ASSOCIATES, TRUCKING ACCIDENT LAWYERS

Alex & Associates has been representing trucking accident victims for over 25 years. We have the skills, knowledge and resources to handle the most complex trucking accident cases. We will be happy to meet with you to discuss the merits of your case. We will give you a clear understanding of the claim process and likely outcome.

We handle tractor trailer accident claims throughout Arizona. Also we are available to handle cases for accident victims in California, New Mexico, Utah, Nevada, and Texas. We have local counsel in

many states that we work closely with and trust. We offer an in-depth **free consultation** with a proven tractor trailer accident attorney. Please contact our firm at 602-971-1775.

FOUNDING AND MANAGEMENT PARTNER PROFILE

Attorney Andrew R. Alex Managing Partner

Andrew Alex is the founding partner of Alex & Associates, P.C., a premier personal injury law firm in Phoenix, Arizona. The firm was formed in 1984. Andrew has a solid reputation for delivering results for his clients. An experienced trial lawyer, he has successfully litigated large cases involving serious injuries ranging from construction accidents, motorcycle injuries, and tractor-trailer accidents to medical malpractice suits. As a result of multimillion-dollar awards and exceptional relationships, he enjoys a loyal



client base. Many of his clients have referred family members, relatives and friends over the years, trusting that they will receive the same successful results and personal care.

Andrew has been practicing law in Arizona since 1974. He is an active member of the Arizona Trial Lawyers Association (AZTLA), the American Association of Justice (AAJ) and the Arizona State Bar. Andrew graduated second in his class at Chicago-Kent College of Law, which is now affiliated with the Illinois Institute of Technology in Chicago.

Andrew and his firm are committed to securing superior results for clients. The firm will not hesitate to retain nationally recognized experts in their respective fields and to commit legal talent and resources to assure their clients receive just financial compensation and peace of mind.

Areas of Practice: Personal Injury Law, Criminal Defense Law, DUI Defense, Business and Healthcare Law

QUESTIONS?

If you had an accident in Arizona or the Southwest, Alex & Associates personal injury firm would be happy to help answer any questions you have. If you want to discuss a particular accident, we offer a free, no-obligation consultation. Call 602-971-1775 or visit our website: www.alexandassociates.com.