

A Brooks Law Group Consumer Guide

9 Costly Mistakes to Avoid After a Truck Accident

Stephen K. Brooks

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This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is not a substitute for individual legal advice regarding specific circumstances. If such legal advice or other expert assistance is required, the services of a competent professional should be sought.

For Brittany Hooten, who was only nine years old when she was
killed in a truck accident.
Her memory inspires me every day.

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Introduction

That you are reading this book probably means that you or someone you care about is involved in a situation related to a crash with a tractor-trailer rig or some other type of large commercial vehicle. I am genuinely sorry that you have having to go through this and I want to make it as easy for you as possible.

It is absolutely critical that you have the right person serving as your lawyer in this situation. You need a lawyer who:

- can empathize with you while still being objective about your situation in the light of existing law;
- has the communication skills to explain the law and your options to you and to deal effectively with opposing attorneys;
- has studied and stays up-to-date on current case law;
- is your advocate;
- can negotiate a strong settlement;
- is not afraid to go to trial;
- has a track record of winning in court;
- always remembers that as the client, you are in charge.

I became a personal injury attorney because I wanted to help people. I am a successful personal injury attorney because I have the characteristics I just listed and because I have put together a team of professionals who are all dedicated to the successful resolution of every case we handle.

In this book, I'm going to tell you the most common and costly mistakes people make following an accident with a big truck or other commercial vehicle. I'll also discuss critical things you need to know and do if you have been involved in such a crash. I'm not going to write in legalese; I'm going to keep it quick and simple. I urge you to read this book completely—it won't take you long. Make notes in the margins. Write your questions down on the pages provided at the back of the book so you don't forget them.

Questions to ask a prospective attorney:

1. How long have they been in practice?
2. Is their practice focused on Injury cases?
3. Do they list examples of Settlements and Verdicts on their website?
4. Do they ACTUALLY take cases to trial?
5. Have they been recognized for achievement?

6. Are they actively connected with the community? (Remember a good lawyer must be able to connect with the good men and women of their community who serve on juries.)

7. Do they have resources to handle litigation?

8. Do they maintain an extensive website showing their history, credentials, and success?

One of the most important things—and I will repeat this throughout the book because it is so critical—is that you get a lawyer on your side as soon as possible. Most attorneys offer an initial, no-obligation consultation at no cost. Whether you call me or another attorney, if you have been involved in a crash with a big rig truck, call and schedule your appointment *right now*.

Stephen K. Brooks

Chapter 1

Don't Make These Mistakes

In an ideal world, trucking companies would voluntarily accept responsibility for vehicle accidents their employees cause and insurance companies would pay fair and reasonable claims without argument. But we don't live in an ideal world.

If you or a loved one is involved in a crash with a tractor-trailer truck, what you do immediately following the accident is critical if you are to receive fair and just compensation for whatever damages you suffer. Let's take a look at the most common—and costly—mistakes people make following a wreck with a big commercial vehicle:

1. Waiting too long to consult with a lawyer. You might think you don't need an attorney and that you can settle the case yourself. You might not know who to call—after all, most people don't have an attorney on retainer. But if you wait too long to consult with a lawyer, whether or not you ultimately decide to sue, you will put yourself at a serious legal disadvantage. In Chapter 3, I'll explain why time is *not* on your side following an accident and why you need competent legal advice as soon as possible.

2. Failing to demand that the trucking company preserve evidence. Trucking companies are not required to keep data indefinitely—in fact, they may legally begin destroying or altering information that may be helpful to you in a claim against them in as little as two weeks after the accident. A lawyer knows how to demand that this critical evidence be preserved, but that action must be taken quickly. You'll learn more about this in Chapter 3.

3. Failing to document everything that happened following the crash. When you go to court, you must be able to prove your position. Keeping complete, detailed records will show a jury that you're telling the truth. We'll discuss more about what to document and how to do it in Chapter 4.

4. Failing to promptly seek medical attention. In some cases, crash victims don't think they are injured when they actually are. In other cases, they believe their injuries are minor and they don't want to get involved in the time and expense of going to the hospital or seeing a doctor. But when injuries turn out to be more significant than you initially thought, you'll find it very challenging to make your case if you did not seek medical attention immediately following the accident.

5. Giving statements, signing releases, agreeing to settlements without obtaining legal counsel. You've probably heard the phrase, "You can't un-ring a bell." Once you've said something or signed a document, it's very difficult to retract or reverse. Insist on discussing

your situation with an attorney before making statements, reaching agreements, or signing any documents.

6. Hiding information from (or not being completely truthful with) your lawyer about prior claims or injuries. Total honesty with your attorney is essential—it's the only way he or she can determine the best strategy for your case. We'll discuss more about this in Chapter 5.

7. Exaggerating injuries or losses. Accident investigators have the skills and resources to determine what your injuries and losses actually were. If you try to exaggerate, you'll damage your credibility and make it difficult for your attorney to advocate for you.

8. Failing to follow medical advice or get recommended treatment. When you don't do what doctors and other medical professionals tell you, it weakens your claim. This is explained in Chapter 7.

9. Waiting too long to retain a lawyer. The trucking company's legal team will get to work immediately after the accident happens. The longer you wait to hire a lawyer to represent you, the more time they have to diminish your claim. In Chapter 8, we'll talk more about why you need to move quickly to get a lawyer working for you.

Let's take a more detailed look at why trucking accidents happen and what you need to know if you or a loved one are involved in a crash.

Chapter 2

The Big Picture of Big Rig Crashes

What makes crashes involving big rig trucks so much worse than those involving only smaller vehicles? It's a simple case of *size matters*. Think about it from this perspective: You're putting groceries away and something slips out of your hand and falls on your foot. If it's a loaf of bread, it's no big deal. If it's a 48-ounce can of beans, it's going to hurt—or worse, injure you to the point that you need medical attention. That principle applies to crashes with large trucks.

Not only are tractor-trailer rigs much heavier than cars (80,000 pounds or more when fully loaded), they are much higher; they are made of materials like metal which are generally stronger than the lighter-weight plastic often used in cars; and trucks may be carrying flammable liquids or other dangerous cargo that could cause fires and explosions in a crash. A big rig is simply not something you want to tangle with. When a crash involves any large truck and a car, whether on the highway, a city street, or even a parking lot, the car is going to get the worst of it—and the chances of the people in the car being injured or killed is far greater than when the crash involves only smaller vehicles.

Though the number of accidents involving big rig trucks is declining, probably due to a combination of stricter regulations and technology, such statistics are small comfort to the victims of these crashes. And even though the death and injury statistics are moving in the right direction, there are still more than 50,000 crashes every year involving big trucks, and those crashes cause the deaths of more than 5,000 people.

Big rig truck drivers are required to hold a valid commercial driver's license (CDL) which requires skills and knowledge above and beyond those required to drive a car or other lightweight vehicle. Operators are also required to maintain their equipment in a safe condition. It would be wonderful if these legal requirements could eliminate the risk of crashes, but they don't. The reality is that truck drivers work long hours, often under difficult and challenging conditions. They are human and they make mistakes, even the best of equipment can fail, and sometimes circumstances such as weather or other environmental factors can make a crash unavoidable.

Why Trucks Crash

The very size of a fully loaded, 80,000-pound 18-wheeler is intimidating. When you add highway speed to the equation, it can be downright frightening. These vehicles are the *Titanics* of the highways—they're big and heavy, it takes longer for them to stop than it does for cars, and they're difficult to maneuver.

So what causes most crashes involving tractor-trailer rigs? The two most common general reasons are driver error and equipment failure. Let's take a look at some of the more specific causes of truck accidents, keeping in mind that it's not uncommon for a single crash to have multiple causes.

- *Driver fatigue.* Even though truck drivers are limited by law as to the number of hours they can drive without a break, they are still often sleep-deprived and highly fatigued, which can slow their reaction time and even cause them to fall asleep behind the wheel. Contributing to the problem of fatigue is that some drivers will violate hours of service rules and falsify their logbooks. Related to driver fatigue is boredom; highway driving especially can be monotonous, and bored drivers may let their attention stray from driving, causing them to perform in a manner similar to tired drivers.

- *Excessive speed.* Drivers often feel pressured to meet tight delivery deadlines or to make up for time lost due to heavy traffic or other delays, and so they may drive too fast. Speeding was found to be an issue in 23 percent of large truck accidents, according to a report by the Federal Motor Carrier Safety Administration. Each mile of increased speed makes the force of impact from a big rig truck more deadly.

- *Driver distraction.* Distractions come from a wide range of sources, both external (such as road work, disabled vehicles, and accidents) and internal (the driver's conduct inside the truck). Drivers can be distracted by their radios and cell phones, by reaching for something in the truck, and even eating. And yes, big rig crashes have been caused by truck drivers texting while driving. The problem is so serious that a federal ban prohibiting texting by drivers of commercial vehicles was announced in January 2010. Unfortunately, some drivers choose to ignore that ban.

- *Driver negligence.* This is when the driver fails to take the proper action in a given situation, such as failing to check blind spots properly or even failing to employ simple safety measures, such as using a turn signal.

- *Driving under the influence.* This includes alcohol, prescription drugs, over-the-counter medication, and illegal drugs—all of these substances can affect a driver's performance.

- *Unfamiliarity with area.* When drivers are not familiar with the roads on which they are traveling, they are more likely to make mistakes or take other actions that could result in a crash.

- *Vehicle maneuverability.* Even when drivers are paying attention and do their best to avoid a crash, the reality is that big rigs are not easy to maneuver, and drivers may underestimate the level of evasive action needed in certain circumstances.

- *Aggressive driving.* Road rage is not limited to car drivers. Because of the size and weight of big trucks, aggressive drivers and those whose behavior escalates to the level of road rage can cause deadly crashes.

- *Untrained or inexperienced drivers.* Drivers who have not received adequate training or who are inexperienced can make mistakes or simply not know how to react to certain circumstances, causing a crash.

- *Defective equipment and/or vehicle malfunction.* This might include on-board computer systems, brakes, tires, or other components that fail unexpectedly for reasons unknown or unanticipated by the driver or trucking company.

- *Improper or inadequate maintenance.* This is similar to defective equipment, but the reason for the performance failure is caused by specific actions or lack of action by whoever is responsible for maintaining the equipment and doing pre-trip inspections.

- *Improper loading.* Overweight trucks or cargo is not properly distributed or secured can cause accidents (such as when the driver loses control because products in the trailer shift unexpectedly) or make an accident caused by something else worse.

- *Adverse weather.* Rain, sleet, snow, ice, and fog all contribute to dangerous driving conditions that can result in crashes.

- *Unsafe road conditions.* Beyond weather, roads can be unsafe for a variety of reasons, including spills and debris in the road, reduced visibility due to smoke, construction, poor maintenance, and so on. When these conditions are in play, the chances of a crash increase.

Injuries Resulting From Truck Crashes

The extent of injuries resulting from a truck crash is not always readily apparent and may take some time to identify and quantify. Common injuries suffered by victims of large truck accidents include:

- head trauma and/or brain injury;
- back, neck, or spinal injury;
- broken bones;
- whiplash;
- burns;
- cuts and lacerations;
- various internal injuries; and
- death.

Because of the general nature of truck crashes, these injuries are often severe and may require extremely costly medical and or rehabilitation.

Losses go beyond the specific physical injuries. The losses victims often suffer include:

- loss of earnings, present and future;
- pain and suffering;
- mental distress;
- loss of employment; and

- loss of enjoyment (a term used to describe detrimental alterations of a person's life or lifestyle or the inability to participate in activities or pleasures that were formerly enjoyed).

About Trucks and Trucking Companies

There are hundreds of thousands of commercial and private carrier trucking companies licensed to operate in the United States, with more than 3 million drivers operating vehicles either solo or in teams. The basic types of trucking companies are:

- Common carriers, which are available for hire by the public;
- Contract carriers, which transport goods for specific clients; and
- Private carriers, which are companies that transport only their own goods.

These companies operate a variety of types of trucks, including tractor-trailer rigs (also known as semi trucks, semi trailers, big rigs, and 18-wheelers); flatbed trucks (which have a flat, level body with no sides or roof); and tankers (which are designed to carry liquids, dry bulk cargo, or gasses).

SIDEBAR:

Big Rig Trucks and the American Economy

Tractor-trailer trucks are essential to the U.S. economy and the American way of life. Look around your home or office. Chances are the vast majority of the items you see—if not all of them—traveled at least part of the way on a truck. Without big trucks, our economy would come to a screeching standstill and our lifestyles would change dramatically.

Even so, we have the right to expect that trucking companies and their drivers operate as safely as possible, and, when they are responsible for a crash, that they take responsibility. Regulations and our court system are in place to make sure that happens.

SIDEBAR:

Cost of Truck Crashes

In a report prepared for the Federal Motor Carrier Safety Administration, the Pacific Institute for Research and Evaluation in Calverton, Maryland, studied the cost of highway crashes involving medium/heavy trucks and found that:

- The estimated cost of police-reported crashes involving trucks with a gross weight rating of more than 10,000 pounds averaged \$91,112.
- Crashes in which truck-tractors with two or three trailers were involved were the rarest but their cost was the highest among all crashes at \$289,549 per crash.
- Crashes in which straight trucks with no trailers were involved had the lower cost at \$56,296 per crash.
- The average cost of property damage only crashes was \$15,114.
- The costs per non-fatal injury crash averaged \$195,258.

- The average cost of a fatal crash was \$3,604,518 per crash.

These costs represent all costs over the victims' expected life span that result from a crash, including medical costs, emergency services costs, property damage costs, lost productivity, and the monetized value of the pain, suffering, and quality of life that the family loses because of a death or injury. However, these costs do not include mental health care costs for crash victims, costs to repair roadside furniture (includes various markers and signs), costs to businesses and consumers due to cargo delays, earnings lost by family and friends caring for the injured, and the value of schoolwork lost.

SIDEBAR:

Distracted Driving

Distracted driving is any non-driving activity that has the potential to distract an individual from the primary task of driving and consequently increase the risk of a crash. The three main types of distraction are visual (taking your eyes off the road); manual (taking your hands off the wheel); and cognitive (taking your mind off what you're doing).

While all distractions have the potential to be dangerous, texting while driving is the most alarming because it involves all three types of distraction. In fact, research by the Federal Motor Carrier Safety Administration (FMCSA) shows that drivers who send and receive text messages take their eyes off the road for an average of 4.6 seconds out of every 6 seconds while texting. At 55 miles per hour, this means that the driver is traveling the length of a football field, including the end zones, without looking at the road. The probability of being involved in an accident is more than 20 times greater for drivers who text than for non-distracted drivers.

Other distracting activities include using a cell phone (even with a hands-free device); eating and drinking; talking to passengers; grooming; reading, including maps; using a PDA or navigation system; watching a video; changing the radio station, CD, or MP3 player.

SIDEBAR:

How to Avoid a Crash with a Big Rig Truck

I'm here to help you if you are involved in a truck crash, but I would much prefer that you not need my services. Here are some tips for avoiding truck/car accidents:

- Understand the differences between trucks and cars. Trucks are larger, heavier, more difficult to maneuver, and harder to stop than cars.
- Keep a safe distance between your car and trucks. If you're behind the truck, leave plenty of room. If a truck is tailgating you, get out of its way.
- Remember that 18-wheelers have large blind spots, so be cautious when passing them, especially in bad weather. Be sure the truck driver can see you.

- If you have a flat tire, other mechanical problem, or for any other reason need to pull off the road, use your signals and get your vehicle completely off the roadway. Once off the road, use your emergency flashers so your vehicle is visible to traffic.
- Keep your cool. Don't get involved in a road rage incident with a truck driver. No matter what the truck driver did wrong or how angry you may be, let it go.
- Always drive defensively and cautiously.

Chapter 3

First Things First: What to Do Immediately Following a Crash

What you do immediately following a crash with a big rig truck is critical, both for the sake of your personal well-being and that of others involved, as well as for protecting yourself legally. Here's what to do at the scene and afterward:

1. Check to see if everyone involved is okay. Administer first aid if necessary and appropriate, and if you are qualified to do so.
2. Call police and/or 911. The dispatcher will ask you about possible injuries; that information helps in making the initial decision about what type of emergency equipment to send. When law enforcement officials arrive, they will gather information from all the drivers and witnesses, and conduct an investigation as to the cause of the crash.
3. Obtain the names, addresses, other contact information, insurance information, vehicle license plate numbers, vehicle identification numbers (VIN), company name(s), and driver's license numbers of everyone involved in the crash. Do not depend on the police to do this for you.
4. Get names, addresses, and telephone numbers of any witnesses. Again, do not depend on the police to do this for you.
5. Photograph the scene before the vehicles are moved. Take pictures of all the vehicles involved, skid marks on the road, and any other damage (such as damage to guard rails, buildings, or landscaping). Also take pictures of the victims' injuries (all bruises and marks, no matter how minor they may seem or feel at the time) if you can do so without interfering with emergency medical personnel.
6. See a doctor as soon as possible and be sure everyone in your vehicle—especially any children involved—does the same, even if you don't feel pain right away or you think your injuries are minor. The impact of a truck crash can cause injuries that may not become apparent for hours or days afterward.
7. Do not admit fault and do not apologize. Even if you think you may have been at fault, it's possible that evidence will show that you were not. Some people may consider an apology as an admission of fault, so resist the urge to say, "I'm sorry" to anyone involved in the crash or the follow-up. Remember that you do not have all the information regarding the crash at the scene and even in the days afterward, so you don't know for sure what really happened. Accepting responsibility could put your chances of recovering appropriate damages in jeopardy.
8. If you were driving or if you own the vehicle involved, notify your insurance carrier.
9. Preserve as much evidence as you can. This includes data from any electronic onboard recording (EOBR) devices in your vehicle or the truck. You will likely need an attorney

to assist you in obtaining this evidence. Also, do not sell or dispose of the vehicle involved in the crash.

10. While everything is still fresh in your mind, write down everything you can remember about the crash, including what you were doing, where you were going, the people you were with, the time, the weather conditions, and anything else that comes to mind. Ask the other passengers in your vehicle to do the same.

11. Consult with an attorney. Even if you think the accident was minor, even if you think the insurance will cover everything, you should still consult with an attorney to be sure you fully understand your rights and responsibilities, as well as any other related legal issues. Most attorneys do not charge for an initial consultation following a big rig crash. I will be happy to evaluate your case and give you my honest assessment of your situation for free.

12. Do not talk to anyone except your doctor or attorney about the crash or your injuries. Even though you may be upset and talking might help you emotionally, you could unintentionally say something that could be used against you later. Remember that insurance adjustors and insurance agents work for the insurance company, not you—even if they work for *your* insurance company. You should also not speak to a representative of an insurance company that insures anyone else involved in the crash without a lawyer present in person or on the phone. The job of the insurance company's adjustors is to minimize claims; they are skilled in keeping settlements as low as possible, even when you deserve more. Federal law requires trucking companies to carry large policies, which means that insurance companies have a lot at stake. They're not going to simply pay what you ask because you asked nicely. They're going to assign their most experienced and shrewdest adjustors to research your claim so that it can be reduced or maybe even denied. Protect yourself by not talking with them without your lawyer, no matter how insistent they are or how friendly and nice they appear to be.

13. Do not sign anything unless you completely understand what you're signing and it has been reviewed and explained to you by your attorney. Do not rely on an attorney who represents the trucking company or anyone else involved in the crash for advice.

14. Do not accept any settlement offer without first consulting with an attorney. There are a lot of issues related to settlements that you may not understand that are important to consider. Once you accept an offer, you are surrendering your rights to further compensation. This is an important decision and should not be made quickly or without a great deal of consideration.

Time Is *Not* On Your Side

Being involved in a crash with a big rig truck, even one where the injuries and damage are minor, is traumatic. You may need some time to recover and get over the shock. Unfortunately, there are some things that must be done in a very short time following the crash

in order to protect your interests. You cannot, as Scarlett O'Hara did in *Gone With The Wind*, "think about it tomorrow." You must think about it now and act immediately.

For example, many big rig trucks have onboard computers and satellite communications systems that gather and store data that would be useful in a claim against a carrier. But the companies don't keep that information indefinitely; you need to go on record with your request for that information before it is either destroyed or altered, and that could happen in as little as two weeks following a crash. Insurance company adjusters know this and may try to use a variety of delaying tactics to make you think that they are working on your behalf when they are actually trying to run the clock out.

A skilled attorney knows that it is necessary to immediately demand that the trucking company preserve this data and make it available, and he or she will take that action on your behalf. In legal terms, this demand is made through what is called a spoliation letter, which your attorney will send to the trucking company and its attorneys requesting that all documents, equipments, data, photographs, and other items related to the crash be preserved in case it is needed in the future. This is just one of many reasons why it's important to consult with an attorney as soon as possible even if you don't want to sue.

There are a number of statutory deadlines for court filings, notices, and petitions. Failing to meet these deadlines can seriously damage your case and your ability to be compensated for your injuries and other losses. The professionals working for the opposing side are extremely aware of these deadlines; you need an attorney working for you who knows them as well.

SIDEBAR:

What Should be Included in a Spoliation Letter?

The goal of a spoliation letter is to demand that opponents in a legal case preserve and maintain evidence. The letter also serves as the foundation of a subsequent claim for spoliation by helping to establish bad faith and a conscious disregard of the duty of all parties to preserve relevant evidence, should that become necessary at litigation progresses. Typically, in a case of a trucking accident, a spoliation letter would request that the following information be preserved:

- Black box data
- The truck itself – To allow our experts to examine the truck before it is repaired..
- Truck driver's personnel file
- Truck driver's driving record
- Driver's qualification file as required by 49 CFR 391-51
- Driver's log for the past two years and that it not be altered, modified, or changed in any way
- All statements obtained from the investigation of the accident
- Any GPS or other tracking data

- The truck's maintenance and repair history

SIDEBAR:

When Your Loved One is Killed in a Big Rig Crash

If you have lost a loved one in a crash with a big truck, please accept my condolences. The heartache and pain such premature deaths cause cannot be measured.

You may have a wrongful death claim, which means you may be entitled to compensation that could include medical and funeral expenses, loss of economic support, and possibly a sum of money to compensate you for grief and loss of services or companionship. However, just as timely action is required to protect the interests of people involved in the accident, so is it necessary to protect the interests of the survivors of those who died as a result of the crash.

A defendant can only be held responsible for a wrongful death if it can be proved that the death was caused by the defendant's conduct and would not have occurred but for that action. The length of time between the defendant's action and the death is not a factor as long as the causal connection can be made. This means that if your loved one was not killed immediately but died days, weeks, months, or even years later and the cause of death can be attributed to the crash, you could have a case.

If you have lost a family member or loved one due to a crash with a big rig truck, whether or not you were also in the crash, have a qualified attorney review your case to see if it meets the criteria for a wrongful death claim.

Chapter 4

Document Everything!

In a courtroom, what counts is not what you say, but what you can document. This is why it is absolutely critical that you gather as much evidence as you can at the scene and keep detailed records of everything that happens related to the crash afterward. By “everything,” I mean *everything*—nothing is too small or too insignificant to note.

You should save all documents, notes, correspondence, notices, statements, and emails related to the crash and your injuries. Maintain your originals in a safe place and make backup copies. Take photographs and videos of the crash scene and of your injuries, and store them in a safe place with backups stored somewhere else. Be sure that documents and images are marked with the date and time of creation and the source.

Keeping detailed records is absolutely critical. Don’t trust your memory; write everything down as it happens. You may think that certain events are so important that you’ll never be able to forget them, but the reality is that you will. And if you don’t completely forget something, you still risk getting confused about details. Keep in mind that it’s not just the crash itself that’s important to remember, what happens afterward is also important. Making notes of things as they occur will not only help you make sure that nothing important is overlooked, it will also demonstrate to the defendant and the court that you have a complete and documented recollection of the crash and its consequences.

The best way to approach this process is by setting up and maintaining logs. You can set up separate logs, such as one for expenses, one for medical issues, and one for contacts with insurance companies and/or attorneys. Or you can create one master log. Your logs can be on paper or electronic—do whatever works best for you and still captures the information in an easily-retrievable way.

Here’s what you need to track:

Medical issues. Keep a record of all your hospitalizations, doctor visits, tests, consultations (in person and by phone), surgeries, treatments, and medications. In addition to your log, save your pill bottles, casts, braces, and other devices that may be prescribed for you so that you can produce these items in court if necessary.

Pain. Track your pain on a daily basis. Establish a scale and make notes of what hurts and to what degree. It is not unusual for someone to feel little or no pain at the scene of the crash and be in severe pain a few days later from an injury sustained in the crash. Also, pain levels may fluctuate up and down over time; feeling good one day doesn’t mean you’ll feel the same the next.

Expenses. Keep records of all of your expenses, including payments made to doctors, hospitals, and other medical care providers; money spent on prescription and over-the-counter medications; the cost of medical devices such as braces, wraps, crutches, and bandages; the cost involved in keeping medical appointments, including mileage, tolls, parking, and public transportation.

All contacts with anyone having to do with the crash. Maintain a log of in-person meetings, phone calls, messages, and correspondence with law enforcement, investigators, insurance company representatives (yours and others'), representatives of the trucking company or others involved in the crash, attorneys for the defendant or others involved in the crash, and your own attorney. This log should include the date, time, method of contact, person (or persons) you spoke or met with, and what transpired.

[CREATE CHARTS WITH THE FOLLOWING HEADINGS – ONCE FINAL HEADINGS ARE DETERMINED, WILL CREATE TWO VERSIONS OF EACH, ONE A BLANK CHART THE READER CAN USE, ONE A CHART WITH LINES FILLED IN AS A SAMPLE]

Sample Medical Log

Date/Time
Name of Physician or Other Medical Care Provider
Facility
Reason
Results/Recommendations

Sample Pain Log

Date
Location of Pain
Degree of Pain (on a scale of 1-10)
Notes

Sample Expense Log

Date
Description
Amount
Method of payment

Sample Contact Log

Date/Time
Name and Title of Person
Affiliation
Contact Method
Phone number/email address
Details

Chapter 5

As Your Case Moves Along

It's ironic that a crash can happen in a second and yet it can take months or even years to resolve your case. There are a number of reasons for this.

First, it can take time to determine the full extent of your injuries. Doctors are reluctant to give an opinion about the seriousness of an injury until the patient's condition has stabilized and they can make an accurate assessment. If your injuries are extensive, that may take up to a year or more. If you rush this part of the process, you may find out later that your injuries are more serious than you thought—and if you've already agreed on a settlement, it will be too late to change it.

Second, proving liability in a truck crash is more complex than in a crash between passenger cars because multiple parties such as the truck driver, the trucking company, the truck manufacturer, the company that planned the route, the company that loaded the cargo, and perhaps even the shipper (owner of the cargo the truck was carrying) may share in the responsibility. Investigating and negotiating with all the parties takes time.

Third, the court systems are understaffed and underfunded, and it can take time to get your case on the court's calendar.

What is Your Case Worth?

A question plaintiffs often ask early in the process is how much they can expect to get either in a settlement or at trial. It's understandable that you want to know this number, but arriving at a realistic figure is not possible until a substantial amount of information has been gathered and analyzed. Just some of the questions we have to be able to accurately answer in order to calculate the value of a case include:

- Who was liable for the accident?
- Were you comparatively negligent?
- What evidence is available to support your claim?
- What is the nature and extent of your injuries?
- What is the nature and extent of your financial losses?
- Were you permanently disabled or disfigured as a result of the accident?
- Are the people and/or companies liable insured?
- Did the crash result in a fatality?

Another key factor in the amount of your settlement or damage award is the skill of your attorney. That's why it's important to choose an attorney who is experienced in big truck crash cases.

Of course, no amount of money can completely eliminate the damages incurred by the crash or erase the traumatic memory from your mind. However, even if the crash was relatively minor, you still have sustained economic losses from which you must recover. Don't shortchange yourself by trying to arrive at this figure too quickly.

The Stages of Your Case

Every case is unique, but the basic process looks like this:

Investigation. _____

Filing the Lawsuit. _____

Discovery. This is the time when the parties find out about each other's case. The attorneys exchange disclosure statements; you may be asked to answer written questions and produce documents; and you may be asked to undergo a medical examination by an independent doctor. The discovery period can take as much as six months or longer.

Depositions. You and others involved in the crash, along with witnesses and other experts, will be asked questions under oath. A record of the proceeding will be made by a court reporter. You'll be asked questions about the accident and your injuries. In addition, you'll probably be asked about your health, education, and in general what your life was like prior to the crash.

Pre-trial conference. This is when all the parties to a case meet before the trial. A pre-trial conference is held before a judge or magistrate. It's an opportunity to handle a lot of the details of the case so that the trial itself goes more smoothly. During the pre-trial conference, attorneys may make pre-trial motions, which is the process used to narrow the issues before going to trial. An example of a pre-trial motion is a motion to suppress evidence (meaning that evidence cannot be presented at trial). It's not unusual for a settlement to be reached at a pre-trial conference.

Mediation and settlement. Settlement conferences, mediation, or arbitration are often required before the case goes to trial.

Trial. If a mutually acceptable settlement can't be reached, your case will go to trial and a jury will decide what your injuries are worth. The trial will last anywhere from a couple of days to a few weeks, depending on the complexity of the case and the number of witnesses that need to be called. When the trial is over, there will likely be further appeals and motions. It's possible for a settlement to be reached during the trial or sometimes after a trial to avoid an appeal.

While Your Case Is In Progress

Though it is difficult to speed up the process of a personal injury case without giving up some of your bargaining power, there are things you can do to help your attorney and maintain a strong position.

- Keep all of your medical appointments. If you must change an appointment for a valid scheduling reason, okay, but otherwise, keep all of your appointments with doctors and other medical care providers. If you start skipping appointments or refusing treatment, the defense will likely find out about it and use it against you.
- Follow your doctor's instructions, including restrictions on activities, treatment, and medications. Failing to do this can weaken your position.
- Be honest with your doctors. Tell your doctors about any previous injuries and be honest about your current injuries and pain level. Don't leave anything out and don't exaggerate.
- Be honest with your attorney. Tell your attorney the truth about everything, including what happened in the crash, your personal health history, and anything else in your background that could affect your case. If you get caught lying or misrepresenting the situation, you can damage your settlement potential.
- Don't take advice from non-lawyers. Your lawyer is a legal expert. Choose your lawyer carefully then let him/her do the job you hired him/her to do. When you have a case pending, a lot of well-meaning people will offer you advice. Just because a particular strategy worked for your aunt's neighbor's daughter doesn't mean it will work for you.

What Should You Expect at Trial?

If you are unable to reach a satisfactory settlement and your case goes before a jury, here's what to expect:

The attorneys will be able to estimate with reasonable accuracy how long the trial will take based on the evidence and the witnesses they will call. As the plaintiff, you have the right to be in the courtroom for the entire proceeding. Your attorney will let you know when to be at court and anything else you should be aware of.

The trial begins with jury selection. Once the jury is seated, the attorneys will make their opening statements, during which they let the jury know what they intend to accomplish during the trial. Following the opening statements, each side will present its evidence and the opposing side will have a chance to respond to the evidence. When all the evidence is presented, the attorneys make their closing statements, summing up what happened during the trial and making one final appeal to the jury for a favorable verdict. The jury will retire to deliberate the case.

While the jury is out, you may leave the courthouse and go about your business. However, you should remain reachable by cell phone and able to return to the courthouse quickly when you are notified that the jury has reached its verdict.

What happens after the verdict has been read depends on what the verdict was. Appeals are very common in personal injury cases, especially if the award is large. Your attorney will advise you of the next step at that point.

SIDEBAR:

What Experts May Be Utilized In Your Case?

Many types of experts are used to help reconstruct an accident scene and establish liability. The types of experts that are typically used in a big rig crash case include:

- General accident reconstructionists
- Biomechanical engineer
- Computer graphics technicians
- Forensics specialists
- Metallurgists
- Specialists in truck safety

SIDEBAR:

Preparing for Trial is Critical

While it's true that the majority of personal injury cases are settled before trial, those settlements are often not reached until right before the trial is scheduled to begin. It is absolutely critical that your case be prepared and managed like it is going to trial. That can take a lot of money, time, effort, and expertise, but it's worth it to ramp up the pressure on the defense to get the settlement you deserve. If the defense attorneys think you are not prepared for trial, they'll make a lowball offer.

It's easy to settle a \$5 million case for \$3 million. It's not so easy to settle a \$5 million case for \$7 million. The way you get that bigger payout is for your attorney to completely and thoroughly prepare your case for trial—even if the trial doesn't happen because you settle at the last minute.

Chapter 6

What You Need to Know About Insurance

The primary reason individuals and companies buy insurance is to provide financial protection for an unexpected event such as a crash. Medical expenses and property damage costs can mount quickly and sometimes reach mindboggling numbers within hours of the incident. Ongoing expenses coupled with loss of income will keep the totals climbing as time passes.

Just as individuals are required by law to carry a certain amount of insurance on their cars, so are commercial truck operators required to carry insurance; however, commercial truck insurance is more complex than personal auto insurance and involves higher limits. Also, individuals are subject to state laws regarding vehicle insurance while trucking companies are subject to both state and federal laws.

Because Florida is a no-fault insurance state, your auto insurance company will pay your bills up to the limits of your policy. You can file a claim for your medical bills against your health insurance carrier, who may then seek reimbursement from your auto insurance, the entity held liable for the crash, or the settlement you ultimately receive.

What Is An Insurance Adjuster?

An insurance adjuster, also known as a claims adjuster, is someone who investigates claims for damages and recommends a settlement. Most insurance adjusters work for the insurance company. They will not negotiate a settlement with you; instead, their function is to research the accident and the resulting damages and advise the insurance company on what it will likely take to settle the claim.

Do not speak with an insurance adjuster or any insurance company representative without an attorney present. I cannot stress this enough. Insurance adjusters are trained investigators and their loyalty is to the company that is paying them. Their job is to find out everything they can to reduce the amount the insurer must pay. It's important that you understand this applies not only to the adjuster for the trucking company's insurance company but to the adjuster for your insurance company as well.

How Much Do You Need To Know About Insurance?

If you didn't know a lot about insurance before, you're going to learn more than you probably ever wanted to know after you are involved in a big rig crash. I don't have room in this book to go into all the variables and procedures that are involved in the role insurance plays in

a truck accident case. Your attorney will explain that during your initial consultation and as your case progresses.

Chapter 7

What You Need to Know About the Law

Even though you hire an attorney to represent you, there are still some basic legal issues you should understand so that you can help your attorney prepare the strongest possible case on your behalf.

Comparative Negligence

One of the most important things you should understand is the legal principle of comparative negligence, which is the system under which Florida operates. What this means is that even if it turns out that you were found to be partially at fault in the crash, you may still be able to recover damages. If you do not reach a settlement prior to trial, the judge or jury will assign a percentage of fault to each responsible party and then apportion the damage award accordingly.

For example, let's say that the trucking company is found to be 80 percent responsible, you are found to be 20 percent responsible, and the jury finds that you suffered \$100,000 in damages. The trucking company will only have to pay 80 percent of the damages, or \$80,000. A comparative negligence scenario can get even more complicated when liability is shared by more than two parties, which is common in a big rig crash.

Comparative negligence is a key reason why you should never admit fault or apologize following a crash, or speak to anyone other than your doctor or attorney without your attorney present.

Were You Buckled Up?

Florida law requires that all front seat passengers wear seat belts and all passengers under 18 years old regardless of where they are riding wear a seat belt or be otherwise restrained by a child car seat. Seat belt laws apply to all cars, pickup trucks, and vans operated on Florida roads. If you or your passengers were not properly restrained, it could have a negative impact on your case.

Follow the Doctor's Orders

In earlier chapters, we discussed the importance of seeing a doctor as soon as possible following the crash. This is essential, of course, for your own personal wellbeing. It's also critical to your legal claim. If you fail to seek appropriate medical care, or if you fail to follow the advice and instructions of medical professionals, you may lose your right to damages or your award may be reduced. I understand that this may be tedious and challenging, but it's critical that you

not give the defendants in your case any reason to claim that your damages would have been lower had your conduct been different.

Listen To Your Lawyer

Your attorney wants to win your case as much as you do. Don't make it difficult by ignoring what your attorney says.

Chapter 8

How to Choose the Right Lawyer

Choosing the right lawyer to handle your case is very important to obtaining the compensation to which you're entitled. It's also important that you retain an attorney as soon as possible after a big rig crash. The trucking company has experienced disaster teams on call and will have a full complement of accident reconstructionists, insurance adjusters, investigators, and attorneys on site within hours of the crash. These people are all working on behalf of the trucking company—their job is to minimize the company's liability using whatever means are available. You need an attorney working for you who knows how trucking companies operate after a crash and who can take swift, effective action to protect your claim. However, as important as it is to retain an attorney quickly, it is equally important that you make that choice carefully.

You should choose an attorney whose practice focuses on what you need. The attorney who drew up your will or handled your divorce may be a really nice person that you like—but he or she is not the best person to represent you in a personal injury case.

Consider the attorney's experience with cases similar to yours. You want an attorney who knows what to look for, where to look for it, and what it means to your case when it comes to assessing and investigating your claim. Check out the information on the firm's website; it should give you biographical information on the attorneys as well as other information you will find useful. Do some general internet searches on the attorney and the firm. You might also want to check with the state bar association to see if the attorney is a member in good standing.

You want an attorney who is a skilled negotiator as well as a strong litigator.. Insurance companies know which attorneys try cases and which law firms that shy away from trials. Although a great majority of cases are settled pre-trial, if you want to maximize your pre-trial settlements you better be with a firm that has a reputation of trying cases. Choose an attorney who can negotiate a fair and reasonable settlement if possible, but who can also take your case to court if necessary.

Keep in mind that good personal injury attorneys are busy and they may not have as much time as they'd like to spend with prospective clients. Even so, an attorney should be willing to meet with you at no charge to discuss your case and help you decide whether or not to pursue a claim.

What Should You Expect from Your Lawyer?

Of course, you want your lawyer to deliver a positive outcome and resolve your case successfully. In the process of working toward that goal, here is what you have a right to expect from your lawyer:

Communication. Your lawyer should explain your legal position and let you know what to expect and when to expect it as you move forward. He or she should also promptly return phone calls and answer your questions. It's reasonable to expect that certain aspects of your case will be delegated to various staff members in the attorney's firm; this should be clearly explained so that you know who is doing what.

Courtesy. You have the right to be treated with courtesy and respect by your attorney and everyone with the firm. After all, you are the client and you are in charge of your case.

Ethics. Lawyers are bound by ethical standards which require them to represent their clients with undivided loyalty; keep their clients' confidences; represent their clients competently and within the bounds of the law; and put their clients' interests ahead of their own. You should expect nothing less from your attorney.

Fees. You should receive your full fee agreement in writing at the time you retain your attorney.

Chapter 9

Last Words

If you or a loved one has been involved in a crash with a truck or commercial vehicle accident, I urge you avoid making these nine costly mistakes and to seek legal counsel as soon as possible. You have nothing to lose and much to gain by consulting with an attorney who can help you maximize your recovery..

Terms You Need to Know

Accident – An unintended, unforeseen, and undesirable event, especially one that causes harm, injury, damage, or loss.

Affidavit – A written statement made under oath before an officer of the court, a notary public, or other person legally authorized to certify the statement.

Arbitration – The process by which the parties to a dispute submit their differences to the judgment of an impartial person or group appointed by mutual consent or statutory provision.

At fault driver – The negligent driver who caused a crash.

Attorney – A person legally appointed by another to act as his or her agent in the transaction of business, specifically one qualified and licensed to act for plaintiffs and defendants in legal proceedings; a lawyer.

Attorney-at-law – A person who has been formally trained and licensed by special examination to be a member of the legal profession; also referred to as an attorney or a lawyer.

Burden of proof – The obligation to prove affirmatively a disputed fact or facts related to or bearing upon an issue that is raised between the parties in a case being tried before a court.

Certification of permanency – A sworn statement by a physician stating that an individual suffered an injury that is permanent and that the body part affected will no longer function normally.

Civil action – A lawsuit brought by a private individual or group to recover money or property, to enforce or protect a civil right, to prevent or redress a civil wrong; it differs from a criminal action in which the state prosecutes an individual for committing an offense against the law.

Commercial driver's license (CDL) – A driver's license required in the United States to operate any type of vehicle which has a gross vehicle weight rating (GVWR) of 26,001 pounds or more for commercial use, or transports quantities of hazardous materials that require warning placards under Department of Transportation regulations, or that is designed to transport 16 or more passengers, including the driver.

Comparative negligence – A legal doctrine applicable in negligence suits according to which the negligence of the plaintiff as well as that of the defendant is taken into account, the two being compared by degrees, and damages are based on the outcome of such a comparison and are apportioned.

Compensation – Payment for work done or for an injury.

Contingent fee – A fee payable to an attorney representing a client only in the event that a certain result is achieved.

Corroborate – To strengthen; to give increased support or credibility to something, as evidence, by furnishing additional or different evidence, confirming facts or the like.

Crime – An act or omission in violation of a public law either forbidding or commanding it, for which a punishment is prescribed and which is prosecuted by the state in its own name or in the name of the people.

Cross examination – The examination of a witness by or on behalf of the party against whom he is called, usually to test the accuracy and credibility of his first testimony.

Cumulative – Increased in volume, strength or value; additional.

Damages – Monetary compensation that the law awards to one who has been injured by the action of another.

De facto – A Latin expression meaning “in fact.”

Defendant – In a civil proceeding, one who is sued and called upon to make satisfaction for a wrong complained of by another; in a criminal proceeding, the accused.

Deposition – The testimony of a party or witness in a civil or criminal proceeding taken before trial, usually in an attorney’s office.

Discovery – A category of procedural devices employed by a party to a civil or criminal action, prior to trial, to require the adverse party to disclose information that is essential for the preparation of the requesting party’s case and that the other party alone knows or possesses.

Docket – The list of cases to be tried before a court at a specified term; the court calendar.

Electronic On Board Recorder (EOBR) – An electronic device attached to a commercial motor vehicle used to record the amount of time the vehicle is driven.

Ex parte – A Latin phrase meaning “from or in the interest of one side only;” an *ex parte* order is an order granted by a court at the request of one party to a judicial proceeding without prior notification to the other party involved.

Expert witness – A witness, usually well informed about science or some other specialized field beyond the competence of a layperson, whose factual testimony and opinions relating to that field are received in evidence.

False pretenses – Willful misrepresentation made by one person in order to cheat and defraud another.

False representation – A representation deliberately made by a person who knows it to be untrue and who makes it in order to deceive, thereby injuring another.

Fee – A charge for professional services.

Filing – The physical act of delivering to the clerk of a court a pleading or document for the court’s consideration.

Filing fee – The sum of money required to be paid to the clerk of the court before a document can be accepted by the clerk and deemed to be filed.

First-party claim – A claim that is brought against one’s own insurance carrier or against a carrier obligated by law or contract to pay a claim, such as a workers’ compensation or personal injury protection insurance carrier.

Fraud – Any act of trickery, deceit, or misrepresentation, deliberately performed to deprive someone of a right, to do him harm, or to induce him to part with something of value.

GAP insurance – A type of property damage insurance coverage that, in the event of a total loss of a vehicle, will pay the difference between the vehicle’s actual cash value and the current outstanding balance on any loan or lease.

Incapacitating injury – Any injury, other than a fatal injury, which prevents the injured person from walking, driving, or normally continuing the activities the person was capable of performing before the injury occurred.

Independence medical examination – A medical examination at the request of the defense that is usually biased in favor of the defense.

Insurance – The benefit from an agreement by one party (insurer) to provide the other (insured), for a consideration, money or some other benefit in the event of the loss of or injury to a specified person or thing in which the other has an interest.

Interrogatories – A series of questions in writing used in the judicial examination of a party or of a witness.

Involuntary manslaughter – The unintentional killing of one person by another who was engaged in an act that was unlawful but did not amount to a felony.

Judge – One who conducts trials or presides over a court of justice; judges determine controversies between parties based upon evidence and legal argument presented.

Judgment – The final determination or adjudication by a court of the rights and claims of the parties to an action; the sentence or final order of a court in a civil or criminal proceeding.

Jury – A group composed of the peers of the parties or a cross-section of the community summoned and sworn to decide on the facts in issue at a trial.

Lawyer – One whose profession is to give legal advice and assistance to clients and represent them in court or in other legal matters.

Liability – The condition of being liable or responsible, either for damages resulting from an intentional tort or a negligent act, or for the discharging of an obligation or the payment of some indebtedness.

Liable – Bound or obliged; chargeable; accountable for; responsible.

Lien – A legal claim for property as security for a debt or charge, under which the property may be seized and sold to satisfy the debt.

Loss of enjoyment – Damages claimed based on alleged detrimental alterations of a person's life or lifestyle or a person's inability to participate in the activities or pleasures of life that were formerly enjoyed.

Manslaughter – The unlawful taking of human life without malice either expressed or implied.

Mediation – A negotiation conducted by an impartial party to resolve differences.

Mediator – A person who tries to bring about an agreement between two parties by reconciling their differences.

Mitigate – To make less severe; lessen.

Motion – A procedural device in law to bring a limited, contested issue before a court for decision.

National Transportation Safety Board (NTSB) – An independent federal agency charged with determining the probable cause of transportation accidents and promoting transportation safety, and assisting victims of transportation accidents and their families.

Negligence – The failure of one person to take reasonable care in avoiding injuring another person.

Non-incapacitating evident injury – Any injury, other than a fatal injury or an incapacitating injury, which is evident to observers at the scene of the accident in which the injury occurred.

Occupational Safety and Health Administration (OSHA) – The main federal agency charged with the enforcement of safety and health legislation.

Pain and suffering – A type of damages that one may recover for physical or mental pain that results from a wrong done.

Paralegal – One not a member of the bar who is employed, usually by a law office, to perform a variety of tasks associated with a law practice, any one of which may be performed properly and conveniently by one not trained or authorized to practice law.

Personal injury protection (PIP) – An extension of car insurance available in some states which covers medical expenses and, in some cases, lost wages and other damages; PIP pays regardless of who is at fault and is mandatory in some states.

Plaintiff – The one who initially brings the lawsuit; he who, in a personal action, seeks a remedy in a court of justice for an injury to, or a withholding of, his rights.

Pleading – A formal written statement filed with the court by a party in a civil action.

Possible injury – Any injury reported or claimed which is not a fatal injury, incapacitating injury, or non-incapacitating evident injury.

Preponderance of evidence – The standard of proof required in a civil trial that proves a fact or event “more likely than not.”

Pre-trial conference – A meeting of the parties to an action and their attorneys held before the court prior to the commencement of actual courtroom proceedings.

Pre-trial motion – A motion made before the actual trial.

Punitive damages – Damages awarded to a plaintiff over and above those to which he is entitled, because the defendant has violated one of his legal rights; such damages are awarded because of the special character of the wrong done to the plaintiff or to punish and thereby make an example of the defendant to deter others from acting in the same way.

Quash – To make void or set aside; abate; annul, as an indictment.

Release – The act of surrendering or relinquishing some claim, privilege or right to the person against whom such claim may have been exercised or enforced.

Reserve – The amount of money an insurance company sets aside in anticipation of paying a claim.

Retainer agreement – A written agreement that hires the services of an attorney and sets forth how the attorney will be paid.

Risk – The hazard of a loss of the property covered by an insurance contract; a person or thing considered as a hazard to an insurer; a danger to which a person knowingly assents, thus barring recovery for injuries he may suffer as a result, as in assumption of risk.

Serve – To make legal delivery of a document, pleading, notice, summons, complaint, or subpoena upon another person or entity in the fashion and format as prescribed by the rules of court.

Settlement – Conclusive resolving of a matter; especially, a compromise achieved by adverse parties in a civil suit before final judgment, whereby they agree between themselves upon their respective rights and obligations, thus eliminating the necessity of judicial resolution of the controversy.

Settlement conference – A meeting between opposing sides of a lawsuit at which the parties attempt to reach a mutually agreeable resolution of their dispute without having to proceed to a trial.

Soft tissue injury (STI) – Damage to muscles, tendons, and ligaments.

Spoilation – The intentional destruction, mutilation, concealment, or alteration of evidence.

Spoilation letter – A demand sent to the opposing side in a legal case requesting that certain evidence be preserved.

Statute of limitations - A type of federal or state law that restricts the time within which legal proceedings may be brought.

Subpoena – A writ commanding a person to appear in court to give testimony.

Threshold – A minimum standard that must be met before a claim or defense can proceed.

Trial – The examination of evidence and applicable law by a competent tribunal to determine the issue of specified charges or claims.

Venue – The place where a crime is committed or a cause of action arises; the county or other geographical or political division from which the jury must be summoned and in which the trial must be held.

Verdict – The final decision or finding by a jury, if there is one, or by the judge if there is no jury, upon the matters or questions submitted for deliberation and determination.

Voir dire – A preliminary examination of a person, especially of a proposed witness or juror, as to his qualifications for the function or duty in question.

Witness – One who can give a firsthand account of something seen, heard, or experienced; one who is called on to testify before a court.

Wrongful death – The taking of the life of an individual resulting from the willful or negligent act of another person or persons.

Wrongful death claim – A lawsuit on behalf of a deceased person's survivors for the future economic losses they will suffer that is brought against the negligent party who caused the death.

About Stephen K. Brooks



Stephen K. Brooks is a personal injury attorney and principal with the Brooks Law Group, which has offices in Tampa and Winter Haven, Florida.

Steve's practice focuses on "people problems," including personal injury, wrongful death, and Social Security disability. His reputation as a force to be reckoned with has been built on his widespread success in these areas. He is that rare combination of a "can-do" person with a no-nonsense approach to getting things done who is also warm, personable, and easy to talk to.

After earning his B.A. degree from Stetson University, his law degree from Stetson University College of Law, and studying at Oxford University, Steve joined a six-member law firm, where he gained the diverse experience, practical knowledge, and personal contacts necessary to establish and build his own firm.

Steve was named one of the "Top 100 Trial Lawyers" for the state of Florida by the American Trial Lawyers Association in 2009 and 2010. He is a member of the Million Dollar Advocates Forum, one of the most prestigious trial lawyer groups in the United States. Membership is limited to attorneys who have won million- and multimillion-dollar verdicts and settlements; less than one percent of U.S. lawyers are members. In addition, Stephen is a member of the Florida Bar Association; the Polk County Trial Lawyers Association; the Association of Plaintiff Interstate Trucking Lawyers of America; the local Chamber of Commerce; and an Eagle member of the Florida Justice Association.

Raised in the Winter Haven area, Steve serves on the Board of Directors of Tri-County Human Services, Inc., and is a past board member of Meals on Wheels.

Stephen K. Brooks may be reached by calling 1-800-LAW-3030 (1-800-529-3030) or emailing steve@brookslawgroup.com.

About Brooks Law Group

In a time when the legal system is difficult to understand and even harder to navigate, Brooks Law Group is a law firm of professionals with the kind of work ethic and skill you can trust. The lawyers at our personal injury law firm will fight the complex court battles for you with the kind of diligence and attention to detail that earns results.

When you or a loved one are hurt in an accident, our law firm offers the kind of skill that can help you with the least amount of complications. We accept personal injury cases anywhere in Central Florida and can assist injured persons and Social Security claimants throughout the United States.

We are “people first” lawyers, dedicated to helping people get the legal representation they deserve. The Brooks Law Group is a law firm devoted to excellence. We take your case personally. Our philosophy is simple. We know that today’s legal network is so complex that people are afraid to seek help they honestly need. Everyone who walks through our door gets the very best we have to offer, whatever it takes.

Today’s overly-complicated, ever changing legal world makes top legal advice vital. We give you a team of attorneys and staff dedicated to keeping up-to-date on every aspect of the law and its effects on your case.

No one likes to be in a situation where they need a lawyer, but when you are, you can be confident that we are here to help. Our law firm and our attorneys have the outstanding abilities, caring attitude, and professional record you can depend on to represent your case in the most professional manner possible.

Visit us online at www.brookslawgroup.com or call us today at 1-800-LAW-3030 (1-800-529-3030) for a free evaluation of your case.

Questions to Ask Your Lawyer

Use this page to write down questions that come to mind as you read this book and take it when you when you meet with your attorney.