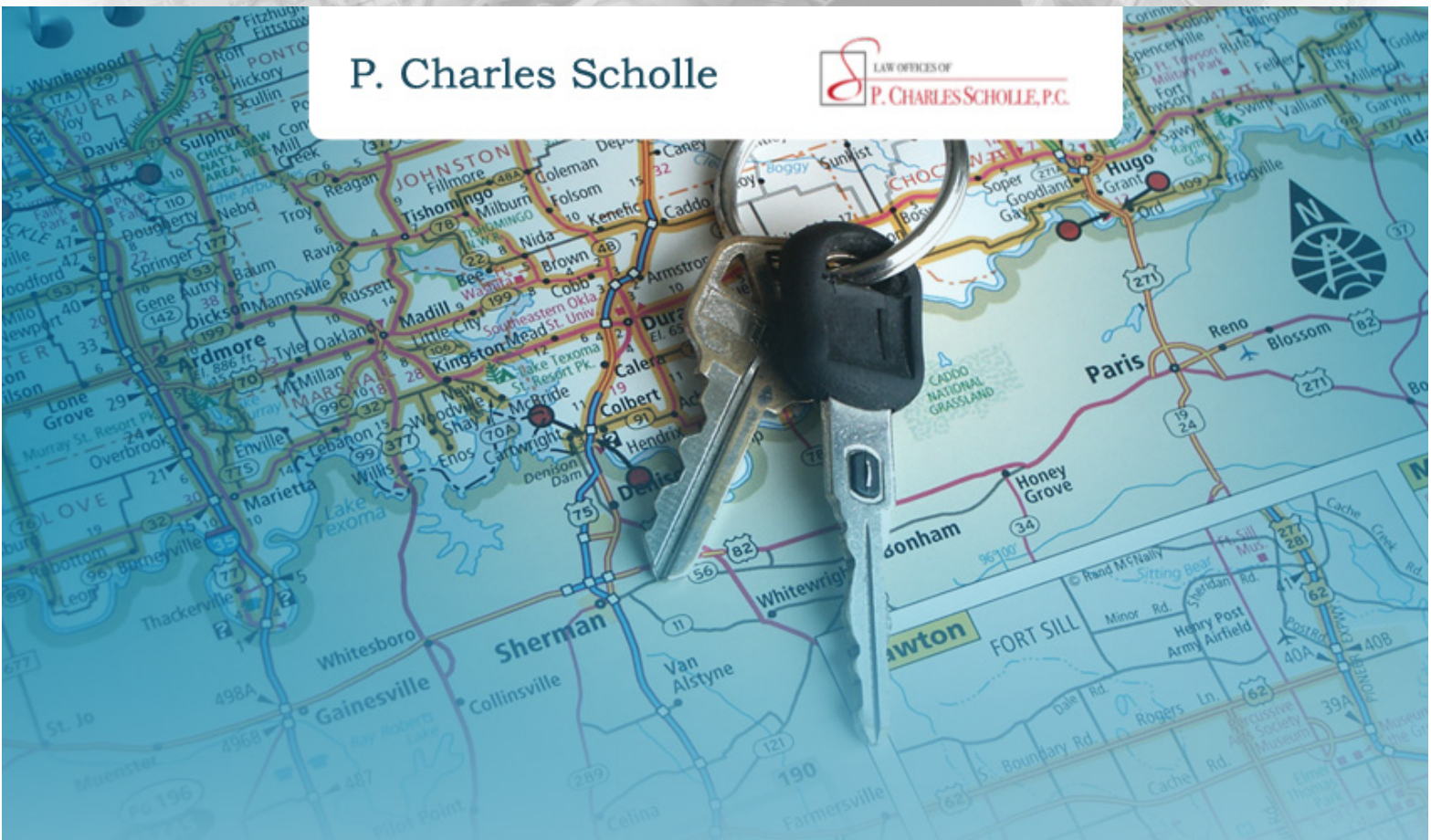


P. Charles Scholle

A detailed map of Georgia is shown, with a magnifying glass focusing on a key. The key is a large, silver, skeleton key with a black handle. The map shows various cities and roads, with the magnifying glass highlighting a specific area in the central part of the state.

# ***BACK ON THE ROAD***

## **WHAT TO DO AFTER A SERIOUS SEMI, TRACTOR TRAILER OR TRUCK ACCIDENT IN GEORGIA**





**VISIT OUR WEBSITE:**  
[www.schollelaw.com](http://www.schollelaw.com)



**CALL OUR FIRM TODAY:**  
866.972.5287  
770.717.5100

## TABLE OF CONTENTS

Introduction	<b>1</b>
First Steps After a Crash	<b>2</b>
Semi Truck Accident Injuries	<b>3</b>
State and Federal Trucking Industry Laws	<b>4</b>
Handling Insurance Companies	<b>6</b>
Your Legal Rights	<b>7</b>
Claiming Compensation	<b>9</b>
Proving Your Claim	<b>10</b>
Next Steps	<b>12</b>
What to Expect in a Lawsuit	<b>14</b>
Final Words	<b>16</b>





## INTRODUCTION

This book is intended as a guidebook for people who suffered a serious injury or lost a loved one after a bad accident with a large commercial truck. If you are faced with that situation, you are probably feeling upset, overwhelmed and worried about your future. And unless you work in the law or the insurance business, an accident may be your first experience with the insurance and legal systems that will now become very important to you. Learning all of this can be overwhelming when it is added to serious physical and emotional trauma, not to mention financial worries.

We want to assure you: *you can get through this*. The Law Offices of P. Charles Scholle has represented seriously injured people and bereaved families since 1995. In that time, we have been able to help hundreds of people in Georgia get justice and fair financial compensation for injuries they suffered through no fault of their own. We cannot change everything back to the way it was before the crash, unfortunately. But we can help injured people handle the major medical, personal and financial changes to their lives caused by the crash. And by seeking justice through the civil courts, we can get answers, penalize truckers and trucking companies for grossly unsafe decisions (and maybe even prevent other tragedies).

Throughout this ebook, you will find information designed to help you protect your rights and your family during this difficult time. But if you have any questions or need more information, we encourage you to contact us directly. Like any reputable injury law firm, the Law Offices of P. Charles Scholle offers free, confidential consultations to potential clients. You can call our main office in Duluth at (770) 717-5100 or call toll-free at 1-866-972-5287. You can also [visit our website](#) to learn more about us or send us a message requesting a free consultation.



## FIRST STEPS AFTER A CRASH

Right after a crash, it is hard to think clearly. Even if you stay conscious, the shock and adrenaline may change your reactions or make it difficult to think of what to do next. But as you recover, there are a few things you can, and should, do to protect your legal rights and lay the groundwork for the best possible recovery.

First of all, **make sure you get medical attention**. That may sound obvious, but there is a lot to do after an accident. People who were not badly hurt may not think of going to the doctor while they are handling the aftermath of the crash. They also may not have noticed pains or changes in their bodies right away, thanks in part to the adrenaline rush of the accident itself. And some injuries are not genuinely obvious right away. As a result, victims may turn down medical attention at the scene, only to realize later that they are not feeling right.

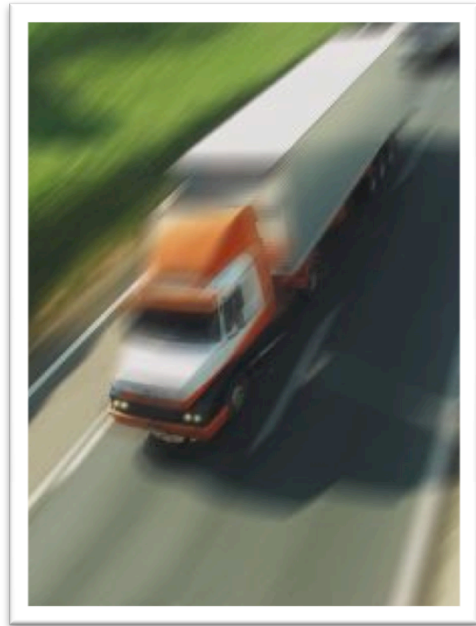
If that is what happened to you, we strongly recommend that you follow up with a doctor's appointment, as soon as possible. There are several reasons to see a doctor, even if you still feel fine. One is to be sure to let a medical professional make decisions about your medical needs. If you are injured, getting seen right away can also help you get on the road to recovery sooner.

In addition, seeing a doctor is important because it gives your insurance or legal claim the best possible start. As we shall discuss several times in this ebook, insurance companies make money by *not* paying claims. Delaying medical attention can give them the excuse they need to deny your claim, providing "evidence" that suggest you may be making up the injury or were hurt in another activity. Ultimately, this could result in losing financial compensation entirely, or fighting an avoidable court battle to get it.

For similar reasons, you should make sure to **notify your auto insurance company** as soon as reasonably possible. This may not be the first thing you think of, especially if there was a serious injury. However, delaying filing an insurance claim can give your own insurer, or the truck driver's insurer, a reason to doubt that the accident was serious. And again, this can hurt your chance of collecting fair compensation for your injuries. However, you should keep this report as factual as possible. Do not offer your opinion or apologize, because these can be taken as an admission of fault. The law enforcement officers who came to the scene, and probably wrote an accident report, are in a much better position than victims to decide who was at fault.

If you are not sure yet about your medical diagnosis, you should also avoid discussing this with the insurance company right away. You can make a report about the damage to your car or truck and other property right away, but wait up to two years to report your injuries. This is a good idea because doctors sometimes need weeks or months to accurately predict your medical needs. If you report an incorrect prognosis sooner, the insurance company may assume that you are lying if you change your story later.

Another very important thing to do after a wreck is to **obtain the accident report** and other paperwork. If law enforcement officers came to the scene of the crash, which is likely in serious accidents, they will have written an accident report. That report is a main basis upon which insurance companies decide who was at fault, along with the drivers' statements. Officers at the scene may have told you how to get a copy, but if not, you can get a copy from the [Georgia Department of Transportation](#). GDOT also offers motorists an opportunity to submit their own reports if law enforcement did not come to the scene of the crash.



Similarly, you should save all other documents that came from the crash. This includes hospital forms, auto repair estimates, insurance and contact information for the other driver and anything else related. If you have the name and contact information of witnesses who were at the scene, definitely keep that. You should also consider taking photos of the damage to your car and your body if you can. These probably are not memories you would like to keep, but the pictures could be important later if you need to prove the extent of your injuries to an insurance company or jury.

Finally, you should **never talk to the trucking company or its insurance company**. As we said, insurance companies make more profit when they deny claims. Sometimes, they will try to minimize what they owe through unethical tricks. For example, they might offer accident victims a small amount of money right away for a quick settlement. What these companies will not say is that the law gives you only one chance to collect compensation from any one defendant. For that reason, taking the money could make you ineligible to claim any more compensation later, when doctors have had the time for a full diagnosis and prognosis.

Trucking company representatives might also ask you to make a recorded statement or sign papers, which could later be used to show that you “admitted fault,” even if that is not what you said. You might be tempted to agree, because you want to set the record straight or feel that saying “no” is rude. But to protect your rights, it is best to avoid the trucking insurance company entirely. That is especially true if you think they are trying to pressure you. You have no legal obligation to talk to them, so you are free to politely turn them down.



If you hear from a trucking company or its insurance company right after a crash, you should seriously consider telling them you are not ready to talk about it, or that you are still waiting to find out what doctors think of your injuries. Both of these are likely to be true within the first few weeks after a crash. And if you hire an


attorney, that attorney should handle the insurance companies for you. In fact, it is illegal for an insurance company to contact you directly if they know you have legal representation.

## **SEMI TRUCK ACCIDENT INJURIES**

If you have been in a car accident before, you may have an idea of what to expect from insurance companies and the other driver. But trucking accidents are not just car accidents with bigger vehicles. Because of trucks’ much larger size, trucking accident injuries are usually much more complicated than car crashes.

When a truck and a car crash, a vehicle of 2,000 to 4,000 pounds is colliding with a vehicle that weighs as much as ten times that amount. Basic physics provide that the heavier truck will bring greater force to the accident. And unfortunately, that means the car and the people in it are likely to suffer much more serious damage, regardless of who ran into whom. As a result, the people in the car are more likely to suffer death or permanent disabilities than they might have in the same collision with another car.





These serious trucking accident injuries translate to steep financial costs in an insurance claim or lawsuit. In a wrongful death suit caused by a truck accident, family members left behind can claim all of the income the deceased person would have earned over a normal lifetime; and financial damages for loss of that person's love, care and assistance. In a case of permanent disability, the injured person would need to claim the cost of all past and future medical care, which can be substantial, and damages for lost income, pain, suffering and lost quality of life.

In either case, it is not uncommon for the costs to reach seven figures. In order to make sure your claim covers all those costs, and remember, you generally only have one chance to bring legal action over an accident, you and your attorney must ensure that you can accurately put a number on all your family's financial needs. If you go to court, you will also need to show the jury evidence to support their claims. For those reasons, experienced trucking accident attorneys research their cases thoroughly and usually hire experts to calculate things like expected lifetime earnings. This is a longer and more expensive process than the process for car crash lawsuits, but with the victim's financial future at stake, it pays to do it right.

## **STATE AND FEDERAL TRUCKING INDUSTRY LAWS**

Tractor-trailer accidents are also different because they involve commercial drivers and commercial vehicles. That matters because truckers and trucking companies are subject to special and more stringent laws than ordinary drivers. In Georgia, commercial drivers are required to have special commercial licenses that authorize them to operate vehicles of 26,001 pounds or more. They have to pass a separate test in order to obtain those licenses, and they need even more credentials to drive hazardous materials, double or triple trailers or tanker trucks.

Commercial licenses are granted by individual states, but they are overseen and regulated by the Federal Motor Carrier Safety Administration, a division of the federal Department of Transportation that also regulates interstate buses. The FMCSA has special rules that truckers must follow to get and keep their licenses. Among other things, they must:

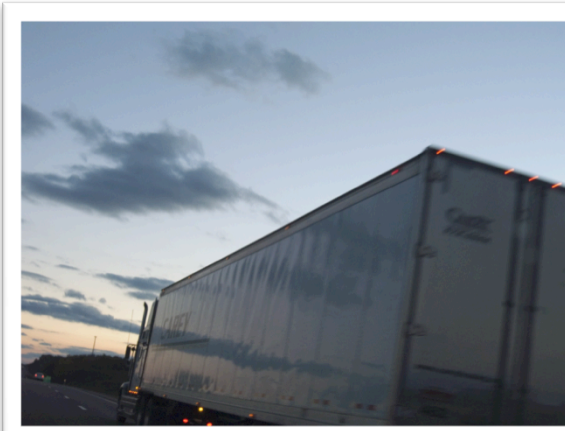
- Submit to, and pass, random drug and alcohol testing, and testing after accidents or on reasonable suspicion of intoxication.
- Abide by a lower legal limit for drunk driving (0.04 in Georgia).
- Limit their hours of driving in one day and one work week, with logs kept to document hours of service.



- Avoid certain motor vehicle crimes or infractions.
- Maintain good health without disqualifying conditions like epilepsy, insulin-dependent diabetes or serious heart and lung problems.
- Notify their employers of any traffic violation aside from parking.

Breaking a rule has consequences. Drivers can be fined or lose their licenses temporarily for less serious violations. For the most serious violations, they can be permanently disqualified or even go to prison. Drivers are also penalized or disqualified if they take steps to subvert the law, for example, by driving after a license suspension or trying to get commercial driver's licenses from more than one state.

Similarly, safety laws also hold trucking companies to higher legal standards than owners of private cars. Trucking companies are required to enforce some of the rules above, such as the random drug and alcohol testing and hours of service logs. They must also abide by the rules for driver eligibility, that is, they may not knowingly employ drivers who are disqualified from driving.



And trucking companies have safety duties of their own. The most important of these is a requirement to maintain the trucks they send out onto the roads in a safe condition. That means trucks must have working brakes, properly inflated tires, the correct lights and reflectors and all other basic equipment. They must submit to safety inspections periodically to ensure that they

are following the rules. As with the drivers, trucking companies can be fined or disqualified from operating in the United States if they violate certain rules. In extreme cases, they can even go to prison.

These laws are intended to prevent serious accidents. Unfortunately, trucking companies can save money by breaking the law, so some of them do, or encourage their drivers to do it. In addition to causing regulatory or criminal penalties, violations of trucking laws generally made the trucker, trucking company or both at fault for any accident that results. That might be cold comfort for victims, but it helps ensure success in any insurance claim or trucking accident lawsuit they may file.



## TYPES OF TRUCKING ACCIDENTS

There are 5 major categories of Truck Accidents. The type of accident can also be a predictor of the severity of injuries suffered.

**Underride Collision.** This occurs when a vehicle comes under the trailer, causing a collision. Unfortunately, these collisions usually cause serious injury to the driver and are often fatal.

**Left Turn Accident.** A left turn accident typically takes place when a slower truck has not fully completed a left hand turn and causes a collision with a passenger vehicle who has the right of way.

**Improper Maneuver.** A improper lane change or other maneuver by a truck which results in an accident.

**Rear-End Collision with a Stopped Truck.** Stopped trucks represent serious hazards because they can be difficult to see. Federal law requires that truck drivers adequately mark their vehicles and set up warning signals for oncoming motorists.

**Cargo Shift or Ejection.** Accidents caused by the shift or ejection of the trailer contents.

## HANDLING INSURANCE COMPANIES

Your own insurance company will not necessarily be a problem. In Georgia, drivers are only legally required to carry enough auto insurance to cover accidents that they caused. (You might hear this called “at-fault insurance.”). If liability insurance is the only type of auto insurance you carry, your insurance company has no incentive to blame you for the crash.

However, if you also have collision, PIP or uninsured/underinsured motorist coverage that covers your own damages, the insurance company may try to avoid paying you by finding reasons to deny coverage. That is especially likely if you have a very large financial claim to make, which is common in truck accidents. When you talk to the insurance company, watch for pressure tactics or other evidence that they are trying to misrepresent the facts. If you know or suspect that the insurer is trying to incorrectly deny coverage, [call the Law Offices of P. Charles Scholle](#) right away for a free consultation on what to do next. Trumping up reasons to deny insurance coverage you have purchased and paid for is called insurance bad faith, and it is unlawful.

It is even more important to consider hiring an attorney when dealing with the insurance company for the trucker or trucking company, because those companies deal with accidents professionally. Accidents are a fact of life for trucking companies, which can have hundreds or even thousands of drivers, each driving many thousands of miles every year. Unlike ordinary drivers, they have a staff of adjusters and attorneys who can start manipulating the insurance and legal systems right away. These employees are not shocked and grieving, like accident victims and their families typically are after a catastrophic accident.

This imbalance of power can put victims' legal rights in danger. Remember, the trucking company and its insurance company have a big incentive to blame the crash on you, so they can avoid paying the full value of your claim. That's why the best policy is to politely avoid talking to them at all. If you have an attorney or plan to hire one, the attorney should handle all of your interactions with them. If you are not sure whether you should agree to something the insurance company suggests, you are welcome to [contact the Law Offices of P. Charles Scholle](#) to discuss it at a free consultation.



Trucking accidents can also be complicated by the question of whose insurance applies. A single truck involved in a crash may have two or more insurance policies covering it, because the driver, the truck itself and the trailer or trailers can all be separately insured. Sorting out who is obligated to pay can be time-consuming, and the insurers sometimes fight among themselves about

who should pay, dragging out the case. Experienced tractor-trailer accident lawyers will fight in court to ensure that their clients never suffer unnecessarily during these fights.

## **YOUR LEGAL RIGHTS**

In Georgia and every other state, people who were injured in an accident have the right to collect damages, financial compensation for their costs and injuries, from the person or organization at fault. The auto insurance system is supposed to do this by paying claims. But unfortunately, some insurance companies are willing to go to great lengths to avoid fully paying expensive claims, even when their own

contracts legally obligate them to do so. Unfortunately, this is especially likely in trucking accidents because these accidents can be so expensive.

When that happens, injured people have the right to sue the insurance company, the at-fault driver or trucking company, or both, to secure the payments to which they are legally entitled. This type of lawsuit is a way of enforcing your rights to a fair settlement. It is like asking the court for a second chance to show that you are entitled to the money you are claiming. This is the way the legal system protects people from mistakes and greed by insurance companies.

Lawsuits also help enforce safety laws by giving trucking companies a powerful financial incentive to follow the law. You have the right to pursue a trucking accident lawsuit regardless of whether authorities are also pursuing criminal charges or regulatory action because of your crash. In fact, criminal or regulatory penalties against the people at fault can actually help your lawsuit.

However, your rights have limits, and trucking companies know it. Some of them do their best to prevent accident victims from suing or otherwise collecting full compensation. You have a legal right to compensation, but you generally only have that right once for each party at fault for the accident. That is why unscrupulous trucking companies sometimes offer small amounts of money to victims very soon after accidents because a court could decide that money was your one chance at compensation. If that happens, you could be barred from requesting any more money, no matter how your medical bills are or how little you understood your rights at the beginning.

That is why the best way to protect your rights is to avoid speaking to the trucking company, and its insurance company, altogether. Remember, you have no legal obligation to talk to them, and they are not on your side. Nothing you say to them is likely to help your case, but even innocent comments could end up hurting you later. If you want advice on your legal rights after a trucking accident, including dealing with the trucking company or its insurer, you are invited to [contact the Law Offices of P. Charles Scholle](#) for a free consultation.

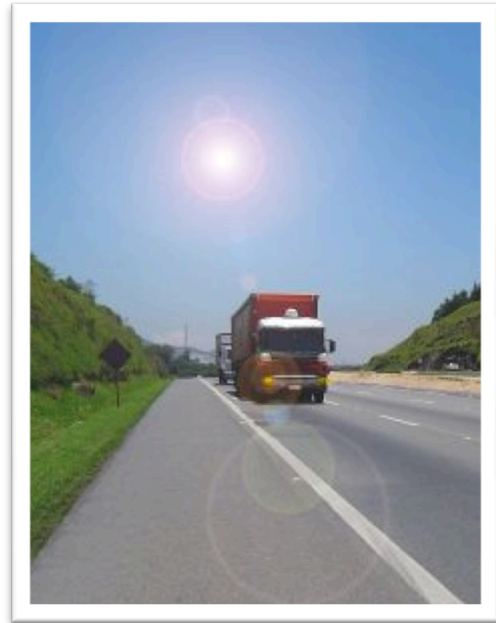
Another important limit on your right to sue is the statute of limitations, the deadline by which you must file your lawsuit. If you try to file after that deadline, you may lose your right to sue at all. It does not matter how strong your case is or how badly you were hurt. A court will almost never grant exceptions. In Georgia, most trucking accident victims have up to two years from the date of the physical injury to file a lawsuit over those injuries. For minors under the age of 18, that two-year period is not triggered until they reach their 18th birthdays. The start of the two-year deadline might also be delayed if you were mentally incapacitated



(for example, hospitalized and sedated) or did not discover the injury until later. In wrongful death cases, the two-year period starts on the date of the death, which is not necessarily the day of the injury.

And if the case involves a truck operated by a government agency, there are typically much shorter deadlines. State and federal agencies are partially exempt from lawsuits under a legal theory called sovereign immunity, but they have allowed exceptions for cases where someone was hurt by the negligence of a government employee. In Georgia, the [Georgia Tort Claims Act](#) requires people planning a lawsuit to go through an administrative process starting no later than one year from the date of the injury. It is only after that process is over that you may file your lawsuit. At the federal level, the [Federal Tort Claims Act](#) also requires you to go through an administrative process, which you must start within two years of the injury.


The laws governing lawsuits against both state and federal agencies also require you to strictly follow rules and submit all the proper forms. Failing to do this can mean having to start your claim over, or losing your right to sue entirely. For that reason, experts recommend that people with claims against government agencies get the help of an attorney. And because of the stricter deadlines, it is even more important for such people to get in touch with an attorney as early as possible.



## CLAIMING COMPENSATION

Some people may be reluctant to sue because they believe it is not appropriate or not morally right. However, a lawsuit is one of the main tools our legal system provides to allow injured people to protect themselves from illegal and unfair behavior. If you were robbed, you probably would not feel guilty about pressing criminal charges against the robber. Similarly, if a trucking company hurts you through negligence and refuses to fully compensate you, it is also acting unlawfully, but it is a civil rather than criminal law. A lawsuit is the best way to enforce your rights, and sometimes, it is the only way.

Some people are also understandably concerned about the implication that money is an adequate remedy for losing a loved one or becoming permanently disabled. In my experience, as an injury attorney since



1995, I do not believe I have ever met a client who would rather have money than get their health or their loved one back. Unfortunately, medical science cannot do those things, so only remedy our legal system offers for making accident victims whole is money. It is the only remedy the law allows. In addition, financial penalties give trucking companies a reason to think about whether breaking safety laws to save a few dollars now is a good business practice in the long run.

And as time passes after the accident, victims may find that money becomes a serious concern. Trucking accident injuries often lead to death or permanent disabilities such as brain damage and paralysis. In addition to changing victims' lives forever, these can also be financially catastrophic. For example, treatment for a serious head injury can easily reach six or seven figures. Over a lifetime, the costs of care for a disabled family member can reach into the millions. People of ordinary incomes are not likely to have the money they need to cover all the costs of that care, even if they have health insurance.

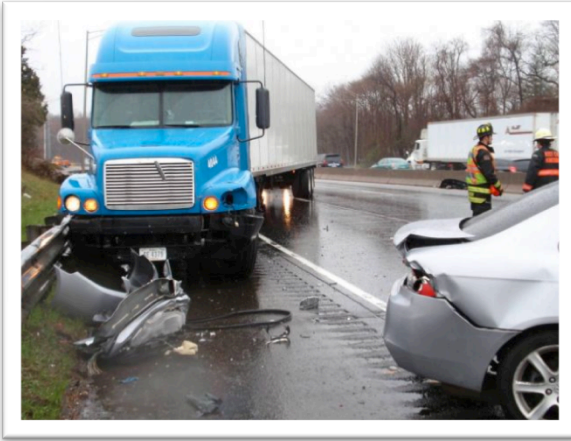
The devastating financial effects of a catastrophic accident can be apparent even sooner when the family depended on the victim's income. A severe disability or a death can take the victim out of the workforce for good, leaving the family with no income at all. In other cases, the victim may still be able to work, but not to earn the same amount of money as before, and usually not for quite a while.

When these financial injuries were no fault of the victim, a lawsuit can provide a form of economic justice, making the party that caused the accident responsible for the costs of the accident. In addition to lost income and medical care, those costs could include car repair or replacement and any other financial costs that were made necessary by the crash.

Lawsuits also allow victims and their families to claim damages for their non-financial losses. These may be harder to quantify, but they are still very real. In the head-injury example above, the victim might be able to claim compensation for the injury itself, the permanent disability it causes, physical pain, emotional trauma and loss of things like enjoyment of life. Immediate family members can claim damages for their own emotional pain; loss of the injured person's services, like mowing the lawn or watching the kids; and loss of his or her emotional care, guidance and companionship.

If the victim of the accident died, specific family members can also claim damages for wrongful death. This is a legal remedy that allows survivors of a decedent to hold a wrongdoer responsible for negligently causing an avoidable death. In Georgia, family members who can claim damages for wrongful death include, in this order of priority, the deceased person's

husband or wife; children; or parents. If there are no such relatives, the person administering the victim's will and other affairs may make a claim.



In a wrongful death lawsuit, the family's largest claim is likely for all of the income the victim would have earned over a lifetime, including future earning capacity, or the value of household services for homemakers. In Georgia, this is called the "full value of the life" of the decedent. They can also claim economic damages for the costs of the death, such as a funeral and burial expenses. In


addition, families can claim damages for the non-economic losses a death involves, such as losing the chance to see children grow up. Finally, wrongful death lawsuits can include "survival action" claims for the pain, suffering and medical expenses the victim incurred if substantial time went by between the injury and the death.

These are the damages trucking accident victims and their loved ones most often claim. But in extreme cases, they may also be able to claim a type of damages known as "punitive damages." As the name suggests, punitive damages are intended to penalize the tortfeasor for intentional or willful negligence, actions showing that they knew they could put people in danger, but did not seem to care. These are not available in every case, but when a trucking company openly and knowingly broke the law without regard for the risk, you may be able to claim these damages. The Law Offices of P. Charles Scholle can tell you more about whether punitive damages are available in your case and how to pursue them.

## **PROVING YOUR CLAIM**

Of course, you will not necessarily win these damages just because you claim them in a lawsuit. Just like in other court cases, you still have to prove your claims to a jury. In a trucking accident lawsuit, you first have to prove that the actions of the trucker, the trucking company or both caused your injuries, that is, prove fault. Once fault is established, you then have to prove that your claim for compensation is appropriate for the damages you suffered.

To prove that the trucker and trucking company were at fault for your accident, your attorney must show that they were negligent. Negligence



is a legal concept meaning failure to act with an ordinary amount of caution, extreme carelessness, with or without violations of the law. Drunk driving is a form of negligence, but so are driving while texting and driving with your eyes closed. In trucking accident cases, common causes of negligence include violations of many of the trucking laws outlined above, and others. It can also include the same kind of negligence that any driver might commit.

For example, if a truck driver violated hours of service rules by driving for more hours in a row than he was allowed to, that is strong evidence that he was negligent. Suppose that later that day, the same driver approaches stopped rush-hour traffic in Metro Atlanta, but he is so sleepy that he does not realize there is a slowdown, so he plows into the line of stopped cars. In a later lawsuit, victims of that accident might argue that the trucker's negligent failure to follow hours of service rules was the cause of the accident. That argument could be strengthened by any incriminating statements the driver might have made; the opinion of a medical professional; or by evidence that he falsified the work and sleep logs that all truckers are required to keep.

Most trucking accident lawsuits include the trucking company as a defendant, because employers are generally responsible for the behavior of employees acting on the employer's behalf, even if the employer did not specifically ask the employee to do the thing that led to the crash. But trucking companies can also be liable for their own negligent behavior. Among other things, trucking companies are legally responsible for maintaining their trucks in a safe condition. Failing to do that can make them directly responsible for a serious crash. Poorly maintained trucks and parts can fail on the highway, causing the truck to crash. They can also fall off the truck, triggering a crash in the traffic behind the truck. Missing safety equipment like lights and reflectors can make the truck dangerously hard to see.

Trucking companies can also be liable if they negligently did something that contributed to an accident, even if someone else's actions were the direct cause. In the hours of service example above, for instance, the trucking company could be legally liable if it pressured or blatantly asked the driver to violate hours of service rules. This is unfortunately more common than you might expect, because trucking companies can lose money if they do not meet delivery deadlines. In addition, companies might put more subtle pressure on their drivers, through financial penalties or by scheduling deliveries so tightly that they cannot be made without violating the law.

Trucking companies would also be liable for contributing to accidents if they have violated safety regulations such as:



- Intentionally hiring drivers without current, valid commercial driver's licenses.
- Hiring drivers without checking their credentials.
- Failing to take drivers known to have safety problems off the road.
- Failing to perform drug and alcohol tests as required.

You may wonder how your own responsibility factors into your case, especially if you think your driving was less than perfect. Here in Georgia, the law allows you to collect financial compensation even if you were partly at fault, as long as you bear less than 50 percent of the fault. When that is the case, you will recover damages minus the amount of fault you bear. For example, if a jury decides that you were 10 percent at fault for your injuries because of some negligent act or omission, you will collect only 90 percent of the damages awarded. If you were 50 percent or more at fault, you may not recover any money at all.

In lawsuits that go to court, a jury ultimately decides how much fault each side bears. To make that decision, they rely on information presented at court, including information presented by trucking company lawyers. That is why it is very, very important to make sure you do not make any statements that could be interpreted as taking responsibility for the crash, even an apology. The trucking company has a powerful financial incentive to find ways to blame you for your own injuries. If it can convince the jury that you bear the majority of the fault, you could recover no money at all, no matter how badly you were hurt or how clear it was that the trucking company was also negligent.

## **NEXT STEPS**

This book is a first step for trucking accident victims, as well as a guide to your rights and common dangers in the first few weeks after a crash. But once you have passed those hurdles, you will need to think about what to do next. A lot depends on your situation, the severity of the injuries, your financial situation, fault for the accident and the way you have been treated by the trucking company. But as a rule, trucking accident victims should begin thinking about whether they would like to sue, and if so, hiring an attorney.

Not every accident victim will need to pursue a lawsuit. If the trucking accident was 50 percent or more your fault, you will not be able to collect compensation in a Georgia court. If you are not sure whether you were primarily at fault, you can find out for sure by taking advantage of the free consultations offered by most trucking accident law firms.

It is also possible that you will not need to sue if you are offered fair compensation. Keep in mind, however, that you may not be able to tell how much money will fully cover your injuries, especially if it is so early that doctors have not given you a final prognosis. Again, you can contact the Law Offices of P. Charles Scholle for a free, confidential consultation, where our attorneys can help you decide whether the compensation you are being offered is fair. Remember, you usually get only one chance to obtain compensation, so it is important to make sure you get what you need the first time.



If you know you do want to sue, you usually have two years to file your claim. (See the statute of limitations information under “Your Legal Rights” above.) You will not necessarily need all of that time. In fact, it is best to get started before the absolute last minute, so your attorney can do all of the research necessary to file a strong case.

But the length of the deadline means you can take your time finding an attorney. This is one of the most important decisions you can make affecting the success or failure of your case, so it is important to give it some thought. We should note that it is also an option to pursue the case without an attorney’s help and that is perfectly legal. However, experts strongly recommend against it, because the complex medical, legal and financial issues in a typical trucking case can be too much for an inexperienced person to learn well enough. Law firms also have much greater financial resources to draw from, which is important if you need to hire experts to testify about your injuries and damages.

When you go looking for an attorney, start by asking friends and family members whether they can recommend someone to handle a truck accident lawsuit. Keep in mind that attorneys specialize, like doctors, so you need an injury attorney, as a divorce attorney or a corporate lawyer will not have the right expertise. If you cannot find someone that way,

you can get names of reputable attorneys from places like [the Atlanta Bar Association's Lawyer Referral Service](#) or the [list of ethical lawyer referral services](#) provided by the State Bar of Georgia.

You can also use the Yellow Pages or the Internet to find an attorney, but keep in mind that some "lawyer referral services" are unethical. If the service asks for a payment to find you an attorney, or wants a payment for a consultation, stay away. The vast majority of reputable injury law firms offer free consultations to potential clients. That includes the Law Offices of P. Charles Scholle. If you meet with us, we will do our best to explain your case and its chances in plain English, without legalese. You will be under no obligation to hire us, and everything you tell us will stay in confidence.

When choosing a lawyer, remember that you are the client, and you are the one doing the hiring. You can and should ask the questions you think are important. You might want to ask about the lawyer's past experience with similar cases, including any verdicts or settlements he or she has to share. You should also consider practical issues like whether you like the lawyer's personality, and the office's distance from your home. Stay away from attorneys who guarantee specific results, because no attorney can control a jury verdict or settlement decision by the other side.

There is no need to worry about whether you can afford an attorney. Most reputable injury law firms, including the Law Offices of P. Charles Scholle, use a type of fee called a contingency fee. In this arrangement, attorneys are paid with a percentage of the client's financial results, if and when the case has been settled or a verdict obtained. We fully disclose that percentage before clients agree to hire us, so they understand the deal, and we keep clients apprised of issues like litigation costs as well. This arrangement does involve some risk, since it is possible to lose the case, but we do not take cases we do not believe we can win. And by using a contingency fee, we are able to accept all of the strong cases that come our way, regardless of the client's income or background.

## **WHAT TO EXPECT IN A LAWSUIT**

If you do hire our firm, you can expect to turn over much of the day-to-day work involved in your case, aside from your medical care. At the Law Offices of P. Charles Scholle, we keep clients updated on major new developments in their cases, and of course we are happy to discuss the case whenever clients call. But as a rule, we handle the legal research, interactions with insurance companies, accident investigation and other issues, so clients can focus on getting better. In particular, you should

never, ever have to talk to the trucking company or the insurance company once you have hired us; that is our job, and, in fact, insurance companies may not contact you directly once they know you have legal representation.

Unfortunately, the litigation process can take time, anywhere from a few months to several years. It is impossible to predict in advance, in part, because settlement negotiations can happen at any point during the process and take any amount of time. In trucking accident cases, a lot of the delay comes from the large amount of work it takes to prepare these complex cases for trial or for settlement negotiations. In order to adequately calculate your financial damages and needs, we need to do research or hire experts to do it, and that takes time.



To investigate your case, we start with all of the paperwork and other evidence you saved from the days right after the crash, as well as your best recollection of how the crash happened. From there, we start building a strong case by finding information from other sources. In many trucking accident cases, we hire an

independent accident reconstructionist to look at the scene and the vehicles involved to formulate how the crash happened. As time goes on, we are likely to also hire expert witnesses to provide information about things like the mechanical failure of the truck, driver fatigue, compliance with the law and the financial value of your losses.

We will also send a letter right away to the trucking company to request that it preserves evidence, such as dented truck parts, hours of service logs and the electronic onboard monitoring systems. Trucking companies are required to preserve information and pass it on because of a legal process called discovery. Discovery consists of the lawyers for the parties reciprocally requesting information. Discovery helps both sides prepare for trial, and it means we are required to send the other side any information it reasonably requests.

During discovery, the other side may ask you to answer questions in writing (called interrogatories) or in person, under oath (which is called a deposition). If this happens, we will prepare you in advance so you know what to expect, how to behave and which questions you are likely to get.



We will also be right by your side the whole time to stop any questions that are inappropriate or unfair pressure tactics by the other side.

The best things you can do to help your case are to continue with your medical care and make sure to keep your attorney updated on any changes. Continuing to go to the doctor helps you get better, but it also demonstrates that you are serious about your care, which denies the trucking company the chance to claim your injuries are not serious. Keeping us updated ensures that we have the information we need to build the best possible case. It also prevents unpleasant surprises later. Do not hold back information out of embarrassment, or in order to surprise the other side at trial. Not being fully honest with your attorney can take away your chance to claim all the damages to which you may be entitled.

Statistically, your case is much more likely to settle than to go to trial. Settling means taking a sum of money from the other side in exchange for an agreement to dismiss the case and all future cases. This may mean accepting less money than you asked for, but it removes the uncertainty of putting your case in the hands of a randomly selected jury.

Settlements are reached by negotiation between us and the attorneys for the opposing party. As a general rule, both sides typically go through multiple offers and counter-offers before finally reaching a settlement, so it can take a while. Our attorneys evaluate settlement offers by considering what amount of money will cover your injuries and damages; the likelihood of success at trial; how aggressively the other side is behaving; and more.

We use our professional judgment as experienced attorneys to decide whether we think a settlement offer is fair, then make a recommendation to you. In the end, whether to take a settlement is 100 percent your decision. We will never pressure clients to make the decisions we prefer. We will also never recommend that you take a settlement we believe is inadequate to cover your basic needs or far lower than you could reasonably expect to win at trial.

If your case does go to trial, you can expect it to take anywhere from one day to several weeks. You may or may not have to testify at trial. Testifying can be difficult emotionally and may also be hard for people who are not comfortable with public speaking, but it can also be a powerful tool to demonstrate the effects the accident has had on your body and your life. If you do, we will prepare you thoroughly for it ahead of time, just like with depositions.

## FINAL WORDS

No one plans for a catastrophic accident. When you are seriously injured because of the negligence of a trucker or a trucking company, you sometimes suffer life-changing trauma even if you were driving as carefully as you knew how. Very often, the accident causes grief, pain and financial problems for the victim's family as well, expanding the circle of people who were damaged through no fault of their own.

If that describes your predicament, we urge you to use this book to keep from being victimized a second time, by aggressive or unethical trucking companies and their insurance companies. Not all insurance companies are use unethical or questionable tactics, but all are in business to make money. That means their interests are



directly opposed to your interest in being fairly compensated. Before you enter into negotiations with an insurance company, it pays to understand your rights, your obligations and your options. Insurance companies and trucking companies have teams of professional adjusters and attorneys to protect their interests. Knowing your rights is the least you can do to level the playing field.

An even more powerful way to level the playing field is to get an experienced professional of your own on your side. If you are exploring the possibility of representation, please do not hesitate to contact the Law Offices of P. Charles Scholle for help. You can call us at 1-866-972-5287 or, here in the Atlanta area, at 770-717-5100. You can also [visit our website](#) to learn more about us or set up a [free, confidential case evaluation](#). Even if you do not end up hiring our firm, we hope this ebook, and the free consultation, help you get the best possible financial recovery so that you have the resources you need to get started on the slow road to recovery.

**VISIT OUR WEBSITE:**  
[www.schollelaw.com](http://www.schollelaw.com)

**CALL OUR FIRM TODAY:**  
866.972.5287  
770.717.5100