



# VENTURA TRUCK ACCIDENT GUIDE

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The roadways aren't the safest places to spend your time. For the average person, the most dangerous thing they will do on a regular basis will be driving on the road. Accidents with large trucks are especially commonplace. According to the Federal Motor Carrier Safety Administration, there were roughly

500,000 collisions involving large trucks in 2016, with just over 4,200 of these accidents resulting in a fatality.

Many of these crashes are preventable and senseless because they are the result of unsafe driving, such as driving under the influence of alcohol, or texting while driving. But some of these accidents that cause a death or serious injury are the result of the laws of physics. When a larger vehicle crashes into the smaller vehicle, it's usually the smaller vehicle that suffers most of the damage.

The good news is that anyone riding in the larger vehicle is more likely to survive the accident. The bad news is that anyone in the smaller vehicle is more likely to suffer a severe injury or die. This is a major reason why accidents with trucks (especially commercial trucks), are particularly devastating to human life.

If you have been involved in an automobile accident that included a truck or other type of large commercial vehicle, consider yourself lucky to still be alive. But that doesn't mean you have to accept any injuries or financial losses that result, especially if the driver of the commercial truck was at least partially at fault. It's not fair for you to have to bear the full burden of lost income from missed work and pay mounting medical bills just because you were involved in an accident with a truck.

Then there are the intangible losses, such as losing time with your family and the physical pain you must endure as a direct result of the accident. Luckily, there's a possibility that you may be entitled to compensation for

these and other damages you face. But it usually takes the skills and experience of a truck accident lawyer to navigate the legal and insurance maze of rules and laws.



## WHAT MAKES TRUCK ACCIDENTS UNIQUE?

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If you're looking for a truck accident attorney, most likely your accident involved a commercial truck. There are advantages and disadvantages to getting involved in an accident with a commercial truck versus a traditional private vehicle.

One advantage is that a commercial truck driver (or the driver's employer) is more likely to have the financial resources to fully compensate you for your financial, physical and emotional damages. Whether it's the larger bank account of a trucking company or the higher policy limits of a commercial insurance policy, the odds are better (although not guaranteed) that you can obtain a full recovery. Of course, this assumes that the commercial truck driver or the truck company are legally responsible for your damages and are at least partially at fault for the accident.

A second advantage is that there is a greater chance of finding evidence as to why the accident happened. Commercial trucks are more likely to have dash cams, driver logs or "black boxes" that can help provide information as to the circumstances just before or during the crash.

A disadvantage of having to deal with a commercial trucking company and its driver is that it can be difficult to get evidence concerning the accident. Commercial truck companies are in the business of moving goods, people or material, so they want the truck or other commercial vehicle repaired and back on the road as quickly as possible. This means it's sometimes harder to

get photographs, truck parts and other forms of physical evidence to prove negligence or that the truck driver was otherwise at fault.

Truck companies should protect potential evidence, but it's not surprising that they might not realize something will serve as evidence. Occasionally, this will result in someone "accidentally" disposing of evidence claiming they were just making necessary repairs or getting rid of damaged vehicles or truck parts as a part of the normal course of doing business.

Another disadvantage is the complex array of state and federal laws that apply to commercial truck drivers and businesses. Congress and state legislatures understand how dangerous truck accidents can be, so they have created special laws to protect other drivers on the road. For example, commercial truck drivers have restrictions on how long they can drive in one shift or how much maintenance a truck must go through for a certain number of hours or miles on the road. When these requirements are not followed, it could end up being the cause of the accident such as when a driver falls asleep at the wheel or there is a mechanical failure in part of the truck.

Finally, a disadvantage when dealing with commercial trucks is figuring out who is legally responsible for the accident. For instance, let's say a commercial truck driver was distracted by his cellphone when he crashed into your vehicle. He admits he was on his cellphone, but claims his brakes failed and that's why the accident happened. He also says that he was on his cellphone because his boss told him to check his email while he was driving to save time and get more work done during the day.

So who's responsible for the accident? Besides the driver, there is a host of potentially responsible parties, such as:

- » The driver's boss
- » The driver's employer
- » The maintenance company that worked on the truck brakes

- » The parent company that owns a controlling interest in the driver's employer
- » The manufacturer of the truck or the truck's brakes

Perhaps all of the above parties are responsible for the accident, but maybe only one or two of them are. It can take extensive investigating to get everything sorted out. Much of this investigation will take place only after a civil lawsuit has begun, but you'll probably want the help of a truck accident attorney to conduct the most thorough investigation possible.

## FREQUENTLY ASKED VENTURA TRUCK ACCIDENT QUESTIONS

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### *What Should I Know About Commercial Truck Accident Claims?*

If you've been involved in an accident or crash involving a semi-truck trailer here in Ventura, or anywhere in California, you should know that these types of claims are very different from car crash cases.

Typically, when a semi-truck causes a crash on a freeway, there are going to be multiple parties involved. In other words, there's going to be numbers of cars and vehicles that have been involved in that crash so automatically, they are very complex because they involve a lot of people. More importantly, there are federal rules and regulations that govern these trucking companies and the drivers, and you need an attorney who knows what those federal rules and regulations are.

In addition to that, there are multiple layers of insurance that could be available. You have the driver of the truck, the owner of the tractor, the owners of the trailers and the owners of the contents inside. You may have brokers that have put the two entities together. There are multiple layers of insurance coverage that could be available, yet they don't want to tell everybody what's available. If you don't have an attorney who has the experience to go out and

get that information, you could be at a severe disadvantage. A car crash lawyer is not who you need if you have a serious injury from a semi-truck accident here in California. You have to get somebody who deals with these truck claims on a regular basis.



## *What Are Common Commercial Truck Injuries?*

If you've spent any time driving on our freeways, you know that there are lots of commercial trucks out there. Whether it's big trucks, huge semis, or trucks with multiple trailers behind them, they're all over our roadways. If you have been involved in a crash with a commercial truck, you need to get a lawyer who

deals with semi-truck tractor cases on a regular basis. These are very specialized types of cases. There are federal rules and regulations that strictly apply and if you don't have an attorney that knows those rules, you're going to be at a severe disadvantage. In addition to that, there are multiple layers of insurance coverage and various parties that are involved in the ownership of these vehicles. If you don't have an attorney that knows where to look and how to get the information, you may miss multiple layers of insurance to pay for your severe injuries and damages.

## *Should I Talk to the Big Rig Insurance Company?*

If you have been involved in a crash or accident with a semi-truck or commercial truck here in California, it's not going to be long before you start getting calls from the insurance adjusters and the insurance lawyers wanting to take your recorded statement.

Do not give recorded statements to the insurance lawyer or to the insurance adjuster for the commercial truck company or the semi-truck. They have an agenda, and it is not to protect you or fully compensate you.

You have never been through anything like this before, yet they have years of experience. The insurance companies have spent thousands of dollars training them. The insurance lawyers have been through law school and have worked for years protecting the insurance companies and you are at a severe disadvantage. No matter how honest you are and how much you want to help them, do not give them a recorded statement.

Instead, if they call you, tell them that you want to talk to your attorney even if they tell you that you don't need an attorney. Before you do anything, make sure that you get an attorney who has skill and experience in dealing with semi-truck cases. They are very complex, very complicated cases, and you need someone who deals with these on a regular basis.

## *When Should I Contact a Commercial Truck Accident Lawyer?*

You need to talk to an attorney as soon as possible. Somebody needs to get out there and collect evidence, and preserve it to protect you. There is going to be an investigation that is being conducted, but in addition to that, what you need to do is make sure that your attorney gets out there and talks to all of the witnesses, and finds out exactly what happened and how the crash was caused.

The majority of times, when a big semi-rig is involved in an accident on the freeway, there are going to be multiple parties and you need to get your attorney in on that right away so that they're part of that investigation. If not, you could be at a very serious disadvantage.

## *Am I Suing a Commercial Truck Company?*

Unlike a car crash, where you know who owns the car and who was driving it, in the commercial setting it is much more complicated than that. You often-times have multiple layers of ownership of these tractor trailers, the driver, the cab, the trailer, and the contents. There are brokers that put packages

together that arrange for this and there are multiple layers of people that are involved.

The only way to find out exactly who is responsible and who is going to pay your compensation is to hire a skilled and experienced semi-truck attorney. They are going to have to get in and conduct a very detailed investigation to determine who is responsible and who has the financial obligation to pay you for your injuries and damages. The unfortunate thing is this: if you have been involved in a crash with a commercial truck or semi, oftentimes there are multiple parties. A lot of people have been involved in that crash and there's going to be multiple claims coming from all directions. You need to make sure that your attorney finds out everybody who has financial responsibility to you to make sure that if you settle this claim, you're fully and fairly compensated for all of your damages, your past damages and anything going into the future.

If you have personal injuries that are going to last the rest of your life, you need to make sure that you have an attorney that can go out and find who is responsible for that and secure those payments for you. You are entitled to be compensated for all of your injuries and damages, and the only way to do that is to make sure that you have an attorney who knows what they're doing and handles these types of semi-truck cases and commercial truck cases on a regular basis.

## *How Do I Determine Truck Accident Case Value?*

The unfortunate thing in these types of claims is that they often involve multiple parties, and they usually involve very significant and serious injuries, oftentimes life-long, life-altering injuries. Your compensation is really dependent on the extent of the injuries that you have sustained. Your attorney is going to have to fully investigate everything what has happened to you. They will have to find out what happened with your vehicle. You're entitled to all of the property damage to your vehicle.



More importantly than the property, we have to determine what has happened to you and the full extent of your injuries and damages. You are entitled to be compensated for all of your medical expenses, out-of-pocket expenses, and wages that you have lost because of your hospitalization and your surgeries. Not only that, we have to determine how badly these injuries are going to affect your future because you're entitled to compensation for your future medical care, future wage loss and anything that affects you into the future, such as pain, suffering, disability, and disfigurement. All of that has to come into the calculations.

These are often very serious, very severe cases. They involve multiple parties, multiple layers of insurance and responsibility, and you need someone who has the experience of dealing with these types of cases on a regular basis to make sure that you are fully and fairly compensated for the full extent of your injuries and damages.

## *How Do I Choose a Truck Accident Attorney?*

The attorney that you choose to represent you is one of the most important decisions that you will make about your case. The insurance companies keep track of lawyers. They know the lawyers' track records. They know who the trial lawyers are, and who are not. They know who can prepare a case and who is going to fold like a cheap deck of cards.

You probably don't deal with lawyers every day. If you see the commercials or go on the websites, all of them say the same things, "We're aggressive. We get millions of dollars in settlements," but what does that really tell you about the attorney? You want someone who is a skilled and experienced trial lawyer.



Number two, you want to go to an independent evaluation company to see if that lawyer really is well qualified. For example, you could go to Avvo.com; they are not a company where a lawyer can pay them and get a badge to say they're a great lawyer.

Here is the most important thing. These cases are very complicated. They can take years. You need an attorney that you can work with, who will spend the time to get to know you, your injuries and how this has impacted you and your family not only in the past, but all the way into the future. If you don't have an attorney who is here in Ventura, who will spend the time and learn about you, and your family and your case, you are never going to get the full and fair compensation that you deserve. You need someone who is here that you can look at eye to eye and talk to whenever you have questions.

We are going to spend a lot of time. We are going to get to know you. We are going to get to know how this case has impacted you and your whole life. We will be fully invested in your case, and we will spend the time that's necessary. If you call a bunch of lawyers and all you get to do is talk to the intake people, what does that tell you about how interested they are in your case?

If you want the best attorney for your case, call a few lawyers. See who will spend the time with you and figure out who you have the best personal relationship with because that lawyer will be the best lawyer for you and your case.

## *What Are the Steps in Commercial Truck Accident Claims?*

The first thing you need to do after an accident is get to the doctor. If you've been taken to the ER or emergency room, you need to follow up with the care that they suggest. You need to get to your family doctor and get the treatment that you need to be fully taken care of if you've been hospitalized.

The next thing that you need to do, once you get released, is to follow up on all your doctor's appointments. Don't let any of your doctor's appointments

go without you going to them. In addition to that, there are a number of other things that you need to do to make sure that you protect yourself. One of the primary things is to not speak to the insurance adjusters. They are out there to protect their interests and they're looking to get information from you while you're still in severe pain, while you may even be in the hospital under medication, and they're going to ask you questions that either you don't know how to answer, or you're just trying to help them and give them information, but it may not be full and complete information, and they will try to use that against you in the future. Whatever you do, don't start giving out recorded statements to insurance companies.

The other thing that you need to do is get a skilled and experienced semi-truck accident lawyer on your case right away. They need to get out there and get involved on the investigation. They need to get witness statements. They must go out there and preserve the evidence and do everything that they can to make sure that they protect your interests so that at the end of the day, you are fully compensated for all of the injuries and damages that you have sustained. These are very complex, complicated matters and they often involve multiple parties. If you don't have an attorney who is up to the task, you're going to be at a severe disadvantage. I strongly suggest that you get an attorney who deals with these kinds of claims on a regular basis.

## *Will My Case Go to Trial?*

Oftentimes, these cases involve very severe injuries to multiple parties. There are numerous insurance companies that are involved and numerous lawyers. For you, that means that most likely your case will have to go into litigation. You will have to file a lawsuit. You will have to have a skilled and experienced trial attorney in your corner and working on your case. If you have an attorney who is fully vested in your case, knows you on a personal basis, knows the full extent of your injuries and damages, and how this has affected you and your family, they will properly prepare your case.

When the insurance companies know that your case is fully prepared and that you have a real trial lawyer on your side that is willing, ready, and able

to take your case to trial, most likely it will settle, but there are a small percentage of these types of claims that do go to trial. The only way that you can make sure that you are fully protected, whether it goes to trial, is by hiring a skilled and experienced trial lawyer early on. Someone who knows exactly what they need to do to build your case and get it so that you are in fact ready, willing, and able to go to trial when the time comes. When it does, the insurance company will come to the table.

## *What Are the Time Limits for Filing a Commercial Trucking Claim?*

You have the same amount of time to file your lawsuit as you do in other personal injury cases. That means you have, typically, two years from the date of the crash to either file a complaint or get your case settled. If you don't file your complaint within that two years, you will lose your chance to receive any compensation for your injuries or damages. There are some exceptions to that.

If a minor has been injured, that time frame may be extended. If it's a government vehicle, then the time frame may be as short as six months. If you have a life-changing injury or a wrongful death from a semi-truck crash here in California, you need to talk to an attorney as soon as you can. They need to help guide you through this process. They need to take dealing with the insurance companies and all the legal matters off of your plate, so that you can concentrate on getting better, getting back to work and providing for your family.



## ABOUT THE AUTHOR

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Craig has been licensed to practice law in California since 1990. From the beginning of his legal career in California, Craig has been a trial lawyer. He was in court the first day after being sworn in to practice law in California and has continually litigated court cases since that day.

Craig is a Board Certified Personal Injury Specialist by the State Bar of California and the California Justice Association. Craig has gone to trial and obtained jury verdicts in virtually all types of personal injury cases, including complex spinal cord injuries, car crashes, slip and falls, uninsured/underinsured first party practices, medical malpractice, and property owner liability.

Before devoting his career to exclusively representing injury victims, Craig represented doctors in medical malpractice cases, and major Ventura hotel/casinos in premises liability cases. He represented insureds on behalf of Allstate Insurance Company, Farmers Insurance Company, State Farm Insurance Company, Progressive Insurance Company, Geico Insurance Company, Hertz Rent-A-Car Company, and Avis Rent-A-Car Company. Craig has taken his insider's knowledge and now exclusively represents seriously injured people and their families against the major insurance companies and corporations who are responsible for his clients' injuries.

Craig was born and raised in Lima, Ohio. He earned a Bachelor of Science degree in communication at Ohio University. Craig attended law school at Ohio Northern University where he was awarded Dean's scholarship. During law school, Craig earned a number of American Jurisprudence awards for academic excellence. He earned the student-attorney of the year award during his third year of law school as a practicing student lawyer. Craig was an editor of the law review and graduated with distinction. Due to his academic achievements, Craig was admitted into the honorary Willis Society at Ohio Northern University.

Craig is committed to his family, church, and the legal community. Craig has been a church Elder and volunteers as a Sunday school teacher. He is a member of the prestigious Million Dollar Advocates Forum, an honor bestowed on less than 1% of all attorneys. The American Trial Lawyers Association has named him as one of the top 100 trial lawyers in California. Other lawyers recognize Craig as a leader in the legal community and elected him to serve as one of the Board of Governors of the California Trial Lawyers Association and the California Justice Association. He served as a Judge Pro-Tem for the Eighth Judicial District Court short trial program and as a District Court appointed arbitrator.

Craig's practice is dedicated to the protection of injury victims and their families. He prides himself on the level of personal service that he gives to his clients. Craig is committed to pursuing justice one case at a time. If a full and fair settlement cannot be obtained, Craig has the experience, skill, and conviction of character to take his clients' cases to trial.

