



# TEXAS TRUCK ACCIDENT GUIDE

*What To Do If You're Seriously Injured  
In A Truck Accident*



LAW FIRM

GARCIA | OCHOA



Being involved in a truck accident can turn your life on its head. Truck accidents are unique to any other auto accident because of the immense size of these vehicles and the amount of damage they can cause. You may be permanently affected by your truck accident injuries, not only physically but financially and emotionally as well. That is why we encourage you to seek a personal injury claim to get the compensation you deserve. Our Texas truck accident attorney is here to help you every step of the way. You are a priority to us and we want to ensure that your rights to full and fair compensation are protected. Read a bit about your case then give us a call to set up a free case evaluation.

## MOST COMMON TRUCK ACCIDENT INJURIES

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As mentioned, truck accidents have the potential to cause severe damages and injuries. These vehicles are harder to stop, have more blind spots, and are exponentially heavier than cars. We often see very severe and often permanent injuries from people who have been involved in a car accident. The most common truck accident injuries include:

- » broken bones and fractured bones
- » traumatic brain injury, concussion, or contusions
- » spinal cord injury
- » head, neck, or back injuries
- » internal organ damage
- » scarring and disfigurement
- » paralysis

Generally speaking, if you are more severely injured, you will be able to receive more compensation. In order to set yourself up to get this compensation, you

need to start treatment on your injuries right away. Odds are these injuries are going to be very painful and hard to ignore, but you should never be tempted to try to shake off these suspected injuries. What may seem like a minor pain that doesn't need treatment may turn into something serious that requires surgery and physical therapy. You should never risk worsening your condition. Also, you should never wait to see a doctor because this gap in treatment will be a reason for the truck's insurance company to reduce the amount of compensation they owe you or throw out your case altogether. They will try to say that you weren't badly injured enough to need compensation or that your injuries were caused by something after your truck accident.

## TIPS FOR A SUCCESSFUL CASE

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At the scene of the accident, there are several things you want to do. First, if you're able to, you should take photos of the area and your injuries. This might include photos of both vehicles, tire marks on the road, and the debris left scattered around. You will want to get all contact information from the witnesses of the accident as their testimony can be very helpful for you when you pursue your case. You should also seek out the contact and insurance information from any and all vehicles involved in your accident. Do not leave the scene without this. You may have the police arrive on the scene to get a full report of the accident. We can get a copy of this report later on to help us out with your case. Lastly, this is something you should avoid doing. Never say to anyone that you are at fault for the accident. Avoid saying it was your fault because even if you think it was your fault in the moment, it might turn out to not be your fault at all. If anyone has on record that you owned up to causing the accident, even if you really didn't, then you could be hurting your case.

## TEXAS STATUTE OF LIMITATIONS

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In Texas, you have two years from the date of your truck accident to bring your claim to civil court. This is a hard deadline that you must abide by. If you are late, you will be barred from receiving compensation. We urge you to get to an attorney right away. The sooner you start your case, the more time you have

to build a strong case. We will do everything in our power to get you the best possible result and the sooner you can call us, the sooner we can protect your evidence, and talk to your witnesses.

## FREQUENTLY ASKED TRUCK ACCIDENT QUESTIONS

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### *What Do I Do After the Accident?*

One of the first things that needs to be done after a truck accident is to make sure the local government agency is notified. For example, the local police, DPS, or sheriff's office, depending on where the accident happened.

It's also important that you seek immediate medical help. This includes not only going to the hospital but your own medical provider. Typically, when you're going to a hospital, they're going to look at only life and death situations. At the end when they release you, they're going to tell you to follow up with your doctor. Please don't ignore that. It's important that you follow up with your own doctor because there may be injuries that you have that were untreated at the hospital that may need further examination.

It's also important that you hire an experienced lawyer in handling trucking accidents. There are specific federal and state regulations that may apply to a trucking company. A lawyer who doesn't handle truck accidents isn't going to be aware of the various laws. When hiring an experienced trucking lawyer, you can make sure that you are properly protected.

This means that any investigation that needs to be done is not only done, but it's done timely. There may need to be a download done of the 18-wheeler that hit you, which means getting the information off their computer system to see what speed they were traveling at.



There may need to be an expert that gets hired to look at the area where the accident happened. There may be surveillance video around the area from different stores that need to be obtained. All of this is crucial to a case.

## *How Do I Choose the Right Attorney?*

When deciding on a truck accident attorney, there are four things you should ask yourself and the lawyer you're considering. The first is that whether or not the lawyer is a personal injury trial lawyer. By personal injury, I mean, first of all, that's all he does: personal injury cases. He doesn't handle wills, divorces, or bankruptcies.

Second, is he a trial lawyer? Is he a lawyer that will take this case from beginning to end? Will he go to court with you? Will he fight for a verdict for you in front of a judge and jury? The other thing you should ask is if they are a trial lawyer that has achieved successful results in the courtroom. He should be able to show you his past results.

Lastly, that he has board-certification, the highest honor the state bestows on a lawyer. Only 3% of the lawyers in the state are recognized as board-certified in a particular area of law. By asking those four questions, you should be able to build trust between you and your lawyer.

## *What Mistakes Should I Avoid?*

One of the common mistakes that people make when they've been involved in a truck accident is that they don't seek legal advice right away and that they don't contact attorneys who are specialized in trucking accidents. This is very important because they are better equipped to advocate for you and fight for your rights.

Another mistake that we typically see is that they don't seek medical attention right away, which is not only beneficial to your health, but it can also be damaging to your claim. Another mistake that we typically see is that they don't report the accident. They don't call the police. They don't report it to any employers or trucking companies, which can be damaging because then there's no documentation or record of the accident.



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

The other day, we had a client come in whose family member had been involved in a trucking accident and was severely injured. They wanted to know if they should speak with the insurance companies that had been contacting them. Our answer is no.

Typically, insurance companies are not there for your benefit. They're not there to protect the injured individual; they're looking to protect their insured. If you do make a statement, it will usually be recorded and used against you later on in the future, which can be very damaging to your case. What we recommend you do is contact an attorney right away who specializes in this type of accident and tell the insurance companies to contact your attorney directly.

## *How Much is My Case Worth?*

There are several factors that must be looked at when determining the value of a truck accident claim. First of all, what are the extent of the injuries that you suffered? For example, did you have a neck injury? Did you have a back injury? Did you hit your head and as a result had a concussion or traumatic brain injury? That's one factor you look at.

Another factor that you must look at is how and why did the accident happen. This is really important because to determine the value, we need to figure out exactly how the accident happened. To do that, we need to look at the safety regulations that apply to the trucking industry. There are very specific regulations from the Federal Motor Carrier Safety Administration that apply to truck drivers and to trucking companies. Once the lawyer gets an opportunity to look at that, we can see what regulations were violated and how often they have been violated. For example, if a truck driver was talking on the phone, which is against the Federal Motor Carrier Regulations, the value of the case is going to be tremendous.

Did the trucking company check out the equipment properly and were they doing daily inspections? All of these are factors that get looked at to determine the value of the case.

Another important factor in determining the value of a case is the amount of insurance carried by the other side.

In order to do this, you must get an experienced truck accident lawyer who has done a lot of trucking litigation to help answer that question for you.

## *How is My Case Different?*

I had a young man come in the other day who was involved in a serious commercial truck accident. One of the questions he asked during the initial interview was how was this different than an automobile accident. My answer to him was very simple: they're as different as night and day. That's why it's important to hire a lawyer who's experienced in handling commercial truck accidents.

One of the ways that they're different is that there are specific regulations that are going to apply to the trucking company, to the equipment that the truck driver is using, and to the truck driver. The potential for serious injury is also much greater in a trucking accident. The investigation is also going to be completely different because, in a commercial trucking case, you're going to need to examine the vehicle to figure out what speed they were traveling at, whether the brakes were applied, and if the truck was properly maintained. An experienced lawyer can make sure that an investigation is done right away.

There are also letters that need to be sent to the owner of the commercial truck to make sure that evidence doesn't get destroyed. Lastly, there needs to be notice sent and investigation done with respect to the Federal Motor Carrier Safety Administration.

## *Should I Take a Settlement Offer?*

The other day, we had a client come in who had been involved in a serious trucking accident and insurance companies were making him offers. He wanted to know if he should accept the first offer that the insurance company



gave him. Our answer to you is no; don't ever take the first offer an insurance company makes to you.

Insurance companies are not going to give you their best offer right away. We recommend you find an attorney who specializes in personal injury in order for them to advocate for your rights.

When insurance companies hear that you've hired trial attorneys with good reputations, they'll come to the table with better offers. They know that there's potential that these attorneys will take them to trial and win.

## *How Long Will This Case Take?*

A case involving a commercial tractor-trailer accident can often take 18 months to resolve. That's on the low side. If it's a severe truck accident, it could take up to three years. Why? Because those are some of the most devastating accidents there are involving some of the most horrific injuries there can be.

We have to examine the injuries, what it took to heal, how much it will cost, and whether or not the insurance company will be fair. If the insurance company doesn't bring forward a reasonable offer, then that makes us have to file suit. If we have to file a suit, then we have to look at the court's docket to see how many cases are in front of us before we can have a trial date.

## CONTACT OUR TEXAS TRUCK ACCIDENT ATTORNEY TODAY

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If you have been seriously injured in a truck accident, please do not hesitate to give our office a call to set up a free case evaluation with our experienced and dedicated Texas truck accident attorney. We will treat you like the priority that you are. You deserve full and fair compensation. We are going to make this a reality. Please call us today and learn how we can help you get the best possible result.



## ABOUT THE AUTHORS:

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Garcia & Ochoa, LLP is a dynamic law firm with an ever-evolving quest for excellence, yet our focus is not myopic in any way. We passionately share our knowledge in a proactive, thorough and open manner. We always make time to help our clients & colleagues and never too busy for your questions, comments or concerns.

Over the course of the past three decades, we have successfully handled a wide variety of cases against companies and individuals in Texas and across the nation.



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